

# QIKJS-Part.III.E

## Qualitative Inquiry of Korean Judicial System

Kiyoung Kim  
Professor of Law and Public Policy  
Dept. of Law, Chosun University  
Gawng-ju South Korea

Hello Aisha,

Thank you for the nice and precise post. I agree that an inductive model of thinking is the kind of mental process to conduct the qualitative research and that all the knowledge is theory laden and all the method is theory driven. My peer researcher is corroborative with this assumption that his lifetime focus has continued on *Yoo*, one constitutional law student as considered the founding father of Korean constitution. He, as a legal historian, can always be made moved with many research ideas since his focus on one influential man provides frequent occasions of inductive thinking for his qualitative research. He would need no theory starting his research on this historical figure since the constitutional law peers constantly provoke his idea. His thesis is whether his role is actually greater or exaggerated as if two tier labor market theory is effective to deal with the crimes of ex-offenders. Nevertheless, I suppose that his routine effort to make him exposed to vast amount of relevant literature can make him prominent as a legal scholar in the constitutional history of Korea. How do you find adequate about the number of references that will be cited in your final dissertation? This is because one editor once advised that the qualitative studies need at least 40-50 reference lists to increase his acceptability for the peer-reviewed journal? Respectfully.

**Author:** Aisha Abdul-Aleem **Date:** Wednesday, December 16, 2015 10:32:42 PM EST  
**Subject:** RE: Discussion - Week 3

“In a qualitative research, one does not begin with a theory to test or verify. Instead, consistent with the inductive model of thinking, a theory may emerge during the data collection and analysis phase or be used relatively late in the research process as a basis for comparison with other theories” (Creswell, 1994, pp. 94-95). Mitchell (1993) expressed that, “philosophers and scholars have all emphasized on one point; that all knowledge is

theory-laden and all methods are theory-driven” (Tavallaei & Talib (2010). As proven by many researchers the development of knowledge through qualitative research begins in the absence of theory. The ultimate purpose of qualitative research method is gather a deep understanding about a phenomenon or event in the real-life, therefore the basic structure of this research method cannot be based on theory.

The article I selected to review is “Debt to society: Asset poverty and prisoner reentry” written by Lori L. Martin (2011). This author utilized dual labor market theory to highlight the reentry concerns that many ex-offenders face pertaining to asset poverty. The author described the two tier theory, one as the primary tier being characterized as well-paying jobs with benefits and require high skill sets and the secondary tier being characterized as low paying, unsecure, dead-end jobs. The author supported her position with foundational information on re-entry programs, incarceration and inmate demographics. A constant thread throughout the article focused on financial illiteracy and asset poverty. Dual labor market theory exposed the need for ex-offenders to be prepared prior to leaving prison by being financially literate in addition attaining skills for primary tier employment. With this preparation more ex-offenders would be less likely to end up in the secondary tier of employment and asset poor.

#### References

- Creswell, J. W. (2007). *Qualitative Inquiry research Design: Choosing Among Five Approaches* (Second ed.). Thousand Oaks, California: Sage Publications.
- Mitchell, Gail. J. (1993). “The Role of Theory in Qualitative Research”, *Nursing Science Quarterly*, Volume 6, Issue 4, pp.170 - 178.
- Tavallaei, M. & Talib, M. A. (2010). “A General Perspective on Role of Theory in Qualitative Research”. *The Journal of International Social Research* Volume 3 issue 11 Spring 2010 pp. 570-577.

Hello. Rochelle,

I have enjoyed reading your post. Your thought seems essential on the crucial aspect of theory. Given a human is not mostly action or practice-driven, but think, appreciate, meditate inside his soul if other than body, the role of theory seems very implicating to build a humanity or genealogy of person. It is very honorable that we can, as a doctoral researcher, appreciate and critique a theory to our scholarly purpose of completing a dissertation. I may also be recalled if theory is a practice of redemption as a rescue from ideology or expediency. Once I drove a further inland road with a traffic light, but it was almost improbable that no cars or passer-bys would be present. We must be a stop at that red light, which, however, arouses a feel of stupidity or even shame inside the driver. It is even one lane and small sign

