

UNIT 2

- Classification of law
- UK legal system
- Word formation
- Sources of law
- Legalese
- Essay writing



BRANCHES OF LAW

KEY VOCABULARY

A. National law

Law/Statute/Act
 Draft law (bill)
 Regulations
 Code(s)
 Constitution
 Guidelines
 Case law/Judgments/Precedents

B. International Law

Convention/Treaty
 Protocol
 Regulation/Directive
 (European Union)
 Case Law

Branches of Law

Some of the branches of law are:

Constitutional Law
 Criminal Law
 Commercial Law
 Employment Law
 Contract law
 Property Law
 Family Law

What other areas of law do you know?

The history and development of a nation influence the shape, focus and **scope** of its **legal system**. For example, the United States, Canada and Great Britain once shared the same system, but since the American War of Independence that common system has split into three distinct systems.

The United States has one relatively brief document that is known as the **Constitution**; all other laws in the United States, whether state or federal, must be **consistent with it**. Because of its importance, the constitution is very difficult to **amend**. In Canada, however, there are many documents that together form that country's constitution. The United Kingdom, on the other hand, has no such special documents.

It is difficult to find a unique **classification of law** since it is a very broad category, influenced by many aspects, as well as by historical development. One way of **classifying** and

understanding the law is by **subject matter**. Lawyers often divide law and legal system into two: **criminal law** and **civil law**.



READING



CLASSIFICATION OF LAW

It is difficult to find a unique classification of law since it is a very broad category, influenced by many aspects, as well as by historical development. The following are some of the main divisions of law that can be found in English legal theory.

Common Law and Statutory Law

Common law, also known as English law, Anglo-Saxon law and Anglo-American law, is uncodified, judge-made law or case-law based on judicial decisions, customs and traditions interpreted in court cases by judges and embodied in reports on decided cases (precedents). The judge is the interpreter, modifier and creator of law.

Statutory law, also known as code law and civil law, is written law, that is, the law codified by law making bodies called legislature. It is derived from statutes rather than from constitutions and judicial decision. Hence, the judicial decisions in courts are based on interpreting the statutes.

Substantive Law and Procedural Law

Substantive law is the part of the law that creates, defines and regulates the rights, duties and powers of parties (examples: civil law, criminal law, etc).

Procedural law comprises rules that describe the steps for having a right of duty judicially administered and enforced (examples: civil procedural law, criminal procedural law, etc.).

Public Law and Private Law

Public law deals with the relations between private individuals and the government, and with the structure and operation of the government itself (constitutional law, administrative law, criminal law, tax law, etc.)

Private law deals with private persons, their property and relations. It is concerned with regulation and enforcement of rights in cases where both the person in which the right inheres and the person upon whom the obligation devolves are private individuals (civil law, family law, property law, contract law, etc).

Positive Law and Natural Law

Positive law - the term derives from the medieval use of *positum* (Latin for “established”) so that the phrase positive law literally means “law established by human authority”. It is also termed as: *jus positivum*, or man-made law (as opposed to natural law) Positive law typically

consists of enacted law - the codes, statutes and regulations that are applied and enforced in the court.

Natural law can be a) a physical law of nature (example: gravitation is a natural law) b) a system of legal and moral principles deriving from a conception of human nature or divine justice rather than from legislative or judicial action.

Domestic Law and International Law

Domestic law, also known as national law or internal law, regulates domestic affairs in one country.

International law comprises legal principles governing the relations between nations. It is actually the law of international relations embracing not only relations among different countries and nations, but also such participants as international organizations, multinational corporations, non-governmental organizations and even individuals. Thus, there is a further division of this law to:

Public international law which is based on international treaties, charters, declarations and resolutions

Private international law, also termed as international conflict of laws, resolving a difference between the laws of different countries in a case where a transaction is related to two or more jurisdictions. It also regulates relations among private individuals where there is a foreign element involved.

Civil Law and Criminal Law

Civil law governs the relations between individuals and defines their legal rights. A party bringing suit seeks legal redress in a personal interest, such as for a breach of contract, a divorce action, a copyright violation, etc.

