



State Recognition and Islamic Legal Authority: Repositioning the Mufti Institution in Greece

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Abstract

This article analyses the transformation of Islamic personal status law for the Muslim minority in Thrace within the Greek legal order. Historically grounded in obligations under the Treaty of Lausanne, Sharia jurisdiction functioned as a state-administered system that generated persistent tensions between minority protection, constitutional equality, and individual autonomy. Through an integrated doctrinal approach combining treaty interpretation, statutory analysis, and jurisprudential review—centred on the landmark judgement in *Molla Sali v. Greece* before the European Court of Human Rights—the study demonstrates how centred on the landmark judgement in *Molla Sali v. Greece*. The Court's rejection of compulsory Sharia inheritance rules prompted legislative reforms in 2018 and 2022 that redefined the Mufti's jurisdiction as conditional upon explicit consent and enhanced judicial oversight. The article argues that these reforms do not abolish religious jurisdiction but recalibrate it within a constitutional framework centred on verified voluntariness, equality, and procedural safeguards. The Greek experience thus illustrates a model of conditional legal pluralism in which religious adjudication remains legitimate only when embedded within effective state supervision and individual choice. By situating the Greek case within broader European human rights debates, the study clarifies a



normative threshold for reconciling minority protection with constitutional democracy.

[Artikel ini menganalisis transformasi hukum status personal Islam bagi minoritas Muslim di Thrace dalam tatanan hukum Yunani. Berlandaskan kewajiban internasional berdasarkan Treaty of Lausanne, yurisdiksi Syariah selama beberapa dekade berfungsi sebagai rezim yang dikelola negara dan menimbulkan ketegangan struktural antara perlindungan minoritas, kesetaraan konstitusional, dan otonomi individu. Melalui pendekatan doktrinal terintegrasi yang memadukan interpretasi perjanjian, analisis legislasi, dan telaah yurisprudensi—dengan titik sentral pada putusan penting Molla Sali v. Greece oleh European Court of Human Rights—studi ini menunjukkan bahwa pengujian hak asasi manusia di tingkat supranasional telah menggoyahkan fondasi pluralisme hukum berbasis identitas. Penolakan Mahkamah terhadap penerapan wajib hukum waris Syariah mendorong reformasi legislatif tahun 2018 dan 2022 yang menata ulang kewenangan Mufti sebagai yurisdiksi yang bergantung pada persetujuan eksplisit serta pengawasan yudisial yang diperkuat. Artikel ini berargumen bahwa reformasi tersebut tidak menghapus yurisdiksi agama, melainkan merekalibrasinya dalam kerangka konstitusional yang menempatkan kesukarelaan terverifikasi, kesetaraan, dan jaminan prosedural sebagai syarat legitimasi. Pengalaman Yunani merepresentasikan model pluralisme hukum kondisional, di mana adjudikasi keagamaan hanya sah secara konstitusional apabila berada dalam pengawasan negara yang efektif dan pilihan individu yang bebas. Dengan menempatkan kasus ini dalam lanskap perdebatan HAM Eropa, studi ini merumuskan ambang normatif bagi rekonsiliasi antara perlindungan minoritas dan demokrasi konstitusional.]

Keywords: Islamic law; Sharia jurisdiction; Legal pluralism; Molla Sali v. Greece; Greek legal reforms.

Introduction

In Thrace, a region located in northeastern Greece, at the country's land border with Turkey and Bulgaria, around 110,000–120,000 Greek citizens belong to a Muslim minority whose personal status relations are governed by a state-administered system of Islamic law (Topidi 2023a; Papageorgiou 2021). The members of this specific minority have, for about a century, been subject to the

jurisdiction of a state-appointed Mufti in a restricted range of family and inheritance disputes. This special arrangement rendered Greece the only European Union (hereafter “EU”) member state in which religious law functioned as an official and enforceable alternative to civil law, raising a fundamental question: how can a democratic state committed to equality before the law maintain a parallel jurisdiction based on religious affiliation? (Tsitselikis 2013; Provost and Sheppard 2013).

The origins of this regime lie not in modern multicultural governance but in the incorporation of pre-national institutional arrangements into the Greek legal order. Its normative architecture derives from the Ottoman millet system and from minority-protection treaties, most notably the Treaty of Lausanne (1923), which preserved the religious authority of Muslim leaders over personal status matters (Michailidis 2024; Ghauri 2014). These instruments actually transformed religious jurisdiction into a state function, creating a hybrid system that was neither fully integrated into civil law nor independent of state control.

