

Aerial Zombie and Collective Action without Consensus

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In Japanese language, there is an expression “reading air” indicating an attitude to be obedient to a dominant climate of opinion. And even important political decisions regarding the war, Olympic, and the U.S. base have been made under the aerial pressure without clear individual leadership and responsibility.

Chelstrom (2013) calls “zombie action” the collective action case “where neither individual has the appropriated intentional state.” Discussing on the cases of forced and implicit consents as well as negligence, the present paper shall focus on how people form a collective decision and action in an authoritarian society, which rejects the subjective reductionist approaches of collective action.

A decision making, which is irreducible to aggregation of individual intentions, is not a cultural specific case. Sociologists rather have shared a view that collective or social action occurs on the basis of complementarity of expectations among contributors, although expectations with regard to each other’s action is not identical (Kimura 2018a). Actors expect, presuppose and preoccupy others’ uncertain future action reciprocally. And as far as such an expectation is a sort of projects toward others mind and uncertain future state of affairs, a collective decision making can fail and form a collective negligence.

An obedient, or authoritarian actors’ strategy of reading air might seem irrational, as far as their decision relies not on values of their choices, but attach their mind to the air, dominant situation they are involved in. But this is also true to a rational investors strategy in the market, which Keynes equate with a beauty contest.

In the following, the paper firstly introduces Chelstrom’s notion of zombie action and examine Japanese “aerial” version of zombie action. And to analyze the fields, where an aerial zombie is haunting, I will examine in turn a) the case of obedience, b) implicit consent, and c) collective negligence.¹

1. Aerial zombie: Irreducible collective action

In his *Social Phenomenology*, Chelstrom rejects the reductionist approach of collective action and yet defends a subjective individualist approach. He claims that only individual subjects have the capacity for intrinsic intentionality, but accepts that an individual can intend in the first person plural, we intend that we do a collective action. This position has been also defended by a series of phenomenologists such as Husserl, Schutz and Gurwitsch. And I myself basically agree with his position and here give a special focus on the point, Chelstrom raised in the course of his discussion, namely the issue of zombie action as a difficulty of the standpoint, which rejects the subjective individualism. When a collective intentionality of collective action which is irreducible to individuals would be attributed to a sort of mindless or qualia-less superagent which has no ground in subjective individual contributors, zombies would be haunting our everyday social life.

In Japanese language, we are familiar to this zombie, naming this enigmatic character *kuuki*, air, and find a zombiac collective action, in which no individual member could find an appropriate intentional state and everyone would refuse to take responsibility. “Reading air” indicates an attitude to be obedient to a dominant climate of opinion and aerial zombies are often made through the majority obedient silence. And even important political decisions have been made under this aerial pressure without clear individual initiative.

Let’s take a look at a concrete example. The Governor of Okinawa prefecture had a local referendum on 24 February, 2019 on the ongoing construction of a new U.S. military base in the Henoko district of Nago. At first, eight conservative municipal assemblies rejected the draft budgets for the referendum, insisting that the simple yes no question cannot reflect the diverse opinions among voters in the prefecture. The conservatives presumably wanted to avoid a further local conflict with the national government decision to replace Marine Corps Air Station from the current Futenma city by the base being built in Henoko.

After their negotiation, the conservative mayors accepted their cities participation in the referendum with the condition that the ballot sheet included the third option, namely, “neither,” adding to explicit yes and no to the landfill work off Henoko bay in accordance with the relocation. By doing so, they tried to collect votes from people who honestly didn’t want to have any more US base in their living place—for 70 percent of all US military bases in the country were concentrated in this archipelago—, but might think at the same time that there was no chance at all to reverse the national decision and didn’t want to prolong the dispute any longer.

The third option on the ballot expresses a sort of obedience to the dominancy, namely the national government policy to give ground to U.S. military pressures in this case.

An obedient, authoritarian character of the nation is also clearly noticeable in the national politics as such. A word *sontaku*, which means “following unspoken orders,” won Japan’s buzzwords of the year 2017 announced by a publisher of *Encyclopedia of Contemporary Words*. In the year, “There [wa]s a crónyism scandal where bureaucrats in charge of approving a new school were suspected of acting in line with the intentions of Prime Minister Shinzo Abe without being actually ordered to do so.” (Osumi 2017) The bureaucrats sold state-owned lands to the two school operators with close ties to Abe at a heavily discounted price.

