

The Intertextuality of International and Comparative Law

# Codes and Hypertext



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## ABSTRACT

The field of information studies reveals gaps in the literature of international and comparative law as part of interdisciplinary and textual studies. To illustrate the kind of theoretical and text-based work that could be done, this essay provides an example of such a study. Religious law texts, civil law codes, treaties and constitutional texts may provide a means to reveal the nature of hypertext as the new format for commentary. Margins used to be used for commentary, and now this can be done with hypertext and links in footnotes. Scholarly communication in general is now intertextual, and texts derive value and meaning from being related to other texts.

This paper draws upon examples chosen after observing relationships between text presentation and hypertext as well as detailing similar observations by scholars to date. However, this essay attempts to go beyond a descriptive level to argue that this intertextuality, and the hypertext nature of the web, bring together texts and traditions in a manner conducive to the study of legal systems and their points of convergence.



# Hypertext and Association

- Wordle, <http://www.wordle.net/> transforms this abstract into associative components.
- These components indicate major themes: text is indeed at the center of what the essay explores: text presentation as well as idea association and how they work together in glossed texts.

# Gratian, *Decretum*

- Gratian, Iohannes Teutonicus, glossator
- Title: Decretum
- Language(s): Latin
- Notes: With gloss.
- Plimpton MS. O88

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<http://SCRIPTORIUM.COLUMBIA.EDU/>



# Gemara (Babylonian Talmud)

- Prof. Eliezer Segal at Calgary created hypertext AND glossed pages as a teaching tool
- <http://www.ucalgary.ca/~elsegal/TalmudPage.html#Page>



# Codes and Hypertext: The Intertextuality of International and Comparative Law

- *Introduction*
- *The nature of religious texts*
  - *Oral and written transmissions, tradition and commentary*
  - *Law and the sacred*
- *Research and Interpretation in Religious Texts*
  - *Canon Law*
    - *Some background on Canon Law*
      - *Glossa Ordinaria*
      - *The Gregorian Decretals*
    - *Notes on the manuscript*
    - *Other images available electronically*
  - *Talmudic Law*
    - *General background on the Talmud*
    - *Images available electronically*
  - *Islamic Law*
    - *General background re the texts*
    - *A standard print text*
    - *Electronic images and databases*

*Application of commentary in hypertext for treaties and constitutions: the global research process made intertextual*

- *WTO Agreement*
- *Geneva Conventions*
- *South African Constitution and International Constitutional Law*
- *The U.S. Constitution and concepts in religious legal systems: what are the similar hermeneutical tasks?*
- *Conclusion*