

QIKJS-Part.II.J

Qualitative Inquiry of Korean Judicial System

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Predictions, New Findings and Research Process

Introduction

Things could be, “The sweetest honey could even be loathsome in its own deliciousness. And in its taste confounds the appetite,” as Shakespeare in satire. The research process might be such as the kind. In my experience, the merging ideas and daily progress over the data collection or analysis sometimes would affect the researcher with the kind of glory, but cast a doubt if it would be relevant or duly rigorous. The predictions based on the themes and patterns could be the kind of unanticipated result that the research might lose its appetite, yet to be responsible to tell the story with emerging ideas, new field evidence, as well as with more appealing or appropriate concept and work of theories relating with the practice of constant contrast or rethought of researcher.

Neo-liberalism and Shift in Themes or Patterns

As the field data told, the neo-liberalization and leadership had been a good lens of analysis that explain the agenda setting, policy process and actions or interactions of policy players in shaping the PAKJS. It is a powerful idea and even compared with the anxiety of Europeans as German Nazism, which flowered around the 1980’s with significant events or time lag across the states, through the present no matter what the precise source of origin would be argued of. It could merely be noted with some conspicuous symptom or roared as a salvation policy dose against the crippled capitalism by the political leadership. The narratives on this theme had actually pervaded the popular media in the western and global states, at least intellectually including Korea. It also was brought with a colloquial understanding as globalization to provide an important discourse framework in understanding the social phenomenon and transformation (Springer, 2016). There would we are skinny of the immanence of neo-liberalism, the kind of edifice needed of more elaboration. The discursive power relations would be essentially intertwined with the prevailing interest holders as a specter of capital, if small in share or the

kind of conglomerates. On the other, the government often would be viewed as an administrator, who should be neutral and fair. Although the extent of government would be viewed differently among the Keynesians or Thatcherians, the neutrality and fairness perhaps may have been inviolable almost always from theory and practice as well as over history. Simply the government depends on the social and economic environment, and importantly had many causes to be a guarantor or promoter of capital needless to borrow the Marxist assertions. Around the period, the data and critical reading of field sources and documentation corroborate that the discursive power relations turned on the matrix of power, in which the neo-liberalization had defined community in somewhat all-encompassing way, meaning a privation for the many and privileges for the few (2016). While the policy process would be specifically disclosed with a circuit association or relational assemblage, certain and unavoidable materiality to understandings of power could also be connoted at the fore of political and intellectual circle of Korea.

In understanding the neo-liberalism, we may not be incorrect to see that scholars had worked on three attributes of thought, say, Foucault and Marx or British way of experientialism and historical realism. In the first consideration, we may view with an emphasis concerning the form of governmentality. In the Marxian circle, the neo-liberalism would be most manifest and updated form to foreground the capitalistic relations among the state and capital. It should certainly be a hegemonic ideology in this standpoint of view. A third attitude of philosophical thought could be the realism or neo-realism, whose strong groove would resonate with the geographical discourse. For such attitude of understanding, the two thoughts would be a false and merely the kind of imaginative geography that would erase the interconnectedness of places, but with the constellations of experience, such as violence, delusion, disillusion and denial, say, the kind of anxiety revived from the atrocities of Nazi, Fascist Italy and the Soviet Union, for example (2016). In this view, we see the hybridized and mutated forms of neo-liberal society as it travels around the world. According to this way of approach, the assumed inevitability and all-encompassing bull-dozer effect would lead to anarchism or just little more than necessary illusion, in which conceptualizing neo-liberalism as inevitable or as a paradigmatic construct are untenable (2016). The thoughts combined to influence my visitation of policy process and leadership proposition as I have found as patterns and themes based on the data collection tools. It could allow me to avoid staving off the prospect and explanations as well as obfuscating the reality of the festering stratification or rising inequality within the community of Korean lawyers. Of course, the kind of violence or intensity of class consciousness would be less than immanent within it for reasons. The interest holders generally are characteristic with tradition of profession since early age of Rome, most ancient forms of occupation as compared with a priest or disciples. They are expected to act on professional knowledge and conscience or based on the law and public cause, which is prone to be less susceptible of pure economic discourse. As we had been lent, the meta-capital or habitus can be more a proper concept to explore and explain their behaviors and policy preferences. Despite this general traction over history, the collected data could support the idea that neo-realism or

radical thinking of geographies on the phenomenon itself reveals the kind of protean notions of hybridity and articulation with the existing political economies or the prevailing policy drive within the third period (2016).¹ The filed data and findings on the heuristics also inculcate to question if constructing the neo-liberalism as the sole providence of non-violence or the lone bearer of reason would be adequate or must be recast by recognizing it as always co-constituted by, mediated through, and integrated within the wider experience of space. Therefore, this way of thinking can allow the salient ways for the critical scholars, who wish to highlight it as some of hegemonic ideology or a particular logic of governmentality, as well as the policy based approach to state reform.