irritating normal minds if they stop there. The theory may siege the mentality of driver, but it can create a scene that most hypothetical observers would be cynical for her obedience of normative theory between red and green lights. While a theory is expected to practice redemption, this hypothetical case would only be an issue of personal luck or self-conscience and the kinds of issue immersed into the moral dimension. The theory may not redeem this gap between ideology or expediency, but only can depend on the action of cop with a remotest possibility. This has some degree of interrelationships among the theory, morals, and practice. The essential ingredient of theory in terms of this purview would be that it is scientific and systemic. In this context, your mention, “the relationship between the theory and social and political practice will be more tenuous than in the case of normative theory” or mere moral assertions. The morality, if not theory, may be more than a spotlight, and can more illuminate what we see. This is not to say that the community will be enough with morals or nationally accepted religion than theory of social science. Furthermore, the morals can be contended person-by-person or culture-by-culture, and differ from a critiquing of theory required for the researcher. If Americans are more likely pragmatic or practice penchant than theoretical approach, what do you think motivate them to be theoretical? In other words, what motivated you, for example, to begin to churn on your research topic? This is because some peers or European thought leaders, seemingly due to a frequent war or immigration history other than American experience of long homeland peace, would have a family or occupational background to become sophisticated on his research interest? Respectfully.

**Author:** Rochele Young **Date:** Thursday, December 24, 2015 1:23:58 AM EST **Subject:** RE: Discussion - Week 4

According to Hammersley (1995) theory is a word that is systematically ambiguous. One contrast of the word theory is practice. A case in point when we converse about what actions to do in theory as compared with actions need to done in practice. Theory is referred to as a transforming practice or as guiding. The afore mentioned theory may be appear to be unrealistic; as an alternate, theory maybe depicted as a practice of redemption, as a rescue from ideology or expediency.

Another major contrast that defines theory is “that between theory, on one hand, and evidence or data on the other. Theory refers to general principles that provide explanations for empirical phenomena, and are factual rather than value principles. The relationship between the theory and social and political practice is more tenuous than in the case of normative theory.” (Hammersley, 1995) It should be noted xplanatory theory help us to make sense of the world but cannot advise us what goals to pursue or how best to pursue them, due to the fact the questions involve values.

According to Maxwell (2005) Theory a set of concepts and ideas and the proposed relationships among these, a structure that is intended to capture or model something about the world.

“Theorizing is simply the cognitive process of discovering or manipulating abstract categories and the relationships among these categories. The aforementioned reflects grand theory such as behaviorism, psychoanalysis, or rational choice theory, to specific, everyday explanations of a particular event or state.” (Maxwell, 2005)

Theory consists of two concepts joined by a proposed relationship, and a major function of theory is to provide a model or map of why the world is the way it is.” (Maxwell, 2005)

Further theory is a spotlight, and a useful theory illuminates what you see.

#### References:

Hammersley, M., 1995. Theory and evidence in qualitative research. *Quality & Quantity* 29: 55-66. Retrieved from:  
<http://users.polisci.wisc.edu/schatzberg/ps816/Hammersley1995.pdf>

Maxwell, J. A. (2005). *Applied Social Research Methods Series: Vol. 41. Qualitative research design: An interactive approach* (2nd ed.). Thousand Oaks, CA: Sage Publications.

#### **Esayas Araya**

RE: Discussion

Hello Rochele,

Your explanation of theory is nice. It is helpful to understand how theory is ambiguous. As you mentioned it is theory as a set of concepts and ideas designed to model an event or situation or the world or nature of something. Thus, it should have a role in qualitative research process. Maxwell (2005), argued that theory as part of the conceptual framework along with system of concepts and assumptions has an important role in supporting and informing the research process. Regardless of the ambiguity of the concept of theory its role in the research process is vital (Creswell, 2013). What do you think could be the role of theory in shaping the perspective, methodology and data interpretation of qualitative research and particularly in relation to your research your research design?

Thank you,

## References

Creswell, J. W. (2013). *Qualitative inquiry and research design: Choosing among five approaches* (3rd ed.). Thousand Oaks, CA: Sage Publications, Inc.

Maxwell, J. A. (2005). *Applied Social Research Methods Series: Vol. 41. Qualitative research design: An interactive approach* (2nd ed.). Thousand Oaks, CA: Sage Publications.

Response to Young:

Research theory use and development most of the important proposed research and building the research design. Research theory generalizing the statements predicts the human phenomena based on the research thoughts and idea. The fundamental principle of a theory is that the research method is depending go in the context of research see how nature works for generalizing the explanations by some main criteria. As Wacker (1998) asserted "By definition, a theory must have four basic criteria: conceptual definitions, domain limitations, relationship-building, and predictions" (Wacker, 1998). A research method must follow the virtues of the good theory, including some other criteria: generalizability, conservation, uniqueness, fecundity, parsimony, empirical riskiness, internal consistency, and abstraction, which apply to all research methods (Wacker, 1998).

## References

Wacker, G. John. (1998). A definition of theory: research guidelines for different theory-building research methods in operations management. *Science Direct. Journal of Operations Management*. 16 (4), pp. 361-385. doi:10.1016/S0272-6963(98)00019-9.

