

ГЕРМЕНЕВТИЧНИЙ АНАЛІЗ ДЖЕРЕЛ ПОРІВНЯЛЬНОГО ІСТОРИКО-ПРАВОВОГО ДОСЛІДЖЕННЯ

Анотація. Порівняльне правознавство застосовує широкий спектр методологічних прийомів для дослідження юридичних фактів і явищ як на макро-, так і на мікрорівні. Тому основна мета роботи полягає у визначенні специфіки герменевтичного аналізу джерел порівняльного історико-правового дослідження. Автором визначено співвідношення історичного і правового підходів при інтерпретації історичних пам'яток, зроблено висновки про дуалістичний характер історико-правової герменевтики. З точки зору інструментального підходу до тлумачення історичних джерел аналізуються такі герменевтичні категорії, як «текст», «розуміння», «значення», «інтерпретація». Автором виділено такі форми пояснення смислу тексту, як логічний аналіз мови, діалог, структурний аналіз. В роботі наведено найбільш розповсюджені методи інтерпретації письмових документів, зокрема, культурно-історичний аналіз, психологічна реконструкція, аплікація тощо. Виокремлено найважливіші принципи герменевтичного тлумачення джерел компаративного історико-правового аналізу.

Ключові слова: герменевтика, історико-правова герменевтика, текст, розуміння, значення, інтерпретація, методи інтерпретації, принципи інтерпретації.

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HERMENEUTIC ANALYSIS OF COMPARATIVE HISTORICAL AND LEGAL RESEARCH SOURCES

Abstract. In the historical and legal comparative studies a wide range of methodological techniques is used to research the historical and legal facts and phenomena both at the macro and at the micro level. However, the main one is the comparative method, adapted to its needs. With the object of further concretization of this way of scientific knowledge, the specificity of the hermeneutic analysis of the sources of comparative historical and legal research is considered in the work. The author determined the ratio of historical and legal approaches when interpreting the historical monuments, made conclusions about the dualistic nature of historical and legal hermeneutics. From the point of view of the instrumental approach to the historical sources interpretation such hermeneutical categories as “text”, “understanding”, “meaning”, “interpretation” were analyzed. The author considered such forms of clarification of the text meaning as a logical analysis of the language, dialogue, structural analysis. The paper presents

the most prevalent methods of interpreting written documents, in particular; cultural and historical analysis, psychological reconstruction, application, etc. The key hermeneutic interpretation principles of the sources of comparative historical and legal analysis are indicated.

Keywords: hermeneutics, historical and legal hermeneutics, text, understanding, meaning, interpretation, methods of interpretation, principles of interpretation.

INTRODUCTION

After major historical sources of comparative historical and legal analysis have undergone external and internal critics, falsification verifications and have been read by palaeographically and grammatically by the researcher, it becomes important to establish implication that was put by the authors. This circumstance has been already understood by 18th-19th century scientists, and in the course of time even special branch of scientific knowledge – hermeneutics has been established, which set sights on explanation, interpretation, explanation the meaning of the document being studied.

Hermeneutics aims to recognize what can be taken as truth in historical document. Document represents the final result of a long series of processes, the details of which are not reported by the author. It can easily happen that the author has not equally correctly conduct such different from one another operations, as observation and compilation, making phrases and spelling words. Consequently, each case of comparative work main sources study requires the use of hermeneutic analysis procedure in order to distinguish between the processes that were carried out incorrectly and to reject the conclusions drawn on their basis in a timely manner.

Regrettably, for the time being the statement still of S.-V. Langlois and C. Seignobos remains relevant, saying that hermeneutics of historical documents is usually applied only when necessary and they are trying to take it to minimum. The most demanding historians use in this case the short-cut method, which concentrates all operations into two groups: 1) document content analysis and positive criticism of the text interpretation (explanation) required to make sure what exactly the author wanted to say; 2) analysis of conditions associated the occurrence of the document, and negative criticism required to verify the author's statements. However even this twofold hermeneutic work is carried out only by the selected few ones [1, p. 144–145].

