

QIKJS-Part.II.G

Qualitative Inquiry of Korean Judicial System

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In the Search for the Best Interview Situations

The interview situations are special that the interviewers and interviewees are met toward the common venture for successful data collection. They are called participants, in which I consider the identity or self consciousness is very underlying strands for fruitful results (Kim, 2015a,b,c,d). This aspect is supposed to moderate by the fact that the interviewees are asked to describe some extent of generalization for the populace they intend to study. Often the larger sample size may be supposed to increase the validity because of that aspect. However, it is not necessarily so in the qualitative studies partly because it may produce merely a redundancy of data or unnecessarily costly research and importantly because the depth is sought about the intact or distinct cultural group (Maxwell, 2005). In this context, the proper understanding of human science or philosophical understanding of contemporary egos is presumed to perform a best interviewing or to appreciate the strategic points involved with the different interview situations (Rubin & Rubin, 2005). Therefore, my posit of different interview situations would be between the known researcher and less known or less minded one about the human strands subsisting within the community. In this thought, I may be generally disposed to the accepted notion that the structuralism or post structuralism is being used as a philosophical framework on the human science beginning 1960's through the present (Surin, 2016). I may be more specifically perceived of the combined assumption that the views or concepts stemming from the critical and cultural theories provide one basis of humans and economic stratification within the capitalistic community, often dealt in view of the heart of the beast or prime culprit to define the humanity, would be the other. It depends on the topic or purpose of qualitative research what aspect would be more consequential or sensitive to any best interviewing or culminated at the best dissertation or research article. In my case, the experts with the background of professional qualification are the kind of interviewees, who are to provide a precious data to support the research. They often are knowledgeable and personally composed that are prone to be more conscientious and indifferent to their economic status. Another case, perhaps poverty studies and others,

may be if the socio-economic consideration of interviewees may impact much more than the critical and cultural understanding of them. The human subjects or agencies, despite these dual inferences, may properly be viewed more immediately that they are cultural or critical, and at least some of intellectual personality affected by the neighboring circumstances, such as events, occurrences, and other variety of his or her experience and exposure to the phenomenon.

Strong or Weak?: Between the Good and Bad Appreciation of Human Subjects

Therefore, my challenge for the best interviewing interactive with the interviewees arises, for example, if the interviewers should fully appreciate some kind of personal disposition that the interviewees are poor income lawyers, who would engage with a solo practice or work on the civil cause. Their perception or philosophy to analyze the phenomenon can, therefore, be affected and made sophisticated to defend their commitment and social or professional activities. This aspect can be reflected in the selection criterion of interview, and can be a standard in appreciating or analyzing their statement into a meaningful data. A more important challenge underlies their perception or personal reception in view of critical and cultural propensity of Korean professionals to relate with the PAKJS. Little understanding of interviewees can only bring a shallow fidgeting that can create a different situation without a proper relationships and rapport. It would eventually lead to underperformance failing of collecting deep information from the interviewees. I believe that the interviewees in the field are not of feudally critical and cultural character in vast sense although some experts may postulate on the Confucianism or Buddhism for any essential disposition of Koreans. This is because they subsist as professionals under the modern democracy and capitalism. The critical and cultural theory experienced and received by the Americans through the last decades fairly will be a good paradigm to understand the characteristic of my interviewees. A trace to the root of human science or philosophy in America naturally turns on the European tradition needless to mention the kind of White supremacy or its history (Choat, 2012).[1] This leads to the receptive intellectual waves across several decades in history, in which three major countries influence much to shape the paradigm of critical and cultural theories.[2]

Let me get some implications to deal with the best interviewing by relying on Foucault and Deleuze (2012). Both philosophers can have an aspect that their theory is highly specialized and selective, which can well be related with the humans as the kind of universe not easily amenable to quantitative generalization.[3] Their theory is depoliticized in thought and value, and we generally accept as a politics of consumption or identity politics, hence, vastly characteristic from post-modernity and the kind of saturation of materialistic affluence from the successful automation in production or mass production. Therefore, it can be perceived as minority in terms of number-based politics while it can be majority in terms of post-modern quality of mass consumption. It is humanistic and philosophical than real

politics or econo-politics, in which the military contest in the South Sea of China between allies and G2s are occasionally demonstrated or the growth rate and redistribution are being contended in Korea, and how the circuit brakes in the Chinese Security Exchange new days of 2106 impacted on the neighboring states. These sources of influence can possibly bias the efforts of data collection when the interviewers pursue a candid and personified statement as a participant. An interesting dilemma arises within the preparation of most knowledgeably created interview situations and for the encouraged and unencumbered frankness and factual conviviality. The kind of understanding on the humanity and personal values or philosophy with those perspectives would detest the kind of mask or hypocrisy such that the expert interviewees would mostly tilt to be on. In other way, they know and have a professional belief as true that the kind of applied personality would make them illusory about the truths or valid knowledge.