Hello Heba,

Thank you for the nice post on the theory and conceptual framework. You stated that you had borrowed the ethical relativism theory to explicate your perceived ills of FGM/C and to make suggestions to combat them. In my perception, the FMC seems a very traditional rite shared by the member of community with an extent of inviolable value or cultural beliefs. The supporters of FMC may argue on the ethics of community, which would, I suppose, not be principled unlike the theory, yet to be very strong in tone. Nevertheless, the westerners tend to recognize the issue as an evil likely the understanding of 19<sup>th</sup> Marx on the inhumane hours of child labor daily or unethical exploitation of capital. So I see if a persuasion or combat strategy should naturally be attuned with some kind of absolutism other than relativism. How do you find the ethical opposers supportive of FMC as theoretical or principled?

Respectfully.

## Heba Discussion Post

A conceptual framework is a tool that helps to explain either in a graphic or a narrative form, the main items that are being studied (Miles, Huberman & Salda, 2014). The conceptual framework helps to identify items such as the key factors, variables and the presumptions of their relationship together (Miles, Huberman & Salda, 2014). Frameworks vary from being a simple narrative description to a more elaborative description that is theory driven (Miles, Huberman & Salda, 2014).

The conceptual framework continues to be developed and evolved as the research plan develops further and becomes clearer (Miles, Huberman & Salda, 2014). If the conceptual framework is theory driven, it relies on a few general constructions such as identity, social intelligence or culture (Miles, Huberman & Salda, 2014).

I reviewed several articles for the topic of combatting female genital mutilation/cutting in Egypt. One article that stood out for a well developed conceptual framework that is theory driven and identifying a theory that matches the research is Pacho (2015). The article tackles the issue of FGM/C as a socially and culturally embedded issue that is deeply rooted in the Kenyan society (Pacho, 2015). This socio-cultural nature of the issue makes it very hard to combat not only in Kenya but other similar societies (Pacho, 2015). The article presents the different theoretical frameworks that the issue of FGM/C could be tackled from namely: legal, religious, gender and alternative rites of passage (ARP) approaches (Pacho, 2015). I chose this article not only because it clearly identified all perspectives that could be presented for a theory search but also it presented the ethical relativism theory as a very important theoretical framework when addressing the issue (Pacho, 2015). Ethical relativism theory is the basis on which each society identifies right and wrong (Pacho, 2015). The theory is presented in the article to tie the hypothesis presented in the beginning for FGM/C as a practice that is deeply rooted in the society (Pacho, 2015). Therefore, this theory helps to understand how to approach each society based on what is perceived as right or wrong by this particular society (Pacho, 2015).

## References

Pacho, T. (2015). Complexity of Female Genital Mutilation/Cutting. *Journal of Social Work Values and Ethics, Volume 12, Number 2*. Retrieved from the Walden Library database.

Hello Iberkis,

Thank you for the informative post.

Your cited reference relates a useful insight to study my topic. I agree that the theories are premises to account for data. When a progress is furthered over the research, I feel that the theory really has worked as a lens or conceptual pillar to account for the phenomenon. For the peers may share, the kind of interaction through the theories and data to the end of complete piece will be some very important Eureka moment as an independent researcher or expert critique that now is capable of presenting the views or opinions as a scholarly way. As methodologists occasionally admit, it may be some kind of dilemma that the user of theory will also be a theory builder, which logically conflicts among another given the same gene code, if the theory would properly be selected by the researcher. Therefore, some teachers may say “theory does not typically have a solid relationship with qualitative research.” They also emphasize that creative reading or process of critiquing are a vital process to establish the researcher’s own theory or points of contribution to his field. I suppose that it is similar to patriarchic relationships, in which the father and son may be of same gene code, but still a different person in view of audience. The span of gene codes may differ in extent, for example, familial, ethnic, gender or race and nationality or linguistic, which also is analogous to the various extent of readership for the research work. All the kinds seem to be compounded finally to the academia. We are thankful that the theories often are constructed of absolute categories amenable to our purpose of their use. I suppose it would fall within the talent of scholars how shrewdly we can steal the ideas to suit our needs or how we can increase the merit of research possibly excelling that paternity – often challenging and difficult, however. How can you kindly view if three users of multiple theories differ likely ones in heir dispute? Respectfully.

### **Comparing and contrast the roles of theory in qualitative research**

I would like to start with Rudestam (2015) who wrote, qualitative research has the meaning of constructing theories; which means, “the researcher maintains an open curiosity about a phenomenon and the theory emerges from the data” (p-60). In contrary, Rudestam (2010) also cited Morgan’s (2007) study where it was discussed the dilemma of qualitative research, as a “paradigm shift” from qualitative pragmatic to epistemological.

