QIKJS-Part.II.I

Qualitative Inquiry of Korean Judicial System

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Precoding: Advantages and Disadvantages

The development of precoding structure has the advantages and disadvantages that, nevertheless, is being conducted by virtually all of qualitative researcher either impliedly or on the explicit decision (Moses & Knutsen, 2007). Given the researcher or data analyst needs to grasp fully their research process through the final report, he always has to do with the codes that relate with the theme, descriptions, explanations, assertions and propositions. The mental process to deal with the codes or key words revised or developed from them would not be dissimilar among the kindred professions. In the extreme, the mental process even would be experienced by one page columnists or writers of newspaper articles, or analysts in the Brookings Institute. Nevertheless, the precoding approach would be more demanded in case that the research project is extensive and over the chapters or with some lengthy chargeable fieldwork. The coding work could be processed hand on with notes on margin, and also could be aided with the CAQDAs programs.

One advantage is that the pre-coding is necessary to structure the data, perhaps much dross without the process or monothematic chunks, into structure and unity by means of application of prepared codes. It is, however, presumed that the outcome and use of precoding approach depends on the skills and knowledge of researcher about an effective use of precoding or coding. For example, too many or detailed codes on the margin of filed data may confuse the researcher with heavy sledding, who wish to get onto the work of site analysis comprehensively later. With the filed data piled up in each data segment, the situation could well create the kind of chaos with complications and practical disorder.

Another advantage is the use of precoding structure could enable to recycle the specific project. It could provide lessons for the subsequent work of researcher, and can allow locating the data and analyzed work in a systemic way. A use of it reveals the whole process of experimental journey on which the qualitative worker elaborated. Therefore, it also could be the basis that the research teams or task force could share to refine the research process

and make a quality final report. Without the precoding deals as explicit on the decision and tangible material, such as notebooks exerted hand on or segmented storage of CAQDAS, the kind of follow up works or use with the future reference would hardly be imaginable although the need can strongly demand so.

The precoding structure could help to provide the standard of clarity in terms of organizing and categorizing the data. For example, the researcher would prepare a definition of codes that would be an essential reference to analyze the data and align the analyzed results through the research process. It could even to be referenced when the researcher enters the stage to describe, delineate, hypothesize, explain, put to order or assert and propose. The precoding structure begins with a deductive coding, and the skills or experience to create the codes have to be trained (Miles, Huberman, Saldana, 2013). Nevertheless, the researchers usually follow up to revise the deductive coding or start list. As aforementioned, the codes or subcodes also preferably should not be narrow or with a number of denominators. The field work often tends to merge the researcher to do a large work of data collection since the data are constantly emerging. The collected data are even pre-specified and enormous in amount. In this case, an inadequate coding and narrow focus on the data chunks could lead other parts of data more sparing. A possible disadvantage could arise from this kind of failure that the precoding may make it worse than the work of implied researcher on the research process.

Given the advantage depends on the understanding and skills of researcher, it is demanding to know some essentials of coding concept, tools and tips of advice (Hoover & Donovan, 2003). The coding process in the qualitative method comprises the application of two stages of coding tools, what we call the first cycle coding and second cycle coding. The coding work often would be accompanied or followed up by the jottings or analytic memoing. The qualitative researcher, then, would make assertions and propositions based the analyzed result. The coding is no preordained that not infrequently needs of change. The occasions to revise the codes will be usual. In the first cycle coding, types of codes can be used according to Huberman as tabulated below (2013).

My Case with the PAKJS

Since my research project deals with a topic familiar with the Korean public and myself, the kind of precoding structure provides an advantage to enhance the data collection and analysis. It also can enable to be reiterated through the amount of field data and written materials, which could likely be a beacon through the refined final report (Kim, 2015a,b,c,d). The most appropriate strategy to deal with my coding process seems to employ the hypothesis coding, provisional coding or descriptive coding. I may also use the attribute coding since foreign audience would be far less exposed to my research setting and PAKJS. Of course, it could also be one of rival view that the precoding structure has the disadvantages or weaknesses, something like the debate between the less and more structured

approach. Nevertheless, the precoding structure more likely turns the scatters of data articulate and into a cohesive categorization, and importantly allows the researcher not lost, yet to be directed with the focus and networked thoughts. The jottings or analytic memos are a crucial part that comprise or inform the final report, which could be underpinned through the meanings or stories (Miles, Huberman, Saldana, 2013). The precoding approach may incur the time and mind of preparation with some organized thought, but likely can be economical to facilitate the whole research process. This does not mean that the precoding approach has something like a determined structure, but the need to hold a focus on the field with a due stewardship is never minimal to remind. So the researcher usually would process the need some time later to revise the codes initially prepared. The precoding structure also can be enriched by applying the second cycle coding.