This institutional design generated long-standing legal uncertainty. Greek courts oscillated for decades between enforcing the Mufti’s jurisdiction as mandatory and recognising the right of Muslim citizens to access civil courts (Bano 2007; Tsitselikis 2011). The Mufti’s dual role as both religious leader and state official further blurred the boundary between minority autonomy and state coercion, exposing tensions between treaty-based pluralism, constitutional equality, and individual rights (Belhaj 2022; Baderin 2003). This unresolved conflict forms the central puzzle of this article: under what conditions can a state-managed religious jurisdiction comply with contemporary human rights standards?

That question reached a turning point with the ECtHR’s judgement in *Molla Sali v. Greece*, which held that the compulsory application of Islamic inheritance law violated the European Convention on Human Rights (hereafter referred to as “ECHR”) (McGoldrick 2019). The ruling reframed legal pluralism through the fundamental principle of individual autonomy and prompted significant legislative reforms (‘Religion, State, and the Problem of Gender’, n.d.). These reforms resulted in transforming Sharia application from mandatory into optional and in fact introduced judicial oversight mechanisms aimed at aligning religious adjudication with constitutional and international law requirements (Koumpli 2022). This article argues that the recent Greek legislative reforms

represent a shift from treaty-preserved religious authority to a model of legal pluralism grounded in individual choice and constitutional equality.

While existing scholarship has offered valuable insights into discrete aspects of this regime—such as minority protection doctrines or individual judicial decisions—it has largely remained fragmented, addressing these elements in isolation. This study departs from such compartmentalised approaches by integrating the historical foundations, institutional design, judicial contestation, and post-reform legal framework of Sharia jurisdiction in Greece into a single analytical account of state-managed legal pluralism. By doing so, it situates the Greek experience not merely as a national peculiarity, but as a broader analytical model for understanding how inherited religious jurisdictions can be constitutionally recalibrated under contemporary human rights law.

Method

This study adopts a doctrinal legal research methodology not merely to map the existence of Islamic personal status law within the Greek legal order, but to critically analyse the normative premises, interpretive techniques, and institutional configurations through which it has been maintained and reconfigured. Since Sharia jurisdiction in Greece is constituted primarily through treaties, statutory frameworks, and judicial interpretation—rather than through customary legal practice—doctrinal analysis offers a particularly suitable lens for examining how legal authority is articulated, delimited, and transformed within a legal system that is formally unified yet substantively plural (Cavalcanti 2024).

The first methodological strand consists of a critical historical-legal analysis that treats historical instruments as contested normative sources rather than neutral background. The Treaty of Constantinople (1881) and the Treaty of Lausanne (1923) are examined not only because of their continued citation in Greek law, but also because of the interpretive work they perform in legitimising the persistence of Islamic personal law under state authority (Tsitselikis 2013). Close textual and contextual analysis reveals that ambiguities concerning minority protection, religious autonomy, and sovereignty have enabled selective readings that emphasise continuity with Ottoman administrative arrangements. Rather than assuming historical necessity, the analysis interrogates how such continuity has been constructed and mobilised as a legal argument to resist constitutional and human rights-based change (Turner and Arslan 2014).

The second component involves analytical statutory interpretation of the domestic framework governing the Mufti's jurisdiction, with particular focus on the provisions of Law 4511/2018 and Law 4964/2022. Interpretation is conducted through textual and teleological methods, situating these reforms within the broader constitutional order and the post-Molla Sali jurisprudential context. Legislative materials are used not merely to reconstruct intent, but to assess whether the reforms amount to a substantive recalibration of religious jurisdiction or function primarily as procedural containment of deeper normative tensions. This analysis highlights areas where legislative design leaves unresolved questions regarding voluntariness, judicial oversight, and the protection of vulnerable individuals.

The third component situates the Greek model within the broader European human rights framework, using limited comparative analysis to assess the constraining effect of the ECHR's provisions and the ECtHR's jurisprudence on national arrangements of legal pluralism (Bowen 2007). In other words, the analysis situates the Greek legal system within the aforementioned European framework, focusing on procedural safeguards, voluntariness, and judicial oversight rather than a full cross-national comparison. Instead of pursuing broad comparison, this contextualisation highlights how supranational norms reframe historically entrenched practices and narrow the space for mandatory religious jurisdiction (Eidrup 2025). The Greek case is thus analysed as part of an ongoing legal dialogue in which domestic pluralism is increasingly mediated by European constitutional standards.