In addition, Rudestam (2015) explained, “Theories are premises to account for data” (p-28). Theories explained how things work; they build on the relationship between concepts, need to be supported by evidence, and must be validated data to be a viable theoretical framework. As per Rudestam (2015), theories and methods must be logically linked. In contrast, however, Tavallaei and Abu Talib, (2010) cited Merriam (1997) and Schwandt (2007) to state, “Theory does not typically have a solid relationship with qualitative research” (p-571). Further, Tavallaei and Abu Talib (2010) also cited Silverman (2001) to explain how theories provide the researchers with an opportunity to observe and perceive different aspects of the phenomenon under investigation. Theories will not provide the researcher with a

comprehensive explanation of the phenomenon but it will provide the foundation to guide the researcher through the overall study.

In my dissertation, I am planning to use multiple theories on emotional intelligence. The theories are being developed through times, used in many studies, and the three authors that I will be adopting, they “see” the same theories from a different perspective. Even though they “see” the theories from a different perspective however, they do have the same epistemological foundation and guidance; just with a tad different standpoint and a slightly different perspective. I do believe contrasting and comparing theoretical framework, even when reviewing the same author’s theory with a different edits, those provide a well-balanced strategy to compare and contrast the author’s own development, providing a clear and scholarly interesting ground for validation, intent, and grounds for a deeper exploration on the phenomenon, authentication, and triangulation.

Iberkis

Rudestam, K. E., (2015). *Surviving your dissertation. A comprehensive guide to content and process* (4<sup>th</sup> ed.). Thousand Oaks, CA: SAGE Publications.

Tavallaei, M., & Abu Talib, M. (2010). A general perspective on role of theory in qualitative research. *The Journal of International Social Research*, 3(11), 570-577.

Hi Kim,

You referenced Kuhn. If you have not read *The Structure of Scientific Revolutions*, you need to do it. It is not very lengthy, but it sheds a light on paradigms and they are closely related to theory.

Hello Professor.

Thank you for the recommendation. Although I knew his work, I have yet completely read page by page. Since the work is pounding to deal with the paradigm shift or changing the way of organized attempt to understand the world, it seems very useful that would provide an insight for my qualitative research. Respectfully.

**Author:** CURT BROWN **Date:** Wednesday, December 30, 2015 9:22:43 AM EST **Subject:** RE: Discussion - Week 5 Response to Kiyong Kim from Curt Brown

Hello Kim thanks for posting. You mentioned some good points. One point of interest is that a less structured approach is more appropriate for qualitative studies because of its inductiveness and flexibility. As a teacher my students have to do a participatory action research using interviewing as one data collection method. They are advised to use semi-structured interviewing as this approach (Zang and Wildemuth, 2009) allows an interviewer



to not only adjust questions but add relevant questions (in relation to previous responses from respondents) during the interview.

#### References

Zang, Y. & Wildemuth, B.M. (2009). Unstructured Interviews. Retrieved from

[https://www.ischool.utexas.edu/~yanz/Unstructured\\_interviews.pdf](https://www.ischool.utexas.edu/~yanz/Unstructured_interviews.pdf)

**Author:** CURT BROWN **Date:** Wednesday, December 30, 2015 9:22:43 AM EST **Subject:**  
**RE:** Discussion - Week 5 Response to Kiyong Kim from Curt Brown

Hello Kim thanks for posting. You mentioned some good points. One point of interest is that a less structured approach is more appropriate for qualitative studies because of its inductiveness and flexibility. As a teacher my students have to do a participatory action research using interviewing as one data collection method. They are advised to use semi-structured interviewing as this approach (Zang and Wildemuth, 2009) allows an interviewer to not only adjust questions but add relevant questions (in relation to previous responses from respondents) during the interview.

#### References

Zang, Y. & Wildemuth, B.M. (2009). Unstructured Interviews. Retrieved from

[https://www.ischool.utexas.edu/~yanz/Unstructured\\_interviews.pdf](https://www.ischool.utexas.edu/~yanz/Unstructured_interviews.pdf)

Hello Curt,

Thank you for reading my post. That seems a good point to appreciate the two ways that semi-structured interview takes a middle road. It would not be said unprepared, but adaptable to respond with the situational development of interview process. Since the interviewees are an important subject to scientific findings, this flexibility seems to be essential as taught in the qualitative method class. I also like to support the use of semi-structured interview from the understanding of human science. In the *Phenomenology of Perception* wrought by Merleau-Ponty, the humans can well be depersonalized between one and his body, so that a loss of agency can be real and sufferance would not be infrequent. The bodily ownership may be lost that a sense of estrangement or alienation would typify the self or personality. This can create an ambiguity, perhaps the kind of epistemological reality of contemporary personality. That may be presumed to conduct an interview in terms of establishing the rapport and productive relationships with the interviewees. Respectfully.

