



CLASSICAL HERMENEUTICS AS A METHOD OF UNDERSTANDING JURISPRUDENTIAL TEXTS

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Abstract

Hermeneutics, as an independent method, has found a special place in the field of human thought. This method, especially in the twentieth century, has presented its achievements to other fields of knowledge, such as philosophy, theology, the social sciences, and the philosophy of science, and has initiated new debates in those fields.

Hermeneutics is divided into two parts: philosophical hermeneutics and methodological hermeneutics, the former of which is mainly identified with an interpreter-centered approach and the latter with an author-centered approach. In the context of this article, the most important questions that exist are: Which type of hermeneutics can be used in jurisprudential texts? And can a relationship be established between the standard method of interpreting jurisprudential texts and hermeneutics?

By proposing the possibility of establishing a relationship between jurisprudential texts and classical hermeneutics, the authors of this article intend to show that, because the use of philosophical hermeneutics leads to different readings of religion and belief influenced by presuppositions and ultimately to relativism, it is not suitable for jurisprudential texts. However, methodological hermeneutics and the accepted method of rules and their observance, which are more dependent on text-centered, author-centered, and methodological hermeneutics, are the most correct ways to interpret jurisprudential texts.

Keywords: Classical hermeneutics, Understanding, Jurisprudential texts, Hermeneutic method

1. INTRODUCTION

Hermeneutics, meaning the interpretation of a text, has gone through two methodological and philosophical stages. The first type of hermeneutics was initially applied to sacred texts and then to the entire text. Philosophical hermeneutics, which is broader than methodological hermeneutics, encompasses all human knowledge, written texts, discourse, and all phenomena in general, and advances the challenging debate of differing readings. Considering the various approaches to hermeneutics that discuss the presuppositions, interests, and beliefs in interpreting texts, the following questions arise: What is the relationship between hermeneutics and jurisprudential texts? Which hermeneutical approach can be used in jurisprudential texts? Can a relationship be established between the standard method of understanding the text in jurisprudential texts and hermeneutics?

Many texts on the use of hermeneutics in Islamic studies have not distinguished among the various approaches to hermeneutics and have mainly compared the relationship between hermeneutics and jurisprudential texts by applying fixed, general principles to all hermeneutic approaches. The authors of this article, using data analysis in the methodological hermeneutics method (which will be explained in this article), attempted to analyze the background, scope, and goals of hermeneutics, and while distinguishing between different hermeneutic approaches, evaluate them using the standard method of understanding the text in jurisprudential texts, and ultimately propose a theory based on methodological hermeneutics for jurisprudential texts.

2. THEORETICAL FOUNDATIONS

2.1 Definition of Hermeneutics

The term hermeneutics was first popularized in ancient Greece. Aristotle used this term to name his treatise on the logic of propositions in the book *Organon*, which he called *Hermeneias Peri*, meaning “On Interpretation.” The name of the institution.¹ The word hermeneutics is derived from the Greek verb “hermeneuin,” meaning “to interpret,” and its nominal form is “hermeneia,” meaning “interpretation.” The various forms of this word imply the understanding of an ambiguous thing or situation.² Some writers also believe that every interpretation and commentary consists of three aspects: the text that requires understanding and interpretation; the medium of understanding (the interpreter or Hermes) who conveys the text’s message to the audience. This structure contains the most original discussions of hermeneutics.³

Various definitions of hermeneutics have been presented, each representing a specific view of the goals and tasks of this method of acquiring knowledge. For example, according to Wilhelm Dilthey, hermeneutics is not a knowledge at the service of understanding texts, but a science of the methodological and epistemological type, generally at the service of the human sciences. On the other hand, philosophical hermeneutics, which begins with Heidegger, in a completely different perspective, does not consider the dignity of hermeneutics to be the presentation of a method and considers its mission to be a philosophical reflection on the ontological foundations of understanding and the explanation of the existential conditions for its attainment, and elevates it from the level of methodology to the level of philosophy and ontology.⁴

With these descriptions and taking into account the point that in both of the aforementioned schools, hermeneutics is related to the interpretation and interpretation of the text, it can be Paul Ricoeur accepted the general explanation of hermeneutics, which is mainly based on the function of hermeneutics: “Hermeneutics is the act of understanding in its relationship with the interpretation of the text”.⁵