Primary sources were organised thematically—jurisdictional scope, consent, procedural safeguards, and judicial control—allowing for cross-analysis between historical justification, legislative design, and judicial application. Secondary literature is employed not as descriptive support but as a critical framework through which competing conceptions of minority protection, autonomy, and legal pluralism are assessed (Koumoutzis and Papastylianos 2019; Fokas 2021; Topidi 2023a).

Finally, the study recognises the limits of doctrinal methodology. While doctrinal analysis enables a rigorous examination of legal reasoning and institutional design, it cannot capture lived experiences, informal coercion, or the social dynamics that shape access to legal choice. Acknowledging these limits clarifies that the contribution of this study lies in normative and institutional critique rather than empirical assessment of outcomes. Through the integration

of historical critique, statutory interpretation, jurisprudential analysis, and European contextualisation, this methodological framework facilitates a critical understanding of how Sharia jurisdiction in Greece has been legally constructed, defended, and reconfigured over time.

Historical Foundations of Islamic Personal Status Law in Greece

The current legal framework regulating the Muslim minority in Thrace cannot be comprehended without reconstructing the historical development that shaped its present configuration. Islamic personal status law in the region is the result of centuries of institutional evolution that commenced during the Ottoman Empire and was later formalised by international treaties that continued to obligate Greece even after the collapse of imperial frameworks (Koumpli 2022). As modern Greece extended into regions with established Muslim populations, the logic of religious jurisdiction persisted, if often uncomfortably, within the institutional framework of the Greek nation-state (Tsitselikis 2022; Triandafyllidou 2010).

During Ottoman rule, religious communities such as Muslims, Christians, and Jews had distinct legal systems for personal status matters (Tsavousoglou 2017). The millet system was not a static or uniform framework; it changed over time and throughout regions, adapting to shifting imperial policy and local circumstances. Consequently, when sovereignty over Thrace transferred to Greece, the legal framework posed a structural dilemma: how populations were to be assimilated familiar with religious legal autonomy into a state founded on civil codification. The initial significant attempt to tackle this issue occurred with the Treaty of Constantinople (1881), which created a significant precedent: the safeguarding of Muslim personal status autonomy was to be acknowledged as a binding commitment, stemming from an international treaty.

However, the pivotal moment occurred with the Treaty of Lausanne, which not only recognised the existence of Muslims but also established an extensive framework for minority protection that solidified the authority of religious leaders in personal status issues (Tsitselikis 2024). Article 42 of the Treaty clearly mandated Greece to guarantee that the Muslim minority would retain rights pertaining to their family law and religious organisations (Koumoutzis 2023a; Mittermaier 2014). Greece firmly integrated these responsibilities into its domestic legal framework, resulting in the legal coexistence of civil law and Islamic personal status law within a European constitutional state (Agrama

2010). To implement this atypical system, Greece substituted the Ottoman qadis with state-appointed Muftis, who were empowered to resolve family and inheritance issues in line with Sharia. This transition embodied Greece's overarching nation-building approach, which aimed to exert administrative control over religious organisations while adhering to its treaty responsibilities (Eleftheriadis 2005).

During the twentieth century, Islamic legal authority in Thrace persisted essentially without interruption. As Greece modernised, established a unified civil code for all Greek citizens, and progressively incorporated into European constitutional frameworks, the disparity between the two systems grew more apparent (Krawietz 2014; Eleftheriadis 2005). The millet-based model of personal status autonomy conflicted with the ideal of uniform citizenship. This tension is recognised by legal experts as a fundamental aspect of Greece's legal pluralism: a dual system maintained by historical obligation rather than normative coherence (Koumoutzis 2023b).

By the late twentieth century, Greece's accession to the EU, the increasing influence of the ECtHR, and heightened debates around gender equality all challenged the sustainability of a legal system grounded in early twentieth-century treaty principles. Nonetheless, the historical underpinnings of the system remained remarkably resilient, largely because the Greek legal system continued to interpret the Lausanne Treaty as mandating the preservation—rather than the reform—of Islamic personal law, thereby reinforcing the continuity of religious jurisdiction despite evolving social and legal norms (Turner and Arslan 2014). The *Molla Sali v. Greece* judgement was a pivotal moment in this historical trajectory. The verdict demonstrated the degree to which a legal system based on fundamental treaties and Ottoman administrative traditions may collide with modern human rights principles (Medda-Windischer et al. 2023). To comprehend the ruling's revolutionary impact, it is essential to acknowledge the profound and enduring historical structures that underpin the Sharia rule. In the absence of this framework, the revisions of 2018 and 2022 would seem like discrete legislative measures rather than the result of a century-long discourse including history, identity, and constitutional law.