One important advantage from the precoded process about the data, in my case, especially would be great with the analytic memoing developed and incorporated into the final report (2013). With the selective coding frames, the coding of data generated an array of individual codes associated with their respective data chunks. The second cycle of coding, what we know as pattern code, enables to marshal the coded data into the narrative description or network and matrix display. What we actually do with coding is purported to get the data ready for analysis on one hand, and also to drive ongoing data collection on the other. Hence, the precoding structure can bring that the researcher would be rigorous and exhaustive of data collection, the kind of important standard to measure the trustworthiness and validity of qualitative researcher. Through the coding, the researcher can be ideated with the need of reshaping perspective and instrumentation for the next round (2013). The jottings and analytic memos are deemed essential to study the PAKJS. This dimension of work can be importantly related with my research project as the writing example below demonstrates (Wolcott, 2001). Over the two coding processes, I could build up a brief or extended narrative to synthesize the data or their descriptive summaries into higher level analytic meanings. The precoding structure could enhance the work that documents the researcher's reflections and thinking processes about the data (Hoover & Donovan, 2003). Memos occur in various stages of research process, beginning with data collection, to data condensation or data display, and even through the conclusion testing and final reporting. The analytic memos below are some more elaborate form when the researcher would piece together several strands of the data. It would actually be the product developed with looking across multiple measures of construct on the PAKJS. Coding and memoing are interrelated crucially among another since coding triggers analytic thought. The analytic memos then could be the basis on which the researcher can formalize and systemize his thinking into a coherent set of explanations (Wolcott, 2001).

Figure *Research Process Based on the Precoding Structure*

Some of Codes Leading to the Analytic Memos or Assertions and Propositions

First cycle codes

Leadership

Political culture

Modern democracy

Comparative

Pattern codes

Controlled v. Liberal

Global v. Domestic (will be furthered)

- Attached Example of Analytic Memos or Assertions and Propositions

Table

Types of First Cycle Coding Adapted from Hubermas et al.

A Sort of Coding	Elements
Descriptive Coding	- Summarized in a word or short phrase, often nouns - Led to the inventory of topics for indexing and categorizing - Ethnographies and studies with a wide variety of data - Social environments than action
In Vivo Coding	- Participant's own language used - Folk or ingenious terms - Useful for beginning qualitative researchers - Focus on repeated language pointing to regularities or patterns - Quotation mark used
Process Coding	- Gerunds used - Observable and conceptual action in the data - Focus on actions - Particularly useful for the grounded theory research
Emotion Coding	- Focus on emotions by the participant or researcher - Particularly useful to the intrapersonal and interpersonal experiences and actions - Participant's perspectives, worldviews or life conditions
Value Coding	- Often three related codes of values, attitudes and beliefs - Useful to the studies of cultural values, identity, appreciative inquiry, oral history, and critical ethnography
Evaluation Coding	- Judgments assigned often with symbols - Applied or supplemented with other coding methods - Coded to evaluate the merit, worth, or significance of programs or policy - Particularly across multiple cases and extended periods of time
Dramaturgical Coding	- Terms and conventions of character, play script, and production analysis - Use for the case studies, power relationships and the processes of human motives and agency
Holistic Coding	- Single code to the large data corpus - Sense of the overall contents - Preparatory approach before more detailed