In turning on the field data and neo-liberalism beyond the political leadership or PET theory, my prediction with the themes and patterns could differ or develop beyond the structuring and characterization of basic policy on PAKJS (Kim, 2015a,b,c,d). My prediction would be a pass to imagine a whole or to test the data collection tools, in which the researcher likely has to struggle with the kind of assistance from mid-wifery. The field itself would be an aid and more directly plausible theory or account would help to succeed (Hoover & Donovan, 2003). While the leadership had yielded a profound impact on the PAKJS, the predictions embraced with the neo-liberalization and globalization generally support so that it could end or all encompassing controversies could turn normalized. This could partly has an explanatory power, but the truth also shares that it has the Zombiotic character endlessly questioned over the PAKJS (Springer, 2016). For example, the statistic had appeared in a recent news corner that one British law firm had reaped an enormous amount of net income outrivaling the national law firms tremendously per-capita lawyerly income. As said, income disparity within the profession had festered. In the meantime, the newspaper reported that some lawyers made public ads available or even focused to provide the brokerage service of realty.² Given the policy makers are accountable

¹ In Korea, the public protest as associated the radical labor unions would be observed in seemingly regular terms or interval beginning with the third period, and the compass of impact or extent of violence would be serious over events as reported within the public media nationally and globally. The interest holders of profession, say, private attorneys, prosecution officers, court judges, law professors, and lawyers of civil movement had generally been out of the scope of national labor policy that they could be seen an intact cultural group in this meaning. Their stories of previous periods would be the kind of stereotype that involves with the lawyers of great public cause, to say, judicial independence from the political influence. Now in the third period, the stories had concerned disaffected judicial people for their festering stratification or income disparity, specialization for the competitiveness and lawyerly service, government-supported public counsel system, firm-type professional organization, and new dominance of capitalism discourse on the ethics of bureaucracy under the grown attention and extended coverage with frequencies by the public media. In some cases, the kind of public protest was not absent. The failing people of new law school project shaved their head bald in the public space who contested the decision of government. Sometimes, the sad story of professionals entertained the public if some lawyers had defrauded others or ran away for his marginal income and under the pressure of debt. A suicide would not be the other's story as if several medical doctors at the urban core committed it for the economic reason.

² The statutory competence or responsibility had been a concern with the adjacent professionals, such as the

for policy effect on the addressees or interest holders, a journey with the possibility or thought frame of new materialism in sociology could lend the tool of analysis through the heuristics and hermeneutics process of understanding (Miles, Huberman, Saldana, 2013). While the capitalism became dense and deeper, one important yardstick deeply within the belief system of people had been the colossal victory of per capita income by the liberal countries over the communist nations. This argument had been paired with the increasing thickness of middle class income earners within the society as the bulwark to defend the superiority of capitalism. The context also had to be complemented with the constant monitor or engagement with the issues of income disparity, poverty and homelessness or immigration. This pattern of approach by the public leadership had been common internationally and, of course, in Korea. Given the scale and nature of community in this field, the sociological data would allow knocking at it something likened between the quantitative and qualitative debate in methodological terms. It would especially be needed provided that their accurate economic data would be biased or hidden in some cases. It also would be implicating if the Korean lawyers are an advanced group in terms of knowledge and public leadership, which likely affect them more than the common economic class that could bring a despair, delusion, and disillusion. Their rising challenge with new professional environment and market could be sociologically imaginative as Mills stressed with the writers engaging with the work of scientific vindication dealing with the phenomenon and societal transformation. This ways of scientific thinking could also be compared with the analytical adherence as Hayek or his thought group (Davies, 2016). While in fundament with the liberal market, this group had theorized on the importance and process of interactive dialogue as well as collaborative ethos between the jurisdiction and society. The society and mass public had to be informed by the elite power under advanced neo-liberalism, who would

licensed realtor or licensed patent examiner and tax counselor. The latter two licenses were statutorily granted to the lawyer without the public exam or additional process of licensing. The controversies are entwined with various policy implications, such as specialization of profession, intensity of knowledge economy testable with the terms of market competitiveness, increasing role of state and public laws to regulate the market, public standard of morals or ethics, professional standard of ethics and on. For example, the state notes that the deregulation for the common businesses or capital would be necessary to boost the market economy. On the while, the regulatory or discriminatory policy frame dealing with the meta-capital or traditional fields of state-shielded licensed professionals would not be such theoretical, rather to be seen more prone of increasing details and specialization. The intensified deals of this kind paradoxically would turn generous in other creative fields of knowledge economy as daily featured with the scene of current leadership implying the importance of new products and creativity to ameliorate the market impasse. The legal service market actually had challenges on the basis of field data about the news frequencies and in-depth interviewees with significant informants. One interviewee said with no bluffs, “now some lawyers had to seek to remedy the financial crisis of his firm with the brokerage service of marriage...” He also added, “it could make a public good by improving on the low marriage or birth rate, which certainly would be an important element of capitalist economy.” Other interviewee sadly confessed, “Now the right of reproductive choice is just an academic word as past. As a firm-employed female attorney, we have to work thorough the days of weekend in many occasions. I fear if I could benefit from the labor laws on maternity leave. At least with my case, the OCED statistics to rank Korea as a most hard labor country in terms of labor time is felt really true and not of others.”

translate its continuity through the economy, society and various policy fields. While the thought of new materialism in sociology would less be dealt in Korea, the second version, with respect to embed the neo-liberalism within the Korean community, had been prevalent that affected the academicians in Korea around the third period.