Criminal law defines crimes against person, state and public peace and order, or property and provides for appropriate punishment. A case in criminal law is invariably brought in the name of government, no matter at what level it may arise. Criminal cases comprise such felonies or major crimes as: homicide, espionage, rape, burglary, perjury, etc.



Post-reading

I. Decide whether the following statements are true or false:

1. Private international law is based on international treaties, charters, declarations and resolutions.
2. Positive law consists of enacted law - the codes, statutes and regulations that are applied and enforced in the court.
3. National law regulates domestic affairs in one country.
4. Civil law defines crimes against person, state and public peace order and property.
5. Criminal cases are never brought in the name of government.
6. Natural law is a system of legal and moral principles deriving from a conception of human nature or divine justice rather than from legislative or judicial action.
7. Criminal procedural law is a substantive law.

8. Family law is a private law.

9. Common law, also known as code law and civil law, is written law, that is, the law codified by law making bodies called legislature.

10. Procedural law comprises rules that describe the steps for having a right of duty judicially administered and enforced.

II. The terms form column A are from the above text. Check their meaning by matching them to the definitions from column B

- | | |
|-----------------------|--|
| 1. precedent | a) the branch of government responsible for making laws |
| 2. divine justice | b) a serious crime punishable by more than one year imprisonment |
| 3. legal redress | c) decided case serving as a basis for determining later cases |
| 4. breach of contract | d) compelling compliance with a law |
| 5. perjury | e) the law that has its sources in legislation |
| 6. conflicts of law | f) God's justice |
| 7. enacted law | g) a means of seeking a compensation in a court of law |
| 8. legislature | h) difference between the laws of different countries |
| 9. law enforcement | i) failure to perform contractual obligations |
| 10. felony | j) giving false statements while under oath |



SPEAKING

- I. Split into groups. Your teacher will give each group facts of a case. Discuss it and decide which class of law your case belongs to.**
- II. Present your case and explain your decision to the rest of the class.**

Reading

GROUP WORK

GROUP A

Read the text and complete the definitions below:

THE LEGAL SYSTEM IN THE UNITED KINGDOM (UK)

The study of law distinguishes between public law and private law, but in legal practice in the UK the distinction between civil law and criminal law is more important to practising lawyers. Public law relates to the state. It is concerned with laws which govern processes in local and national government and conflicts between the individual and the state in areas such as immigration and social security. Private law is concerned with the relationship between legal persons, that is, individuals and corporations, and includes family law, contract law and property law. Criminal law deals with certain forms of conduct for which the state reserves punishment, for example murder and theft. The state prosecutes the offender. Civil law concerns relationships between private persons, their rights, and their duties. It is also concerned with conduct which may give rise to a claim by a legal person for compensation or an injunction – an order made by the court. However, each field of law tends to overlap with others. For example, a road accident case may lead to a criminal prosecution as well as a civil action for compensation.

Substantive law creates, defines or regulates rights, liabilities and duties in all areas of law and is contrasted with procedural law, which defines the procedure by which a law is to be enforced.

1. _____ is law relating to acts committed against the law which are punished by the state.
2. _____ is concerned with the constitution or government of the state, or the relationship between state and citizens.
3. _____ is rules which determine how a case is administered by the courts.
4. _____ is concerned with the rights and duties of individuals, organizations, and associations (such as companies, trade unions, and charities), as opposed to criminal law.
5. _____ is common law and statute law used by the courts in making decisions.

GROUP B

Read the following text about the legal system in the UK and complete the sentences. There is more than one possibility for one of the answers.

The head of state is the monarch, currently the Queen in the UK, but the government carries the authority of the Crown (the monarch). The Westminster Parliament has two chambers, the House of Lords and the House of Commons which sit separately and are constituted on different principles. The Commons is an elected body of members. Substantial reform is being carried out in the upper house, the House of Lords, where it is proposed that the majority of members be appointed, with a minority elected, replacing the hereditary peers. There is no written constitution but constitutional law consists of statute law, common law and constitutional conventions.

