LEGAL TEXTS AND THE INFLUENCE OF CLASSICAL HERMENEUTICS ON THEIR INTERPRETATION

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ABSTRACT
textual analysis is anchored in the interpretive process of understanding. It is crucial to interpret texts accurately, ensuring that their meaning reflects the intended legal or philosophical context. This is especially true for legal texts, which carry an inherent responsibility to uphold justice, making precise interpretation all the more important. Achieving such understanding necessitates the use of hermeneutics, which provides systematic tools for interpreting texts broadly and legal texts specifically. Hermeneutics is generally categorized into classical hermeneutics and philosophical hermeneutics. This article explores classical hermeneutics, its various forms, the philosophers who established and advanced it, and how it facilitates the interpretation of legal texts, with particular emphasis on Iranian law.

Keywords: Classical Hermeneutics, Interpretation, Legal Texts, Iranian Law.

1. INTRODUCTION

Hermeneutics offers a structured approach to understanding texts. This article examines the interpretation of legal texts through the lens of classical hermeneutics. In legal theory, statutes are often analyzed based on four central assumptions: first, that a text possesses a single true meaning; second, that it embodies the most just legal and judicial outcome; third, that it reflects the intention of the legislator; and fourth, that the judge has the capacity to discern this true meaning. However, the written language of legislation can be limited, particularly when compared to spoken language, in fully conveying the legislator's intent. Recent Persian scholarship has made notable contributions to statutory interpretation legal scholarship—both within Iran and internationally—has yet to clearly define the boundaries of interpretation or explain why "understanding" may be a more precise term than "interpretation." Due to this lack of clarity, "interpretation" is sometimes used to refer to the application of law and its adaptation to specific cases. This ambiguity has significant practical implications, as there is no universal agreement on the matter. Consequently, many jurists focus primarily on the principles and rules governing legal interpretation. Yet, Legal science encompasses statutory rules, interpretive principles, and the pursuit of deep understanding. (Merezhko, et al, 2014). There is little doubt that exploring the conditions and nature of understanding can contribute to fairer trials. Accordingly, this article investigates the role of classical hermeneutics in interpreting legal texts. It begins by defining key concepts, then traces the historical development of hermeneutics and its main traditions, with particular emphasis on their relevance for understanding legal texts, especially within the Iranian legal system.

2. Theoretical Foundations

2.1. Definition of Understanding

In linguistic usage, *understanding* means thought, knowledge, and perception, and it applies only within the framework of words and sentences, not to external objects or beings. Thus, it would be

incorrect to say, "I understood the man," but proper to say, "I understood the man's words" (Ibn Manzur, 1414; Farahidi, 1409). To grasp the meaning of any text, one must first be acquainted with its language (Mostafavi, 1989).

In the Qur'an, the word *fahm* appears only once: *"So We gave Solomon understanding of it"* (al-Anbiya, 79), highlighting the strength of comprehension. The Qur'an, however, employs many synonyms for *understanding*. According to Allameh Tabataba'i, there are nearly twenty terms with a similar meaning (Tabataba'i, 1995). For instance, *'aql* (reason) occurs around forty-nine times in the Qur'an in the sense of intellect or understanding: *"Then they distort it after they had understood it"* (al-Baqara 75) (Tabarsi, 1993). Another verse states: *"These parables We set forth for mankind, but none understand them except those of knowledge"* (al-'Ankabut, 43), where *ya'qiluha* means "they comprehend its benefit" (Shirazi, 1423).

It is worth noting that *fahm* and related terms such as intuition, imagination, intelligence, and reason are attributed only to human beings, never to God (Tabataba'i, 1995). By contrast, knowledge and its equivalents are frequently attributed to God, as in: *"And Allah knows the wrongdoers"* (al-Baqara 29).

2.2. Understanding from a Methodological Perspective

Understanding is a form of perception: one may listen to a speech and either comprehend it or fail to do so. When faced with a text or discourse, there are two possible approaches:

- **Explanation (Tabyin):** The text or discourse is treated as a phenomenon. The explanatory method seeks to identify the links that bring about the phenomenon by applying relevant rules and clarifying the conditions under which it occurs.
- **Understanding (Fahm):** Through understanding, the meaning of a text or discourse becomes clear. This assumes that reading or hearing a text—even when the words are clear—does not automatically reveal the intended meaning.

