

# An Inquiry of Extra Payment Practices

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## 1 Introduction

“Are there circumstances under which an employer has a moral duty to pay her employee more than they agreed in the employment contract?” To most those who examine this question, the answer seems unanimous: yes, I suppose! After all, giving an employee a modest amount of extra paycheck (in forms of bonuses, rewards, compensation, restitution, etc.) in an employment relationship is speciously legitimate by our Moral Intuition.<sup>1</sup> In the short run, employees may get a sense of gratification and appreciation from positive monetary feedback, and the employers may piously pride themselves out of a false perception of altruism. It is also a seemingly genuine choice for labor organizations in a larger picture: since employees are (primarily) motivated by rewards, their productivity may thus increase. At this point, everyone seems to be satisfied, which makes it a plausibly justifiable choice.

Nevertheless, I strongly doubt this deduction. Because in the long run, not only will it not advance the well-being of employees in its entirety, the inherent hypocrisy can furthermore exacerbate the unfair contracts. For example, though those employees on maternity leave may obtain new-born bonuses, their promotion opportunities can thence be put on hold. Additionally, they may have to face significant working pressure while still suffering from post-natal conditions. In terms of their virtue-driven motive(s), the bonuses are clearly derelict in their contingent duties.

Similarly, a bonus would not be morally justifiable when an employee has just completed a major surgery containing potentially fatal side effects (e.g., a lobotomy), even if a work-related injury did not cause it. Handing out bonuses in this manner would be not so much a consolation but assigning imposed obligation with which the employee initially does not have to comply. Having had no choice but to accept the bonus, the employee accordingly appears obligated to maintain her previous work performance as if the bonus itself mitigated her wounds. However, what employees really desire in fact should have been, for instance, mental state understanding, work reductions, peer caring, and many other things that sole money cannot bring. The negative effect of bonuses is evidently clear in such action: it severely reinforces the oppressive nature of unfair contracts that do not essentially take care of the employees’ well-being.

Therefore, we can reckon that although the negative consequences of extra payments run counter to our Moral Intuition, they remain unnoticed and unaddressed in everyday lives. Accordingly, we must revisit the premises of the payments in the general sense by keenly proclaiming a noteworthy inherent illusion in the payments, about which this essay attempts to inquire with several philosophical theories.

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<sup>1</sup>When I talk about the intuition hereafter, I mean Moral Intuition, referring to a very plain ethical intuitionism, or in short, those most popularly accepted moral behaviors in everyday life.

## 2 A Foucaultian Disenchantment

In French, *Savoir* (knowledge) and *Pouvoir* (power) share a consistent root *voir*, meaning visibility, or, willing to know and control, which Foucault believes to be a mental bond that creates the connection of the power-knowledge dyad. Foucault argues that only can power state the “truth”, because the power of the subject controls the discursive system, and therefore controls our knowledge system.[1] As mentioned in a dialogue between Foucault and Deleuze, “It may be that Marx and Freud cannot satisfy our desire for understanding this enigmatic thing which we call power, which is at once visible and invisible, present and hidden, ubiquitous.” The power relationship is universally existing throughout every realm of our society. Such a characteristic makes the connection between power and knowledge even tighter, and the manipulation of knowledge (by power) is consequently catholic. The conception of discipline<sup>2</sup> is a technique of power to restrict *épistémè*[3]—the methodology, the cognitive scheme, and tectonic rules to the knowledge of the society (that is either macro or micro,) and varies diachronically.[4] By this process, the power covertly yet extensively reshaped our structure of knowledge.

We can then re-calibrate the extra payments within the power-knowledge framework. Since 2015, the National Football League (N.F.L.) started to be required to pay for “deliberately hiding concussion risks from its players” up to 5 million dollars. The requirement was initially proposed jointly by retired players, some of whom suffered from serious sports injuries during their careers.<sup>3</sup> It can be seen that, when ex- and even current players fight for justice, they tend to ask primarily for monetary compensation, which is apparently the first thing that has naturally come to their mind, as did the N.F.L. official. Money seems to be a conventional token of restitution, rather than measures such as providing periodic medicare and consoling services, hiring better-trained attendant doctors during the games, and legalizing rigid punishments toward behaviors that may cause a concussion. All of these alternatives cannot be simply replaced by money. This corroborates Foucault’s theory that the power-knowledge dyad is so widely and deeply embedded that people seldom notice the dangerous language play it brings; when the word compensation is mentioned, people spontaneously associate it with money. It is also why the extra payments are frequently neglected in our daily lives. The discipline soundlessly reframed our *épistémè* and diluted the frequency of those alternative measures which it cannot substitute. Correspondingly, money became as if omnipotent.

