Democracy and Reflexive Consensus:
Reinvigorating the Vision of ‘The Civil Society’*

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This paper suggests a new relationship between state, market, and civil society. It criticizes the old prevailing models that have explained the relationship: 1) the statist-authoritarian model and 2) the interests-bargaining one. Both cannot confront the new situation in which the tempo of changes and the density of feedbacks are growing faster and stronger. This paper suggests a new alternative: R+PAD model. R stands for ‘representative,’ P, ‘participatory,’ A, ‘associational,’ and D, ‘deliberative.’ This model emphasizes the reflexive function of various public consensus conferences, in which the agencies of state, market and civil society participate. Thus the model can also be called reflexive consensus system. This paper argues that these reflexive consensus institutions have to be supported by legal codes.

Keywords: Democracy (Representative, Participatory, Associational and Deliberative), Reflexive Consensus, The Civil Society

INTRODUCTION

In the beginning years of the new millennium the Korean society is beset by increasing lay activism of “critical citizens.” Their two main agendas are to criticize and intervene in government policies and to enforce the practice of transparent management in the corporate sector. Their demands cover an expansive field: current political issues, social justice, development, environment, human rights, deployment of troops, and accountability of corporate governance. The rise and growing influence of critical citizens and NGOs and NPOs upon government and economic sector are not a phenomenon exclusive to Korea. Advanced countries are more prone to such phenomenon (Norris 1999; Salamon and Anheier 1999). However, in the case of Korea, the organized status of civil society actors and institutional, legal support for them are not systematized enough to exert much influence; it lacks a system, a

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conduit, to channel such powers. For that very reason, it becomes more and more difficult to reach agreements on policy issues between government, corporations, and civil society actors, and even in tentative agreements, parties cannot truly consent to their counterparts. In this regard, the need for a practical framework based on mutual agreement, which covers the state – market – civil society, is quite critical.

A social system where mutual agreement amongst various interests is smoothly embraced can be described in the following way: the main parties of a society come together democratically and reach a consensus through deliberation, and these practices are initiated and conducted voluntarily by the concerned citizens and stakeholders from civil society. The idea of such a social system was once envisioned by the great social theorists of the 17th and 18th centuries to replace the one that existed during the Middle Ages. We interpret the social system as a vision of “The Civil Society.” This idea becomes more valuable in the post-Cold War era and this paper aims to discuss how that ideal society can embody the characteristics of the high modernity of the 21st century. The Reflexive Consensus System, which operates on the “R+PAD Governance Model” – “R” stands for “Representative democracy,” “P” stands for “Participatory democracy,” “A” stands for “Associational democracy” and “D” stands for “Deliberative democracy” – is critical to resolving the ever-deepening tension amongst various sectors in Korea, but its overarching principles can generally be applied to other democratic societies as well.

WHAT IS “THE CIVIL SOCIETY” AND WHY IS IT IMPORTANT?

As stated above, the concept of ‘The Civil Society’ is crucial in expanding democracy and building reflexive consensus. We are going to use the notion of civil society in double sense. Firstly, it means one component of the usual tripartite division of state – market – civil society; Secondly, the ideal society as a whole where reflexive relationship between state-market-society is systematically instituted. This paper distinguishes the two calling the former ‘civil society,’ the latter ‘The Civil Society.’ The relationship is shown in the following diagram.1

The reason for the dot representation of the three lines within the circle, instead of the solid ones, is to symbolize their interconnectedness, rather than their isolation or exclusivity. If one realistically considers the current situation, the reason for the dot representation becomes quite clear. When we consider civil society in the modern context, it can be said that citizens are both consumers and vendors of products and labor, respectively. And as citizens of a nation, they exercise their rights during elections and have a say in the process of forming government

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policies. Thus, state, market and civil society are closely interrelated in the workings of the system. For example, if the market principles were not supported with legal regulations, i.e., any transactions from trade or economic relations were conducted apart from that fundamental premise, the system would simply fail to work.

As such, state – market – civil society is deeply interrelated. The idea of The Civil Society is based on that understanding. This is not an absolutely novel idea; historically speaking, since the inception of the notion of civil society the underlying meaning had already been established. This paper attempts to discover and reconstruct that underlying meaning of ‘The Civil Society.’ In this regard, we can say that even though the idea of The Civil Society is not absolutely novel, it needs to be recovered and reconstructed through theoretical interpretation.

The original notion of civil society underscores “a civilized society.” Such idea is foreshadowed in the backdrop of emerging modernity. Historically speaking, the term civil society was a conceptual expression that meant society as a whole in modern sense. The etymology of the word “civil society” and its usage in Europe was derived from the 13th century Latin translation, societas civillis (civilized society), of koinonia politiké (political community) of Aristotle’s Politics. From the 16th century, the French version societas civilis, société civile, was widely used. The first English translation of societas civillis and société civile, civill societie, soon appeared (Colas 1997).