2-2 Typology of Hermeneutics

Hermeneutics has gone through four basic stages in a long series. First, classical hermeneutics, which sought to provide a method of interpreting sacred texts and was seen in the thought of individuals such as Saint Augustine; second, romantic hermeneutics, which sought to provide a method of preventing misunderstanding and misunderstanding and was seen in the thought of individuals such as August Wolf, Johann Martin Chladenius, Donn Hauer, and Friedric Schleiermacher; Third, hermeneutics is a method that was generalized in the field of human sciences and its structure is primarily due to Dilthey Wilhelm; and fourth, philosophical hermeneutics that began with Heidegger Martin and continued by Gadamer Hans-Georg Ricoeur and Derrida Jacques and was about explaining the truth of understanding. In terms of the division of types, various typologies have also been presented for hermeneutics (Palmer, 1998:126); In a typology consistent with the development of hermeneutics and also based on the nature and function of the science of hermeneutics, three types can be distinguished: “methodical hermeneutics”, “philosophical hermeneutics”, and “critical hermeneutics”.⁶

¹ Babak Ahmadi, *Structure and Tavil-e Matn* (2d ed. 1372) (2 vols.)

² Richard A. Palmer, *The Science of Hermeneutics* (Mohammad Saeed Hanaei Kashani trans., Hermes 1998).

³ Mircha Eliade (ed.), *The Encyclopedia of Philosophy* (Library References MCMILIAN 1995).

⁴ Ahmad Vaezi, *Hermeneutics* (Cultural Institute of Knowledge & Contemporary Thought 2001).

⁵ David Kozenzhoy, *The Critical Circle* (Murad Farhadpour trans., Enlightenment & Women's Studies 1999).

⁶ Joseph Blaysher, *Selected Contemporary Hermeneutics* (Saeed Jahangiri trans., Porsesh 1380).

“Methodical hermeneutics” refers to the use of hermeneutics as a method for approaching and understanding the subject of the humanities. In this type of hermeneutics, the discussion of meaning and significance is raised, and hermeneutics is used to understand meaning. Schleiermacher, Dilthey, Betti (Emilio Betti), and Hirsch (Donald Eric Hirsch) are among the prominent theorists who, despite their differences in thought with each other, have theorized about this type of hermeneutics (ibid.: 32). In contrast, “philosophical hermeneutics” seeks the self-understanding and interpretation of “Dasein”. In this type of hermeneutics, instead of asking “How is knowledge achieved?”

The main question is “How is understanding possible?” or “What is the existential aspect of that which exists only through understanding?” “Philosophical hermeneutics” questions the basic assumption of “methodical hermeneutics” that hermeneutics is a kind of method for reaching understanding, and seeks to explain the phenomenological nature of human existence itself and to reveal the ontological ground of understanding.⁷

The third type of hermeneutics is “critical hermeneutics,” represented by Jürgen Habermas. “Critical hermeneutics” does not deal solely with epistemology and methodology, nor with ontology and phenomenology, but instead considers the freedom of people under power and emphasizes the creation of connections and understanding between individuals and society. The assumption of “critical hermeneutics” is that human communicative capacity enables the continuation of social life through understanding. However, this capacity is usually distorted and suppressed by factors (such as power and wealth), and this prevents the establishment of communication and knowledge in society. The distortion of communication and the lack of understanding in society, in turn, lead to the deprivation of human freedom. This is where “critical hermeneutics” is used as a method for liberating individuals and creating understanding between them.⁸ From the comparison of these three types of hermeneutics, it can be seen that there is a greater similarity and closeness between “methodical hermeneutics” and “critical hermeneutics” in the sense that in both of them, hermeneutics is considered as a method that is used in one direction to achieve knowledge and understanding, and in the other to achieve freedom and liberation. For this reason, and considering the closeness of the content and purpose of “methodical hermeneutics” and “Critical Hermeneutics” In terms of its focus on method, as well as the recent establishment of “critical hermeneutics” and the lack of complete understanding of its specific theoretical foundations, in this article we will not examine the issue from the perspective of “critical hermeneutics”. We will approach the goal only through the methods of “methodological hermeneutics” and “philosophical hermeneutics”, as used in jurisprudential texts.

2-3. Methodological hermeneutics

Methodological hermeneutics refers to hermeneutics as an interpretive method or methodology in the human sciences. On this basis, the primary goal of hermeneutics is to discover the author’s intended meaning through the knowledge of the linguistic rules governing the work.⁹

Initially, hermeneutics began as a method used to understand classical Greek and Latin texts and to interpret Christian sacred texts. The necessity of this method arose because some ancient texts, due to their historical age, contained illegible or missing words and ambiguous or complex phrases that confused readers and led them to interpret them in unique ways. Therefore, interpreters set out to find a solution to the problem and, using aphorisms and referring to other texts, tried to fill in the gaps, clarify the meanings of ambiguous words and phrases, and, in fact, reconstruct the text and make it understandable. Following the emergence of Protestantism and the religious reform movement, the need for aphoristic hermeneutics as a method for revealing the text’s message and arriving at the “original text” became increasingly urgent. The debates of the Reformation movement

⁷ Nietzsche et al., *Modern Hermeneutics: A Selection of Essays* (Babak Ahmadi et al. trans., Markaz 1386)

⁸ Abbas Manouchehri, *Hermeneutics, Knowledge and Liberation* (Baqeh 2002).