## 3 Naïve Welfarism

However, though money appears to satisfy employees’ welfare in various situations, which naturally makes it a seemingly ideal form of compensation, in practices it merely satisfies is a short-sighted monetary-state Welfarism, just like the barren experience offered by Nozick’s Experience Machine<sup>4</sup>: seemingly effective but in fact impotent. To refute the extra payment practices (and Nozick’s argument), I would like to quote an essay of Rivera-López[5], where he claims that “the object of our desires is not (only) having certain mental states.” Rivera-López splits our desire within a second-order structure. While the first-order desire (D1) would be actually experiencing something, as what Nozick’s Machine could offer, the second-order desire (D2) would be the knowledge of experiencing

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<sup>2</sup>When Foucault wrote about this notion, the very word he used was *Surveiller* (supervision). He believes that supervision possesses a distinguished implication, i. e., the power of discipline (or comprehend it as a verb, “to admonish”). In discrimination, the notion *Überwachung* (supervision) in Marxism theory is, as Foucault claimed, limited in the scope of economic relationships.[2]

<sup>3</sup>Source: *First N.F.L. Concussion Payments Are Approved, but Some May Miss Out* and *N.F.L. Settles Lengthy Fight with Insurance Company Over Concussions*

<sup>4</sup> “Suppose there were an experience machine that would give you any experience you desired. Superduper neuropsychologists could stimulate your brain so that you would think and feel you were writing a great novel, or making a friend, or reading an interesting book. All the time you would be floating in a tank, with electrodes attached to your brain. Should you plug into this machine for life, preprogramming your life experiences? [...] Of course, while in the tank you won’t know that you’re there; you’ll think that it’s all actually happening [...] Would you plug in?” See Nozick 1974, pp. 42-43.

it, namely, actually knowing<sup>5</sup> that one is experiencing D1. Within this deconstructive pattern, one would not (only) “desire (primarily) to experience happiness while doing something she desires”, but also the fact of experiencing. If it is not true, then “it would not make sense to have desires whose satisfaction we will never experience,” such as the blessing for the other, while to our Moral Minds<sup>6</sup>, it “does make sense.” Therefore, merely experiencing our desire by plugging into the Machine is not enough to really achieve our well-being, as we “concern about not only our mental states but also about what we really are.” Rivera-López calls it the mental-state Welfarism.

Now let us reflect on the inquiry into extra payments, that although money as a universal equivalent can substitute for many other objects of desire (while it is somehow a form of valid welfare itself, as D1 proposed by Rivera-López), it cannot *complete* our desires. The same reason applies to the maternity leave and surgery cases mentioned in the introduction that the employees’ D2—to really experience well-being, caring, and compassion—is something that cannot be transplanted by money as a shortcut, for it does not have these traits in its intrinsic property. Employees’ instinctive aversion against bonuses under such circumstances is exactly the same as our instinctive rejection against plugging into Nozick’s Experience Machine: we are able to unconsciously notice that money merely satisfies our D1, but not D2. The illusion of extra payments lies in a short-sighted, naïve, and crude Welfarism—which Rivera-López may call it monetary-state Welfarism—that money cannot satisfy employees’ well-being in a real sense.

## 4 The Corrupted Language

Until now, I have inquired extra payments from the two classical theories of political philosophy and ethical philosophy. However, these theoretical critiques are insufficient to explicate some specialties of such extra payment practices in our day-to-day life:

1. If it is our structure of knowledge to be tampered, we cannot say that extra payment is “counter-intuitive” since we would not have the *idea* of how it counters our intuition.
2. The power is not absolute, while the employees do have the power to bargain for their welfare.

However, we do sometimes intuitively reject monetary compensation, as in the surgery case; also, employees often fail to argue for a measure other than paying extra, as in the N.F.L. case. It seems that some deficiency has appeared in the realm of our speech act, which is more fundamental and analytical. Therefore, I would introduce a meta-linguistic methodology to give responses to the two flaws proposed above.