During the Middle Ages, the ecclesiastical church and militarized feudal lords dominated the world. The idea of civil society introduced at the beginning of the Modern Age stood for a ‘civilized’ society replacing the barbaric, militaristic, or ecclesiastical one of the Middle Age. Thus at the beginning, the term civil society did not imply the idea of ‘civil society’ separated from the state. During the period between the 16th and 18th centuries, for example, the word ‘commonwealth’ was used synonymously with civil or political society. Hobbes in Leviathan used the term commonwealth alternately with civil society. Locke used “political society” or “commonwealth” to convey the notion of civil society in The Second Treatise on Civil Government. Thus, for Hobbes and Locke, “commonwealth” and “civil society” are actually the same.
In this paper, the term “The Civil Society” is used in the same context as was first conceived in the early modern Europe; it attempts to resurrect the innovative definition first realized at that time. Further expanding on that premise, the word “Civil” in The Civil Society reflects the civilized, polite and well-ordered society that includes the state – market – society framework. The rebirth of the definition used between the 17th and 18th centuries represents an organic relationship between state and civil society. Furthermore, the definition also emphasizes the interrelatedness of market (or economic sector) and civil society as well. This point takes prominence in the 18th century when the underlying notion of “commercial society” spreads throughout the masses. Until the 18th century, the implications of the term ‘commerce’ and ‘commercial society’ were quite different from those of today.

Montesquieu in *Spirit of Law* argued that ‘doux commerce’ exerts great influence over the standard of civilization, morale, etiquette, manners and even one’s habits, and that it has the power to bring about cultural change. He argued that because commerce allows for broader cultural exchanges, it helps to civilize the society and the world. He also claimed that isolated cultures are rigid and quite exclusive and thus unrefined or uncivilized. Montesquieu did not use ‘doux commerce’ only to represent the exchange of material wealth; instead, he used it in the broad context of cultural alternation. During the 17th and 18th centuries, the word “commerce” (in English and French) actually meant cultural intercourses as well as material exchanges (Montesquieu 1949; Hirshman 1977).

A similar school of thought appears in the writings of yet another notable figure of the 18th century, Adam Smith. We need to remember that Smith is the author of not only *Wealth of Nations* but also *The Theory of Moral Sentiments*. He was an accomplished philosopher in ethics, a prominent theorist of jurisprudence, and an elegant prose writer. Smith’s *Wealth of Nations* contains more than just arguments about how pursuits based on self-interests enhance the wealth of a nation. The other notable argument that often goes unnoticed in this monumental work is how highly critical Smith was of the practices of the privileged mercantilists of his time. He denounced the government’s absolute control of the economy and how it conspired with privileged, monopolizing merchants to pave the way for mercantilism based on a system endorsed by an absolutist government (Smith 1981, 1979). He argued that this system is not only authoritarian in nature, which suppresses freedom, but is also inefficient and economically unproductive. Furthermore, it dries up people’s ethical standards, enslaving the unprivileged. The privileged uses their status of monopoly to enforce the less- or unprivileged to succumb to their arbitrary demands.

Theoretically speaking, economic exchanges and transactions made in free market are not supposed to depend upon any kind of ascriptive conditions like ethnicities, nationalities, religions, and social status. Thus when Smith mentions ‘commercial society’ he mainly stresses the egalitarian situation of the market. Critics of capitalism have not sufficiently considered Smith and Montesquieu’s arguments regarding the progressive and civilized aspects of the
market. Even though their criticism against the mechanisms of capitalist market that worsen inequality of classes is basically valid, they tend to ignore to evaluate the counter-tendency of modern social systems to maintain the equal term including market. When Smith emphasized sympathy towards others in *The Theory of Moral Sentiments*, we need to consider the fact that his arguments were based on the Montesquieu’s understanding of the ‘commercial society.’ That is, Smith considered commercial society as kind of a quasi-ethical network of people who has the capacity of sympathy toward others and thus intentions to improve the situation of them. Therefore, Smith’s arguments of sympathy and commercial society can be interpreted to contain some clues to alleviate the ever-deepening problems of class stratification.

We can say that Smith may foresaw the end of the system operating under privileges based on an absolute government, the vestige of the Middle Ages. A new era and a new society, which Smith called commercial society, was emerging, replacing the old system. Smith saw the principles of the commercial society developing in his time and was certain of what was to come. We need to take heed the message that springs forth from the tips of his brush: Smith strongly advocated the destruction of a system that runs on special privileges, which was dominant during the Middle Ages, and acceptance of the new free and equal civil society. His message was certainly not the one embraced by the Absolutist mercantilists to protect their economically vested rights.

We can summarize the discussion above in the following ways: Civil Society symbolized the transitional phases of the new social order, from the hierarchical privileged to the civil and democratic. Thus the notion of The Civil Society embraced the idea of a commercialized system based on free exchange and promoted a national system that allowed for social contracts between individuals. The idea of social contract in the free market traces its roots to a system relatively devoid of traditional ascriptive ties so a society founded on such ideals differed dramatically from the traditional system. Based on equal relations, The Civil Society (*Societas Civilis*) stands for a civilized, polite and well-ordered society, and offers an innovative school of thought replacing the medieval social order. The Civil Society described here is a novel social project that embraces the innovative ideology rooted in history.