	- coding or categorization process - Coded unit variable with one half a page through an entire completed study - Often based on a general idea as to his investigation
Provisional Coding	- Based on preparatory investigation - Can be revised, modified, deleted, or expanded to include new codes - Codes with a reference to the previous research
Hypothesis Coding	- Researcher-generated, predetermined list of codes to assess the hypothesis - Developed from a theory or prediction - Can be Combined with statistical applications - Use for the hypothesis testing, content analysis, analytic induction of data set - Use to confirm or disconfirm assertions, propositions or theories as developed midway or later
Protocol Coding	- Coded according to a preestablished, recommended, standardized, or prescribed system - Comprehensive list of codes and categories after data collection - Use in disciplines with previously developed and field-tested coding systems.
Causation Coding	- Coded to extract attributions or causal beliefs - Search for combinations of antecedent and mediating variables - Three part process mapped (CODE 1, 2, 3) - Wide use from discerning motives or belief systems through the complexity of influences and affects on human actions and phenomena - Fit to GTA in searches for causes, conditions, contexts, and consequences - Use to evaluate the efficacy of a particular program or as preparatory work of decision modeling or causations networks
Attribute Coding	- Coded to note the basic descriptive information - Coded to deal with the fieldwork setting, participant characteristics or demographics, data format, and so. - Particularly for the studies with multiple participants and sites, cross-case studies, and studies with a wide variety of data forms. - Use for future management, reference, and contexts for analysis and interpretation.
Magnitude Coding	- Supplemental alphanumeric or symbolic codes or subcodes - Use to indicate the intensity, frequency,

	direction, presence, or evaluative content of the codes themselves. - Appropriate for mixed methods and qualitative studies in social science or health care disciplines
Subcoding	- Second-order tag assigned after a primary code - Use for the large scale of projects - When needed of extensive indexing, categorizing, and subcategorizing into hierarchies or taxonomies, or for nuanced qualitative data analysis.
Simultaneous Coding	- Two or more different codes to a single qualitative datum - Use to deal with the data's content of multiple meanings

Example of Analytic Memos or Assertions and Propositions

In understanding the PAKJS, the discursive structure has to be revisited to recognize the trajectory of policy initiative and impact within the Kim's administration. This period is any more than transformative in terms of democratic ideals and values. As explored, the Noh's contribution may have a symbolic impact with the new Constitution and national politics, the central contention and successful transformation should be observed with the presidential election mode. Although the new mode of election brought the essence of past regime to be dismantled, it would be just inchoate to transform a wide array of democratic institutions and values. Noh, a peer of Chun, actually had been a second figure, and often described as a sociable leader with mild imagery. He was not duly treated as our intuition and experience occasioned about the second figure within the history. His role in the military revolt is just collaborative, and other participants also raised various claims or demands if as the kind of princelings within the communist party. While the elite of communist party may be order-ranked with his policy direction, this conservative military group through the 12 years of two administrations in Korea had a root basis purely on the private circle, called *Hanahwe*, in which the vision or policy preferences would sheer secondary itself. While the imagery and inner circle sympathy or coalition also had be an important factor in the communist party, the learning or vision as well as party policy could bring the princelings to rise or fall within the political arena. This aspect would seemingly be unlikely in the development of leadership transition from Chun through Noh in Korea. In this sense, the kind of transition and controversy within the inner circle would be something like the conservative crisis or dissolution and dissidence as developed through the French revolution. Only the inner circle blackmail or hidden distrust and coalition would be a major attribute to identify the elite military group around mid of 1980's in Korea. The context would be dissimilar with the limited extent of private and informal selection process for the leadership of British parliament, since there would be no tradition or constitutional history for them. Their personal propensity was supposed of genes

through the Korean history, prolongation of their group's reign like their predecessor, Park and remotely Lee. The kind of illusion would perhaps be overwhelming that could neglect the western paradigm of party politics and change of government.

Through the transition, a personal pride of Noh perhaps would incur the possibility of dramatic change from the past paradigm. He pledged to public that the direct national vote would be constitutionalized, which election had long been desired to replace the kind of puppet gymnasium type. This part of change had been any most determinative and crucial in terms of the constitutional reform in 1987. Incidentally, the kind of trickle-down effect had been widely made into fruit, for example, the institution of constitutional court with a detailed system of feasible action or American concept of privacy right in explicit terms to be in place within the Constitution. This process once again corroborates our hypothesis that the agenda of executive heads usually are the center of public attraction in terms of policy making as we see Lee's, the first president of nation. Given the public media advanced with the technology development, such as TV and internet, the democracy became popularized, and executive heads or presidents would be more than the receptive institution with a wide extent of coverage and one man impression. In this light, the deliberative democracy involved with the parliamentary or congressional role can be seen in dual effects. In any case, the increasing impact with summit conference in the policy making of foreign policy or importance of public speech in view of new agenda setting simply illustrates the significance of this nationally unique office. In terms of deliberative democracy, such evolution may be talked about the iron triad and specialization transformation of modern congress, in which the learning and debate would occur or be exchanged. Of course, the democratic process of this kind differs from the inner-circle politics within the communist party.