The Structure and Operation of the Mufti's Jurisdiction Under Greek Law

The legal structure regulating the authority of the Mufti in Greece constitutes one of the most unique and intricate institutional systems within the European legal

context (Karameros 2025). The Mufti's authority does not constitute an independent religious court or a parallel legal system in a strict sense (Turner and Arslan 2014). It is a state-operated system via which Islamic personal status legislation is selectively enforced for the Muslim minority in Thrace (Tsitselikis 2024).

The fundamental framework of the Mufti's authority is established by international treaty obligations, notably the Treaty of Lausanne, and Greek domestic law. According to Greek legislation, the Mufti is appointed by the government, receives a government salary, and wields authority conferred by statutory provisions rather than intrinsic religious rights. The Mufti's authority has traditionally included issues related to marriage, divorce, maintenance, guardianship, child custody, and inheritance within the minority groups. However, their rulings lack direct legal authority (Yilmaz and Sokolova-Shipoli 2024). Instead, they must undergo a process of legal validation via the civil courts, referred to as *exequatur*. This procedure guarantees that religious decrees do not circumvent the constitutional protections inherent in the Greek legal framework.

This special framework has generated a unique legal dualism. The Mufti wields authority grounded in Islamic substantive principles derived from the historically applied Hanbali tradition in the region (Alqawasmi 2024; Kyriazi 2021). Conversely, the state maintains procedural and regulatory authority, guaranteeing that religious decrees do not contravene essential legal principles. As the Greek legislator acknowledges in the explanatory statement to Law 4511/2018, a longstanding issue has been whether the Mufti's jurisdiction operates on a compulsory or a voluntary basis. This controversy resulted in courts establishing their own interpretive doctrines in each case (Topidi 2023b), something that inevitably caused great legal ambiguity. A close study of the above-mentioned explanatory statement helps us understand the special factors that had resulted in this ambiguity *"The concern remains pronounced, and domestic courts exhibit significant differences in their rulings across various aspects of the application of the personal law of the Muslim minority—such as the obligatory application of Sharia law, the scope of the Mufti's territorial jurisdiction, the individuals subject to this particular legal order, and the legal basis for its regulations. These differences appear both among civil courts of different levels and in relation to courts from different branches of the judiciary."*

A further structural problem pertains to the *exequatur* process. The *exequatur* process was introduced because the Greek state needed a legal

mechanism to control the effects of Mufti decisions without abolishing the Mufti's jurisdiction. It was introduced as a bridging procedure: it allowed Greece to maintain religious jurisdiction while formally preserving state sovereignty and constitutional oversight—even if, in practice, that oversight later proved weak. This mechanism, designed to guarantee that religious verdicts align with civil law and constitutional principles, frequently operated as a procedural formality rather than a thorough evaluation (Kyriazi 2021). Civil courts generally affirmed Mufti rulings with minimal examination, viewing their function as constrained by Greece's treaty commitments. As a result, the efficacy of judicial oversight emerged as a topic of contention among legal scholars and human rights organisations (M. S. Berger 2018; Dupret et al. 1999). The interplay between the Mufti's authority and the Greek Constitution has historically been a persistent source of conflict. In particular, because Sharia law recognises the superiority of men over women, the constitutional provision most frequently invoked in exequatur review has been Article 4(2), which guarantees gender equality (Topidi 2023b).

The conflicting imperatives generated a paradox: whereas Greece was dedicated to maintaining minority-specific religious law, the enforcement of such law threatened to result in uneven treatment of individuals based on religion. The paradox emerges from the coexistence of two competing legal imperatives. On the one hand, Greece sought to honour its treaty-based commitments to preserve a distinct religious legal regime for the Muslim minority. On the other, the Greek Constitution requires equal treatment of individuals regardless of religion. When minority protection takes the form of state-enforced religious law, the accommodation of collective religious difference risks producing unequal treatment at the level of individual rights.