**PRE-EXISTING MODELS OF THE RELATIONSHIP BETWEEN STATE–MARKET–CIVIL SOCIETY AND THEIR LIMITATIONS**

The purpose of this paper is to establish the concept of ‘The Civil Society’ with updated democratic theories and to successfully situate them in the context of globalization in the 21st century. It is an attempt to actively form a new relationship between state, market and civil society and these ideas will be discussed in-depth in Section IV. But before we proceed, we must first examine the old prevailing models that define the relationship between state, market
and civil society. These theories will be covered in a discussion of the “statist-authoritarian” and “interests-bargaining” models in the subsequent pages.

**Statist-Authoritarian Model and Its Flaws**

The prototype of the statist-authoritarian model in modern sense is Hobbesian understanding of the relationship between state and society. The State in this model possesses exclusive and indivisible powers over the entire society. This model is based on the authoritarian representative system and minimizes the participatory factor. Thus, any citizen participation is limited to the polls and once the ballots are counted, all authority and power is then transferred over to the elected party and official. In this model, the election process itself, written on the basis of the constitution and the law of a nation, is minimized and is levied with the universal, public and secret-based principles of free election.

In reality, this model represents statist corporatism (which includes Nazism and Fascism), state socialism and developmental dictatorship. A similar model was prevalent in Korea prior to the 90s. In the societies under fascism, the state promotes and organizes all social standings on which the society and the economy operate. All unionized organizations from the various social strata are managed under the exclusive rights and power of state. Soviet type socialist regimes have attempted to go further: to abolish the price-finding function of the market. In both systems, civil society would not exist because all matters are handled by state without any input from the citizens. These state-led mass organizations do not allow for citizens to share ideas or opinions; it is a form of control used to monitor people’s activities.

At a glance, the statist-authoritarian model may appear to disharmonize; but it can utilize the ideology of *laissez-faire* free marketism for its legitimacy. This trend of advocating the free market order is completely different from instituting fairness, transparency and social responsibility of corporations; instead, it exclusively demands an ideal environment for more profits of corporations. It is a coalition of *laissez-faire* corporatism and statist-authoritarianism. In reality, such a coalition can only translate into a corporate system that only seeks profit and imposes harsh policies on other social classes. Examples of these models are soft fascism and developmental dictatorship. Korea operated under a similar system during the 1970s and 1980s.

This model, which minimizes citizen participation, is referred to as the *Elitist Model of governance*. The cardinal points of this model can be summarized as follows: Any major political or social policies should not consider ambiguous public opinion. Instead, solely the well-trained and qualified elite should handle all matters to yield the maximum benefit for all. A looser interpretation of the elitist theory argues that since all feedback from state and civil society is mediated through elections, the feedback should be restricted to this medium. Public officials are elected through a freer methodology. As such, these elites should carry out their duties using intelligence and discernment, and pursue national interests when participating in
debates and the decision-making process.

Problems of this model are as follows: first, state exclusively run by the elites tends to go near to authoritarian or dictatorship system. Second, we cannot exclude the dangers of bureaucratism warned by Max Weber. Third, suspicions arise as to whether decisions made from such a process are fair, appropriate and efficient.

Let us suppose that the system is indeed authoritarian or based on a dictatorship. If there is a Philosopher King, with high intelligence and moral character, there won't be any problems. Such a system was idealized in the beginning of ancient civilization. In this realm, this figure will teach the inhabitants how to live the most meaningful and fruitful lives. Let us assume the existence of such Philosopher King and that the teachings are truly beneficial and valuable. But such an ideal world does not coincide with our current state. As Kant sharply pointed out, our life is not lived fixated on one particular teaching or doctrine; the ability to determine the meaning and value of life lies in the individual’s conscience (Kant 1993). Furthermore, our freedom cannot be dictated and emphasized by the guidance of some superior other. Needless to say, in our reality, groups of average elites do exist, who are vulnerable to putrefaction and corruption. Our own experiences, as well as the history, clearly tell us that the wise men, even with their knowledge and wisdom, could fell into the swamp of corruption, if they were given exclusive power.

On the same note, there is another myth: if such a high bureaucratic group, armed with public responsibility and loyalty, was established, there wouldn’t be any problems. But what Max Weber points out as the central problems of bureaucratic system is not the quality of bureaucrats but the unintended consequences of bureaucratic rationalism and professionalism (Weber 1978). The more national policy decision-making is concentrated on bureaucracy, the greater the likelihood of standards on which affairs are judged and executed exclusively on means-ends rationalities, excluding the feedbacks from citizens related to the policy.

For those reasons discussed above, we have question the validity and legitimacy of statist-authoritarian model. Can it achieve justice and efficiency as well? Perhaps due to efficiency, it may appear to have clear, strong points. But in this fast-paced modern society, change-causing factors vary widely and decisions made by this elitist group do not necessarily guarantee efficiency. For example, the issues of constructing a coastal dike at Sae-man-geum area and forming Wi-island as the nuclear waste disposal site in Korea demonstrates a scenario where the elite faced a major setback as they hurriedly tried to resolve the issues. The policy environment of these days is quite different from that of developmental dictatorship when there did not exist much counteractions or feedbacks from civil society. Nowadays, in every case and policy, there are many concerned and active individuals as well as an increased tendency for unintended consequences and post-effects of externality. Such phenomena are characteristic of high modernity and in this situation, statist-authoritarian model loses its ground.