2.3. Definition of Text

The Arabic word *matn* (text) is related to one of its derivatives, *matin*, which appears in the Qur'an: *"Indeed, it is Allah who is the Provider, the Possessor of firm strength (al-matin)"* (al-Dhariyat 58). Here it is listed among the divine names, meaning strong and powerful. In extended usage, however, *matn* carries various other meanings (Bustani and beta, 779).

A text is essentially a form of written language. With a limited number of letters, an infinite number of sentences can be created. Linguists describe this general language as "social language," the medium of communication and human interaction. By contrast, "individual language" refers to the inner language of thought, by which a person speaks internally to oneself rather than to others (ibid., 1981).

2.4. Definition of Law

Law is a legislative act. An act is understood as the influence of an agent upon an object, and its very conception requires both an agent and an object (Ibn Hazm al-Andalusi, 1980, p. 171). Written and spoken language, as forms of action, usually aim to influence the audience, and this is particularly evident in law. The legislator formulates rules to shape the understanding of the recipient, especially the judge. This influence is reflected in the judge's comprehension of the law and its just application (Seif, 2011).

2.5. Definition of Hermeneutics

The term *hermeneutics* dates back to ancient Greece. Aristotle devoted part of his work *Peri Hermeneias* (*On Interpretation*) to propositional logic and grammar. As a distinct discipline, however, hermeneutics is a development of the modern era (Wayne, 1998).

Etymologically, the word is closely linked with Hermes, the Greek messenger of the gods and guardian of boundaries. Hermes acted as mediator between gods and humans, the creator of speech, and interpreter of divine messages.

Every act of interpretation has three elements:

1. the sign, message, or text requiring explanation;
2. the mediator or interpreter (Hermes);
3. the delivery of the message to its recipient.

In its basic sense, hermeneutics is the science of interpretation and explanation (Hariri, 1996, p. 6). Paul Ricoeur defined it as the art of clarifying and interpreting symbols, particularly those with hidden meaning (ibid., p. 6). He further described hermeneutics as a theory of the act of understanding, especially as it relates to the interpretation of texts (Cousins Hoy, 1992).

3. Understanding from the Perspective of Hermeneutic Thinkers

Understanding lies at the very heart of hermeneutics. In other words, hermeneutics is the art of grasping the meaning of any utterance—whether written or spoken—in a way that seeks accurate comprehension and avoids misunderstanding.

Schleiermacher's View

Schleiermacher gave hermeneutics a new direction, transforming it into a scientific discipline. His work marks a turning point in its history and the beginning of modern hermeneutics. For this reason, he is often referred to as the "father of modern hermeneutics" (Hemati, 1998).

In Schleiermacher's view, every word and expression is connected in two ways:

1. to the language as a whole, and
2. to the totality of the speaker's thoughts and beliefs.

Thus, the interpretation of any text takes on a dual character:

- understanding the words and sentences as they emerge from language, and
- understanding the speech as an expression of the author's or speaker's inner thought.

Heidegger and Gadamer's View

For philosophers such as Heidegger and Gadamer, understanding is centered more on the interpreter than on the author. Heidegger regarded understanding as a fundamental mode of *Dasein*, revealing the possibilities of existence. In his view, all understanding presupposes *pre-understanding*; without it, interpretation is impossible. Gadamer, by contrast, emphasized projection, highlighting the decisive role of tradition and history. He famously likened interpretation to a game, with understanding being an active participation in that game (Holub, 2004).

3.1. The Importance of Hermeneutics

1. **Cognitive Aspect:** Understanding is itself a form of knowledge. To hear a speech or read a text is not the same as to comprehend it. Hermeneutical activity makes the meaning of texts and discourses transparent (Shabestari, 1996).
2. **Interpretive Aspect:** Hermeneutics is a mode of reading and narration that constructs meaning and identity, and can even become a discourse of truth. Marx once remarked that philosophers have interpreted the world in various ways, but the task is to change it.
3. **Critical Aspect:** Hermeneutics and Critical Theory together provide two distinct yet related paradigms of critique: the latter within political, social, and aesthetic theory, and the former within literature and philosophy (Michael, 1990).
4. **Methodological Aspect:** Hermeneutics as a method stands in contrast to empiricism, mechanism, naturalism, positivism, and behaviorism. It rejects the "unity of method"

between the natural and human sciences, insisting instead on methodological distinction—an issue of fundamental importance.