In the development of Korean politics and constitutionalism, the leadership aspect would certainly be consequential through the agenda setting, policy process and reform. A self reflexivity of Noh enabling the shrinkage of presidential office and mild public relationship paradoxically created a social environment for multiculturalism and pluralism in this nation. This change of social environment, of course, turned to be a policy environment for the policy makers. A public sensibility of five years term with no reelection provision within the Constitution impressed much that the president no longer would be such destiny to Korean public, always unfortunate in view of modern democracy, though passionate or sympathetic personally with them. The experience of Koreans also supports a general theory dealing with the importance of public image and leadership attribute. The new constitutions could also possibly have been disabled that lost the normative power, as I said of ornament constitution. In other words, although the Korean public increasingly turned more knowledgeable and empowered with the past lesson or experience,[1] we could not rule out the revival possibility

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[1] In aspiration as inculcated by the western discourse of modern democracy, Korean public had pressed at two important moments, the year of 1980 for two Kim's and 1987 for abolition of new militaristic regime.

of conservative revolt through the transition by Chun and Noh. That actually would be least slim in chance and fortunately not that of Korean fate, so that Korean democracy began embedding the ideals and values within the community. The leadership attribute of Noh, in my view, would be complex hardly of simplifying, but certainly brought an effect like the pride's surge in the late 1600's honorable revolutionary ethos. His leadership impact on the PAKJS actually had been enormous mainly because the constitution is no longer the ornamented. His kind of pride had expanded through the areas of community, which transformed from an implied fear of public with the social control and centralization of power to the military elites with a weak democratic representation. The freedom of expression, placed in the first amendment centuries ago and with the bitter contest through the wars, now had been enabled to shine the Korean public. The statistics of constitutional cases litigated in the new judicial institution simply evidences such transformation. Although the democracy stands on the national politics, the distrust of politics also generally is considered one important strand that sustains it. One of reason for this contradiction is that the politics has tendency on the concept of power and to monopolize it to some idealistic destination.[2] This strand comes in conflict with the humanity. One response from the originators of modern democracy argues for the separation of power principle or judicial review grounded on the higher law concept. Several implications would be found to teach the policy makers (i) the humanity is an important factor that the policy makers have to attend (ii) the policy making is entwined with the culture of community (iii) the kind of humanity and culture generally are commoner notwithstanding the age and periods that could recur and newly revolutionized as in Korea; the kind of context can be shared with the traditions of law and work attribute of common law judges through the centuries of history; also can be reinforced with the academic discourse on the ideals and values if we are human and cultural; contemporary leadership studies to focus on the personal attribute of leaders, such as cultural or educational background and career[3] (iv) the process of policy diffusion through the learning and adoption often would be characteristic of intensity and high speed if two factors are present, to say internationally and about the building of public system or institution irrelevant with the market structuring.[4] In any case, the new constitutional court

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Therefore, I suppose if the kind of three times rule could apply that the unfounded conservatism could virtually have no chance to revive in view of Korean compassion or communitarianism.

[2] In this aspect, I have once illustrated that the true politics can only be found in the communist dictatorship through the history or even in imagination. As some countering way of understanding, the realism based on the history and experience is one of greatest contending alternative to provide a view and account on the political phenomenon and as a political theory.

[3] This must be seen through the history, not temporal, if Sir. Acton admonished as early as centuries ago, "absolute power absolutely shall be abusive," leading to institute the separation of powers principle, for example.