Hello Erik,

Thank you for the informative post. I agree that a subtlety in most of qualitative research would truly be present requiring the researchers as flexible and managerial with the constant emergences or dynamics (Kim, 2015a,b,c,d,e). I suppose if the effect of groupthink on decision making may be divergent if related with the interviewees. It may curb the potential of innovation or incur an additional cost to undermine the interest of organizational members. This generalizability would, however, be very fragile or susceptible of changing through the interviewees or perceptions. I believe it is an exciting topic. How will you progress on the sample size or length of interviews? How do you use the purposive sampling strategy for comparison or contrast? Respectfully.

**Author:** Erik Jetmir **Date:** Thursday, December 31, 2015 5:33:40 PM EST **Subject:** RE: Discussion - Week 5

In researching the effect of groupthink on decision making there are a number of areas that the research will have to analyze. These include looking at the impact and influence of experience on the decision maker's capabilities to effectively define a problem and most importantly their ability to establish and maintain a dissenting view, if they think it is applicable (Janis, 1972). When this is considered, there are strong arguments for both a structured and unstructured research approach. In my case the research will have some of both approaches. It will be structured in the regard that the theoretical structure is based on a well know theory with an already established body of work in respect to research in this area (Tetlock, 1979). This model is not ideally suited for all research so using the grounded theory approach will provide a less structured construct to allow the research to develop based on where the data develops to (Maxwell, 2013). This will also allow a possible new theory to develop based on the trends that indicate that groupthink among decision makers translates to behavior consistent with expectancies as opposed to what could be easily defined to be the most effective.

One area that demonstrates this well is the effect on innovation and the value of dissenting views in the process of developing new ideas (Penrose, 1995). When attempting to measure the impacts that contribute to innovative behavior within organizations, the research structure may need the flexibility to adjust to the unexpected dynamics of organization. This would be strong case for an unstructured research design able to adapt to the direction that the data demonstrates may be required (Charmaz, 2013). This less structured approach would provide the additional benefit of allowing the flexibility to develop insights that are specific to trends indicated in interviews. With a structured format this may not be as feasible with completely restructuring the research.

## References

- Charmaz, K. (2013). *Constructing grounded theory* (2nd edition. ed.). Thousand Oaks, CA: Sage Publications.
- Janis, I. L. (1972). *Victims of groupthink; a psychological study of foreign-policy decisions and fiascoes*. Boston,: Houghton.
- Kim, Kiyoung, An Attempt on the Methodological Composure: Between the Number and Understanding, Nature and Construction (December 12, 2015a). K. Kim, An Attempt on the Methodological Composure: Between the Number and Understanding, Nature and Construction, Chosun University, 2015. Available at SSRN: <https://ssrn.com/abstract=2702701>
- Kim, Kiyoung and Ju, Hyun-Meong and Khatun, Marium, A Reflection on the Research Method and Exemplary Application to the College and University Rankings (October 23, 2015b). Kiyoung Kim, Hyun-Meong Ju, Marium Khatun. A Reflection on the Research Method and Exemplary Application to the College and University Rankings. *Education Journal*. Vol. 4, No. 5, 2015, pp. 250-262. doi: 10.11648/j.edu.20150405.23. Available at SSRN: <https://ssrn.com/abstract=2686045>
- Kim, Kiyoung, Concerning the Research and Science (April 10, 2015c). Available at SSRN: <https://ssrn.com/abstract=2592858> or <http://dx.doi.org/10.2139/ssrn.2592858>
- Kim, Kiyoung, On the Method: Quantitative Reasoning and Social Science (April 17, 2015d). Available at SSRN: <https://ssrn.com/abstract=2595633> or <http://dx.doi.org/10.2139/ssrn.2595633>
- Kim, Kiyoung, The Research Design and Methodological Deliberation (December 23, 2015e). Available at SSRN: <https://ssrn.com/abstract=3305760>
- Maxwell, J. A. (2013). *Qualitative research design : an interactive approach* (3rd ed.). Thousand Oaks, Calif.: SAGE Publications.
- Penrose, E. T. (1995). *The Theory of the Growth of the Firm*: Oxford University Press.
- Tetlock, P. E. (1979). Identifying victims of groupthink from public statements of decision makers. *J Pers Soc Psychol*, 37(8), 1314.