For comparative researcher on historical and legal issues, knowledge of the basics of hermeneutical analysis of comparative research sources is extremely important, since this particular procedure is the final stage in their study. At the same time, despite the pronounced relevance of this aspect of the methodology of historical and legal comparative studies, the stage of hermeneutic learning of historical artifacts has remained almost undeveloped until nowadays. This particular issue determines the purpose of presented scientific article – to characterize the historical and legal direction of hermeneutics, as well as to determine the main components of hermeneutical analysis method of the main sources of comparative historical and legal research.

1. LITERATURE REVIEW

The lack of fundamental research on historical and legal hermeneutics has led to the necessity to engage the papers presented in general philosophical, legal, and historical spheres while writing of this article. It should be noted that, in contrast to philosophical hermeneutics, which has been developed quite thoroughly, legal and historical hermeneutics only begin their formation as separate methodological disciplines. Surely, this circumstance makes the work on the methodology of historical and legal hermeneutic analysis much more complicated. At the same time, it is possible to specify separately those domestic and foreign authors, whose works in the field of sources interpretation is featured with most pronounced instrumental value.

Thus, common understanding of philosophical hermeneutics and hermeneutic analysis logics has been given in his work by S. A. Farenik [2]. E. V. Bogdanov has noted the main stages of philosophical hermeneutics formation and considered major tendencies of its contemporary development [3]. E. M. Spirova gave rather detailed institutionalization of the hermeneutic circle as one of the basic categories of art of texts interpretation [4]. Fundamental work of M. E. Soboleva "Philosophical hermeneutics: the concept and position", is also worth noting here, which in its essence is a full-fledged guide to the methodology of this discipline. In particular, in her work in addition to the well-executed definition of hermeneutics she provided the most complete coverage of such categories as "text", "comprehension", "meaning", "interpretation", etc. In addition, the author briefly describes the hermeneutics of Wilhelm Dilthey and Martin Heidegger, the "hermeneutical logic" of George Misha, the hermeneutic ontology of Hans-Georg Gadamer, and others [5].

Legal hermeneutics as research area of jurisprudence is quite completely presented in the paper of A. V. Vasiuk, who also examines the relationship between jurisprudence and hermeneutics, tries to establish the relation between hermeneutics and the general process of interpretation of law, etc. [6]. G. V. Papakin, introducing documentary hermeneutics concept, adds new categories and principles to the general methodology of texts interpretation [7].

O. P. Pronnestein, representing historical science, in his fundamental work gave a general overview of the process of historical interpretation of documents, noting the connection between language and thinking, grammatical and logical interpretation. In addition, the scientist pointed out the specific features of the interpretation of certain types of written sources, in particular, legislative instruments, contractual letters of recognition, correspondence documents, narrative sources, etc. [8]. S. V. Langlois and Ch. Seignobos, considering the content of external and internal criticism of historical documents, have rather successfully for their time identified the place of hermeneutics in the structure of source studying work [1]. The well-known ante-revolutionary scientist O. S. Lappo-Danilevsky in the history methodology context has described in detail the psychological, technical, typification and other methods of historical sources interpretation [9].

Among the modern scholars being deep into comparativism and hermeneutics, we should mention as follows: Martin Van Hawk [10], K. Walsh [11], S. Eric [12], C. Lincoln [13], J. Poyanovsky [11], J Reni Juste [14] and others. However, despite their considerable interest in this issue, the matter of hermeneutical analysis method of sources of comparative historical and legal research regulation remains out of attention of the named professionals.