New Materialism in Sociology and Moderation

As developed with Durkheim's, Patterson argued that a three part analytic framework could explain the social reality more properly dealing with the contemporary materialism in view of sociology, to say, objective social structures, subjective human minds or consciousness and inter-subjective culture (2016). The first dimension comprises the empirically observable interactions between people and physical objects. The second dimension would be governed by thoughts, feelings, and perceptions of individual. The third dimension interacts with the abstract symbols and attached meanings (2016). In this line of thought, Durkheim, for example, ultimately gave causal priority to social structure, who perceived the shift from mechanical to organic society had to be received for a plausible understanding of human and society. In his time, this shift may be contextualized as a counter-thesis with the intensifying capitalism or remained religious and feudal custom. His insight on the frequencies and interactions accompanying the population growth sparked the sociological thinking as illustrated in his book title, "the division of labor in the society." One interviewee as corroborated with the news column had offered the mood of profession, "Actually the new graduates of law school have increasingly frequented within the law firms or public offices of judicial nature...This new population is still a minority so that some managing partner once had been biased against them and preferred to employ new lawyers of National Judicial Exam...A despair or delusion with failed his job application should be aching..." As we see, the discourse between the "structure" and "culture" had long been the thought frame to glorify, but often frustrated the sociologists as unsatisfied and from such uncomfortable dichotomies. We generally agree that culture, in nature, would be most contested and ontologically-confused within the tripartite dimension as we discussed through the dominance of political culture within the particulars of modern Korean peninsular (2016). Beyond the lethal chills of freedom of political contest and possibly inner disagreement of intellectuals about the general system of Korea, the PAKJS would at least be the kind of debris that had been impacted by the larger and determinative factor of biased democracy itself. Another interviewee offered some thread to know the situation, "Lawyers around the first and second period are really a privileged few, who reaped a tremendous income at one large realty case, a lump sum money as a contingent fee...the contingent fee would make an earned litigation object to be repartitioned for the attorney share...." The culture pervaded within the professional community would more likely be the feudal context of exploitation because of a small production of lawyers. The professional ethics could be corrupted with generally minimal experience or lack of learning on the modern democracy, which was, nevertheless, taken as granted by the public or even the source of public respect for the lawyers at that time. The neo-institutionalism or a pursuit with the kind of

Bourdieu's or cognitive sociology had certainly exited the sociological scene of the first and second periods. The culture, in this sense, certainly interacted with the political and economic condition, at least divulging the sociological facts within the group of specific professions normally situated under the policy regulation and hybrid policy environment. Because of the fateful dominance of economic element, they could not be disposed, in cases, of collective consciousness about some normative possibility as Habermas envisioned. However, we also could be felt with the statement of one interviewee about their sacred cause and courage, "Five judges around the third period would be a precious exemplar, who sacrificed themselves to the ideals of professional community. They would well be considered such holy spirit, attorney Lee, a resurrected symbol around the second period, who gladly confronted with the enemies threatening the judicial independence...." Another interviewee also commented on the professional ethics, "The lawyers around the early of third period would be the kind of hunger-driven, who had to make a social visit to funerals every night...they would make public ads even to demean the dignity of profession...However, as a senior attorney, how can I blame them to see their routines and reality..." Culture would be very deep through the professions, but well be volatile depending on the transformation of society and playing fields. Culture seemingly would marry with the politics continuously given if the errands or public causes were to be produced despite my ordering of three periods. The extent of their sacrifice or context of persecution would differ, nonetheless. Culture associated with the economic reality would be more chartable within the third period, in which the predictions could not be plenary through the assertions and propositions for better understanding of PAKJS.

Conclusion

Figure Predictions and Reiterative Process toward the Final Findings

As we see, the steps in qualitative research begin with the general research questions, selecting relevant sites or subjects and through the collection of relevant data. The predictions were challenged much within the final process as the figure shows. The reiterative process and density to deal with the literature and new perspectives to interpret data would inevitably occur. The qualitative studies are based on words and interpretations as well as constructions, and often can be connected to ontological convictions although a number of qualitative researchers usually chose the method for pragmatic or personal reason. The ontological aspect of qualitative method, however, related with so-called “linguistic turn” to challenge the hegemony of quantitative research based on natural scientific model. This trait would have an extent of aura that intensified through the last five processes presented in the figure, in which the audience can know a major difference between theory and data and theory could be extracted from data.³ A need to test the predictions and further research process would be helpful since the strategy stands on the work process enabling that it embodies a view of social reality as a constantly shifting emergent property of individuals’ creation or processes. This quality can bring the utility of method that the researchers could generate deep cultural understanding about the phenomenon in question.

³ Therefore, the research strategy of qualitative method could be seen in four major attributes, i.e., focus on words, inductive relationship between theory and research, interpretivism and constructionism.

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