⁹ G. Floistand (ed.), *Contemporary Philosophy* (Martinus Nijhoff Publishers 1982).

over the Catholic Church's ruling that only this Church has the authority to interpret the Bible, along with the Protestants' insistence on the self-sufficiency of the Bible and their determination to demonstrate the clarity and clarity of the foundations of the Bible, brought hermeneutics into a new stage as a method of understanding the Bible.¹⁰

Hermeneutics, among the non-empirical and non-positivist methods (similar to Phenomenology and linguistics), is considered to have as its main essence “meaning”, “relation”, and “understanding”. Whereas the essence of empirical and positivist methods is “cause”, “observation”, and “explanation”. The presupposition of this method is the belief in the possibility of an objective, fixed, and metahistorical understanding of the text, the chance of reaching the author’s intention, the independence of the meaning of the text from the interpreter, and the separation of the meaning of the text from the semantic horizon and the conditions and situations of the interpreter. The concept of hermeneutics was explained in a revised and organized way with the emergence of Schleiermacher and Dilthey, but it existed earlier in the views of various researchers.¹¹

The distinction between “meaning” and “cause” or the distinction between “understanding” and “explanation” is considered one of the fundamental debates in the philosophy of science, although its origin can be found in the thoughts of Ibn Khaldun (with the proposal of the category of neurosis and social science) and Vico (Jyambatysta) with the distinction between the knowledge of categories History and culture on the one hand and nature on the other) and Max Weber (with his proposal for an understanding method in the human sciences and his going back to social actions and practices), but the oldest methodological approach to hermeneutics can be traced to the ideas of Dunhauer, in which hermeneutics is considered as the science of the principles of biblical interpretation and is used to refer to discussions related to the method of interpreting the text.

From the eighteenth century onwards, the concept of hermeneutics came to be closely associated with the Holy Book that has been lost.¹² In this period, as in the previous one, it is possible to grasp the text's meaning and the author's intention, and hermeneutics is used as a method to achieve this. However, it was Schleiermacher and Dilthey who first explained and refined the hermeneutical method coherently.¹³

2-4. Difference in semantics and hermeneutics

With an example, one can briefly grasp the difference between semantics and hermeneutics and thereby understand semantics more clearly. The image of a friend meeting his friend's child with his father and, because of the trick of his friend's young child in the form of greeting and greeting, he says with great joy and affection, “Oh, burnt father,” and kisses him on the head, and then shakes hands with his father and greets him. The semantic interpretation of “Oh, burnt father” is the same as the speaker's rudeness to the young child who breaks his house with a glass stone and runs away. However, when we go beyond the shell and crust of “burnt father” in these two spaces, we understand two very different meanings of it. The latter, different understanding of the sentence “burnt father” is related to hermeneutics and the interpretation of the word, which guides the space of the listener's speech, whereas, in the semantic field, in both cases, the sentence “burnt father” has a single meaning. Gadamer says that, in the difference between semantics and hermeneutics, semantics looks at signs and facts, or linguistic data, from the outside. As they are and appear, but hermeneutics emphasizes the internal, practical side of the world of words. Interpretation is the

¹⁰ Nietzsche et al., *Modern Hermeneutics: A Selection of Essays* (Babak Ahmadi et al. trans., Markaz 1386)

¹¹ Babak Ahmadi, *Structure and Tavil-e Matn* (2d ed. 1372) (2 vols.)

¹² Palmer, Richard A. *The Science of Hermeneutics*. Translated by Mohammad Saeed Hanaei Kashani. Tehran: Hermes, 1998.

¹³ G. Floistand (ed.), *Contemporary Philosophy* (Martinus Nijhoff Publishers 1982).

understanding of specific meanings and the individual and personal application of signs and meanings, but semantics is the universal application of semantic meanings.¹⁴

The concept of semantics or signified is an idea related to words and is used only in the field of semantics. The author's intention cannot be measured except through words, which are in the field of semantics, and what remains is the understanding of the audience, which is in the field of hermeneutics.¹⁵