A critic points out about the scandal and *sontaku*, “The invoking of implicit expectations is a wonderful way to shirk responsibility, ... Superiors can say, I didn’t order it, and those lower down can say, I’m following orders, so the buck stops nowhere.” (Jefferey Kingston, director of Asian Studies at Temple University, interviewed by Sieg 2018)

Although the language here might seem a sort of rhetoric to give an evasive answer and to make an excuse, hiding their malicious intent, let us think about an extremely authoritarian society, where most members of the group is so hesitant to speak out his or her own opinion and very obedient to the dominant atmosphere. Everyone chooses the third option, and after certain results come out, says “I didn’t

want to do it actually, but I thought all the others except for me wanted to do this, and it cannot be helped.”

A sort of peer pressures were in fact so strong also among the political leaders who claimed that “it cannot be helped” to choose Zaha Hadid’s expensive design of the Olympic stadium (New National Stadium Project Process Investigation Panel 2015: 59) and also even among the military leaders at the war time who decided suicide bombing *Kamikaze* attack during the WWII. Shichihei Yamamoto, an author of *Study on “Kuuki,”* points out that a Commander-in-Chief of the Combined Fleet at that time confessed after the defeat, “Suicide attacks make sense in the *kuuki*, now and then.” (Yamamoto 1977: 15)

Further, a reading-the-air attitude is not limited to these political context, but rather very banal in our everyday life, and some authors have argued this sort of behavior is rooted in Japanese linguistic structure.

As is well known, Edward T. Hall discussed in his *Beyond Culture* (1976) on the concept of high and low context cultures and argued that Japan is the ultimate high context society, where implicit messages in context are preferred in communication and direct expressions tend to be avoided. (Hall 1976: 109ff.) Not a rhetoric of excuse, but peer pressures in fact yield a collective decision which no individual member personally do not want, and nonetheless follow. “ ‘Air’ is a ghost with a truly immense absolute power.” (Yamamoto 1977: 19).

2. Consent through obedience and coercion

How come these aerial ghosts appear to us, and why we are ascribing our own action to this anonymous faceless zombie, although every one of us is present at decision making process, didn’t resist it, and follow it through our own contributive action. And how can we cast out the monster?

As an initial clue to the question, let us review briefly the theory of domination proposed by Max Weber.

In his *Society and Economy*, Weber defined domination “as the probability that certain specific commands will be obeyed by a given group of persons.” And “every genuine form of domination implies a minimum of voluntary compliance, that is, an interest...in obedience,” whether it is “based on ulterior motives or genuine acceptance.” (Weber 1978: 212)

And he further describes a correspondent obedient attitude:

“Obedience” will be taken to mean that the action of the person obeying follows in essentials such a course that the content of the command may be taken to have become the basis of action for its own sake. Furthermore, the fact that it is so taken is referable only to the formal obligation, without regard to the actor’s own attitude to the value or lack of value of the content of the command as such. (Weber 1978: 215)

Okinawan citizen in reality expressed their explicit “No” to the national government in the end (72% of voters and 37% of all the constitutes opposed). But if the majority would have voted on the third criteria of indifference, as the conservatives plotted, the case of the ballot in Okinawa would be obviously this Weberian case of domination, because it is fair to say that voters on the third option should be deemed to have shown “a minimum of voluntary compliance” to the national government decision to build a new base.

What about the abstainees from the ballot in this case, who kept silence? Along with the voters, who gave an indecisive answer, they also shall be regarded to have practically accepted the “default option,” however reluctant they would be, and given the authority a blank check in a sort by their silence.

So indecision and silence on a vote in this case means “Yes” to the national government.

Weber calls what we call today a shared intention of collective action *Einverständnis*. T. Parsons and the others translated this term as “consensual recognition.” (Weber 1978:

LXVIII) However, we have to understand that this *Einverständnis* consists not only of a consensus in the sense of agreement (*Vereinbarung*) but also imposed consent (*Oktroyierung*).²

No matter how reluctantly we partake in a collective actions, we cannot escape being one of us as the plural subject of the collective action, if we act with “a minimum of voluntary compliance.”

Another example of a coerced collective action is given by Michael Bratman in his *Faces of Intention*.

Suppose that I tell you that unless you join with me in a shared intention to sing the duet I am going to blow up your house. (Bratman 1999: 132)

Bratman maintains that I and you in this case come to have certain shared intention, namely of singing together, in spite of coercion and hence form a shared intentional activity of not cooperative type.