For example, they rather prefer to regard the framework of international laws than the universal ideals of law to respect the humanity goals. They consider it true and inviolable if the Akehurst statement[4] is not only professionally probing, but also valid in every sense of them. In other words, their professional ego is stronger than the humanity strand so that they are elusive between the epistemology of their professional verse and human philosophy. This dilemma is likely the kind of challenge for the qualitative investigators, which will be posed between the research questions and interview questions (Maxwell, 2005).[5] Since the collection of interview data is purported to glean the information as a participant, it is generally expected that they respond within the kind character of Foucault's consumer or subjectification to be acted, processed or interacted with the phenomenology of Korean judicial system (Surin, 2016). Nevertheless, the interviewees in my case, on the other, are expected to provide the statements or opinions as an expert or even policy maker. Practicing lawyers in the legal service market will be the kind of consumers, a majority of whom will be passively of their professional fate although the selected interviewees from prosecution offices and Supreme Court may be a personality of more production side or as a policy maker. Hence the philosophy as a human and professional belief may not be incongruent within the self of interviewees. This aspect of different situation could be seen as the kind of interdisciplinary adaptation between the theories or theoretical framework and contribution to the PPA discipline, as we came through the learning of method classes. In other words, one of them could not be traded off to each other that should not be entirely discarded. Therefore, negotiating the relationship between the participant and interviewer entails a delicate and sophisticated process to create an encouraging place free from a psychologically suppressed conditions and hidden bias. My primary aim is to make the data collection procedure as one of professional ritual apart from a heavy pressure of state or as a government agency, in which their hidden concept or personal philosophy can be more frankly expressed. In this purpose, the insight and discourse from Deleuze and Guattari seem to allow a focus. First, their very distinctive narrative can make us an intimacy and with rapport, what we call "agrammatical adjacency," the kind of psychological deconstruction (2016). This enables to

cultivate more productively “the story of state-form, the story of every mode of production and accumulation, the story of the relation between the speech and affect and sensation, the story between the verbal and the visual, the story of the forms and modes of thought, and the stories of a great deal else.” In the *Capitailisme et schisophrenie*, the abstractions from the flux of experience has been explored as a novel type discourse in which the lineaments of bigger story is implied for the philosophers (2016). This kind of dialectic situation can be advantageous through the interview process by subjectification, individuation, unification (SIC) as well as granting ontological primacy to events over states and emotions. In comparison with the view of Akehurst, Duguit deserves a remark that he perceived an ideal of international laws transcending the rigid framework between nations in the international relation. This philosophical idealism can have a potential, likely the concepts such as SIC.[6] This can allow relating theme of philosophy potentially into a political story, and the kind of basis for the preference of geography over story.[7]

Another insight from Deleuze will help to look into interviewees that the human’s desire is truly an inchoate form of thought. The *thisnesses* or *haecceities* in his parlance is truly a human strand as Patton aptly calls an “ethos of permanent becoming-revolutionary (Patton, 2002).” This corroborates the experience and theme of qualitative method, in which the ideas are constantly emerging and iterative process of data analysis being conducted to the standard of rigor. This also pertains to the interviewees or participants that we generally stress on the effect of researcher participant and researcher identity memo. Both personalities have commonalities in terms of both of research venture and basic psychic quality as a human. In other words, the Deleuzian quality of personality would occur between the desire and concept, which is irreducible through a whole series of immediate links. And non-hierarchical communication can de-structure the counterparts through vast and many stranded edifice. Deleuze, in this sense, attributed the politics just as predicated on the now defunct form of social democracy or Sovietism, who, then, reverted to the identity politics as an alternative or more foundational in his ideal. Therefore, he is truly a thinker of benign liberalism, yet to be constantly apprehended with the heart of beast – capitalism -- where he thought we are situated in.

A Conclusion

I suppose if the interviewees would not be massively a capitalist although they talk about a lunch payer or income disparity among the lawyers or advancement of Korea into the world economic power.[8] I also believe that they would not have a socialist ethos given the liberal constitutionalism is the basis of their professional lives. Given the limited community of KJS, it seems not completely impossible to establish the good working relationship between the interviewees and interviewers. My kind explication on the benefit of participants and the prospect of social change resulted from my research can make more constructive to make them sympathetic and passionate to participate. This could bring a different situation in

combination with the brief lecture on the human science delivered by professors of Open University in advance to the starting the interview process.

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