3.2. The History of Hermeneutics

The term *hermeneutics* derives from *Hermes*, the winged messenger of the gods. Hermes' role was to convey divine messages to humankind. Interpretation, in this sense, entails entry into a hidden, complex, and non-apparent realm beyond concrete, tangible phenomena (Saroukhani, 1991).

Until a few centuries ago, hermeneutics was confined to the interpretation of sacred texts. Later, it was extended to general texts, and in contemporary philosophy, it even encompasses existence itself. In the early nineteenth century, Schleiermacher and Dilthey formulated hermeneutics as a method for the human sciences. In the twentieth century, thinkers such as Heidegger and Gadamer reconceived *understanding* not simply as a method but as a mode of *being*.

3.3. Foundations of Hermeneutics

Natural sciences and human sciences differ methodologically for several reasons:

- Human phenomena are voluntary, whereas natural phenomena are not.
- Natural sciences operate on causality, unlike the human sciences.
- In the human sciences, researcher and subject belong to the same realm; this is not the case in natural sciences.
- Human beings possess self-awareness, which sets them apart.

Social phenomena are linked to specific values and subjective dimensions; they cannot be understood apart from the value systems in which they are embedded. Traditional approaches such as behaviorism, which emphasize perception alone, face several problems:

- **Differential nature:** Each person perceives the world uniquely, shaped by their inner world. Every individual is, metaphorically, a unique book.
- **Selectivity:** Perception is always selective.
- **Value-dependence:** Human perception is always tied to positive or negative values.

3.4. Core Concepts of Hermeneutics

Key concepts in hermeneutics include:

- **Lived Experience** (*Erlebnis*)**:** According to Dilthey, human action embodies lived experience and requires special analysis. The interpreter seeks to place themselves in the position of the original actor to grasp the motives behind the act.
- **Latent Constellations:** The unspoken assumptions or taken-for-granted elements necessary for understanding the behavior or actions of others.
- **Understanding** (*Verstehen*)**:** The central aim of hermeneutics. Dilthey stated: *"We explain nature, but we understand human beings."*
- **Indexicality:** Every human act or gesture carries symbolic meaning within a given context. Interpretation requires situating it within its proper setting.
- **Glossing:** Since it is impossible to exhaustively list all the contextual information relevant to an act, the interpreter must retain the main outlines mentally and refer back to them to make sense of another's behavior.
- **Holism:** Hermeneutics emphasizes totality more than any other approach. This involves:
  - **The Hermeneutic Circle:** Understanding the parts of a text requires grasping the whole, and understanding the whole requires attention to the parts. Interpretation is thus a dialectical movement between part and whole.
  - **Historical Dimension:** Every phenomenon must be understood within the broader continuum of its historical development.

- o **Objective Spirit:** Manifestations of human life—from language and religion to art, science, and politics—all belong to the domain of the human sciences.
- o **Documentary Meaning:** The meaning of a painting, for instance, is understood only when placed within the worldview of the society in which it was produced.
- o **Mental Transfer:** The ultimate goal of hermeneutics is to reconstruct the author's mental world. The interpreter must grasp the psychological and intellectual conditions of the author to understand a text deeply. The method for achieving this is *empathy*, or imaginatively placing oneself in the position of the other (ibid., 912–920).

3.5. The Role of the Interpreter in Hermeneutics

The interpreter occupies a crucial role, because:

- They are aware of their own environment while striving to understand the unique world of the author.
- They situate the author or creator within a wider context.
- Over time, interpreters may discern outcomes that were not apparent to the original author.
- Despite temporal distance, they must discern the values that shaped the author's world (ibid., pp. 911–912).

4. Types of Hermeneutics

1. **Hermeneutics of Sacred Texts**
   This refers to the interpretation of sacred writings and the works of moral teachers. In this view, a text revealed or commanded by God carries an inner, hidden meaning. Thus, in religious discussions, notions such as *the science of the inner meaning*, *the science of the innermost meaning*, and *the science of the outward aspect of the inner meaning* are frequently raised.

2. **In the Christian World**
   With Augustine's *On Christian Doctrine*, a new approach to interpreting the Bible entered the realm of philosophy. Augustine considered the interpretation of texts to be a science, one whose rules could be systematically formulated. A major turning point in Christian hermeneutics came with the Protestant Reformation (Ahmadi, 1991).