2. MATERIALS AND METHODS

Methodological basis of the present scientific paper are the general provisions of philosophical hermeneutics concerning text interpretation as a symbol, language and structure, the hermeneutic circle, as well as such categories as "comprehension", "interpretation" and "meaning". In distinguishing the idea of "historical and legal hermeneutics", methodological developments from the The methodological basis of this scientific article is the general provisions of philosophical hermeneutics concerning the interpretation of the text as a symbol, language and structure, the hermeneutic circle, as well as such categories as "comprehension", "interpretation" and "meaning". Methodological groundwork of historical and legal interpretation of documents has been used In distinguishing the concept of "historical and legal hermeneutics".

The article continues refinement of the comparative historical and legal method at comparative work methods level, in particular, the last stage of source study activities – hermeneutical analysis is reserached. Since the scientific method is a theoretically substantiated normative cognitive tool, its structure in the form of theory, methodology, and technique of the study is entirely natural. The methodology, being mid level of specification of scientific knowledge means refinement, despite the fact that it does not contain specific technical techniques, is important in the context of detailed elaboration of the research procedure itself. Since it's it as a set of rules and procedures, techniques and operations, allows to realize in practice the concepts of the basic approaches and requirements of the principles on which the theory of method is based [15, p. 40–46].

Academic expositions of M. A. Damirli concerning specificity of historical and legal scientific search allow to develop methods of comparative historical and legal study, which, in particular, manifests itself with the presence of two dimensions of the latter – historical and legal. In this case, notwithstanding their pronounced autonomy, they constitute integrated mental process in this form of social cognition. In addition, the scientist correctly points out that "specific historical researches carried out within the framework of historical and legal sciences, although they form the core, major part of historical and legal knowledge, nevertheless, dozens of possible research areas in this area ... are not yet realized "[16, p. 416–418]. And in case we take into consideration the direct connection of historical and legal knowledge with texts, it becomes obvious that the methodological activities should be symbolifi-cantly intensified in this direction.

3. RESULTS AND DISCUSSION

3.1. *Specific nature of historical and legal hermeneutics*

Fundamentals of hermeneutics as a general science of interpretation have been laid by the German philosopher F. Schleiermacher in the late 18th – early 19th century. Under his concepts hermeneutics was conceived primarily as an art of understanding personality of another human being, another expression of personified individuality. W. Dilthey has developed hermeneutics as the methodological basis of humanitarian knowledge. From his point of view, hermeneutics is the art of interpreting literature masterpieces, understanding of manifestations of life expressed in written. In the 20th century hermeneutics has been developed by M. Heidegger, H. Gadamer (ontological hermeneutics), P. Ricker (epistemological hermeneutics), E. Betty (methodological hermeneutics) [2, p. 119–120].

Like many other philosophical concepts, the concept of "hermeneutics" is not subject to unambiguous definition. For the time being, the most often hermeneutics (translated from Greek means "to explain", "to proclaim", "to interpret", "to translate") is understood as universal theory of interpretation of symbols. It is quite indicative that since the days of its origination hermeneutics has had the character of the exegesis and has been an auxiliary, technical discipline within the framework of jurisprudence and theology [5, p. 5]. Today we are dealing with ontologization of hermeneutics, and the status of hermeneutics in the general configuration of modern knowledge is connected with the fact that the issue of understanding is a common issue for any scientific and cognitive area – no matter if it is natural or humanitarian. Today there good grounds to say about literature, legal, theological, historical and other hermeneutics [3, p. 3–4].

Conducting comparative historical and legal research requires flexible combination of three scientific approaches – comparative, historical and legal, respectively hermeneutical interpretation of historical and legal documents at the stage of studying the sources of comparative analysis will also have an integral nature. Nowadays we can even speak of the separation of historical and legal hermeneutics, surely making in the nearest future all the required methodological works on its formalization in this status.

Thus, historical scientist O. P. Prontshtein notes that the interpretation of historical sources, in addition to disclosure of the meaning of structures, formulas, symbols, texts, etc., has its own specific features. Interpreting a source, the researcher attempts to understand what is communicated in it about specific facts, events, phenomena. It is also taken into account that there is substantial difference between the historical fact (or phenomenon) in itself, the way it is perceived by creator of the source and the way it is reflected in the document.

