

QIKJS-Part.V.C

Qualitative Inquiry of Korean Judicial System

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Coding and Data Analysis Process with Examples

Data, Analysis, and Assertions or Propositions on 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.

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 (Miles, Huberman, Saldana, 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).

Table

Types of First Cycle Coding Adapted from Hubermas et al.

A Sort of Coding	Elements
Descriptive Coding	<ul style="list-style-type: none"> - 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
Provisional Coding	<ul style="list-style-type: none"> - 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	<ul style="list-style-type: none"> - 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
Attribute Coding	<ul style="list-style-type: none"> - 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.

Figure *Research Process Based on the Precoding Structure*

EXHIBIT

1. 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)

2. Assertions and Propositions dealing with the Presidential Leadership and PAKJS

As known generally, the hopes for social transformation that characterized the post-war period had faded away around the 1980's. The attacks on social rights increasingly became bold, and the neo-liberalism had trumped. It would be helpful with the stream of philosophical thought through the transformation, such as Keynesian views and their receipt to explicate and criticize on its influence within the community. Foucault would be one important thinker to deal with the social and philosophical questions around the times of transformation. Given his death in 1984, he would not be a direct witness of neo-liberalism, but his works are considered prescient to understand the socio-economical background of advanced countries through some lapsed reception of neo-liberalism within other prominent developing countries, including Korea. His apparent conceptual apparatus has impacted much with the leftist attitudes or politics, notably the post death French circle of scholars, such as P. Bourdieu or J. Derrida, and widely the community of world thoughts.

In reiteration, the humanity and socio-culture would be imminent and powerful in two aspects. First, the policy makers have to communicate with the public that provides the discourse or points of emphasis for his reelection possibility or promotion with the shared understanding of boss. Second, the economic theory can be simple and straightforward through the inherent rule within the dynamics of capital. This would not necessarily be true through the human agent and the paradigm of pluralism or multiculturalism now starting to burgeon in Korea. The aspect would be cruel with the contention of values and ideals between the conservative and labor parties in Britain or still ideologically tasted with the politics of right or left practice in France.¹ The experience of Korean public from early 1990's of first Kim's reign

¹ In this aspect, the learners of policy making or government need to have a thought that both countries are good classroom between the society and government. Now in ebbing with the conservatives of Britain over the tradition is not of government, but with the "wider concept of society." This immediately allows the virtue of limited or small government that could create a background in thought and attitudes for the 1980's Thatcher. The intellectual atmosphere of France would be "more governmental," and thus could profile variously over the humanity and culture, and socio-cultural context of learning, such as meta-capital or habitus and so. Despite the assumption of the illusion from the state asserted by such socio-cultural or philosophical scholars, the taste and inclination would seem undeniable—of course, we may have to distinguish between the "government and state" if the government would nuance with the political process or election while the state is more eternal. This distinction ensconced within the theory of international laws, such as "recognition of state" and that of

through the present would more properly be viewed of the perverted progress between the state and politics. Given his charisma as the first civilian leadership, the politics would neither be thick nor with any distinct elements of community. His leadership would rather be the kind of state-man imagery than politicians with the predicament of public appeal possibility. In this aspect, the leadership attribute would be classed in a sense as charismatic and transformative. The first aspect is similar through 50 years of his predecessors except for his direct transitional peer of first Noh, but would be distinct that he aspired for Korea to be transformative with the civilian values and ideals of modern democracy. Park during the 1960's and 1970's could also be seen transformative, but with the kind of prejudiced paradigm of rule disregarding and even suppressing the autonomy and diversity of society. Hence the liberalism cored within the thought of western democracy or British way to pull out the vigor of nation and with the kind of original frame on the social contract from Hobbes or Locke would be less traceable to define the Korea of such period. In some sense, he may be a great politician with some idealistic paradigm of unitary rule as we can recourse partly with the Rousseau's or its fragmented adaptation with the communists, really and egregiously political as we are illustrated with the occasional TV reporting of sudden execution, such as T.S. Chang in North Korea and a secret service of Putin's to assassinate a dissident against his political vision or framework. This kind of forge and cruelty is an essential attribute of politics if the kind of suffixes, liberal or social frequents and the term, "power" is a central concept of political science.