There are four countries and three district jurisdiction in the United Kingdom: England and Wales, Scotland, and Northern Ireland. All share a legislature in the Westminster Parliament for the making of new laws and have a common law tradition, but each has its own hierarchy of courts, legal rules and legal profession. Wales and Northern Ireland each have their own Assembly and since 1999 Scottish Members of Parliament have sat in their own Parliament. Under an Act of Westminster Parliament, the Scottish Parliament has power to legislate on any subject not specifically reserved to the Westminster Parliament such as defence or foreign policy. The UK's accession to the European Communities in 1973, authorized by the European Communities Act 1972, has meant the addition of a further legislative authority in the legal system. The UK is also a signatory to the European Convention of Human Rights and this has been incorporated into UK law.

1. In many systems a president rather than a monarch is _____.
2. The UK system has a parliament with two _____.
3. As in other countries, the courts are organized in a _____ of levels.
4. The Scottish Parliament has the _____ to legislate on subjects not reserved to Westminster.
5. The EC is an important legislative _____ in most European countries.
6. A number of international _____ have been incorporated into national laws.

INDIVIDUAL WORK

Complete the table with words from I and II above and their related forms. Then complete the sentences below with words from the table.

Verb	Noun	Adjective
Constitute		constitutional
Legislate		
Proceed		
Convene		
	regulation	
Accede		
Elect		
Authorize		

1. The _____ is the body which has the function of making law; normally it is the Parliament.
2. It is quite a lengthy process to _____ to the European Community.
3. Sometimes a court case can be delayed while counsel argue over _____ problems.



SPEAKING

Describe some of the distinctive features of your legal system and constitution.

WORD FORMATION



Suffixes in noun formation

The nouns below can all be used to form another noun which has a related but slightly different meaning by adding the suffix *-ship*.

I Complete the sentences which follow by choosing a suitable noun in *-ship* from the list below as in the example. Decide what meanings *-ship* can give to the main nouns

- | | | | |
|------------|-------------|------------|-------------|
| 1. member | 4. relation | 7. partner | 9. dictator |
| 2. scholar | 5. leader | 8. owner | 10. author |
| 3. citizen | 6. friend | | |

Example: Some people thought that Britain was becoming a/an dictatorship under Margaret Thatcher’s iron rule.

- a) British _____ can be gained by birth, adopting, registration or naturalisation.
- b) Anita Mason was extremely pleased when Smith and Jones, the owners of the company she had directed for five years, asked her to form a _____ with them.
- c) This country needs a strong _____ to tell people what to do and get things working again!”
- d) “This is an exclusive club. May I see your _____ card please, sir?”
- e) Home _____ is growing in Britain as more and more people are able to buy their own houses.

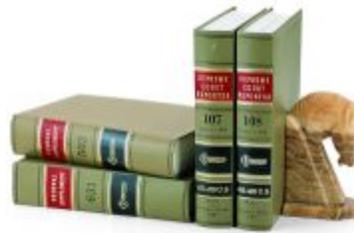
Look at the way these nouns are formed.

Noun	stem	suffix
Assessment	assess (verb)	+ment
Effectiveness	effective (adjective)	+ness
Regularity	regular (adj)	+ity
Administration	administer (verb)	+ation

II Add one of the following suffixes to the words below to form a correct noun

- | | | | |
|--------------|----------|---------|---------|
| -ment | - ity | -ness | - ation |
| Confidential | similar | prepare | |
| organise | careless | present | |
| disagree | popular | invest | |
| willing | require | aware | |

SOURCES OF LAW



LISTENING 2

I. Listen to the introduction to a legal history class and answer the following questions:

- 1) What are two significant dates in English history that the lecturer mentions?
- 2) What happened on each of those dates?