Any source reflecting historical fact does not works like a mirror, it shows such fact through the prism of consciousness of its compilers. For the same reason, in order to understand what is expressed in it, it is necessary to take into account the

symbolificance of the source as a phenomenon created in a certain historical context and containing the views of its creator as representative of a particular social system and certain ideology. At the same time, this thesis relates not only to narrative sources, the interpretation of which is impossible apart from class and political positions of their authors, but also to all other types of sources.

Interpretation is aimed to disclose the symbolificance of the entire historical source as a whole, as well as in its individual parts grounded on the above-mentioned positions. Surely, the interpretation of completely comprehensible pieces does not require any special work, however they must pass through the prism of researcher's consciousness [8, p. 146–147].

In contrast to the historical direction of documents interpreting, the relationship between jurisprudence and hermeneutics comes out, above all, in interpretation of various forms and sources of law, relating both to historical and legal documents, and to the various types of legal acts effective in our times. "Legal hermeneutics" term is widely spread at the moment and is usually used to characterize the interpretation of various legal texts.

Modern legal hermeneutics as an independent research area in the field of legal science is relatively young phenomenon. As a rule, it is associated with the general process of interpretation of law. The interpretation of law is a form of cognition that includes cognitive and emotional components, that is rational and irrational levels, explanation and understanding. Legal hermeneutics is one of the types of cognition, which results in a process from understanding to explanation. It should be attributed to special knowledge, the so-called legal analysis: the analysis of literal text, dogmatic analysis and culturological [6, p. 84–85].

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Thus, historical and legal hermeneutics, combining the "historical" and "legal", is a dual discipline the symbolificance of which while studying the sources of comparative analysis and reconstruction of the objects to be compared is hard to overestimate. At the same time, it's necessary once again to emphasize the fundamental difference between the historical and legal approaches of hermeneutic interpretation of texts, since understanding of that allows both methodologically correctly interpret the historical legal document and to develop further on an adequate tooling for this new methodological discipline.

Thus, historical hermeneutics is aimed at finding out the meaning of notions, terms, turns of speech which are out of use or acquired another meaning, determining the genuine sense of sources in cases where this content is concealed, developing

methods for studying and interpreting the meaning of texts, scientifically grounded technical approaches to restore the first wording of the text of the historical artifact, etc. [7, p. 2]; the result of historical hermeneutic analysis is often the establishment of a new historical fact.

With that said, the professional focus of legal hermeneutics is to seek and realize the meaning of the legal rule, studying the issue of multiplicity of meanings. The purpose of legal hermeneutics is not only to clarify the meaning of the norm, but also to translate this meaning into the language of more specific statements, approximate to practical situations so such extent which do not allow for any doubt about their reference to the norm subject to interpretation, thereby facilitating its administration. Hence, legal hermeneutics is most often considered in the context of legal rules understanding and interpretation, more rarely it is understood as a legal technique in a broad sense with general tasks of law comprehending and objectifying [6, p. 86–87].

3.2. Historical and legal hermeneutics as a text comprehension science

Two main points of view on hermeneutics have been formed in the course of its historical development. The first proceeds from the concept that hermeneutics is first and foremost science of comprehending the text, and the second one is based on idea that hermeneutics is to be considered as a science of understanding. Each of these types of hermeneutics has its own methodology and tooling, however this work pays attention exclusively to the first approach. In particular, in the context of comparative historical and legal analysis methodology, it is necessary to consider and adapt to its needs such basic categories of "hermeneutics of the text" as "comprehending", "mean-ing", "interpretation".

It should be noted that in hermeneutics, including historical and legal one, the text can be treated as: 1) symbol, 2) language, 3) structure. Accordingly, its interpretation can be done in the form of: 1) logic analysis of language, 2) dialogue, 3) structural analysis.