Generally we teach that this kind of fate could partly be turned of learning and democratic process practiced over history and tradition, but the context of Park would not often be depicted in such way. He only was surrounded by the technocrats affected by his charisma or personally believed of importance on the national growth of economy. The first Kim was a most direct politician or even person that was lost vastly by Park trough the decades against his political career. His youth dream was to become a president as early as 10 years old, so that

constitutional theory, such as defensive democracy of continental concept in origin and through the post-war period, to lend the ground constitutionally negating the political parties or their government on the fundament of human and socio-cultural value. The distinction between the state and government may be less salient or dormant in the US given its hundred years of homeland peace without a foreign aggression or its own sin of imperialism. Of course, this may be because of federalism with various states in the US, and the word, state, is primarily used to denote them as safe under the federal protection of its Republican form of government. This is so although the federal government also could be viewed a state in the structure of constitutional litigation. In some cases, the original language, therefore, has a weight of importance to be epistemological, and thus could be one concern of structuralists or post-structuralists about understanding the world. In any case, both countries can be viewed both differently and similarly between the society and government. Interestingly, the compass of society could be flexible to adapt with agenda by agenda, issue by issue, and dimension by dimension depending on the user or his focus. For the politicians on British campaign will be more likely concerned of the national society with an effective voting while the industries may seek an expanded global market through the nations of Commonwealth or Francophonía. As an Asian, I regret to borrow those countries to understand the world phenomenon on the government and society given the countries had been acculturated from the modern system of democracy by their design and values.

his several times of frustration from the long reign of Park and his progenies of military elites would attack him even personally. His hostility with the militaristic reign paradoxically turned to associate himself with the soft imagery of first Noh, which perhaps could increase his election possibility as the next president. Through his career path and story, he seemed resilient and greatly determined with the cause to power and civilian democracy, and his charisma without the internal dissidence. The right or left paradigm within the Korean politics was grown later through another Noh and subsequent administrations through the present, Lee and lady president, implying that their leadership would more likely be seen as the kind of rational authority than charismatic one. Kim's charismatic profile also would be reinforced with his strong imagery of Korean majority, *Kyungsang-do*, in terms of politics of Korean regionalism.

A discourse on the political ideology and its rise of real politics within the society would be seeded with his political peer, D.J. Kim, who was the leadership of his immediately succeeding administration. The second Kim is known that his intellectual influence was politically renowned of the kind of economic justice and with his imagery as a Nobel Peace Prize in 2001. This great profile of second Kim allowed him to be elected to the next presidency despite his minority background in view of Korean regionalism. Hence, two Kims would certainly be the charismatic leader evincing the short compression of Korean experience concerning the western democracy as one of social practice, which generally would cost hundred years of progress or contention and strife for its western counterpart. First Kim underlay the economic and socio-cultural autonomy and pluralism within the community. Ironically, however, we know that his leadership sought a basis from the globalization and neo-liberalization most affiliated with the market and liberal economy, which elicits the importance of economic concern for the politicians. One other lesson is that the civilized concept or value of modern democracy essentially should be entwined with the capitalistic economy leading to autonomy and pluralism. The second Kim is rather distinct that his propensity would slant on the kind of politics or ideology to grow the internal political circles. Hence, the strands of humanity and culture within the community became intensified that growingly informs the politicians and parties through the coming election. *Kangnam left* or various voluntary associations on public cause around the times and later simply show the tendency and stream of political transformation within the Korean community and, of course, rapidly in time. A sudden attack to US ambassador last year, one incident perhaps known to the American public, also can be an immediate event about the transformative Korea.

The experience of two Kims' leadership very foundationally answers two important questions about the PAKJS. First, why such extensive reform initiative and public discourse had prevailed since their leadership period? Second, why the practical progress would be resilient or instant despite such rapid transformation within the Korean community? The first Kim's administration on the cause of globalization and neo-liberalization would inextricably create the kind of situation that new agenda settings had been necessary to respond with the new direction or vision of leadership. The second Kim's administration would powerfully be

political implying of secondary nature of concern on the judicial reform. Therefore, the picture of policy process would be more keenly referred to the enforcement level, whose diverse voices and positions brought the resilient or contentious progress only to be practicable. The resilience or less public awareness on the seriousness of policy agenda would also partly be because of the character of issue about the indirectness or less scale of market and judicial system.²