The limitations of the statist-authoritarian model we’ve discussed previously can also be
applied to international situation. Even at the level of international politics, Hobbesian theory of sovereignty is being challenged. National security matters and international economic ties require greater cooperative efforts from the international community. Unbound global capitalism frightens even the superpowers. Also, international terrorism is fundamentally reshaping the national security environment. As a result, new models are being developed which include commonality and inclusive sovereignty (Beck 2000; Held et al. 1999). The most well developed model to date is the European Union and its introduction of common currency and unified constitution. Sovereignty in such a model is no longer bound to the administrations of designated nations. Such occurrences predict the construction of global civil society in order to supplement an international system empowered by international states (Turner 1998; Kaldor 2003).

Interests-Bargaining Model and Its Limitations

The interests-bargaining model symbolically assumes a more pliable and flexible relationship between state-market-civil society than the statist-authoritarian model. This model encourages a pluralistic approach for organized interests and seeks to practice democracy on rational participation, i.e., through negotiations and conversations, when dealing with pluralistic situations of interest groups. The theoretical basis of pluralism of this model is based on Dahl’s classical writings (Dahl 1961, 1967). Currently in Korea, there is a transition from the statist-authoritarian model to the interests-bargaining model, where the relationship of state-market-civil society is interlocked. The word *interest groups* used here includes not only the corporate groups but also various vocational groups and civil associations. If we focus on regulating powers of those big interest groups and the states, it becomes either plural corporatism or soft corporatism. Two elements are added to this model: participation and association. But this model also has limitations. Even in our modern society, there is a gradual increase of conflict deepening amongst various interest groups. Such occurrences have been painfully felt and deeply experienced during 60s and 70s in Europe and American.

On the one hand, this model is superior to the statist-authoritarian model in that it permits the commitments of civil associations in the policy making process. But it still denotes a fundamental problem in that the direction of policy making is determined by a power struggle between interest groups. This problem can be summarized in the following question: Could there be appropriate, mutual, and reasonable agreement from organized bargaining of interests? Examining this very question illuminates the very significance and limitation of this model. When we consider the many possibilities, answers resulting from such endeavors seem pessimistic or yield obvious limitations. The kinds of circumstances this question anticipates can be divided into three scenarios. These scenarios assume that even subjects involved with public policy – political parties, politicians, departments within the government, public officials, and on a larger scale, even the government itself – look to fulfill interests of their
own. This assumption is theorized by Public Choice Theory.  

Case 1
If the organized interest groups are diverse enough to include all relevant stakeholders and conduct interests-bargaining fairly, sincerely and transparently (What Habermas calls the “Ideal Speech Situation”), we may suppose that such a possibility can exist. In a process where all members involved with interests-bargaining carry out fair and sincere negotiations, such endeavors can properly illuminate the issues at hand on a wider and deeper perspective. As a result, the interest groups can reflect on the situation reciprocally and holistically. “Reflecting reciprocally” here does not mean “reflecting on oneself” as an ethical obligation but instead stands for a process of reviewing everyone’s demands multilaterally in order to offer mixed and constructive feedback. The result is the operation of deliberative reflexivity and output that closely resembles justice.

However, even at a theoretical level, we can assume that it would be difficult for all interest groups to deal with all sides of the issues with sufficient amount of attention and care. This problem is analogous to mathematicians’ satirical proposition that states, “Any puzzle can be solved if given plenty of time.” In reality the crux of the issue is quite important. No matter how great the solution, if too much time is required to solve the problem, the result itself becomes meaningless and the method absurd. The aforementioned mathematician’s proposition has its following: “Life is short.”

Case 2
Hypothetically, even if there was an instance where sufficient amount of time is granted for the adjusting process to take place, the result from such endeavors can completely overthrow the theoretical premise. Likewise, the lengthy and complicated negotiating process is not indicative of the rational, proper and mutually agreed attainment through deliberative reflection. Instead the diverse interest groups already in existence may merge to become a small number of large interest groups. The possibility of such a scenario unfolding is quite high since organized interest groups already have predetermined goals. According to Habermas, the “Ideal Speech Situation” rarely occurs amongst organized interest groups. The bargaining process between interest groups usually takes place via “pushing and shoving” instead of practicing reasons. All organized interest groups should take heed of an old Korean saying, “Don’t start too low from Kwa-chon before actually arriving at Seoul” (which means, “Don’t be low too early in bargaining or negotiation”). As a result, strategic reflection dominates over deliberative reflection. If at some point, an interest group does not feel confident in achieving its agenda,

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2 This stance is explained by the principles of “maximization of utility” and “self-interests.” It derives its arguments from public domains turned economical postulation. See Downs (1957), Buchanan and Tullock (1962), Buchanan (1967) for additional classical works on this particular stance.
that group will seek out alternative ways to accomplish its goal. In circumstances where many interest groups exist, several groups will try to merge with more influential groups to get what they want. If such practices become more common, then only a small number of dominating large interest groups will survive. Similar to the situation of warring states in ancient China, if such circumstances persist, all the theoretical premises would fall apart and the bargaining processes would be left to the remaining a few dominating large interest groups, and perhaps the strongest one in the end.