Major concern of the text hermeneutics is to get sense from the available symbols, and therefore it attempts to offer methods allowing to extract the meaning from written text maintaining the authentic content of the text. Hermeneutics, which reduces the art of interpretation to the logical analysis of symbols, is called representative or semiotic. Concentration on the logical analysis of symbol is explained by the fact that semiotic hermeneutics proceeds from the assumption that a properly organized system of symbols represents the logical form of the text. However since the logical form of the text in its turn refers directly to the facts, from this it follows that grammatically and syntactically correctly constructed text shall represent true knowledge. In other words, the basis of representative hermeneutics is the belief in the logical congruence of symbols to the elements of reality described by them [5, p. 17].

In hermeneutics, understanding the text as a language is complicated by the fact that adequate and unambiguous definition of this category is not available. This leads

to the necessity to use the work of other well-known philosophers-hermeneutics to develop the methodology of hermeneutical interpretation of comparative historical and legal analysis sources. Thus, H.-G. Gadamer in his book "The Truth and the Method" notes that the text in general and the literary text in particular are uncovered as hermeneutic phenomenon only provided that it is perceived as a language, that is, if it is heard [17, s. 47]. To hear the text means to penetrate into its meaning, to understand it. The text is comprehended when it begins to sound, when the sound unfolds its inner semantic structure, and when all semantic interrelations clearly appear and become clear to the reader.

Since the text for Gadamer is the language in its essence, then his understanding is based on the same mechanism as language understanding, that is, on conversation or dialogue. In his opinion, the text is an entity which is the bearer of the language and, accordingly, the bearer of a certain meaning, to reveal which it is necessary to be in dialogue with it. The text as an entity of the language is bi-directional: on the one hand, it refers to the above said, and on the other hand, it is outside opened and oriented towards another human. In such a way, the text becomes an intermediate link between the meaning contained therein and the interpreter who attempts to penetrate into this meaning on the basis of the text [5, p. 20–21].

Structural hermeneutics is focused at restoring the structure underlying the artifact. This is not about the structure that is clearly presented in the text, but about the structure that needs to be reconstructed in the form of a regular interrelation of elements. Thus, the purpose of structural hermeneutic analysis is to distinguish the aggregate of members of the text structure and to identify the relations between these members. It is aimed to find out certain deep structures beyond the surface of the text and determining their effects on its content.

Let us note that in the course of historical and legal comparisons all the above-mentioned forms of sources interpretation are used, and the main focus of researcher is directed to unpack their sense in line with the specific historical conditions in which they were created. At the same time "it is mistake to think that the semantic interpretation is separated by Chinese Wall from the grammatical interpretation ... Logical categories can not but penetrate the language – directly and hiddenly – not least because the language is a means to express our thinking, which in itself is impossible without logic. Language and thinking are relate as form and content. Language is the form in which thought is expressed. That is we can not agree with those researchers who elect not to use logical interpretation of legal documents and reduce it to the grammatical, or rather – even to syntactic interpretation [8, p. 148].

Generally, since its inception as a philosophical discipline, hermeneutics was nothing less than a science of understanding. At the same time, the "comprehension" is heterogeneous process, and types of comprehension vary both in ways and mechanisms, and in the entities to which the understanding is directed. Usually the cate-

gory of "understanding" in hermeneutics is associated with language symbol comprehension. "Understanding" can be considered as a specific form, which allows working with specific data – "hermeneutical subjects" [4, p. 201].

In the context of comparative historical and legal analysis method quite significant seems to be F. Schleiermacher's doctrine concerning the interpretation in the framework of which "comprehending" category gets its specific substantive manifestation. Its essence is to develop a strict canon of rules of interpretation of texts, which includes three domains: grammatical, psychological and historical. Schleiermacher's method implies, on the one hand, a transcendental analysis of general conditions that constitutes an understanding as such, and, on the other hand, the application of general rules for various special areas of hermeneutics, such as theology and jurisprudence.