An intellectual process from discursive structure through self-reflexivity, the kind of critical social theory (CST), turned on the new paradigm of capitalism re-tasks with neo-liberalization. While the first wave of CST would be the kind from the post-war fragmentation of Europe or beneficent capitalism of public welfare, the successive generations from the 1980's in the western thought had to entangle with the new environment on neo-liberalization that holds a principle of classic virtue between the state and market. A competitiveness and deregulation rose to be a policy direction for all areas or sectors within the government and private sector. The political circle of Britain, conservatives in compassion, began to reinforce the kind of concept, i.e., big society and less government, in which businesses could see an increasing opportunity as emancipated from the public laws and regulations and the government would no longer be pressed from the kind of idealistic debt for a grand scale of social welfare. The Republican party of US in 1980's also began to forge the traditional values, such as state than federal government, societal autonomy and public accountability, diligence and frugality, say, the kind of stranded approach for a person and public morale to redirect an easy attitude of public with big government and beneficent welfare capitalism. As we see beneficent capitalism is the kind of spiritual movement with voluntary adjustment or through the ethics of CEOs and superrich within the market nowadays, the welfare capitalism initiated around early 1900's with the Beverage report or Keynesian idea also could be beneficent given the portion of government aid notwithstanding the perfect private justice, with only difference that it is forced with the public law and incorporated within the public system.

The impact of policy shift heralded from the head-quarter of global capitalism turned to inform the intellectual circle of Korea as one scholar from Korea contrasted between Bourdieu and Giddens. Both are prominent social thinkers around the decades of transformation, who should influence globally, and also Korea around the civil administrations

² The issues had grown to receive a public attention, and the concern has been poured to the legal service market and education of prospective lawyers. Although it would be an important point for the judicial people, the relative share of market tends to discourage from the major stream of national policy process. In terms of the government or national judicial system, the judicial independence and political neutrality of KPO usually would be a topic, but had still been contended of its incompleteness or associated problems until the mid-2005's. Such resilience could be tasked more properly in some cases with the second Noh's leftist policy makers, for example, the principal role of S.S. Kim around the mid 2005's. This simply demonstrates the importance of leadership if they are specifically involved or not. As later discussed, the second Noh had a career background as a lawyer uniquely over the Korean history until now.

since 1990's. Both scholars addressed the aftermath of liberalized and expanded market in terms of the epistemological, philosophical, sociological as well as the public-policy lens of analysis. Giddens, A. would be more receptive by arguing that the conspicuous social phenomenon is more important than the conventional thought of politics or social ideology between the right and left. Based on his experience and growing tendency of global village on trades, social customization and advancement of technology, he proposed that the globalization is the kind of inextricable pathway that could inform the traditional paradigm of right and left politics for their readjustment and new agendas. His thought could be noted in terms of rationalism, pragmatism and utilitarianism through the western philosophical history. And his assertions and propositions would be powerful as known of the third way, the kind of unique alternative to seek the functionality or structuration within the new changing social environment. We also could borrow the insights and thought frame of Bourdieu to address the society of neo-liberalism, whose ideas are a little more than principled, critical and humanity-centered, ontological, or philosophical than practical as compared with Giddens.

The attribute of thought, therefore, could have some contrast that the applying government or policy makers could be variegated to respond with specific policy issues. Two thoughts could well be alleged to influence the two Kim's administration that the policy circles in Korea would be more receptive of Giddens because the government would often second with the society at first given the new neo-liberal environment. The humanity and philosophy tend to turn third in the practice of most governments.³ The first Kim would be more likely paired with the thought ethos of Giddens since his political career could allow him to be more rational, utilitarian, and pragmatic. He would be rational that the majority of votes almost constantly would be on his regional background, and that he had been constantly critical of legitimacy within the long militaristic reign. Of course, he would not only be critical, but also must have been antagonistic with the past administrations, which, then, greatly fitted with the civilian virtue. He would be utilitarian and pragmatic that the economic welfare of his region also would be due than other rival regions in Korea. The second Kim would likely be affiliated with the French taste or propensity given his impressive career of persecution or imprisonment. He also was put to the death sentence early 1970's by the Park's administration, whose life only could be saved with the exceptional process of pardon and long immigration years with the US. In this backdrop, he should be more than philosophical, and tendency would be on human or values and ideals. This propensity could partly be evidenced with his many writings and essay books on the national economy and policy making. The leadership attribute of both Kims are fundamentally same given the rooted belief on the civil democracy and capitalistic economy. This can simply be demonstrated with their long comradeship for the civil

³ Among the three branches, the work of judiciary would be most probable to come deep with the humanity or philosophy on the disputed controversies. Nevertheless, the court rule often would be deemed something only if with the sociological consequence in the end.

democracy.⁴⁴ It could be made distinctive somewhat personally from the leadership character that the second Kim would be soiled or nationalistic than principled or courageous.