3. **In the Islamic World**
   In Islamic thought, a distinction is made between *hermeneutics* (understanding the apparent meaning of the Qur'an) and *ta'wil* (tracing things back to their origin or ultimate source). *Ta'wil* thus occupies a highly important place. The Qur'an engages hermeneutical inquiry in two ways: first, as a sacred text whose inner layers require interpretation; second, through the explicit mention of *ta'wil* itself. The term appears seventeen times in three forms—*ta'wil*, *ta'wīlan*, and *ta'wīlah*.

Similar to Christianity, Islam also developed esoteric traditions that sought hidden truths within letters and numbers. Groups such as the Brethren of Purity, Sufis, Ismailis, and later the Hurufis can all be mentioned in this regard (Ahmadi, 1991). Among Muslim mystics, Ibn ʿArabi (d. 1165) stands out. His symbolic approach to defining existence has been likened to modern hermeneutics. He employed diverse forms of symbolism—poetic, geometric, and mathematical—arguing that interpretation could be applied to all natural phenomena and to every aspect of human life (Baljeet Singh, 1997).

4. **Classical Hermeneutics**
   After the Renaissance, when the texts of antiquity became obscure to European readers, new avenues were opened for interpretation. In the nineteenth century, scholars such as

Friedrich Schleiermacher and Wilhelm Dilthey laid the foundations of hermeneutics as a method in the human sciences, particularly by emphasizing psychological interpretation. Schleiermacher distinguished two types of interpretation: (1) grammatical, and (2) technical or psychological. He believed that texts contain a final, determinate meaning and rejected the idea of multiple, equally valid interpretations. According to him, to understand a person, one must understand their words, but to understand their words, one must also understand the person—an idea known as the *hermeneutic circle*. He emphasized that language, and specifically written language, is the true home of hermeneutics. For this reason, he described hermeneutics not as a "method" but as the *art of interpretation* (Ahmadi, 1991).

Dilthey, who bridged the nineteenth and twentieth centuries, focused on the relationship between the meaning of a work and the intention of its author. He stressed the distinction between *explanation* in the natural sciences and *understanding* in the human sciences. For Dilthey, hermeneutics provided a comprehensive and foundational methodology for the humanities. Ultimately, he equated the meaning of a text with the author's subjective intention (Ahmadi, 1991). In its first sense, classical hermeneutics is concerned with the interpretation of religious texts. In its second sense, it addresses the very nature of understanding itself, together with its fundamental principles and presuppositions.

4-1. Philosophical Hermeneutics

Philosophical hermeneutics began with Heidegger in the twentieth century and was further developed by Gadamer, Ricoeur, and Derrida (Khosropanah, 2015). This approach offers a distinctive perspective on the problem of understanding, differing fundamentally from classical and Romantic hermeneutics. In classical and Romantic hermeneutics, the focus is on discovering the rules and principles governing interpretation (Hossein Zadeh, 1939). Philosophical hermeneutics, however, places reflective attention on the phenomenon of understanding itself. It does not aim primarily to provide methods or establish general rules for interpretation, whether in understanding texts or in the broader field of the humanities. Rather, it critiques the assumption that truth can be attained solely through methodological refinement (Vaezi, 2001). A key contribution of philosophical hermeneutics is the understanding that interpretation revolves around the interpreter rather than the text or author. The meaning of a text emerges from the fusion of the interpreter's horizon with the semantic horizon of the text (Hossein Zadeh, 2002).

4-2. Legal Hermeneutics

Legal hermeneutics is a field dedicated to studying legal texts to provide insight into their meanings and applications. Legal interpretation can be analyzed through both general and specific approaches.

- **Legal Hermeneutics in a General Sense**
  This approach emphasizes uncovering the content and meaning of a legal text. In Anglo-Saxon law, its roots can be traced back to the Roman Empire, when laws were first presented to the public by interpreters. Their role was to preserve, compare, translate, and comprehend both ancient and contemporary legal texts (Aghaei, 2009). The Eastern Roman Emperor explicitly maintained that neither existing laws nor lawmakers could conceive entirely new legislation. Legal understanding, therefore, was regarded as inherent within the laws themselves (Grondin, 1994). Nevertheless, practical circumstances often required reinterpretation. To address this, interpreters employed grammatical and syntactic analysis, while judges introduced new legal principles when necessary (Pour Saeed & Yaseri, 2011).