2-5. Difference between Hermeneutics and Interpretation

Hermeneutics cannot be considered a twin of interpretation. In the last two centuries, after the transformation of philosophy from ontology left over from the Scholastic school to Kant's metaphysics, the subject of hermeneutics has been the focus of attention and reflection for philosophers and theologians across various fields of philosophy, theology, linguistics, etc. In fact, Kant's epistemology can be considered the beginning of the emergence of hermeneutics, because before this period, the science of interpreting texts in grammatical discourse was the monopoly of Christian theology for explaining the propositions of the Bible and, as a result, was excluded from the field of philosophical studies. Therefore, Kant's distinction between noumenon (thing in itself) and phenomenon (phenomenon), which caused philosophy to turn from metaphysics to hermeneutics, is called the hermeneutic event. The importance of studying mental processes in Western philosophy has led to the process of understanding in a descriptive-analytical form receiving special attention from philosophers and theologians. The emergence of knowledge and interpretation as a philosophical object has expanded the scope of hermeneutics across various fields and has engaged theology on multiple fronts in this new approach to the meaning of the text—the term text (found). The text emerges when it is distanced from it and becomes an object. Before this period, everyone was in the flow of the text and engaged with it, not outside observers. In other words, there was no historical distance between man and the text.

The condition of the text is ambiguity, which, if it is not felt, the text will not be formed. An event cannot be understood until it expands itself. So the more historical expansion occurs, the more the text is composed. In addition, every understanding itself will be transformed into another text.¹⁶ after a while, and therefore every interpreter will be faced with a series of texts. (This situation can be depicted in the following pattern, which indicates the hermeneutic cycle:

Text as a phenomenon/phenomenon + comprehension = understanding/comprehension + explanation = interpretation/interpretation + recording = text (Qa'eiminia)¹⁷

Schleiermacher, at the height of Romantic philosophy (a philosophy that drew on Kant's epistemology) and in the midst of the Reformist schools of literary criticism influenced by the Jurisprudential Reform Movement, formulated the first scientific theory of the understanding and interpretation of texts. Of course, he was most concerned with finding a reliable and trustworthy method for understanding and interpreting the Holy Bible and discovering a kind of mental error detector to block the path of any error and misunderstanding. However, the path he opened was not limited to this path; numerous other domains (hermeneutics) found their way towards Historicism. Influenced by the historicist movement, Dilthey changed the methodology of the human sciences. He was deeply concerned with the question of whether an objective and valid understanding is the exclusive preserve of the empirical sciences or whether historical sciences can also possess this characteristic.

Husserl made hermeneutics a tool for establishing a kind of ontology based on the knowledge of the process of understanding. Gadamer, in the framework of Heidegger's view, separated from his master

¹⁴Ahmadi, Babak. *The Structure and Interpretation of the Text*. 2d ed. 1993. 2 vols.

¹⁵ Ibid

¹⁶ Vaezi, Ahmad. *Theory of Text Interpretation*. Qom: Research Institute of the Faculty and University, 2011.

¹⁷ Ghaemini, Alireza. *Text from the Perspective of the Text*. Islamic Education Association, Qom, 2001.

halfway and founded philosophical hermeneutics.¹⁸The teachings of philosophical hermeneutics are so crucial that all subsequent hermeneutics have included them within their domain, in the form of defense and completion, or rejection and criticism. This philosophical view, by emphasizing the following principles more than other hermeneutic views, challenges the interpretive tradition of the Christian and Islamic worlds.¹⁹

3. COMPREHENSIBILITY OF THE JURISPRUDENTIAL TEXT

The science of jurisprudence has proposed comprehending the appearances of the religious text in the discussion of evidence. Evidence in this science means recognizing something as valid and as proof for jurisprudential and religious rulings. For example, when we say that a single piece of news is proof, it means that the sacred law has recognized it as proof for establishing jurisprudential and religious rulings. According to this, if we consider the appearances of religious texts as evidence for God's intentions, then the meaning of those appearances and our understanding of them are evidence and proof for discovering the divine intention. So, the evidence of the appearances of religious texts is the proof of understanding those appearances. That is, if the evidence and validity of such an understanding are confirmed, the aforementioned understanding will serve as evidence and proof for following the appearances of religious texts.²⁰

3-1. Islamic Scholars and Hermeneutics

Islamic scholars, including theologians, philosophers, fundamentalists, and interpreters, have not formally presented a discussion under this title. Some of the material related to current hermeneutic discussions may have found its way into the field of our religious thought.