Case 3
In reality, there are no circumstances where there are sufficiently many organized interest groups in every issues and arenas of the interests. Instead on most issues – density and manner may vary – people will form subjective feelings based on limited knowledge or align themselves to “standards” fabricated on non-coherent or mutually contradictory information. In such circumstance, the views of a minority of dominating large interest groups cannot fully reflect the true concerns of those groups. Varying interests will always exist that are completely different from the interests of other groups. Also, there are no preventive measures to even out the power and influence held by the minority groups. As a result, attained agreement means utilizing a limited part of the concerned groups and that too reflects an uneven power distribution; it is difficult to securely sustain the settled agreements. There must be active management to prevent any problems after the fact, and in the event of a major conflict, agreements can be reversed. However, this can lead to a scenario of lost efficiency and justice.

Final reflection
If we compare all three instances, Case 1 is the most ideal. But Case 1 involves the important factors of time and efficiency, and assumes the most ideal conditions and progressions. Therefore, it is also that much more unrealistic. The next ideal scenario is Case 2. With the cohesion of a small number of interest groups, ultimate agreements may mean that all efforts were made with compromises. Such endeavors reflect the work of repeated and accumulated consent of concerned groups related to the interest groups. Thus, such results may have a reverse effect due to repulsions and also have the problems related to time and efficiency. Here again, such a premise seems unlikely. Lastly, Case 3 shows the low ratio of justice coinciding with the attained agreement. Here also is a great possibility to spend too much time and waste resources to maintain and sustain the agreements. Like Cases 1 and 2, it too may lose the time and efficiency factors, both of which are the supreme advantages of Cases 1 and 2. Ultimately, Case 3 contains the most flaws in regards to time, efficiency, expenses and justice, however it is also the most realistic scenario.

What these examples show us is that in dealing with social friction, “bargaining through
organized interest groups” is not the most useful option for our current situation. The problems within the interests-bargaining model may allude to Hobbesian statist-authoritarian model. But this path is definitely misleading; you fall into the bosom of a lion while trying to escape from a hungry wolf. We need to look beyond the statist-authoritarian and interests-bargaining models to a future-oriented model. Such an approach retains the strengths of the interests-bargaining model and reinforces the inherent weaknesses with other viable principles. The advantages of the interests-bargaining model can be described as the affirmative recognition of the civil society’s activeness and the market’s pluralistic association. On the other hand, limitations refer to the actual “bargaining practices of the interest groups.” These limitations must be overcome by principles of mutuality and an organization based on public knowledge to overcome the narrow pursuits of those groups’ bargaining practices.

CHARACTERISTICS OF HIGH MODERNITY

In the previous pages, we looked at the limitations of the statist-authoritarian and interests-bargaining models. If we consider the environmental characteristics of what we’re currently experiencing in terms of policies and its effects, we can have a clearer understanding of those models’ limits. The current times clearly expose the limitations of those models. Such conditions are not exclusive to the specific regions in Korea; it extends universally throughout the world. What these developments explain is that at the core, the speed in which the policies and the feedback from citizens travel is rapidly increasing. Sociologists explain this phenomenon as the characteristics of “high modernity.” Social theories of “Post-industrial Society,” “Information Society,” “High-tech Society,” “Risk Society” and “Reflexive Society” are indicating the core factors that have reshaped our era (Beck [1986] 1992; Giddens 1990).

The prediction that advanced professionalism and high-tech society would make the average citizen passive and unable to adapt is no longer accurate. Rather, we are experiencing the opposite effect. During the time of developmental dictatorship when decision making of public policy was authoritatively monopolized by the state, it was impossible even to imagine the issue of developing tidelands, hills, and waterways, for instance, to pique the interest of the whole nation and all concerned citizens. After democratization and the emergence of ‘information society,’ the level of feedback on public issues from citizens has been increasing. As the “externalities” or the unintended consequences of public policies has become issues of the public, the feedbacks from the civil society have grown. Frequently, those “externalities” are becoming the very issue themselves, causing quite a controversy. Issues like nuclear waste or genetically engineered foods have become hot public debates. Even the groups of scientific specialists are divided upon those issues. More importantly, lay citizens are able to access greater information on these issues. Equipped with internet information, anyone can now
become a quasi-professional on various issues with a little bit of efforts. As a result, there are more “actors” on the social stage, the quasi-professionals as well as the experts, raising concerns and voicing complaints. As a result, we are witnessing the emergence of “critical citizens” in high modernity, unlike the passive citizens of the past (Norris 1999).

Sociologists call this phenomenon “Increasing Reflexivity.” The concept of reflexivity contains dual function: systematic feedback and conscientious self-introspection. High modernity strengthens reflexivity. Prior to the modern era, most occurrences were either based on traditions or customs. It was believed that the fate of humans and their society was determined by some unknown yet immutable and natural principles. These so-called natural and fateful principles, in modern society, are replaced by different principles built on manufactured artificiality and choice. In post-industrial era, the extent and speed of the application of scientific technologies to every day lives increase and accelerate. Under the rapid changes occurred by those accelerating application of high-tech, the public knowledge of and the public cautions against the unintended effects of those changes grow as well. Those growing knowledge and cautions from the public influence the course of public policy and eventually change its track. The ever-deepening breadth of reflexivity is not limited to the local or national level but covers the global arena. Reflexivity is in sync with the compression of time in information, technology, and transportation revolutions. As a result, the desserts in Inner Mongolia, the primitive forest in the Amazon, SARS in Hong Kong, and the livelihood of Seoul’s citizens are all linked together. Risk Society is growing global (Beck 1999).

