

QIKJS-Part.III.A

Qualitative Inquiry of Korean Judicial System

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Strategies to Ensure the VQTC

As of nature, the validity would be less palatable for the qualitative researchers, who deal with his inquiries as compatible with the constructivist or post-constructivist approach and beyond the real world. In fact, arguing by the qualitative researcher that his method or conclusion should be valid as the quantitative assumptions would deny a reality outside of the constructions about the intact cultural group and contradict the terms and definitions of qualitative method itself (Miles, Huberman, Saldana, 2013). In this sense, we may prefer to use other concepts, such as trustworthiness, authenticity and quality. Validity or other three concepts would be an inherent and enduring challenge that the scientists have to get to mind or even pressure himself along with the research project because of the nature of his business. In sense, the validity or its threats would be duly contrasted with the reality. As illustrated by Huberman, the validity or trustworthiness stems within the reality that could not be beamed up by E.T., and could be mostly ensured by the relationships of your conclusions to reality that you have to elaborate tackling with the three dimensions, i.e., external facts based on the collected data, lens of analysis and the subject of researcher, say, his competence, research design, perception and philosophy, and so on (2013). Importantly, the standard and accepted procedure of methods or research techniques could say little that you have captured the validity or trustworthiness. The selection of data and the subjectivity of researcher would often be the source of threats to VQTC (validity, quality, trustworthiness and credibility), who tend to be biased to prefer the data that fits the researcher's existing theory, goals, or preconceptions and stand out to the researcher. The open mindedness and activeness of researcher by holding a focus on the field and gladly take the emerging ideas would be a good strategy, but under the budget and time plan of research project (Kim, 2015a,b,c). This could ensure a rigor of research contributive to the VQTC. The researcher also needs to be flexible with new perspectives and theories found more appropriate or needed to deal with the research questions and corresponding adjustment of data collection activities (Hoover & Donovan, 2003). Another source of threat would be so-called reactivity, the influence on the setting or individuals studied. The reactivity could be used in the quantitative studies to control for the effect of researcher in quantitative, "variance theory," but generally impossible

to make it perfectly compatible with the qualitative assumptions. It would be a good strategy to understand it and to use it productively.

According to Huberman, the methods and procedures are essential to the process of ruling out validity threats and increasing the credibility of the conclusions (2013). He specifically provides the checklist with eight points of focus, which must not be only magical spells in the proposal, but be actually used to counter the validity threats. In the Mini-project, the three interviews had been successful with the checklist and importantly extended through the steps specified with the corroborating activities with emerging ideas to align with the theories and data. The interviews were progressed with other groups and bureaucratic theories had helped to delineate the themes or enhance the understanding of law people and judicial system on the deep philosophical ground (Moses & Knutsen, 2007). This work to ensure VQTC could be feasible with the subscription of Academia.edu and on-line conference as well as additional short interviews with the acting lawyers. The research ethics had been taken seriously with a due care. Most decisively with the validity issue, we are reminded that the reality should not be beamed up. This goal generally would be entangled with the data collection, and also partly related with the imperfect analytical penetration failed of due rigor and exhaustiveness (Patton, 2002). The views churned by Turner would help to complete the whole picture of judicial system and attribute of the personnel resources with an philosophical insight. In the end, it enabled to rule out spurious associations and premature theories. The example of writing, though incomplete, had been attached as below.

Table

VQTC in the Qualitative Research and Checklist to Ensure it

Checklist	Strategies to Ensure VQTC
Intensive, Long-Term Involvement	<ul style="list-style-type: none"> @ Repeated observations and interviews @ Sustained presence in the settings studied
Rich Data	<ul style="list-style-type: none"> @ Daily charted the newspapers, public conferences, and TV as informative @ Participate in the academic symposium and read the court and legislative materials on the PAKJS @ Detailed and descriptive note taking
Respondent Validation	<ul style="list-style-type: none"> @ Solicited the feedback about the data and conclusion from the interviewees I have studied
Intervention	<ul style="list-style-type: none"> @ The researcher shared an interpretation of data with the interviewees actually and theorists academically @ The intervention could eventually support the researcher's claim about their inherent attribute as a bureaucrat or legal expert
Searching for Discrepant	<ul style="list-style-type: none"> @ Identified and analyzed the discrepant data and

Evidence and Negative Cases	<p>negative cases beyond the three interviewees</p> <ul style="list-style-type: none"> @ The lawyers of marginal practice or ranked public officers would be a deep source of disconfirming evidence against the data from the policy leaders of KNA @ Rigorously examined both the supporting and the discrepant data to assess whether it is more plausible to retain or modify the conclusion.
Triangulation	<ul style="list-style-type: none"> @ Collected information of a diverse range of individuals and settings @ Increased the awareness that the final validity test would come from evidence, not methods.
Numbers	<ul style="list-style-type: none"> @ Active to make the quasi-statistical basis of my conclusions explicit to support my claims
Comparison	<ul style="list-style-type: none"> @ Numerous uses of comparison with the care of its inability to explicitly address causality

Example of Writing as Incomplete and Citation Omitted – “Intervention” with the theorists beyond the Political Rationality

[In terms of law people in my case, it has some implications that they equally would be required of some extent of exotic nature of divinity for their practice beyond the professional knowledge. One former ranked prosecution officer complained, “We are merely a legal practitioner with professional learning and ethics. But things would not be such easy. We have been constantly challenged to respond with the public pressure about the neutrality of KPO...The judicial independence were a past kind of mottos, but the logic and metaphor had been borrowed to embattle with this organization by the politicians, and sadly with no founded ground...It would be a very subtle job as if the FBI has been situated how Clinton’s scandal of e-mail account had to be responded, now one issue on the US presidential campaign...” This hints on the nature of law people as more extended or intact from the simple dichotomy between the politics and experts or science. Given the termed democratic experience of Korea, the particulars of nation had certainly impacted it in harboring the ideals and values of nation. The process and transformation also would be inevitable with the big picture given the fate globally without an empowered monarchy likely in the feudal time or Platonic concept of benevolent King.