II. Listen to the part of the lecture about English legal history and complete the following sentences:

- 1) Before 1066 most laws in England were imposed by _____
_____.
- 2) After 1066 William attempted to impose the _____
_____ legal system.
- 3) Since _____ English law has been described as common law rather than a civil law system.
- 4) Signing of Magna Carta in 1215 was extremely significant in English legal history since it established the principle _____
_____.

III. Listen to the part of the lecture about English legal history again and answer the following questions:

- 1) What is a trial by ordeal? How was it done?
- 2) Which date the expression 'time immemorial' refers to?
- 3) Who signed the Magna Carta?
- 4) Who forced the monarch to sign Magna Carta? Why?

READING

Common Law in the UK

The legal system in many countries, including Australia, Canada (except Quebec), Ghana, Hong Kong, India, Jamaica, Malaysia, New Zealand, Pakistan, Tanzania, the USA (except Louisiana), the Bahamas, and Zambia, is based on **common law**. The common law consists of the substantive law and procedural rules that are created by the **judicial decisions** made in courts. Although legislation may **override** such decisions, the legislation itself is **subject to interpretation** and refinement in the courts.

Essential to the common law is the **hierarchy of the courts** in all of the UK jurisdictions and the **principle of binding precedent**. In practice, this means that the decision of a higher court is **binding on** a lower court, that is, the decision must be followed, and in the course of a trial the judges must refer to existing precedents. They'll also **consider** decisions made in a lower court, although they're not **bound to follow** them. However, a rule set by a court of greater or equal status must be **applied** if it is **to the point** – relevant or pertinent.

During a trial, counsel will **cite cases** and either attempt to **distinguish the case** at trial from those **referred to** or, alternatively, argue that the **rule of law reasoned** and established in a previous case is **applicable** and should be followed. Hence the term **case law**. A case will inevitably involve many facts and issues of evidence. The eventual decision itself doesn't actually **set the precedent**. The precedent is the rule of law which the first instance judge **relied on** in determining the case's outcome.

Judges in a case may make other **statements of law**. Whilst not constituting binding precedents, these may be considered in subsequent cases and may be cited as **persuasive authority**, if appropriate. Since the Human Rights Act of 1988, all courts in the United Kingdom must now refer to the ultimate authority of the European Court of Human Rights, including all previous decisions made by that court.

Replace the underlined words and phrases in the following sentences with alternative words and phrases from the text above.

1. The courts are **compelled** to apply the precedent set by a higher court.
2. During the court case the judge will **evaluate** all the evidence and the legal issues.
3. Judges are required to **follow** the ratio, or reasoning, in relevant previous decided cases.
4. However, the judge may **note** a case cited as precedent by counsel as materially different from the one at trial.
5. It is, however, the role of counsel to **refer to** relevant previous case decisions.
6. The principle of **following the decisions of higher courts** is fundamental to case law.
7. New legislation may **pay no attention** to the decision of an earlier court judgment.

III. Complete the table with the related forms.

<i>Verb</i>	<i>Noun</i>	<i>Adjective</i>
--------------------	--------------------	-------------------------

Cite	citation	
apply		
precede		
	persuasion	
Bind		

IV. Complete the following sentences with appropriate words from the table above:

- Well, that decision of the Appeal Court is going to be _____ on the case we've got at trial just now.
- We need to be able to convince the judge that the rule in *Meah v Roberts* is _____ to this case.
- Can you check the case _____? I think the year is wrong.
- Should we add to our argument that *Edward v Peck* is a precedent given the legal issues, although the judge isn't bound to follow it?

Vocabulary

I. Match these bodies of law (1 – 3) with their definitions (a-c)

- | | |
|------------------------|---|
| 1. civil law | a) area of the law which deals with crimes and their punishments, including fines and/or imprisonment (also penal law) |
| 2. common law | b) 1) legal system developed from Roman codified law, established by a state for its regulation; 2) area of the law concerned with non-criminal matters, rights and remedies |
| 3. criminal law | c) legal system which is the foundation of the legal systems of most of the English-speaking countries of the world, based on customs, usage and court decisions (also case law, judge-made law) |

II. Complete the text below contrasting civil law, common law and criminal law using the words in the box

based on	bound by	codified	custom	disputes
-----------------	-----------------	-----------------	---------------	-----------------

legislation	non-criminal	precedents	provisions	rulings
--------------------	---------------------	-------------------	-------------------	----------------

The term 'civil law' contrasts with both 'common law' and 'criminal law'. In the first sense of the term, civil law refers to a body of law _____ written legal codes derived from fundamental normative principles. Legal _____ are settled by reference to this code, which has been arrived at through _____. Judges are _____ the written law and its _____.