Islamic sciences, in their various branches, especially jurisprudence, theology, and exegesis, have broad connections with the understanding and interpretation of religious texts; therefore, Islamic scholars follow a specific interpretative theory in their engagement with them. The discussions of our religious researchers, from various angles, including hermeneutics in the field of interpretation, are similar to hermeneutic theories, although they have not given it that name. A part of the science of principles is dedicated to issues related to understanding the text and the rules governing the understanding of religious texts, which are called "discourses of words".²¹In the introduction to interpretation, Islamic commentators address some of the issues related to the quality of understanding and interpreting the Holy Quran, which in turn is hermeneutical; for example, we can refer to the method of the late Allamah Tabatabai in his interpretation of Al-Mizan, who presented a different interpretive idea by explaining the technique of "interpreting the Quran by the Quran." While the Akhbaris do not consider the Quranic verses to be independent in their references to matters, they consider the Quran to be contrary to everyday discourse and believe that God's intention was not to explain His purpose through the Quranic verses themselves. However, the real interpretation and meaning of the verses must be understood with the help of the narrations of the infallibles (peace be upon them).²²

The tendency of some mystics and Sufis to interpret the Quran themselves, not being satisfied with literal appearances, and to understand the verses symbolically, is also a hermeneutic tendency with precedent among Christian scholars.

Therefore, the principle of hermeneutic discussions has existed in the field of Islamic thought, but addressing the interpretative theory accepted by Muslim scholars leads us into the vast valley of the hermeneutics of the text. Among Islamic discussions, there are no views compatible with

¹⁸ Mohammadreza Rizhegaran, *Logic and the Theme of Hermeneutics* 45- (Nashr Kongereh 1378)

¹⁹ Vaezi, Ahmad. *Hermeneutics*. Tehran: Cultural Institute of Knowledge and Contemporary Thought, 2001.

²⁰ Bagheri Asl, Heydar. "Intelligibility of Religious Texts from the Perspective of the Usulians." *Journal of Jurisprudence and Fundamentals of Islamic Law*, Year 47, Issue 1 (Spring and Summer 2014).

²¹ Mozaffar, Mohammadreza. *Principles of Jurisprudence*. Vol. 4. Ismaili Press Institute, 2001.

²² Ansari, Morteza. *Fara'id al-Usul*. Vol. 1. Majma' al-Fikr al-Islami, 2008.

philosophical hermeneutics, but the prevailing interpretive theory is in broad opposition to philosophical hermeneutics in discussions of text understanding. While broadly compatible with pre-philosophical hermeneutics, the interpretive theory of Muslim scholars has many similarities with the hermeneutics of the Enlightenment and the modern hermeneutics of Schleiermacher and his followers in the twentieth century, although it differs from each in some respects.

3-2. Understanding jurisprudential texts

Jurisprudential understanding or jurisprudential knowledge is the set of human knowledge and cognitions regarding a specific jurisprudence. Jurisprudential understanding is different from jurisprudence and from jurisprudence itself. Jurisprudence and jurisprudence are related to any jurisprudence, which is a branch of awareness and knowledge of that jurisprudence, so jurisprudence is always mixed with jurisprudential knowledge; that is, faith, acceptance, and commitment to the content of a jurisprudence are consistent with knowledge and knowledge of that jurisprudence.

The jurisprudential knowledge and awareness of jurists of jurisprudential categories are formed by referring to sources. Traditionally, three primary sources shape the jurists' jurisprudential knowledge. These three sources are: jurisprudential experience, rational reflection, and the understanding and interpretation of sacred jurisprudential texts.²³ In monotheistic religions where jurisprudential texts play a fundamental role in shaping jurisprudential knowledge, these texts are the primary source, while two other sources also play a role.

However, the possibility of jurisprudential understanding is a debate that depends on our attitude towards the level of credibility of these three sources; for example, according to those like the Akhbaris who do not consider the manifestations of the Quran as evidence for the non-infallibles, our direct reference to the Quran and understanding its manifestations is not evidence and jurisprudential knowledge cannot be formed by directly referring to the Quran; also, those who do not consider reason to have any importance in jurisprudential inference, rational understanding of religious rulings is not credible; therefore, in their view, reason is limited only to organizing jurisprudential knowledge about the origin and resurrection and is not considered a source of knowledge.

We should remember that not every meaning can be attributed to jurisprudential texts, and understanding a jurisprudential text follows the rational method that governs the understanding of texts; failure to observe the criteria governing interpretation leads to misunderstanding.

3-3. Basis for the possibility of an enlightened understanding of jurisprudential texts

Jurisprudential issues sometimes have an innate basis, emanating from within a person; sometimes they have an intellectual and rational aspect; and sometimes they have a transmission and hearing aspect, each with its own specific method. If we take jurisprudence from nature, it must be governed by the four signs of nature. If we take it from reason, it must undoubtedly be the findings of reason, that is, it must be in a way that is based on rational evidence; for example, this world is dependent on another world, that other world cannot be a creation of another world, otherwise it will lead to continuity, or it cannot be both dependent on another world and its creation and its creator, this is far from the truth. Such issues are a series of clear, rational issues. If we take jurisprudence from the Book and the Sunnah (transmission), we must provide the conditions for transmission. Our Quran is in Arabic, and the Arabic language has its own rules and grammar, and we must understand the meaning of the word of God through them; if it is text or apparent, we must consider it as text and apparent, and if it is concise, we must remove its conciseness and ambiguity with the help of texts and apparent. The purpose is to interpret the Quran in the same way that we interpret poetry and prose. We understand other books through their rules and grammar; heavenly texts are in the same

²³ Sobhani, Jafar. "Hermeneutics." *Islamic Theology* No. 36 (2000).

situation, with the difference that the Quran also has characteristics that distinguish it from other texts.