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Thus, according to F. Schleiermacher, the first step in the text analysis, shall be its grammatical analysis, focused on "main" and "minor" thoughts distinguishing, that is, to establish logical structure of the text. At the same time, he emphasizes the importance of the ability to "distinguish between main and minor thoughts from simple means of expression." His psychological interpretation should be the second step, the central points of which are establishment of historical circumstances of the author's life and text creation, making possible background for comprehension, as well as individual psychological features of the author establishment and his style. In general, understanding is achieved only as a result of both steps – grammatical and psychological interpretation, whereupon "grammatical interpretation is lower, and psychological is higher" stage in this process. F. Schleiermacher emphasizes that successful application of hermeneutical technique is based on the competence of the interpreter to both the language and the understanding of people.

The high point of F. Schleiermacher's efforts to develop hermeneutical strategy can be considered his "general methodological rule", which includes the following steps: a) start with a general overview of the text; b) simultaneously move in both directions, grammatical and psychological; c) continue to interpret only provided that both of its forms have led to the same result; d) go back in case grammatical and psychological interpretations contradict each other, until a mistake in understanding is found. This methodological "iterative" interpretation rule further on has been called the "hermeneutical circle" rule. In its essence, the idea of a hermeneutic circle is a formalized idea of inquiry. The interpreter conducts a fictitious conversation with the author of the text and, by asking him/ her and himself/ herself fictitious questions, is striving to reveal the hidden meaning of the text [5, p. 28-30].

3.3. Methods and principles of historical and legal sources interpretation

The term "interpretation" is a key one to understand the process of hermeneutical analysis of comparative historical and legal research sources. At the same time, the aims and interests in interpreting sources of texts are so different from each other that we can even speak of different methods and principles of interpretation.

Thus, the most widely used methods of interpretation of historical and legal sources include as follows:

1. Reconstruction of the main text while working with poorly preserved sources or with cryptotects. Notwithstanding the fact that the reconstruction itself is not actually a hermeneutical process, the restoration of the "body" of the text within its framework, as a rule is accompanied by attempts to understand its meaning.

2. Text content respiration to the most accurate degree, taking into account the cultural and historical conditions for its creation. Thus, unfolding of the content of concepts contained in the historical legal documents, quite often can not be reduced to their direct translation. The content of many of them can be clarified only on the basis of careful interpretation, taking into account specific historical conditions in which existed the categories denoted by these concepts. For example, Articles 42-44 of the Pskov court charter refer to isornics. Unfolding its content, V. O. Klyuchevsky, P. Ye. Mikhailov and M. Bogoslovsky described the isornites as free tenants of the landlord's land. However, B. D. Grekov and B. B. Kafengauz, having carried out a cultural-historical analysis, found that these articles are speaking of isornics as a category of feudal-dependent population, which is close to the arable land of Ancient Rus [8, p. 153].

3. Interpretation directed at author's intentions identification, that is what the author tried to say in the text and by means of the text. As a result of the linguistic interpretation of the source, the meaning of all the words and sentences of the written document is clarified. However it is not enough to decide what the author of the source intended to say. Yes, it should be taken into account that historical sources quite often have hidden meaning, that is, the author uses certain words in a sense different to the sense these words are used in the given language at the time of the source creation, or images created by the source have allegorical or symbolic meaning.

4. In addition, under source content interpretation it should be borne in mind that with the development of human society, with the change of production relations and with the development of science the way of people's thinking has been changing. There is nothing more false than to make assumption that people have always thought the way we think at the present and that they have always responded to certain phenomena as we do now. Therefore, in order to establish what the author of the source really wanted to say, it is necessary to know in what epos author lived, to what class and domain he/ she has belonged, what his general outlook, his political beliefs and aspirations have been. It's also necessary to know specific features of his thinking

(for example, metaphysical, dialectical), the degree of culture he/ she has achieved. It should be borne in mind what has been learned by source's author from the existing culture and what has not, if he /she was familiar with his contemporary scientific idea, etc. [18, p. 113–114].

