

QIKJS-Part.V.D

Qualitative Inquiry of Korean Judicial System

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E-age and Research Process

The research process in the contemporary e-age is not only exciting, but also needs of cautioned. One psychologist from the UW Madison found that the virtual reality makes its best users most queasy. The new findings argued that in a twist of virtual fate, the people could suffer from motion sickness while using virtual reality displays. The researcher in a qualitative method would likely be situated under this kind of challenge, in which the rigor and exhaustiveness would be virtuous or even required as a matter of validity and trustworthiness of his research while the kind of best 3-D vision would be neighborly with the increasing e-space where the social and intellectual exchange occurs, such as Academia.edu or Research.gate. Interestingly, the best quality of 3-D vision is more prone to make them sick in view of personal mobility, which means being immersed into the virtual reality would intensify contradicting the physics of person. Nevertheless, it seems likely that a number of qualitative researcher would see if the reiterative journey would be through a research process, data collection, and analysis and across the dimensions of field in Korea and theoretical or conceptual frame with a reflexivity of pilot study or predictions from the deductive coding may be endless, provided if no practical constraints of research budget, time or some kind of social sharing such as dissertation protocol (Hoover & Donovan, 2003). Ironically, we may agree that this type of passion would spring as immersed to construct the virtual reality on humans and universe on the topic explored by them. While the field data on PAKJS heralded daily or compiled over time in enormous extent of public documentation may provide an empirical ground to allow the researcher to be immersed into the universe of PAKJS, the immanence within the interest holders is rather covered to the researcher's dissatisfaction. One reason likely lies to have been less attentive of some important striking viewpoints in dealing with this kind of cultural group so that the researcher gladly accepted the works of Weberian pen-ship. I have clicked "follow" in the webpage of Acdemia.edu that sought an enhanced understanding of Weber (Davies, n.d). The kind of researcher's social website would have strengths and limitations. It could allow a most vanguard of social science research in the form of working papers or postings and personal writings of authority

in the field. As we see, the cited work preferably needs to range in five-years period for the student researchers¹ if the work is not considered an authority of profound impact in the field of interest. The limitation seems to lie that it is social, implying that some works could not be traced if it is of paid basis. Of course, not all of lecturers or professors are the participants within this new social framework devoted to the standing of free access and universalization of academics.

In-depth Interviews and Some Results

While the interview result and their writings or personal story books had revealed the data of much implications and susceptible of interpretation, new emerging ideas through the field and thought frame never were a bluff in huge amount that must be incorporated into some of my assertions and propositions. For example, one article, “place becomes law” would inspire much that the interested players in PAKJS would respect and ought to be inherent to keep through their standard or ethics. The traditional maxim, say, supremacy from the law of land, would be a first lesson in their first year law class, in which the book title would be some kind of translation from the sociological or geographical points of focus. Given if the quasi-quality of public offices, lawyers would not be merely sociological or geographical, but would be bureaucratic or administrative that could make their person somewhat distinct psychologically or mentally (Patterson, n.d). The epistemology and possible social construction about the policy players and disaffected people would stem from this little different shape of mental dimension.

One interviewee hinted, “the group of lawyers in nation are fairly diverse in spectrum...Some senior lawyers with the career background of higher rank offices are fairly arrogant and other lawyers would concede of their prestige...This might bring that nepotism within the profession would likely persist...Without any striking impact from the political branch, this kind of practice would be easily perpetuated.” Other interviewees cast a similar view, “The senior lawyers are not same, in which the income disparity or ways of social living differ significantly...The generational gap would be needless to specify that spanned widely in terms of ideology, income status, professional attitude, and of course, their background. This is not untrue despite their common ground as an expert of lawyer.” The discourse to deal with this group and phenomenon as experienced ought to be hybrid in nature, standing with the transformative structure and environment. In terms of political culture or environmental system on the policy diffusion and policy process theory, the three periodization would be hardly deniable. This objective dimension faltered or transformed across the experimental nation contested with the paradigm of western democracy, which had

¹ The students or education paradigm are the kind of ethical touchstone for the professional practice that this tacit rule could also be implied of professional researchers and university professors.

been thought crucial for the democrats envisaging the judicial system or judiciary for the people, but could be considered possibly irrelevant to establish the prototype of independent judiciary by some of juristo-crats. While the political leadership had exerted an decisive impact to create the environment to shape the KJS as explored, the behavior of judicial people could be properly described as the kind of sub-altern receptiveness alienated from the decision making process. Within the subjective dimension of judicial people, therefore, we believe that the cognitive gap or diversity would be wide making less of plenary explicatory power the econo-political discourse, such as neo-liberalization and its resistance or even anarchism from the antipodal dimension of radical thinkers (n.d.). The Hayekians, perhaps, somewhat mediated or institutionalized, and as contributed by the seekers of institutionalization vision and paradigm of liberal market would marry the economic and institutional practice or even be concerned of idealistic laws for the best institution of democracy and liberal market (Davies, n.d.) Hence, the approach would go beyond the purity of classic economic theory that could provide a good account for the third period, for example. Nevertheless, the discourse would be general that has less than power to explicate the policy process specifically. It could do good to argue that a staged process to open the legal service market for any global level playing field since the global capitalism could yield a best efficiency by means of that policy measure. It also could support the argument of new law schools in the last occasion of controversy since the new law school system had already settled with years of practice and vested interest within the interested parties should not be discredited.