[4] We are reminded that the transformation of democracy and its constitutional institutionalization in the original

in Korea had sallied forward to produce a number of constitutional cases. Its caseload might exceed any other national supreme courts, and the kind of constitutional culture rapidly became settled by the words or court paragraphs to fill the gap or vaccum of language within the constitution. American roadmap for the judicial theory over the centuries could likely be felt that were built in such short decades within the resurrection of KJS. Once again the PET theory is most visibly applicable to explain the policy change or new agenda setting that the kind transformation would be inconceivable of previous administrations. Nevertheless, the policy impact on the PAKJS is widely domestic with the support of pluralistic social atmosphere. This casts three implications (i) the informal society of judicial actors within the system could be engineered to establish the kind of democracy within their workplace and professionalism (ii) the constitutional court, as aforementioned, contributed much to inculcate the public about the values of modern democracy and constitutionalism (iii) the leadership attribute of Noh was transitional and even confidential with the Noh's still shrink public image to make his government less sociable with the international community[5]

One other important element to understand the Korean environment around his reign would be the ways or attitudes to reform the market. A residue and repercussion of state-led economy in the past administrations has still governs the capitalism and market in Korea.[6] The leadership attribute of Noh would be predicable that he actually could not be duly cruel to reform the market.[7]

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states are bitter and with the time consuming lags from the Magna Carta through the honorable revolution in 17th and the US and French constitutionalism in the 18th.

[5] Mr. Trump, one strong conservative and now the prospective candidate of Republican party in the 2016 presidential election also is one kind that was internationally diminished, as stalled from the foreign travel now being considered by the British parliament upon the public complaint. However, the background of this negative imagery may be distinguished that his foreign policy, for example, about the Muslim or immigration issue, may be deemed irregular or egregious in sense by the global public. Noh's case seems not political, but from his passivity, domestic dimension of personal interest, and general bias from the 1980's military revolt. This led his government to be transitional and only glorified with the new domestic restructuring through the national context of liberalization through the societal fields.

[6] For the western economists, the general notion is to distinguish the state-led economy and the economy in which the states are a deciding authority to regulate the market. The latter often would be the case of developed countries while many countries of developing economies or economies on the Asian socialism would be viewed in such first definition.

[7] One interesting issue paralleled with the story of PAKJS would be the reform of *Chaebol*, a Korean conglomerate, through the administrations of new democratic leadership beginning with the Noh's. The issue was persistently pursued through the enhancement of penalty against the owners or managers as a major shareholder. It symbolized the state-led economy grown under the shield and support of government. The challenge would be that the *Chaebol* explains for the major of national economies that could enable to sustain

The context of political theatre in the Korean society had been altered with another charismatic leadership, Y.S. Kim, who would likely be one of most determined politician to the democracy of Korea. His leadership actually impacted most significantly on the paradigm of Korean judicial system. His story begins with the kind of discursive structure and power relations as related practically with the basic policy orientation toward the theme of globalization and neo-liberalization. Importantly, the theme would be received differently for various nations, actors, societies and professional fields although the originators' design may simply have been on the pro-business and boost of expanded liberal market with the level playing field. Indeed, the concept is a slippery concept, meaning different things to different people.[8]

Korea economically. The thesis of recurrence or vicissitude involved with the humanity and culture are entwined with the policy making of economic field surrounding the justice concept. For example, the first period impelled the special committee of investigation for the betrayers of Korea with unjust wealth. The *Chaebol* reform from 1990's through the present would be properly viewed to be recursive to establish the economic justice in the nation. The inexperience of capitalism as a developing country could bring the result that the justice could even be retroactive or exemplary in some cases. While the concept of economic policy is prospective in the leading or advanced countries given its uninterrupted pathway of democracy, the Korean arena would be less seamless. This characteristic challenges more with the policy factors of humanity and culture over the Korean history.

[8] According to S. Springer in his handbook of neo-liberalizm, the contemporary discourse on the neo-liberailsm would be such extensive to deal with many important questions of social and political issues in the wide arenas of society, "Scholars have examined the relationships between neoliberalism and a vast array of conceptual categories, including cities, gender, citizenship, discourse, biotechnology, sexualities, labour, development, migration, nature, race, homelessness and violence, to name but a few." He also argued, "At a very base level we can say that when we make reference to neo-liberalism, we are generally referring to the new political, economic, and social arrangements within society that emphasize market relations, re-tasking the role of the state, and individual responsibility. Most scholars tend to agree that neoliberalism is broadly defined as the extension of competitive markets into all areas of life, including the economy, politics, and society." He importantly related the use of thought paradigm with the kind of educative or value discourse, even critical and in terms of identity politics on self-reflexivity, "Key to this process is an attempt to instill a series of values and social practices in subjects. This process can have lasting effects by virtue of being embedded in practices of governance at the local level, which often leads to a sense of neoliberalism being everywhere."

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