

## **Naheed GHURI: The Qur'ānic Model (QM) -A Praxiological Study of Religious Tribunals in the United Kingdom (UK)**

This paper undertakes a praxiological study (practice based approach) of Muslim 'religious tribunals', Shari'ā Councils and Muslim Arbitration Tribunals (MATs) not part of the UK law. Some Western scholars maintain that traditional shari'ā law is discriminatory on issues of gender equality, in particular, with reference to Muslim family law. It is important to examine the shift from the 'true narratives' of the Qur'ānic Model (QM) to the 'living practice'; co-construction of 'true narratives' and to what extent Islamic law exists in the 'living practice' complies with the QM. It is my contention that discrimination can be eliminated through the QM by adopting the interpretive/hermeneutical approach. Praxiological/Practice Based Approach (PBA) has identified that discrimination does exist in the 'living practice' of traditional shari'ā law.

I treat the Qur'ān-Sunnah as complementary sources to each other because this has important implications with reference to 'wife beating' verse in the Qur'an (Q.4:34). Religious tribunals (RTs) have restricted access for research purposes and solving my problem is a challenge and PBA was the only way to obtain an 'insider's view'. PBA uses practitioner case excerpts and this gives insight into the specifics of non-compliance, emergence of pluralism within Islam and legal practice of shari'ā law and factors such as the judges' beliefs and values are examined. PBA further enabled me to investigate the specifics of discrimination or inequalities that occur.

The Qur'ānic Model has a potential to engender a more egalitarian (gender neutral) Islamic legal theory. Any Islamic legal theory must recognise that, the Qur'an does not provide a systematic, historical and comprehensive system of universal ethics that can be simply retrieved or discovered.

The secular-religious debate has been politically influenced, for example, inequality issue for women seeking advice from RTs. Baroness Cox has sponsored the Arbitration and Mediation (Equality) Services Bill that has gone through its first reading on 14 May 2013. It is important to understand different cultures and different 'versions of Islam' emerging in policy formulation on a national and international level in the 21st Century and the approaches adopted by the RT judges.