Hence the challenge has to be understood in dual context, i.e., combined impact of national particulars and general discourse of west involved between the politics and experts. The philosophers gave a little deal of this dimension as aforementioned. One insightful suggestion would be “liberalizing expertise”, in which we can control experts indirectly and also by forcing the opinions of experts into the light provided by contentious discussion outside the body of experts. As through the discourse, the bureaucracy or experts would come

in contrast with the political rationality, whose attribute is based on the status of rational considerations and their relation to the disciplined communities, such as a scheme of common skills and exacting training. Hence, the assumption would be that the public reason could eventually be more refined and democratic as staffed and inculcated by standing on both of political and rational considerations. In this sense, many of western discourse could give a lesson about the reflexivity as Foucauldian or normativity as Harbermas for the law people of Korea, but less than professionally over their lives. One interviewee hinted, “my practice and personal satisfaction would not be marginal, but I feel if I may do more public good with the advancement into the political arena...A number of peers recognize the need to be a congressman...Now the election season had begun, and the peers begin to appear in public and social media heralding his candidacy to run for the office..Some others would see it deviated, but perceived that their role would be more important with the public education of justice and enhance the level of public to understand the Korean politics...” Another interviewee would suggest, “given the rational consideration is our primary business, I could not understand the resilience or turf about the liberalization of legal service market or utility of new law school system...” In this light, their world can be described more accurately “a political prolegomena to legal experts or science” or “quasi-science and the state,” in which the extent of science governance had to be comparative or varying with the nations as a matter of institutional design. Beyond the particulars of this community, the political theory would also equally be affectionate to address their reality since it would offer the beginning point of consideration on the modern democracy and culmination of expert responsibility. The theory of liberal democracy, traditionally and neo-liberal highlight as discussed in chapter, gradually incorporate the technology or modern expertise as a factor to deal with their paradigm.¹ The liberal democracy, as we note, historically would only be strongly subscribed by the English speaking world. Rather, the historical version to see the modern world would underscore the diversity and pluralism in public administration of nations as we consider two remarkable and consequential transformations, what we share, the development of science and technology and that in the realm of politics. Besides the parliamentary democracies with an imperialistic expedition, the persistent old regime of aristocrats and civil service of similar social strata actually could explain other major attribute of modern politics in the east and west. Along the World War ignited by assassination of the Imperial Crown Prince and radical constitutional experimentation with Nazism, Fascism and Bolshevism, the liberal democracies attained the world standard form of constitution to a great extent or nominally in the least.² Simply with the world reality, now the non-liberal regimes would be fewer and impoverished lacking its political legitimacy, such as North Korea, Cuba,

¹ For example, the discourse of IPE (international political economy) defined the contemporary IPE structure of society in terms of four elements, i.e., security, trade, finance and technology.

² In this view, the thinkers may see the first and second periods as nominal democracy.

Afghanistan, and African kleptocracies, the relic of communism on personal dictatorship and military regime.

Deeply, however, the human and social science would not exact on this political reality of liberalism victory, in which the liberalism or neo-liberalism underwritten by the English-speaking world would have few friends with the European continent and fewer still in the rest of world. As explored before, the Weberian class of bureaucrats stood out likely as the plumbing within the buildings, in which they provide a civil service or as the kind of aristocrats in the court building, which is yet only responded with the silence of political theory. The imperial dependencies of continental Europe ironically offers a thread to understand this social class, but mostly relating with the underside of liberalism or feebly connected with the lefts. The Frankfurt school and its progenies had been incompatible with the Bourgeois Liberalism that rejected it due to their devotion of critical theory.³ The implications from the discourse to deal with my questions would be multifaceted around the nepotism or professional ethics, increasing political pluralism evidenced by *Kangnam* left, and the kind of external and internal compassion for the ideals of liberal democracy, such as open discussion or conventions about the public decision making. In fact, the torment of secrecy is undeniable or bulky, but lacking of due public forum on which the political process of liberal government would stand. Nevertheless, it continued to be produced by the experts or bureaucrats. The new left, as explored and underwritten by the French and Chinese expedition with the stress of participation or participatory democracy⁴ at its core of thought, also could be one of strand to explain the political phenomenon.....]

³ For example, Herbert Marcuse viewed that science appears false as another manifestation of bourgeois ideology. Habermas could not avoid the element of science and later incorporated it into the category of technologies. This understanding had been shed critically by Ulrich Beck, who viewed the science and technology as the dangerous products in the risk society. In his work of Political Liberalism, John Rawls generally had been silent about the science and liberal democracy, or at least distinguished between the scientific reasoning and public reasoning because of the separate decision making process. John Dewey did have something to say, and recognized both dimensions relating the experimentalism of science with the experimentalism of democracy. This silence persists even through the critics of Rawls, such as Nozick and American communitarians, and had been no more visible in a thinker, such as Michael Sandel.

⁴ The new left is not such authoritative as the scientific dictatorship or secrecy of original communism for the communist politics. The Marxists, as distinct from new left or Mao's communism, may be plenary with the secret decision of core staffs of communist party or more theoretical on the dogma of Marx-Leninist scientific frame. In the original Marxism, therefore, the unilateral and dictating public administration could occur to rule the things or subjects as if the communist leaders likely would be a mightier marshal beyond even the least of politics. This orthodoxy would see a turn in the Mao's and French theorists on the participation or participatory democracy.

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