In the nineteenth century, Claudius emphasized that a full understanding of a legal proposition involves two dimensions: the author's original intent and the interpreter's logical assessment of it as rational law.

- **Legal Hermeneutics in a Specific Sense**

  Gadamer, in his seminal work *Truth and Method*, highlighted legal interpretation as a specialized domain. He argued that interpretations in the humanities must also consider jurisprudential and legal perspectives (Gadamer, 1986). Legal subjects are not inherently incomplete; rather, their understanding requires comparison with human realities and legal principles (ibid., p. 318). Gadamer stressed that interpretation should not begin solely with the author's intent; the interpreter must extract truths from the text. In this framework, the law is understood through the judge's interpretation as adapted to contemporary needs, forming a mediating role between the text and present application.

Other scholars, however, seek to determine and validate the precise meaning of legal terms as originally intended. Founders of this approach include Emilio Betti, an Italian legal historian, and the American theorist Hans-Georg Hirsch. Hirsch posited that the author's intention is the standard for assessing the validity of an interpretation. If the meaning of a statement were to change, there would be no benchmark for judgment (Palmer, 1998). This approach leads to interpretive methods that emphasize the text's historical and linguistic context. The shared principle is that meaning emerges from the text as historically constituted, and interpreters uncover it through detailed analysis of textual and historical background (Jafari, 2013).

4-3. Some Jurists' Views on Classical Hermeneutics

- **Schleiermacher**

  Schleiermacher considered the creation of a literary work as a mental and creative act; the author does not merely arrange words. Understanding a text is an art of reconstructing the author's mental world and cannot be achieved by mechanically applying literary rules. Understanding occurs in two stages: grammatical interpretation (linguistic) and psychological interpretation (authorial intent), which together enable reconstruction of the author's mindset (Vaezi, 2011).

- **Dilthey**

  Wilhelm Dilthey, a German philosopher, emphasized the historical method and reconstruction of the author's thought. He argued that fully understanding an author requires reconstructing their mindset and attending to historical and cultural cues to approach the author's intended meaning (Moqaddam & Rastgar, 2010).

- **Betti**

  Emilio Betti distinguished between understanding and interpretation, noting that comprehension involves a process akin to distinguishing between action and result or process and outcome. The goal and outcome belong to the act of understanding (Masoudi, 2007).

4-3. Foundations and Principles of Classical Hermeneutics

Classical interpretation emerged in the mid-seventeenth century and continued until the early twentieth century. Don Hauer emphasized interpreting sacred texts in his book *Sacred Hermeneutics or Methods of Interpreting Sacred Texts*, and Rambach explored institutions of sacred hermeneutics. Christian Wolff, in his *Logic*, devoted sections to general interpretation. Claudius applied classical linguistics to general interpretation.

Kant's influence in transforming philosophy from ontology to the science of reason heightened interest in hermeneutical issues. Schleiermacher, called the "father of modern interpretation,"

combined Romantic principles and Kantian philosophy, establishing hermeneutics as an independent science (Vaezi, 2004).

4-3-1. Foundations of Classical Hermeneutics in Textual Interpretation

Classical hermeneutics assumes that a text has a central meaning (the author's intended meaning). Accuracy is measured by proximity to the author's intent. The interpreter's role is to uncover meaning in the text, not to create new meaning (Ahmadi, 2000). Schleiermacher proposed two stages for understanding:

1. **Grammatical understanding:** Focus on language and its components.
2. **Psychological understanding:** Emphasis on the author's individual characteristics and reconstruction of their thought.

Schleiermacher argued that the text's meaning may not exactly match the author's mind; the interpreter may achieve an understanding beyond what the author intended. Dilthey similarly emphasized understanding the author more fully.

4-3-2. Main Features of Classical Hermeneutics

1. Classical hermeneutics is cognitive, aiming to provide rules and methods for accurate understanding.
2. It is author-centered; the interpreter's assumptions can influence understanding, but classical hermeneutics establishes rules to prevent such interference, focusing on the author's intent.
3. Understanding reproduces the author's and interpreter's intent, not generating new meaning.
4. The text possesses a fixed meaning—its true intent—which is described as the "determination of the text's meaning."
5. Classical hermeneutics allows interpreters to reach the text's meaning while detaching from assumptions to achieve accurate comprehension.