What these phenomena suggest in light of this discourse is that there must be a way to establish preventive countermeasures to deal with heightened risks and dangers. These countermeasures also need to reconsider the relationship between state-market-civil society. More specifically, we need to share the responsibility of unintended consequences should they occur and if we try to minimize them. The idea of sharing responsibility pushes us to develop proper methods to strengthen qualitative participation in the policy making process. This is what’s known as “strengthening of systematic reflexivity” amongst Sociologists. In all phases of the decision-making process, we should increase the level of sensitivity overall and support it with legal codes to strengthen the livelihood of rotation and operations of the system. This countermeasure is called the “R+PAD Governance Model” or the “Reflexive Consensus System discussed below.

**R+PAD GOVERNANCE MODEL (REFLEXIVE CONSENSUS SYSTEM)**

**Characteristics of R, P, A, D and Their Relationship**

In order to enhance our understanding of the R+PAD Governance Model, we must first conduct a deepened analysis of the four types of democracy: representative R, participatory
The representative system is inevitable for the problem of scale. From a democratic perspective, however, the representative system is fundamentally a form of restricted participation; thus, it is a restrained democracy. This representative system boasts its strength by entrusting the experienced and qualified representatives to carry out the deliberation process over pending social issues. However, should this system adapt or become influenced by the exclusive, monopolizing character of the statist-authoritarian model, it can seriously jeopardize the fairness of the system.

Quantitative participation is critical in the representative system. Quantitative participation is reflected through election results, the number of votes obtained. Schumpeter theorized this model in his classical work (Schumpeter 1947). The roles between the policy makers (elites) and those who vote for the policy makers (voters) are clearly distinguished. Even in the interests-bargaining model, that fundamental distinction is difficult to overcome. In the interests-bargaining act, bargaining of interests becomes the very manifestation of democracy; therefore, it prioritizes instrumental rationalities and formal representatives over democratic deliberation.

The R+PAD model attempts to complement the restricted quantitative participation found in interests-bargaining or Hobbesian model with qualitative participation. So, the basic idea of associational and deliberative democracy is in essence a part of the qualitative participation. If we display the relationship between the participatory, representative, associational, and deliberative democracy in a graph, it would look like this:

**Figure 2. Relations between Participatory (P), Representative (R), Associational (A) and Deliberative (D) Democracy.**

The overlapping relationship of the three constituents – R, A and D – was alluded to in the previous discussion. In any representational system, in order to elect its representatives, it presupposes a certain degree of associational element in the beginning and again during the election process itself. It also triggers the deliberative function to a certain degree during the representative’s decision-making process.

The Hobbesian Model, in the figure above, is represented by the circle “R” excluding the
areas that overlap with the circles “A” and “D.” The interests-bargaining model applies to the whole circle “R.” The R+PAD model, on the other hand, is represented through all three circles of “R,” “A,” and “D.” The link between the three inner circles within the big circle “P” represents the overlapping domains of the political, legal and systematic phases of democracy in the most expansive way.

The reason that we name this model ‘R+PAD’ is that only when the representative (R) model is complemented with the PAD constituents, can appropriateness and efficiency be achieved in high modernity. During the process of supplementing the representative model with qualitative participation, the participatory and associational constituents cover the breadth of the decision-making practices, or the “formal” aspect thereof, whereas the deliberative constituent deals more with the decision-making approach or methodology, the “contents” aspect. Naturally, the “formal” and the “contents” aspect are mechanically linked and not severed.

The way associational constituent accomplishes the task of expanding qualitative participation is by using the following approach. Within the democratic system, the participatory element supports the principle of sovereignty of people with substance, and the associational constituent sets the framework for participatory consensus and matures its overall quality. Only when the foundations of associational constituent in a voluntary culture are strengthened, can participation be protected from any undesirable, momentary, accidental, isolated, or mob-like behaviors. Tocqueville persuasively argued the importance of a voluntary, associational system forming the groundwork on which the right practices of democracy stand. From his point-of-view, in a democratic society where ideology fuels and strengthens equality, it may induce isolation or atomization of individuals, and when these isolated individuals rule over other atomized individuals within democracy, it could paradoxically paved the way for yet another scenario of emerging dictators. Tocqueville believed that Europe around the beginning of the 19th century was an ideal place for such phenomenon to occur, especially in his country, France. What he experienced in newly emerging America was a unique, traditional, and political culture, which he thought at the time could prevent the rise of a new dictator from atomized individuals. From Township, where town citizens gathered to debate and mediate on all town-related issues and resolved public matters cooperatively through democratic means, Tocqueville observed that Americans were used to such practices of forming civil groups through associational practices. He argued that even though individualism is embraced and cultivated, it does not lead to isolated, mob-like tendency, and thus allows people to exercise their political freedom through voluntary, associational practices.3

There has been mounting criticism of Tocqueville and how he idealized America and its

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practices in order to propose an antidote for the problems in France. However, even if that was the case, many don’t deny the importance of his political stance – the role of voluntary, associational practices to create a sustainable democratic system. Needless to say, this type of voluntary, associational political culture needs the support and practice from the masses in order to be truly effective. Even if these practices become diverse, the possibility of leaders from the upper class monopolizing such operations and converting it into yet another form of “authoritarian elitism” is not completely out of the picture. Recently, two American sociologists, Skocpol and Fiorina, conducted a study on the participating citizens of associational practices between 1970-1980 and found out that most of them fell prey to upper class-oriented “civil movement without citizens.” They point out that such movement became another form of the elitist profession, scattering and minimizing grass-root participations (Skocpol and Fiorina 1999).