However, can this be really the case of voluntary consent? Let's consider the question further.

3. Implicit consent to default option

Thus far, we have identified alleged aerial zombie, at least partly, in obedient silent majority's (or also silent leaders) consents, who “voluntarily” submit themselves to the dominant situation and decision making.

Invisible *anima* (*psyche*) of zombie in this case—interestingly *anima* signifies originally a current of air or breath—is certainly dependent upon, if not reducible to, silent or silenced person's minimum voluntary compliance.

However, when we take a moment here to stop and think how it is rationalized to interpret someone's silence as yes or no in a specific situation.

In Okinawans ballot case, “default option” was overt, because the national

government has already demonstrated their rigid policy to fill in the beautiful Henoko bay and build an offshore V-shaped runway. Keeping our silence is essentially counted as the absence of objection, i.e. positive to the national policy.

What about then the parliament decision? When the majority members of the Diet keep sleeping and silence on a specific legislative bill or abstain the vote on it, the collective come to reject the bill. The default option here is “No” to the proposed motion.

In other situations, this sort of default option setting can be uncertain and unstable.

Let’s have a look at the rape case, which Chelstrom proposed:

More pointedly, take the example of two individuals engaged in sexual intercourse... if the intentionality of the subjects is removed, the relation between the individuals changes dramatically. Cases where one individual’s intention to engage in intercourse with the other is lacking, clearly differentiates rape from consensual intercourse. Denying subjective individualism prevents one from having the ability to differentiate these cases. The case where neither individual has the appropriate intentional state might be called zombie action. (Chelstrom 2013: 124)

Under the recent #MeToo movement, we have the latest case in point. The famous photo reporter Ryuichi Hirokawa, head of the monthly magazine *Days Japan*, was accused of sexual assault on seven women of his former employee. One victim confessed, “I felt I had no choice but to listen to him, in a country where I knew no one. Hirokawa said to me, ‘For someone like you who does not have much education, this is the only way you can survive in journalism,’ and sternly demanded that I stay silent about this.” (Tamura 2019: 3) Another victim deplored the power he enjoyed in the photojournalism community: “I thought that I would not be able to survive in this sector if I was thrown out of DAYS JAPAN.” (The Mainichi, Jan. 20, 2019)

Hirokawa first insisted that it was a consensual intercourse, because the women didn't say "No" to his offer.

An American case appearing in the famous movie "The Accused" based on a true story is also known, where a woman played by Jodie Foster was gang raped. But since she took drugs and showed seductive behaviors, the district attorney made a plea bargain to charges of reckless endangerment. The focal issue there was also whether she said clearly "No" to the violators. According to the sexist logic, if a woman doesn't say "No," she would be regarded to give an implicit consent.

Think about another society, however, where a sexual activity without explicit voluntary consent shall be considered as a sexual assault. This affirmative model is called "Yes means Yes" approach, and it has been introduced in the law against rape in Sweden and Iceland, last year (2018). The USA, Canada, England and Germany take a "No means No" approach, while in Japan, what is worse, the existence of violent assault or intimidation to the degree that the victim finds it extremely difficult to resist is still required for a charge of rape.

So not only about rape, there are both cases in which a silence could be interpreted as pro and con. In one case, a collective action is more loosely recognized in scope and a potential victim party is to be blamed on not saying "No." In the other case, no collective action is recognized and a violator is to be blamed, when the other party does not give a consent.

The difference here is opt-out or opt-in settings in which a blank answer respectively has a different value. In the former, we find a so-called "presumed consent" as in the organ transplant laws in France, Spain, and the Northern European countries. It is solely dependent on social contexts, how the unmarked is to be fairly interpreted. And in certain cases, a sort of paternalism is allowed as in rape law protecting a child.

The argument on this issue is traceable even back to John Locke's theory of social contract and his argument on tacit consent or "acquiescence" to be a member of a society. In order to identify someone as a member of certain group, society or state, we often presuppose their tacit consent.

There is a common distinction of an express and a tacit consent, which will concern our present case. Nobody doubts but an express consent of any man, entering into any society, makes him a perfect member of that society, a subject of that government. *The difficulty is, what ought to be looked upon as a tacit consent, and how far it binds*—i.e., how far any one shall be looked on to have consented, and thereby submitted to any government, where he has made no expressions of it at all. (Locke, 2004: 69f. —italics added)

The question here is indeed not of the intentional or ontological character of the collective action, but rather that of objective attribution, where we, the society concerned, find a consensus or common sense, prior to the collective decision and action in question, namely how a rational, normal person understands the situation, and how far we shall be bound to the dominant society setting. We do not have any universal criterion of tacit consent, nor is its meaning reducible to actor's mind. But still we refer to member's consent to show the legitimacy of order, group, collective action, sometimes also misusing and disguising an individual consent.