In contrast, common law was originally developed through _____, at a time before laws were written down. Common law is based on _____ created by judicial decisions, which means that past _____ are taken into consideration when cases are decided. It should be noted that today common law is also _____, i.e. in written form.

In the second sense of the term, civil law is distinguished from criminal law and refers to the body of law dealing with _____ matters, such as breach of contract.

III. Classify the following terms into the appropriate column below. Two terms can appear in both columns.

- | | | |
|---------------|--------------------|----------------------------------|
| Prosecution | theft | damages |
| the accused | to bring a case | family law |
| the defendant | to bring an action | intellectual property |
| compensation | to fine | private individual |
| contract | crime | to charge someone with something |
| police | plaintiff | |

Criminal	Civil

IV. Now complete the following text contrasting criminal and civil law by choosing from the words/phrases above.

Criminal Law vs. Civil Law

One category is the criminal law – the law dealing with crime. A case is called a _____. The case is instituted by the prosecutor, who takes over the case from the _____ who have already decided _____ the defendant (or _____) with specified crimes. The civil law is much more wide-ranging. The civil law includes the law of _____ and _____. In a civil case, the _____, normally a _____ or company, _____ to win _____. If the case is proven (on the balance of probabilities, meaning that one is more sure than not), the defendant normally pays the plaintiff _____ (money)

V. Complete the following sentences using the following words.

Defamation	imprisonment	theft	damages
acquitted	sued	prosecutor	right to silence
Bail	arbitration	injunction	arrested

1. The _____ argued before the court that the crime was very serious and that the court should order the maximum penalty.
2. The accused exercised his _____ and refused to answer any questions.
3. The politician claimed that the newspaper had committed _____ by writing an untrue article about him.
4. The court released the defendant on _____ before his trial.
5. The accused was found guilty and was sentenced to three years _____.
6. The accused was _____ by the court because there was no evidence that he committed the crime.
7. The court awarded 100,000 Euros in _____ because of the injuries suffered by the victim in the road accident.
8. The architect _____ his client because the client did not pay the architect's fees.
9. According to the contract, the parties had to resolve all disputes by _____.
10. Mr Smith was charged with _____ because he had stolen a computer from the shop.
11. The court granted David Beckham an _____ preventing the newspaper from publishing an article about him and his family.
12. The police _____ the demonstrators because they were being violent.

WORD FORMATION



Adjectives: positive and negative forms

I Match the prefixes with the \groups of adjectives

dis-	il-	im-	in-	ir-	un-
-------------	------------	------------	------------	------------	------------

- | | | | |
|----------|----------|------------|-------------|
| a. _____ | possible | probable | precise |
| b. _____ | honest | similar | organised |
| c. _____ | popular | economical | manageable |
| d. _____ | legible | legal | logical |
| e. _____ | complete | expensive | efficient |
| f. _____ | regular | relevant | responsible |

II Add prefixes to the following adjectives

- | | | | |
|------------|------------|--------|---------------|
| Likely | respectful | polite | rational |
| literate | frequent | lawful | proportionate |
| resistible | liberal | mature | helpful |

III Complete the table by giving the missing positive or negative forms of each adjective.

Positive adjective	Negative adjective
applicable	
certain	
appropriate	inconsistent
lawful	illegal
ambiguous	invalid
relevant	
	unsatisfactory

IV Now complete the phrases by choosing the best negative adjective from your table.

Example: When the meaning of EC law is **uncertain** national courts can ask the European Court of Justice for help in interpretation.