5. Psychological reconstruction, which often takes the form of psychoanalysis and requires a deep knowledge of psychological, sociological, historical nature, etc. O. S. Lappo-Danilewski noted that "without a psychological interpretation one can not approach the understanding of the historical source: the historian gives him more than "mechanical" meaning or known sense only because he/ she uses his/ her own similar psychic experiences." At the same time, psychological interpretation of the source is faced with considerable difficulties, since "the complete and mutual understanding of the two entities implies, in fact, the identity of their psyche (at least in relation to what is expressed) at the very moment nthey communicate, what is already unlikely; but the historian is questioning the entity who has spoken prior to him /her; under such conditions, the identity of their psyche, of course, is even less likely" [9, p. 322–323].

6. Application aimed on the text relevance identification, for example, its suitability to solve any pending issue. For example, new interpretation of the text in the spirit of a new scientific theory, new political ideology or new religious doctrine can fill it with new content and give it a new life.

The most important principles of interpretation of the texts of comparative historical and legal analysis sources in the framework of hermeneutics are as follows:

- *text autonomy recognition principle*, which involves recognizing recognition of the intrinsic to it. This principle proceeds from the assumption of the semantic completeness of the text, which manifests itself in the fact that the text fully expresses own opinion and own truth;

- *the principle of understanding the subject of the text*. Interest in the subject matter of the text firstly and primarily facilitates its correct comprehending and correct interpretation;

- *the principle of understanding the cultural tradition within the framework of which the text has been created*;

- *"hermeneutical openness of the text" principle*, originating from the thesis of the meaningful incomprehensibility of the text, according to which the hermeneutic comprehension appears as an endless process. In connection with hermeneutic openness of the text issue another issue associated with it should be mentioned here. In particular time the question widely discussed im hermenautics was whether it is possible to understand the author better than he/ she understands himself/ herself. In the opinion of Gadamer, who reduced the hermeneutic task to a substantive formulation of question, such situation is really possible provided that the interpreter understands the subject better than the author of the text [5, p. 41–47].

CONCLUSIONS

Thus, hermeneutical interpretation of the sources of comparative historical and legal analysis is a logical continuation of the procedures of their external and internal criticism, verification reliability check, and in fact it is the final stage of their comprehensive study. The consequence of establishing the authentic meaning of the texts of written artifacts is the construction of historical and legal subjects for further comparative analysis. Methodologically correct reconstruction of the "body" of historical and legal subjects is a guarantee of reliability of the findings obtained in the result of comparative work. And this, in turn, becomes possible only by observing the main methodological requirements and principles of historical and legal interpretation of the main sources of comparative research.

Taking into consideration that documents is the central element of any hermeneutical historical and legal analysis; it becomes obvious that the concepts of "comprehension", "meaning" and "interpretation", even given the diversity of their interpretations, continue to serve for comparative historian as the most important tools for comprehension of the texts of the historical and legal artifacts. Even though history itself as a science today becomes more complicated in an epistemological sense and less ambitious in the context of its ability to reproduce the true picture of the events of the past.

One of the most significant limitations of the nowadays historical science is recognition that the text with which the historian works is not a direct testimony to the events of the past, but only their representation, that is, mediated (first of all with language) presentation of historical and legal phenomena. The immediate consequence of such recognition is the consent of the majority of contemporary historians with the initial uncertainty of the meanings of the text, and even their deception [19, p. 22]. Nevertheless, despite of the whole complexity of work with historical documents, hermeneutical analysis of comparative research sources allows to avoid typical mistakes and prepare for historical and legal subjects comparison stage at the higher qualitative level.

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