5. Application of Classical Hermeneutics in Iranian Law

Lawmakers cannot foresee all potential issues; legal terminology is not always clear, and societal progress constantly raises new matters. Therefore, interpretation is necessary. Interpretation is the art of discovering and determining the meaning of the law (Garner, 2004).

Authorities responsible for interpreting the Constitution do not usually state explicitly which hermeneutic approach they adopt, because: (1) such an approach may not have a specific legal effect, and (2) considering the merits of various approaches, different authorities attempt to use insights from all schools of thought appropriately. Nevertheless, clear indications of a particular method can often be found in their opinions.

5-1. Relationship Between Classical Hermeneutics and the Interpretive Views of the Guardian Council

1. Fixed Meaning of the Text from the Perspective of Classical Hermeneutics

The discussion of language and the meaning of words is a fundamental topic in Islamic jurisprudence. Meanings may be explicit or inferred, but rhetoric emphasizes the precedence of apparent meaning. Classical hermeneutics holds that a text has a fixed meaning, reflecting the author's true intent. This understanding corresponds to the traditional interpretation emphasized in classical hermeneutics.

Interpretation of the Constitution primarily relies on its text. The Constitution is an integrated whole, and the founders' intentions are embodied in this text. Constitutional interpretation is, therefore, an inquiry into the founders' intentions.

Example 1:

According to Article 69 of the Constitution, the deliberations of the Islamic Consultative Assembly must be public, and a full report should be published via radio and the official gazette for public information. At that time, the Speaker of Parliament suggested two options to address practical concerns, including paper shortages and the cost of printing:

1. Prepare one hundred copies of the full report of each session and provide them to the official gazette as an annex to distribute to relevant institutions.
2. Prepare a condensed report summarizing all points and decisions of each session for publication in the official gazette.

The Guardian Council, in Interpretive Opinion No. M/54 (dated 1979/11/18), held that Article 69 explicitly requires full publication via radio and the official gazette. Limiting publication to condensed formats would violate the Constitution. Had the Council adopted a non-originalist interpretive approach, considering the socio-historical context of the early post-revolutionary period, it might have allowed a more flexible approach to address the practical concern of publication costs. However, as observed, the Council relied explicitly on the text, demonstrating a textualist approach.

Example 2:

Article 44 of the Constitution categorizes radio and television as public-sector entities under state ownership. At one point, the head of the Islamic Republic of Iran Broadcasting (IRIB) inquired whether private radio and television networks, or broadcasts via satellite, fiber optic, or other mass communication systems, could operate legally under the Constitution.

The Guardian Council, in Interpretive Opinion No. 979/21/79 (dated 1999/07/10), responded that, according to the explicit text of Article 44, radio and television are state-owned. Establishing private networks in any form would contravene this article. Therefore, broadcasting audio and video programs via any mass communication systems outside the IRIB framework is unconstitutional. Article 44 establishes that Iran's economic system comprises three sectors: public, cooperative, and private, with radio and television explicitly under public ownership. The Council's reasoning relies entirely on the explicit text, consistent with a textualist or classical hermeneutic approach.

2. Discovering the Legislator's Intent: The Goal of Classical Hermeneutics

The Guardian Council does not limit itself to the words of the law but uses principles of reasoning to ascertain the legislator's intent. In Interpretive Opinion No. 583/21/76 dated 10/3/1376 (Persian calendar), the Council emphasized that the purpose of interpretation is to determine the intent of the legislator.

The interpreter's task is to remove obstacles that prevent identifying the legislator's intent. Legal interpretation serves solely to clarify the legislator's view, and anything beyond the legislator's expressed will does not constitute interpretation.

Example 1:

According to Article 170 of the Constitution, judges must refrain from enforcing government resolutions and regulations that conflict with Islamic laws or exceed the executive's authority. Any individual may request the Administrative Justice Court to annul such regulations.

The head of the judiciary asked the Guardian Council whether the scope of Article 170 includes legislative, judicial, affiliated organizations, Supreme Cultural Revolution Council, Expediency Discernment Council resolutions, and administrative decisions of the Guardian Council, or if it applies exclusively to executive (government) regulations.