This Austrian tradition of thought would have a believed or theoretical anchor to cherish the predictability and stability as an important element to safeguard the neo-liberal institutions. The attitude and values about the social philosophy, in this respect, are inseparably entwined with the kind of legal ideals (n.d.). Nevertheless, the sympathetic ethos between the lawyers and neo-institutional thinkers may not be gotten thoroughly about the specifics and humans as a lawyer (Patterson, n.d.). Given the place of four ambassadors about weeks ago, their cause might be represented from the lens of this thought and philosophical understanding, say, predictability and stability. As the news cut divulged, “the current legislative attempt failed of the expectations and promise stipulated within the FTAs among the countries....” With respect to their characterization of neo-liberalism, the central argument asserts that the promoters of that idea effort to elevate unconscious processes over conscious ones. This element of neo-liberalism tends to eradicate the jurisdictional elites compatible with the traditional notion of Millsian power elites, which is thought a major challenge of neo-liberalism from a Foucaudian perspective (n.d.). The traditional elites, perhaps Weberian and Millsian, had been considered within the typology, in which they are taken as tacitly coordinated and could make big decisions over the rest of public. Within the society of neo-liberal project, the contemporary elite power is seen as post-judicial that has differed widely from the traditional understanding. First, the financial aspect of elites’ mentality would rise more saliently as implied of the typicality of examples embroiled with

the neo-liberalism and national financial crises.² Second, this influence of global financial capitalism could create the discursive sphere of politics and judgment, on which the public officers or bureaucrats had acted and interacted. Third, this post-judicial scene of elites reinforced by the neo-liberal project may be sensed that they exist outside of any norms of discourse or conducts, in which the cybernetic, non-human systems and processes are acted without the trappings of authority or public status (n.d.). Forth, they could rather be the elites of translation than judgment, in which two-types elite only could exist -- cyborg intermediaries or diplomatic intermediaries as if I was once supposed between the nationalists and internationalists.

The first type operates largely within the system of codes, data, screens and prices while the latter type narrates and justifies what markets, associated technologies and bodies or institutions are saying. In this process of market and societal transformation as capillary forms of power or influenced by the neo-liberalism, Foucauldian perspective on disciplinary power, as attuned with the Weberians or Millsians, also can guide a third way of normalizing in its methods and effects (n.d.). As we see, the institutions of discipline are decentralized and micro-political as simply implied with the many departments of government and public universities. More public or macro-institutions, such as professional associations, market regulation, bureaucracies, as Hayek targeted, would not be severed from the element of discipline, which relates with the elites and institutions and thrusts the challenge against the neo-liberalism advocates concerning how to convert their macro-political goals into micro-political techniques and interventions. One mid-age interviewee came a little reflexive, “My time had been turbulent as you know the IMF financial crisis had befallen sadly and dramatically upon the nation around the turn of new millennium...Nationals had prayed by contributing their home saving gold bars or spoons and accessories in the TV show....The economic downturn since that time would impact my business seriously...Interestingly my feel was not purely economic, but felt some need of international adaptation to new wave of influence as the kind of public elite if I am a lawyer....” Another interviewee, who was an MBA and JD graduate from the US had said, “my study abroad was motivated with the financial crisis. The judges or public officers to my contact seemed to be a cyborg as an errand of efficiency and promoters of automated society on the data or objective public indicators...Some of them are learned with the foreign educational background, and others would respect their logic and metaphor...I had sensed if they were to be the kind of financial elite although they are not working in the financial sector, but within the government...they look very liberal and internationally opened that the kind of rational authority would only

² As we see, many global states, often underdeveloped, however, had been disciplined with the national financial crisis including South Korea and Cambodia. The financial crisis, and associated scandals, created a sense of juridical deficit with regard to the financial sector directly, but also affected the mentality of policy makers and people as more likely financial than willed or intended.

stem from that imagery...I had decided to study abroad despite some familial distaste...IMF never means 'I am F' grade, which would have failed my plan to study abroad (...laugh)"

As we discussed the leadership of presidents, a new ordering of society was chartable and conspicuous over the history of PAKJS (Kim, 2014; 2015a,b), and perhaps the neo-liberal transformation would likely be seen to overhaul the existing cultures or public attitudes to their paradigm or values in any all encompassing manner (Springer, n.d.). This prevailing effect seems not an exception with the PAKJS although the judges or lawyers may substantively be knowledgeable to apply the new terms of labor law with their own sense of social justice. By saying so, I mean that they had been less active to participate within the policy making process or concerned of their collective identity although they might be a good expert in their professional practice. In this context, the key policy makers of judicial background and vast of other attorneys or policy addresses seem to be amalgamated to constitute the professional community and KJS. As the policy theorists are assumed, this hybrid policy structure is the soil that the democratic process began to take place as an ideal of that structure. Now the policy circles began to be formed that was followed by experiences and contest, in which the political leadership would be initiative and governing, but with some resistance in practice and new rise of KBA as a democratic bulwark for the democratic judicial system.

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