Deliberative constituent, on the other hand, is based on the same premise of participatory and associational elements, but also seeks to enhance the quality of participation. Stated in another way, participatory and associational culture can be considered the fertile soil of democracy and the well thought out deliberative system the flowers growing on such soil. It also acts like manure to fertilize the soil. The deliberative constituent was widely experimented in European and American societies, and it is comprised of Consensus Conference, Scenario Workshop, Citizen Jury, Negotiated Rule-Making, and Deliberative Polling. The unique characteristic in these systems is that each component extracts a sample of populace to secure fairness, and on such a group, they obtain consensus based on fair and considered information. This group, then, evaluates the information in the feedback process before policies made from such sources are enforced. The advantage of this system lies in the fact that it reflects the consensus of the opinions and views from the entire population, rather than relegating leaders from various interest groups to monopolize with decisive powers. The ways to obtain the sample group are two: one, random sampling, the other, via public advertisement. The strength of the deliberative factor can be found in the fact it can overcome the limits of the participatory and associational constituents as well as the politics and inner struggles of interest groups through the fair and just viewpoint in Rawlsian sense.4 If the deliberative element works well with the participatory and associational components, it can prevent and disperse heightened challenges and risks during the decision-making process, and also spread out the responsibility over unintended consequences, jointly and democratically.

At this juncture, let us critically compare the PAD model with the existing corporatist or the win-win negotiations approach. The win-win negotiations approach is by far a more “closed” system than the PAD model. Because subjects of the win-win negotiations (usually comprised

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of representatives of large organizations) usually look for public measures after allowing
overlap of viewpoints from all sides, they usually bring ulterior motives, such as “self-
interests” or “self-stance,” to the negotiating table, which remains unchanged until the end of
negotiations. The PAD model, on the other hand, assumes the possibility of completely
changing one’s stance at the negotiation table from the influence or consideration of other
participating members. The representatives from this group also assumes the possibility of
having to persuade the group they represent, should the need arise. The participants of the PAD
negotiations can consist of representatives of groups or may even come from a group of
randomly chosen citizens. What these two methods have in common is that both groups of
participants are relieved of obligation to “represent” their organization and, instead, are able to
participate in the negotiation through discussion, optimizing fairness. As a result, with
everyone’s input, they can all share the responsibility for their actions. This PAD is based on
the premise of systematic reflection through deliberative negotiations; it has many similarities
to the “reflexive governance” (Hoekema 2001). We will refer to reflexive governance as
“reflexive consensus governance” and <R+PAD Governance>, <Reflexive Governance> and
<Reflexive Consensus Governance> all share similar context.

In Figure 2, the big circle P is located outside the R, A, D circles because we need to
consider other diverse forms of direct action that exist out of legal boundary. For instance,
certain actions of the Automia Movement in Italy were illegal, thus located out of the three
circles of RAD, still they were surely a form of participatory democracy. Some kind of those
direct actions (like violent occupation of public building etc.) could be denounced as ‘anti-
social,’ but some of those could upgrade or intensify the content of RAD from the circles of
RAD through a very conscientious method (like civil disobedience).

The limits of participation lie in the individual and private domains. Certain parts of those
domains are synonymous with the legal or systematic assurance domain, but are differentiated
from the so-called “democratic” public or political domains. The outer line of P is perforated to
show the double-sided relationship of the two: On one side, it is distinct (public/private) while
the other side is connected or related to the other (legal, systematic assurance). Of course, the
dividing lines between public and private are not absolute. Private domains should be explicitly
distinguished from public domains in the sense of receiving protection and a sense of security,
but when that isn’t achieved or experienced, the unprotected and unsecured areas of individual
rights will undoubtedly surface as public agenda. The recent issue of recognizing homosexuals
and transsexuals’ social rights is an example. In Figure 2, the progression can be seen by
imagining one proceeding from the outer ring of participatory constituent, gradually entering
the participatory domain, and finally penetrating the RAD domain. In other words, an
individual “comes out” or takes part in a limited and restricted activity as a symbolic act of
entering into the participatory domain. And in the event that such activity or movement
develops or matures, it will gradually pass through the associational constituent and into the
deliberative institutional process. Following this course, fragmented individual rights reach the legal system and then most doers or participants are able to exercise their individual rights in their world (turn-back). To sum, Figure 2 represents 1) the relational aspect between participatory, representative, associational and deliberative constituents of democracy, 2) the relationship between the legal/the illegal 3) and the private/the public in the realms of democratic theories and practices. It also displays their dynamic and circular linkage with each other.