The Council, in Interpretive Opinion No. 83/30/9387, clarified that, considering the reference to the executive branch in the latter part of Article 170, the term *governmental* refers specifically to

the executive. In other words, the Council narrowed the interpretation of Article 170 so that the Administrative Justice Court's duties are limited to addressing complaints against the executive branch, rather than the government in general, aligning with the underlying purpose of Article 173. Using contextual clues to narrow the concept of *government* to the executive branch is among the logical methods in jurisprudence that help the interpreter reach the legislator's primary intent. In the Guardian Council's interpretations, reliance on the explicit words and phrases of the law— sometimes coupled with reference to the original intent of the Constitution's framers—ensures that interpretations remain consistent with Islamic principles and the Council's objectives.

Thus, the Council's constitutional interpretations generally involve two layers:

1. The jurist's (Council member) interpretation based on Islamic sources (Qur'an and Sunnah).
2. The collective interpretation of all Council members regarding the principles and provisions of the Constitution.

The result is an understanding of the law that aligns with both the textual wording and the legislator's original intent, while preserving the constitutional principles and foundational criteria.

Example 2:

Parliamentary immunity is a tool recognized by legislatures to ensure representatives' freedom of speech. This immunity includes substantive immunity (lack of liability) and procedural immunity (protection from interference). Constitutional laws in various countries acknowledge this instrument, with some similarities and differences.

In Iran, Article 86 of the Constitution addresses parliamentary immunity, though its interpretation has been subject to debate. Article 86 states that members of Parliament are fully free in expressing opinions and voting while performing their duties, and they cannot be prosecuted or detained for their statements or votes in Parliament.

The head of the judiciary requested an interpretive opinion from the Guardian Council regarding the scope of parliamentary immunity. In response, in Letter No. 80/21/3036 dated 20/10/1380, the Council stated that, based on the detailed deliberations during the final review of the Constitution, parliamentary immunity does not have an Islamic origin. All individuals are equal before divine law, and any person suspected of a crime may be prosecuted. Article 86 protects representatives only in expressing their opinions and voting while performing parliamentary duties; committing criminal acts falls outside this immunity.

As seen, the Council, relying on the Constitution's deliberations, concluded that the immunity under Article 86 does not derive from Islamic law. Some scholars argue that these deliberations lack binding authority because they may reflect personal opinions, and those voting on the law may not fully endorse all preliminary discussions. Many discussions relate instead to another form of immunity, parliamentary privilege, which concerns ordinary crimes committed by representatives.

Regardless of the accuracy of the Council's interpretation, it is important to note that the use of deliberations serves as a *means* to ascertain the legislator's intent, not as evidence of substantive authority. This aligns with classical hermeneutics, which seeks to uncover the original intent of the lawmaker. Therefore, the Council's approach is consistent with classical hermeneutics.

It is also worth noting that in its interpretations, the Guardian Council refers not only to the Constitution's deliberations but also to other principles, including the guidance of Imam Khomeini, jurisprudential principles, and Islamic foundations, which are beyond the scope of this discussion.

6. Conclusion

This article examined the concept of *understanding* and the role of classical hermeneutics in interpreting legal texts. Understanding is defined as a complex, multidimensional process that derives meaning only within the framework of language and text. In the Qur'an, understanding is presented as the capacity for perception and comprehension, with terms such as *'aql* (intellect) and *hikmah* (wisdom) representing related concepts. True understanding requires interpretation and exegesis, as the real meaning of a text is not always apparent at the surface level of its words.

Hermeneutics, as the science of interpreting texts, has undergone significant developments from ancient times to the present. From the exegesis of sacred texts in ancient Greece to the emergence of classical hermeneutics by Schleiermacher and its further development by philosophers such as Heidegger and Gadamer, hermeneutics has consistently emphasized the importance of understanding a text within its historical, cultural, and linguistic context. Hermeneutics is not only a method for interpreting texts but also a tool for comprehending human and social phenomena.

In the field of law, hermeneutics aids in interpreting statutes and legal texts, emphasizing the discovery of the legislator's intent and the adaptation of laws to social and historical contexts. In Islamic philosophy, hermeneutics has been used as a method for the exegesis of religious and philosophical texts.

Ultimately, hermeneutics, as an independent field of knowledge, plays a critical role in analyzing and understanding texts as well as human phenomena. It underscores the importance of cultural, historical, and ethical contexts in the process of understanding and serves as a tool for societal transformation. Hermeneutics facilitates precise textual interpretation and fosters deeper insight into human experience..

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