The Qur'an must be judged as a whole. because a verse may mention a part of the content and the other part is explained by another verse; In addition, the Qur'an is also a book of Sharia and Law, and the method of legislation is not to state all issues at once, so it is possible to state the generalities today, the comments a year later; If the Qur'an has generalities about Sharia, these generalities are proof, but at the same time, we must pay attention to specifics and limitations. The scholars of Islam have stated all these rules in the science of principles under topics such as the authenticity of appearance, the authenticity of non-correspondence, the authenticity of truth, and the recognition of the position of expression from the position of abstracts, etc., which all make the understanding of the book and Sunnah legal. One of the differences between the Qur'an and other texts lies in their knowledge and recognition of the Qur'an's truthfulness and revelation, because the impure and the sick of heart are deprived of its understanding. The Qur'an says in this regard: "It does not touch except the pure"²⁴ and "those who are in their hearts are ravenous, so they follow us like him..."²⁵

Because all its verses, words, and letters speak to the believer and make his soul, heart, intellect, and entire being think and feel. Therefore, Allah describes the Quran as "a guidance for the righteous" (Al-Baqarah: 2). Such a mystical faith in the Quran enlightens the soul of the interpreter with the light of the Quran, and with this light, the interpreter reaches his destination. God says: "But We have made it a light by which We guide whomever We will of Our servants" (Shura: 52). At this stage, in addition to having true faith, the interpreter must also remove the factors that prevent him; such as following the desires of the soul, imposing his own opinion on it, blind fanaticism, prejudices, self-defeating, hypocrisy, disease of the heart, internal polytheism, sin, etc., which will be discussed soon in the context of inferring from jurisprudential texts.

It is necessary to emphasize that jurisprudential understanding is not without law, and anyone who expresses an opinion in it must be aware of these principles and rules. If a foreigner wants to comment on Ferdowsi's poems, he will not be accepted unless he knows the laws of the Persian language, knows its vocabulary, is somewhat familiar with the Shahnameh and its words, and then comments. Jurisprudential books also have conditions that can be interpreted and understood by adhering to them.

However, the Quran is understandable and comprehensible to people. The purpose of its revelation was to guide them through the Quran and find the path to their eternal happiness. This fact is clearly stated in some verses, including the verses: "Bayanun llannas" (Aal Imran / 138) and "Tabiyana llakkul shi".²⁶ Also, in other verses, it invites believers to reflect and think about the Quranic verses, so that in this way they can reach the high concepts of the Quran and apply it in their thoughts, thoughts and behavior; Such as: "Will they not then ponder over the Qur'an"²⁷ or "A blessed Book We have sent down to one, that they may ponder over its verses and that those of understanding may remember"²⁸

These verses and their likes, which are abundant in the Qur'an, all invite us to the fact that this Book was sent down so that people of faith, with reflection and thought, might understand the intentions of its sender that are hidden in it and apply them; therefore, the effort of the interpreter must be on the path of discovering the intentions of the author, otherwise, guidance will not be realized and reflection will not bear fruit.

3-4. Common understanding of jurisprudential texts


²⁴ The Holy Quran.

²⁵ Ibid

²⁶ Ibid

²⁷ Ibid

²⁸ Ibid



A common and consistent understanding in the field of jurisprudential knowledge is not only possible but has actually occurred in many cases, and this common understanding is not specific to branches or principles of jurisprudence. The fact that we say “principles of Islamic jurisprudence” and consider elements as principles of this jurisprudence indicates common cognitive aspects among believers in this jurisprudence. There are also commonalities in the branches of jurisprudence that are called “musallamat” or “necessities” of jurisprudence. The principles of the obligation of prayer, fasting, pilgrimage, and other branches of jurisprudence are among the certainties of jurisprudence. However, there are differences in the branches of jurisprudence in each of these cases.

The commonality of jurisprudential knowledge means that anyone who approaches these texts systematically and rigorously, while observing the rational principles governing their understanding, will reach a standard, uniform understanding, even if the person is not a Muslim. For example, whenever someone researches Islam, he will find that there are specific obligations and prohibitions in this jurisprudence, and Muslims have the same understanding.