**The Reflexive Relationship between State-Market-Civil Society**

Now let us reflect upon the new relationship between state-market-civil society on the basis of the argument of the previous section. Figure 3 below represents the old prevailing understanding of the relationship of the three, while Figure 4 suggests the new and alternative relationship emerging recently. We can also say that Figure 2 symbolizes the preexisting tripartite model, whereas Figure 4 expresses more closely the interacting mechanism of ‘The Civil Society,’ which was roughly outlined in Figure 1.

In Figure 3, state, market, and civil society are distinct and isolated from each other. In Figure 4, they are overlapped and interrelated to each other; in other words, they are in reflexive relationships. We can see, in Figure 4, the state domain interconnecting with market and civil society, and the domains of market and civil society returning back to the linked state domain. Such is the case of participatory activity in operation today. When the agents of market and civil society participate in the policy making process of relevant issues within their pertinent domains, it strengthens the authority of the state, not weakens it. When the state receives proper feedback, i.e., knowledge based on accurate information, and the parties concerned fully understand the issues at hand, from agents of the market and civil society domains, the state can then upgrade justice, responsibility and even efficiency in the overall policy making process, inviting participation from the concerned parties. Such process can allow the policy to properly reflect the status of concerned parties on the issues and share the responsibilities such policies with a greater number of involved agents. Also, such process entrusts complex policies and its necessary investigation as well as the decision-making

**Figure 3. Relationship of State-Market-Civil Society in the Preexisting Tripartite Model**
process to the parties concerned from the relevant domains and considers examination over the administrative practices.

Also in Figure 4, we see the domains of market interconnecting with the domains of state and civil society, and vice versa. This explains the rising demands inside and out for corporation’s social responsibility and corporate ethics.\(^\text{5}\) It also reflects the phenomena that state and civil society are actively engaging to upgrade the fairness, transparency and responsibility of the market. Within this arena, actors of ‘social economy’ have been growing. Actors of social economy move in the overlapped realm of market, civil society, and the state. In this realm, the principle of solidarity and hospitality operates as strongly as that of economic efficiency (Borzaga and Defourny 2003; Noya and Clarence 2007).

The R+PAD Governance Model is identical to the Reflexive Consensus System or Reflexive Governance. This model embodies the idea of ‘The Civil Society.’ In the reflexive model, the roles of parties at various levels are quite important. In the pre-existing representative model, the basis of legitimacy comes from representation. From this viewpoint, some has questioned the legitimacy of NGOs, because they don’t apparently have voters they represent. However, within the Reflexive Consensus System, the basis of legitimacy is not only on representation but the compact or partnership between relevant agencies as well. These legitimate bases of compact and partnership need to be culturally acknowledged and legally protected.

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\(^\text{5}\) The intensity of such tendency may vary within a single nation since within every country, the corporation’s social responsibility may be rooted in cultural climate and differences may exist thereof. Recently, at the global level, such bearings were being emphasized. In 1999, the UN Secretary General, Kofi Anan’s motioned project of Global Compact is such an example. It is a system that networks the various departments of UN with corporations, labor organizations and civil society who are following the 10 principles (In the beginning there were 9 principles but one more was added to a total of 10 at the 2004 Global Compact Symposium) that are divided into four parts: Human Rights, Labor Standard, Environment and Semi-putrefaction.
CONCLUSION: INSTITUTIONALIZING REFLEXIVE CONSENSUS

The R+PAD Model, or the “Reflexive Consensus System,” embodying the idea of ‘The Civil Society,’ needs to be institutionalized. The issue of supporting democratic participation with legal codes has been brought up continuously from Korean civil society actors (Park 2003). Korean government likewise has attempted that kind of legislation. The Act of Administrative Procedure and Information Publicity in 1998, the act Citizen Legislation Initiative in 2000, and the act of Citizen Lawsuit suggested in 2004 are some of the examples. While supporting the direction of those reforms, this paper argues that they have to be expanded and deepened.

In addition to the experiments of negotiated role-making, consensus conference, and deliberation polls in many countries, we have suggested to constitutionalize ‘the Citizen Assembly’ as one of the overarching institutions of the reflexive consensus system. As the details for this suggestion can be found in Kim (2007), I proffer here a brief outline of it. The crucial difference that distinguishes the Citizen Assembly from the National Assembly is the principle of the selection of its members. The members of the National Assembly are selected by election; but the members of the citizen Assembly are selected by random sampling. The Citizen Assembly is convened to deliberate specific public issues which cause sharp social conflicts and disagreements. The President, the National Assembly, and people can convene the Citizen Assembly according to the specified legal process. The decisions of the deliberation of the Citizen Assembly have the status of legal codes, and thus can be objects of judicial review. The Citizen Assembly can attenuate persistent, increasing conflicts and disagreements between civil society and the state upon public policies, and thus strengthen the legitimacy of the state. The idea of the Citizen Assembly is developed from the expanded theories of democracy, especially theories of deliberative democracy. As a similar concept (‘the popular branch of government’) has been suggested by an American scholar (Leib 2004), the idea of the Citizen Assembly is not exclusively Korean. Confronting the emergence of critical citizens and necessity of more reflexive governance, democratic systems in global sense have enough reason to adopt various reflexive consensus institutions including the Citizen Assembly.
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