This distinction could be corroborated by the nomenclature of both governments. It has been practiced to give the title of government when new presidents are elected in Korea. The first Kim's government was titled "Civilian Government" while the second Kim's government was given the name of "Nationals' Government." In suitability with both names, the first Kim's policy initiative had a thrust and impact against the past paradigm of thought that the globalization was pursued as one of most basic policy direction over the fields of interest. He was very principled that Korea must obtain an OECD membership despite some dissenters concerned of the national interest of tariff preference or on other practical grounds. He also had continued of his frugal lunch meal, say, small Korean noodle, with his Blue House guests, which elicits him to be principled. He actually had been courageous to play a gate-opening role for new global Korea, which overwhelmed a number of dissenting voices. A compression of democratic evolution in Korea could be the kind of mystery that could have been unsuccessful to be implanted without two figures. His leadership transcended the traditional left and right politics that only the principle or values of civilian democracy should have a place in the nation. His charismatic image with the cause and struggle could enable his errand, and more momentously with the termination of militaristic shroud. Both Kims actually had no educational background to experience the internationally structured problems of Korea, which shows the importance of life-time learning for the policy makers through their professional career. Their practice of leadership turned to highlight the global Korea, and Korea became internationally renowned, which transformed from one of small developing countries into the group of developed countries with noblesse oblige or international obligations.

The impact on PAKJS would likely be to test the resources and treasure built in through the decades of struggle and civilian potential at the burst of new policy environment. We generally can posit some hypotheses to explain such transformation in two Kims' and second Noh's. First, Europe had been a continued ground to think the society and western values while the US would be politically and economically influential and a key ally in terms of national diplomacy. Therefore, the cultural and philosophical attitude of policy makers and Korean intellectuals would rather prefer the European tradition as the frequency of weekend book corners in the newspaper and public sections of intellectual interchange largely vindicated.

⁴⁴ Ironically can we characterize the previous administrations, Lee and Park, in view of the US influence. Lee's administration had seen the benefit of liberalization army of UN led by the US. The national development plan during the reign of Park could be driven generally as successful with the aid and grant of US. While the learning is an important factor of policy diffusion and policy process, it is also noteworthy that the US had been inculcated much through the 1970's and 1980's from the intellectual stream of Europe, such as post-structuralism and on. The atmosphere dominated the Korean society with new errands of civilian government, some time lag, however, say, twenty years later in Seoul.

Second, the practical influence of Japan in shaping the judicial system and basic codes of nation would likely increasingly become diminished if the imperialistic influence comes to become mitigated over time. Nevertheless, Japan is still one of countries implicated with the PAKJS that reformed its legal education to the US model as same as Korea, but one decade before Korea. Third, the domestic politics seems determinative to understand the PAKJS within the transformation of third period as a whole so that the first amendment freedom and concepts of civilian government with the democratic legitimacy had spurred the autonomy of various policy fields including PAKJS. Forth, if to some lesser level of impact, the attribute of professional field had spoken to explain the policy process and outcome that the transformation within PAKJS had taken a path associated with the leadership attribute and consequent turnout of public policy on the KJS.

There would be a plenty of examples to explicate a flowering progress for the open and liberal community in Korea. As narrowed to the PAKJS, I may illustrate several notable incidents to characterize it. First, Y.K. Yoon, a chief justice in the first Kim's administration had called to organize the task force of judicial reform in the mid 1990's. This kind of new agenda setting could rarely be practiced by the head of national judiciary demonstrating the importance of presidential leadership in view of PET or new agenda setting theory. This may be interpreted through the professionalism and ethics, but still under the leadership of president as we see S.I. Park's story.