4. On collective negligence

Finally, I want to examine the case of collective negligence as a type of specious zombie action. Zombie-like decision making through implied consents is not the case specific to a high context culture. It is rather a standard sociological view that social action occurs on the ground of “complementarity of expectations” among contributors, although expectations with regard to each other's action is not identical (Parsons and Shils 1951:15; Kimura 2018a).

Actors expect, presuppose and preoccupy others' future action reciprocally. And as far as such an expectation is a sort of project toward others mind and uncertain future state of affairs, it can be always already erroneous. Hence, unintended phases and results of one's own action can yield acts of negligence.

There are a lot of previous discussions and different standpoints on this issue in the field of criminology. Instead of going into them, I will refer to a phenomenological theory of action developed by Alfred Schutz, and propose an interpretation of collective negligence consistent with the subjective individualist approach (Schutz 1962; Kimura 2012, 2013, 2014).

Just as in an intended crime, a co-principal in a negligence case requires a consensual collective conduct, a crime result, and an adequate causal relationship between these. But as far as a negligence refers to an unintended result, how is it possible that participants have conspired consensus about unexpected results prior to their conduct?

Amongst the phenomenologists, Alfred Schutz has tackled with the theory of social action and its motivation. Criticizing Weber's notion of meaning, he understands action intention in two volitional components: project and fiat. (Schutz 1962: 67)

Project is an imaginary rehearsal of state of affairs to be realized by actors own action and it takes on the future perfect tense. Fiat is originally Latin imperative, meaning "let it be done," and it would transform a project into an actual purpose of action. Hence, a project without fiat remains mere fancy.

Action in a full fledge sense brings together of these two intentional features in Schutzian terminology. Worthy of special mention here is the difference of satisfaction conditions of these two. A project of act anticipates future results which are expected to be realized by own action in the future, and if this action fails to realize projected state of affairs, intentional action in this aspect is not fulfilled. A fiat is, on the other, satisfied as far as certain action was committed.

While a projective belief is fulfilled by real occurrences of the state of affairs in mind, a fiat is fulfilled by committing a conduct. So the latter, the fiat intentionality comes into existence also in an erroneous action.

The standard explanation of negligence in the contemporary criminology shares the same logic. As I have argued in another opportunity (Kimura 2013), Werner Niese

established this strategy of the finalist approach (Niese 1951), succeeding Hans Welzel, a leading criminological action theorist in 1930's under Alexandar Pfänder's influence. (Welzel 1931)

Even if a perpetrator didn't aim for the crime result in question (e.g. car accident), the person cannot be discharged as far as the result is foreseeable from the committed act such as a dangerously fast drive, and also avoidable from a viewpoint of a rational man. A fault then consists in a breach of objective due care, namely what Welzel calls "*die im Verkehr erforderliche Sorgfalt* (the care required in our social lives)." (Welzel 1969:127ff.; s.a. Fukuda 1964: 109 and n.6)

So even when we attempted just to take a drive, a following accidental event and victim's survive or death could change the meaning of our action. Project is an end-in-view, which anticipates a future act, and therefore will be influenced by antecedent changes happened in action environment. The status of act, or act-token, also changes in accordance with antecedent events, which Alvin Goldman would call "causal action generation." (Goldman 1970: 22)

There are also other types of generation including a conventional type and possibility of re-describing an identical action. Giving chocolate on the specific date can mean love declaration in Japan.

A contributor to collective action has a different range of ignorance and intention. And this range extends from non-purposive knowing, recklessness to willful blindness, as is shown in the standard criminological understanding in *mens rea* structure of an individual crime case.

Pseudo zombie is haunting again this concurrent negligence of collective actors, in which every contributor says, "I didn't intend it."

However, I think it proves out now that this specious zombiac intentionality of the collective negligence has indeed its ground on the perpetrators individual volitional risky attempt and intended omission of reasonable due care.

Note

- 1 An earlier draft of the paper was presented at an international workshop on “Comparative phenomenology of facial and corporeal expressions” held at Kokugakuin University, March 4, 2019.
- 2 See also Kimura 2018a and 2018b.

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