First of all, our idea of how extra payment counters our intuition is not entirely dissolved. Instead, it is mostly unrecognized if we accept the theory of linguistic relativism, according to which language creates constraints (but not determinative) in our cognition because we have no vocabularies to describe specific ideas.<sup>[6]</sup> Consequently, our logical minds of how extra payments are potentially dangerous will not be entirely reduced, even though our lexicon cannot signify it in extenso. It is our one-dimensional mind<sup>7</sup>, in this continuum of the public sphere, of the symbolic order, and of the discursive system where the money is a de facto bribe, that makes ourselves lose the discursive sensibility. In short, what we are deprived of in our language are those symbols representing<sup>8</sup> our

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<sup>5</sup>At this point, both the noun “knowledge” and the verb “know” refers to the usual meaning of justified true belief, which is subtly distinguished from those in Foucault’s theory.

<sup>6</sup>An example given by Rivera-López is, “[...] *the human species does not extinguish in the next 200 years, or that my great-great-grandchild is happy when he or she enters adulthood.[...] I might participate in ecological societies or strive to give my great-great-grandchild goods that can help him to have a wealthier living. But this does not entail that it makes sense to say, after 200 years (or when my great-great-grandchild is adult,) that my utility has increased or diminished.*”

<sup>7</sup>Here I invoke Marcuse’s cliché,<sup>[7]</sup> but endow with a new interpretation about to what an extent have our paradigm of thinking been trammelled by societal factors.

<sup>8</sup>To externalize and symbolize our inner world, meta-cognition, and ideas.

final vocabularies<sup>[8]</sup><sup>9</sup> that constitute our speech of desire and well-being. What these vocabularies signify, as a result, become hard to notice, but still exist. That is why the illusion of extra payments is counter-intuitive yet neglected: the perception of its dangerous play does not vanish, but the predicates to externalize them disappeared.

Then it is not difficult for us to examine the second flaw, that our language is corrupted, thence when employees bargain for better compensation (even though they may have noticed the counter-intuitive part in it), they are unable to paraphrase their desire for welfare, no matter the power is present<sup>10</sup> or not.

## 5 Conclusion

So far, we can conclude that extra payments are logically feasible but linguistically insidious. The repetition of extra payments legitimatizes money as a token of welfare, corrupts the language of our public knowledge domain, and desensitizes employees to the vocabularies used to express their well-being. Hence, I would say that under no circumstances is an employer morally obligated to pay her employees beyond contracts because

1. Extra payments are oppressing. Employers would exchange extra paycheck for an extra workload to reinforce unfair contracts and exploit laborers by societal disciplines.
2. Extra payments are hypocritical. They never fully advance employees' well-being in a real sense.
3. Rather, they bribe employees who lack the descriptive vocabulary to believe that their well-being is being advanced.

Therefore, extra payments cannot be justified in practices, lest they continuously weaken the speech act in the realm of public discourse and create unequal and exploitative (societal) contracts (that could be either formal or informal).

Considered from a political perspective, we must notice that the notions of justice and welfare cannot depend solely on the distribution (and redistribution) of wealth (although it is a conventional and efficient means of achieving short-term results.) We need to rely more on positive inquiries (and policies designed to boost those inquiries) so that we could refine and broaden the understanding of employees' well-being. In this way, we can move beyond the typical false dichotomy in the (capital) employment relationship and inevitable limitation on our sociological imagination by atomizing the relationship.

We must carefully re-examine the virtues of contracts per se to make fairer contracts, and that we should refrain from considering monetary reward as the primary source of compensation, restitution, and reparation—despite its deceptive and dangerous charm of efficiency at times (both for employees or employers)—lest it is abused as a token of shortcut. “We all resent, or should resent, the fact that our relatively parochial educations and careers have restricted our sense of relevance, our familiarity with texts, and our ability to talk to colleagues in other countries. The inevitability of some such restrictions—the inevitability of what Foucault called ‘links between truth and power’—should not diminish our struggle against any particular example of such a restriction.”<sup>[9]</sup>

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<sup>9</sup> “All human beings carry about a set of words which they employ to justify their actions, their beliefs, and their lives... They are the words in which we tell, sometimes prospectively and sometimes retrospectively, the story of our lives. I shall call these words a person’s final vocabularies.” See Richard Rorty, *Contingency, Irony, and Solidarity*, p. 73.

<sup>10</sup>I am using the adjective “present” here to represent a philosophical concept *Anwesenheit*, which could be rustically understood as the directness of approaching experience.

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