- The man accused the police officer of _____ arrest.
- If the words of a statute are _____, the court must construe them literally.
- Don't forget it's _____ to park your car on double yellow lines in England.
- When UK statute is _____ with EC law, EC law prevails.
- The Equal Pay Act is _____ when a woman is paid less than another woman in the same job.

LEGALESE

Latin terms

There are many Latin terms in written English legal text, although recent reforms in the English justice system have encouraged the use of English rather than Latin. Some Latin terms are used so frequently that they are in general English (e.g. *ad hoc*, *bona fide*, *pro rata*, etc.). It is useful to be aware of their meaning:

ad hoc	for this purpose
affidavit	witnessed, signed statement
bona fide	in good faith
caveat	warning
de facto	in fact
de jure	by right
et cetera (etc.)	and so on
exempli gratia (e.g.)	for example
ex parte (ex p.)	by a party without notice
id est (i.e.)	that is
in camera	hearing a case in private
in curia	in open court
in situ	in its original situation
Inter alia	among other things
ipso facto	by the fact
per pro	on behalf of another
per se	by itself
prima facie	at first sight
pro rata	in proportion
Quasi	as if it were
sub judice	in the course of trial
ultra vires	beyond the power
videlicet (viz)	namely

I Underline the common Latin words and phrases in the text. Do you know what they mean?

The claim for breach of contract fails *inter alia* to state facts sufficient to constitute a cause of action, is uncertain as to what contract plaintiffs are suing on, and is uncertain that it cannot be determined whether the contract sued on is written, oral or implied by conduct.

The complaint alleges breach of contract as follows: 'At all times herein mentioned, plaintiffs were a part (*sic*) to the Construction Contract, as well as intended beneficiaries to each sub-contract for the construction of the house. In light of the facts set out above, defendants and each of them, have breached the Construction Contract.'

On its face, the claim alleges only that defendants 'breached the Construction Contract'. But LongCo is not a party to the Construction Contract. Therefore LongCo cannot be liable for its breach. See e.g. *GSI Enterprises, Inc. V. Warner* (1993).

II Match the sentences containing Latin terms (1 – 7) with the sentences which have similar meaning (a – g).

- | | |
|---|--|
| 1. There is a prima facie case to answer. | a. They acted in a way which was beyond their legitimate powers. |
| 2. They have entered a caveat. | b. An application for an injunction was made to the court by one party and no notice was given to the other party. |
| 3. Their action was ultra vires. | c. The case was heard in private, with no members of the public present. |
| 4. The newspapers cannot report details of the case because it is sub judice. | d. They have warned us they have an interest in the case, so they will need notice before we take any further steps. |
| 5. An ex parte application was lodged at the court. | e. A committee was set up for the particular purpose of investigating the issue. |
| 6. The court sat in camera. | f. The action should proceed because one side has shown there seems to be sufficient evidence. |
| 7. An ad hoc committee was formed. | g. The case cannot be mentioned in the media if it is likely to prejudice court proceedings. |

III Match each Latin word or expression (1-8) with its English equivalent and the explanation of its use (a-h)

- | | |
|---------------------------------|---|
| 1. ad hoc | a. thus (used as a word to indicate the original, usually incorrect, spelling or grammar in a text) |
| 2. et alii (et al.) | b. For example (used before one or more examples are given) |
| 3. et cetera (etc.) | c. for this purpose (often used as an adjective before a noun) |
| 4. exempli gratia (e.g.) | d. against (versus is abbreviated to 'v.' In case citations, but to 'vs.' in all other instances) |
| 5. id est (i.e.) | e. and others (usually used to shorten a list of people, often a list of authors, appellants or defendants) |
| 6. per se | f. and other things of the same kind (used to shorten a list of similar items) |
| 7. sic | g. by itself (often used after a noun to indicate the thing itself) |
| 8. versus (vs. or v.) | h. that is (used to signal an explanation or paraphrase of a word) |

IV Match each Latin term (1 – 10) with its English equivalent (a – j)