One interviewee testified, "S.I. Park said to him that the resistance and disagreement of judicial circle was very tough and strong. He carried the office of Blue House as a chief of staff on public policy and planning. The agenda to implant the American mode of legal education was specially referred to with the request of the President himself, but the principal charge of judicial matters within his line of authority had not agreed. The chief of justice, Yoon, also later expressed a dissenting view so strongly to be audacious of his resignation. Untrue rumor had spread that S.I. Park failed six times of National Judicial Exam although he never took the exam."

Second, the impact of two Kim's leadership would be principled or nationalistic on civil democracy, in which the charismatic and transformative character had richly defined the calls or ethos of administration. Hence, the basic direction or policy design on PAKJS was created, but not exhaustively or practically effective. To say, the principled globalization of Korea in the first Kim's had come short to deal with the transformation of legal education and service market, say, an important pillar to sustain the national judicial system. The agendas adopted as an official policy simply prove that the existence of professional turf was undeniable. K. Yoon's committee in 1993 had held a concern and issues of traditional character to improve the judicial practice, such as independence and fairness, specialization of various courts, and criminal justice system. The 1995 committee for the first Kim also failed to institute the

introduction of American or Japanese type of legal education, which shows a limitation of principled leadership in the face of professional turf or inherent element of respective public organization, such as conservatism concerned of national judiciary in our case. This aspect of progress cast some insight between the charismatic leadership with the abusive power and that with the democratic legitimacy. In the first case, the kind of professional turf will be less probable.

Third, the Nationals' leadership could yield an extent of policy turnout that implemented several of chronic issues including the reform of legal education. Although the second time of consideration might allow less than challenge from the professional circle, his influence and imagery -- to combine the nationals with the societal progress more likely with the French circle of thought merely than principled or ideological as in Giddens -- could empower to persuade the public and transformative necessities of sensitive issues including the law school reform.

Nevertheless, both administrations would not enact the laws and programs to implement the resolution and consensus of several committees except for a limited number of traditional issues. The result could only follow enormously with the new leadership that could properly be ascribed as rational and endogenous authority. The second committee of second Noh's leadership in this character enabled to transport the chronic issues into 28 resolutions, which led to refer 13 revision proposals of act and 25 proposals of new act to the KNA. Among the proposals, seven new acts and 16 revision acts passed the legislature and two problematic acts were abolished. As said, the second Noh was a notable lawyer in Korea, whose accomplishment as a lawyer and national politician later was dramatized in the most sold film, titled *Attorney*, in Korea. The political science in Korea also could be given the kind of birth if the politics are assumed between the right and left framework traditionally and over the world history. *Kangnam Left* became recognized, and one law professor around the times published the kind of ambitious title, *Plan to Power*, which had hardly been imaginable through the authoritarian leaderships of Lee and Park or the charismatic bursting with two Kims, all of whom could be some kind of fate for the Korean Republic. Now the concept of political power or Machiavelli's divide and rule could profile in genuine sense. The long years of politics on charisma seemed to end with the second Noh, and the Korean public could begin to taste the kind of rational authority or national politics in terms of the western tradition. Throughout the two leaderships and until now after the second Noh, the basic paradigm of national politics would remain same that the policy issues or process would not be suppressed or usurped with the kind of tyranny or dictatorship. The left and right politics continued to have been practiced over one decade, but with a unilateral victory of right conservatives generating two administrations. The ethos of conservative politics would not directly contradict the character of KJS since the judiciary and surrounding system would ground on the state and government in theory and practice. The impact of conservative governments on PAKJS generally could be viewed little and limited in extent. The issues or controversies currently debated would be

understood as the historical experience often proves. The neutrality of KPO would be alleged by both wings. This would entail the character of conservative issues to contend whether KPO could be a secret service of national power center. The progressive nature of issues would take some number, including the kind of fairness in the representation of Supreme Court justices among the gender group and educational or regional background. The progressives also argue that nepotism within the profession should be responded more systemically and based on tangible policy programs. Notably through the civilian governments, the role and responsibility of KBO had been increasing. They now are grading the performance of judges and prosecutors. The prosecutors countered such practice with a strong disagreement. Importantly through the progress could we see the power relations inherent within the global capitalism so that the issues of legal service market now became virtually gone into a mosaic of influences as basically incurable. The stories of profession and policy makers can be learned with the thought frame, for example, critical social theory or discourse analysis involved with the discursive structure or power relations, ideals and values through the self-reflexivity or possibility of self-governance. The normative aspect to deal with new transformation or challenges could preferably be attempted.

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