They have a common idea about the origin and resurrection. However, they differ in the characteristics of the origin and the characteristics of the resurrection. This indicates the existence of fixed and common jurisprudential knowledge that does not fade or change over time. It is as if the essence and basis of jurisprudence are mixed with this fixed knowledge.

Islamic scholars do not differ on matters related to faith and disbelief, but there is undoubtedly a difference in some theological and jurisprudential issues. Of course, the difference is due to differences in readers, not the Quran's content. Therefore, it is not considered one of the differences in the readings raised today. Some have considered the effect of time and place to be a source of difference; while the impact of time and place is related to the subject area, which naturally changes the ruling, and this has nothing to do with the difference in reading that is raised today in hermeneutics; for example, once upon a time, “blood” had no benefit and as a result, its purchase and sale was forbidden; While today it is a tool of life and surgery is bypassed on its axis and as a result, there is no problem in its transaction

4. RELATIONSHIP BETWEEN CLASSICAL HERMENEUTICS AND UNDERSTANDING JURISPRUDENTIAL TEXTS

What is seen in classical hermeneutics, and in the origin of various theories, is that its experts propose the theories of text-centric and author-centric understanding of the text. By comparing these two theories and jurisprudential texts, we can see that the text-centric interpreter cannot necessarily serve as a valid reference for understanding the law. However, concerning text-centric and author-centric approaches, it is worth considering. Their discussion needs to be examined, and here, with a bias towards legal texts and their sanctity, we can propose the obligation to the laws or, on the other hand, say that the laws. It is obvious that, in other words, they are not revelations; they are written by jurists or expressed in legal texts, and practitioners write contracts. Classical hermeneutics is grounded in the author's intention and its discovery through interpretation. Schleiermacher has clearly stated that every text has a meaning, that this meaning is intrinsic and original, and that this is the author's intention. Therefore, it is not correct to believe in different meanings for a phrase or word in a text without considering the author's purpose.

For Gadamer, the problem of hermeneutics is a problem of law; it is the problem of creating new meanings from old and different materials of tradition. The jurist is faced with this problem acutely and is therefore forced to solve it by adapting the spirit of tradition to the needs of new societies. For Gadamer, jurisprudential hermeneutics can solve the problem of the meaning of tradition by recognizing the prejudices or previous judgments that tradition has so far dealt with in new examples.

Understanding and the quality of understanding the texts of the Quran and Sunnah as religion and Sharia, as well as jurisprudential texts, are two critical issues in seminary circles and have been examined and criticized from various perspectives. The results of the discussion on both issues provide the basis for many other problems and different positions in the field of social and humanistic



methods. Knowledge of the principles of jurisprudence is the most essential source for understanding its principles, rules, and quality. The issues of vocabulary, the theory of emergence, and the validity of emergence in that knowledge are closely related to semantics and an important branch of contemporary classical hermeneutics, although the position of classical hermeneutics in the West in the foundations of jurisprudence differs from that of classical hermeneutics.

Classical hermeneutics was first used to understand religious texts and the field of theology; from there, it entered the field of literary texts. Today, its scope has expanded to fully understand any type of text, including spoken and written texts, as well as human actions such as sleep. It includes understanding various fields of human methods. Hermeneutics concerns understanding through two approaches: epistemology and ontology. The epistemology approach is divided into specific and general classical hermeneutics:

Specific hermeneutics in understanding texts emphasizes that each method has its own rules of understanding, for example, the rules of understanding philosophical texts are different from the rules of understanding literary texts, just as the rules of religious texts are unique to understanding religious texts and are different from the rules of understanding other texts, and classical hermeneutics in understanding texts emphasizes that texts of different disciplines follow a single method of understanding.

The difference between specific and general classical hermeneutics is that the interpreter in specific classical hermeneutics focuses on understanding texts within the same discipline. In contrast, in general, classical hermeneutics focuses on understanding texts across multiple disciplines.

Schleiermacher, Paul Ricoeur, Claudius, and Wilhelm Dilthey are among those who invented and promoted general classical hermeneutics.

The classical hermeneutic approach is ontological or philosophical in its attempt to provide the ontological foundations of "understanding." This approach elevates hermeneutics from methodology and epistemology to intellectual thought and ontology of understanding. This method considers the task of explaining the philosophical foundations of knowledge. Heidegger and Gadamer are among the founders of this classical hermeneutic approach.