- | | |
|-----------------------------|--|
| 1. de facto | a. among other things |
| 2. ipso facto | b. per year |
| 3. inter alia | c. number of shareholders or directors who have to be present at a board meeting so that it can be validly conducted |
| 4. per annum | d. in fact |
| 5. pro forma | e. of one's own right; able to exercise one's own legal rights |
| 6. pro rata | f. proportionally |
| 7. quorum | g. by that very fact itself |
| 8. sui juris | h. as a matter of form |
| 9. ultra vires | i. as follows |
| 10. videlicet (viz.) | j. beyond the legal powers of a person or a body |

PREPOSITIONS

I Legal vocabulary often uses prepositions. Please complete the following sentences using the following prepositions:

to, on, with, for, up, from, of, against, in

1. The court sentenced him.....ten years imprisonment
2. He was arrested.....murder
3. The man was charged.....manslaughter
4. He was detained.....remand
5. He was convicted.....stealing ten cars
6. He was released.....prison after serving five years of a ten year sentence for rape.
7. The defendant had to comply.....the judgment of the court
8. According.....the contract, the company had the right to terminate the contract.
9. The court decided to release the accused.....bail provided that he went to the police station twice a day.
10. The parties decided to draw.....an agreement to settle the legal action.
11. The accused agreed to testify against other members of his gang.....exchange..... a more lenient sentence.

12. The victim of a car accident brought an action.....the driver of the car who caused the accident.

Writing

Introduction to essay writing



TECHNIQUES FOR EXPLORING IDEAS

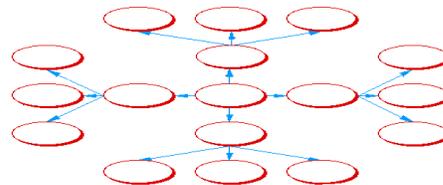
Instead of just plunging into a first draft of an essay, experiment with one of more **techniques for exploring your subject**. Whatever technique you chose, the goal is the same: **to generate a wealth of ideas**. At this early stage in the writing process, you should **aim for quantity**, not necessarily quality, of ideas.

1. BRAINSTORMING: Think freely and write quickly. start with a word--any word--and write it at the top of your paper. Then ask yourself, "What does this word remind me of?" List anything that comes to your mind, even if it sounds ridiculous. When you've filled up the page, go over your list and circle anything that strikes your interest and draw arrows connecting items that relate to each other.

Example: Subject: Legal vs. moral

- | | | |
|------------------|-----------------------|----------------------|
| <i>law</i> | <i>prosecution</i> | <i>hypocrisy</i> |
| <i>legal</i> | <i>judge</i> | <i>abortion</i> |
| <i>violation</i> | <i>criminal</i> | <i>euthanasia</i> |
| <i>state</i> | <i>prison</i> | <i>death penalty</i> |
| <i>crime</i> | <i>code of ethics</i> | <i>gambling</i> |
| <i>church</i> | <i>morality</i> | <i>prostitution</i> |

2. CLUSTERING: write your topic in the center of a sheet of paper, draw a circle around it, and surround that circle with related ideas connected to it with lines.



3. BRANCHING: Put the main idea at the top of a page and then list major supporting ideas beneath it, leaving plenty of space between ideas. To the right of each major idea, branch out to minor ideas, drawing lines to indicate the connections. If minor ideas lead to even more specific ideas, continue branching.

Example: Teaching staff

- Teaching staff--regular*
- part-time---college professors*
- local talent-----artists*
-
- musicians*
-
- judges and politicians*

4. ASKING QUESTIONS - who, what, where, when, why and how

5. FREEWRITING - nonstop writing, everything that you know about subject, set aside ten minutes to do this.

Exercise:

I Split into pairs and explore through different techniques of exploring your ideas for the following subjects:

1. What is justice?
2. Prejudices in our society
3. America as a land where all dreams can come true
4. Is globalization a new word for colonization
5. Reform of judiciary in countries in transition

II Pick one of the topics and explore your ideas together with the rest of the class.