Therefore, although classical hermeneutics in the first approach and the discussion of this research are related to the understanding of religious texts, and to this extent they are consistent, hermeneutics in the second approach is different and contradictory to the discussion of this writing, because classical hermeneutics in the second approach seeks to explain the nature of understanding, its general principles, and assumptions. In contrast, the discussion of these specific questions, namely the intelligibility of religious statements and the difference between these statements and non-religious statements on the one hand and the difference between the statements of the book and the statements of tradition on the other, is related to the philosophy of language.

What happened shows that a large part of jurisprudential knowledge aligns with the branches of classical and neoclassical understanding that have a large audience in the West today, and the claim that the method of the principles of jurisprudence is free from understanding issues and everything related to them. It is incomplete and incorrect in meaning, it is far from the truth, and perhaps it is possible to find evidence to prove this claim among sects such as the Ismailis and the Zahiris, who have exaggerated in the apparent meaning. Talking about understanding and its foundations is exclusive to the new experience. Negligence cannot be attributed to the methods of the principles of jurisprudence based on the process of understanding the text.

Another significant result that has emerged from the previous discussions is that scholars' interest in the foundations of seminary jurisprudence, in addition to demonstrating the greatness of jurisprudence and *ijtihad*, has contributed to understanding and comprehending the language of the seminary. The proximity between methodological courses and the seminary provides a suitable

platform for dialogue between Islamic seminary scholars and Western thinkers, and, on the other hand, the seminary's concern for understanding issues is not only desirable but also necessary.²⁹

5. CONCLUSION

The interpreter is always seeking the exact meaning of a text. The meaning of any text is what the author intended to express and used the words and phrases to convey it. Every text has a specific and final meaning, which is the serious intention of the author or speaker. This particular meaning is an absolute and fixed truth that the interpreter must understand. This meaning is not changeable, and the interpreter's mental perception does not affect it. Sometimes the interpreter may get the wrong meaning, and sometimes he may get it right; in either case, the original meaning remains constant.

Jurisprudential texts convey religious messages to humans, and the interpreter's goal is to understand these messages, which reflect the author's serious intention. To achieve this goal, one must follow the rational and conventional method of understanding the text. In this method, the literal appearance of the text serves as the bridge between the interpreter and the original meaning, because the author conveys his message through words and sentences, and the relationship between these words and their meaning is governed by the rules of language and logical principles.

These linguistic and rational rules are customary and are usually observed by everyone in every language. If these principles are broken, understanding the text becomes difficult. These rules can be identified and formulated, just as the logical rules of thinking and reasoning are recorded in the science of logic. The ideal situation for the interpreter is to achieve a definite, specific understanding of the original meaning of the text. When the implication of the text for its intended meaning is clear, it is called "text," and in such cases, an accurate and honest understanding is possible for the interpreter.

However, when the text is "appearance" and does not have a definite text, the interpreter cannot say with certainty whether the meaning he has understood is the final meaning or not. This does not mean that the understanding is invalid, but rather indicates the difficulty in ensuring the accuracy of the interpretation. However, this problem does not mean that there is no criterion for measuring a valid interpretation. In the interpretation of texts, especially jurisprudential texts, the goal is to achieve a valid and acceptable interpretation. Valid interpretation must be methodical, logical, and in accordance with rational principles. Not every interpretation is permissible, nor does the text allow for every interpretation. Only interpretations that are accepted among conventional and familiar scholars are valid.

The time gap between the time of writing the text and the time of the interpreter does not prevent the correct understanding of the text. Changes in language over time do not make the text difficult to understand. The meaning of words usually remains constant, and vocabulary plays a vital role in bridging temporal gaps, especially in the Islamic tradition, where it is given special importance. Understanding the text must be based on the text itself and the author's intention; therefore, the interpreter must focus all his attention on the message of the text. It is incorrect and inappropriate to let the interpreter's own mentality and assumptions distort the message, as this can turn the interpretation into a matter of personal opinion and taste.

Any theorizing in interpretation that leads to "interpreter-centeredness" and legitimizes the interpreter's subjectivity in understanding the text, such as philosophical hermeneutics, is contrary to the classical hermeneutic method. In the classical hermeneutic method, the interpreter does not actively shape the message; they only receive it. If the interpreter wants to change the message of the text, their understanding will be invalid and will become an opinion. The classical hermeneutic method of understanding the text is opposed to the "relativism of interpretation"; that is, it believes

²⁹ Bagheri Asl, Heydar. "Intelligibility of Religious Texts from the Perspective of the Usulians." *Journal of Jurisprudence and Fundamentals of Islamic Law*, Year 47, Issue 1 (Spring and Summer 2014).



that there is a criterion for distinguishing correct from incorrect understanding and does not consider all interpretations acceptable. In non-textual and apparent texts, differences in understanding arise, but these differences are limited, and, again, interpretation should focus on the text and the author's intention, not the interpreter's subjectivity.

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