The Mufti's jurisdiction has typically operated with scant documentation, variable procedural rules, and low public transparency (Oberauer 2021). In contrast to civil courts, the Mufti's office functioned without adherence to the same procedural rules, evidence standards, or record-keeping obligations. The absence of procedural uniformity presented issues for judicial oversight and complicated the assessment of whether religious verdicts adhered to due process requirements. Researchers have indicated that these procedural shortcomings led to structural weaknesses in the system (Koumoutzis 2023b).

Notwithstanding these problems, the implementation of Islamic personal status legislation in Thrace persisted for decades without significant alteration.

The structural tensions finally prepared the groundwork for the Molla Sali v. Greece judgement, which revealed the doctrinal weaknesses and constitutional issues embedded in the system (Papageorgiou 2021). The judgement *did not occur in isolation*; it resulted from a century-long institutional framework characterised by treaty-based commitments, statutory ambiguity, and restricted judicial monitoring. Consequently, the framework and functioning of the Mufti's authority epitomise the essence of the legal diversity inherent in the Greek system. Comprehending this structure is crucial for evaluating both the rationale and the transformative impact of the Molla Sali judgement and the subsequent legislative amendments.

Judicial Turning Point: The ECtHR Molla Sali v. Greece Judgement

The ruling in the Molla Sali v. Greece case issued by the ECtHR in 2018 marks a significant turning point in the century-long evolution of Islamic personal status legislation in Greece (Sychenko and Perulli 2023). The ruling not only settled a conflict regarding the inheritance rights of one individual but also substantially redefined the intellectual underpinnings of the Greek Sharia system. For decades, the implementation of Islamic law for the Muslim minority in Thrace has been protected by historical treaties and local practices, although generating much controversy, regarding mainly its nature, whether it was an interregional or an interpersonal law (Tsavousoglou 2017). The Molla Sali case revealed the intrinsic conflicts within this system and explained the boundaries of acceptable legal diversity under the ECHR (Farzan 2023a; Fokas 2021). As already implied, it is self-evident that the timing of the radical reshaping of the legal regime, which took place almost simultaneously with the ECtHR's final ruling, was not coincidental, but rather closely connected to the legal and political pressures generated by the Court's judgement (M. Berger 2020). The near-convergence of these two developments strongly suggests that the reform was, at least in part, a direct response to the implications of the Strasbourg decision and the broader human rights concerns it articulated.

In 2008, Mr Mustafa Molla Sali, a member of the Minority of Thrace, died. Before his death, he had drawn up a will in accordance with the provisions of the Greek Civil Code, through which he left his entire property to his wife, Mrs Chatzitze Molla Sali. The widow accepted the property, thus becoming his sole heiress. In 2009, his Muslim sisters also appealed before the local regional Court of First Instance so as to challenge the will (Tsitselikis 2004). Their basic claim

was that their late brother's will was invalid on the grounds that Muslim Greek citizens in Thrace were necessarily subject to Sharia rules in inheritance matters, according to the provisions of international treaties; therefore, the Greek Civil Code could not be applied no matter what the testator had chosen (Papadopoulou 2009). Both the Court of First Instance and the Court of Appeal, to which the sisters of the deceased subsequently appealed, rejected their claim, considering that their late brother, as a Greek citizen, had the right to choose either the provisions of the Greek Civil Code or the Sharia rules, because the application of Sharia rules is just an alternative provided to the Greek Muslims of Thrace as a measure of protection of their religious minority, but under no circumstances imposed as an obligation (Tsavousoglou 2017). These were Decisions No. 50/2010 issued by the Court of First Instance of Rodopi and No. 392/2011 of the Court of Appeal of Thrace, which upheld the first instance decision.

However, the Greek Supreme Civil and Criminal Court (Areios Pagos), in Decision No. 1862/2013—to which the two sisters also appealed—overturned the judgement of the Court of Appeal, endorsing the view that Sharia law must be applied compulsorily to inheritance matters concerning members of the Muslim minority, irrespective of the testator's will. For this reason, the Supreme Court remitted the case for retrial to the same Court of Appeal, under the strict condition that the judges who had issued the annulled decision would not participate in the new proceedings (Spyropoulos and Fortsakis 2023). The Court of Appeal complied with the Supreme Court's ruling and declared the will invalid. Applying the rules of Sharia, Mrs Molla Sali could not be legally recognised as a testamentary heir and was therefore deprived of 75% of the property her late husband had bequeathed to her, being instead restricted to a significantly smaller share as an intestate heir.

This judicial outcome demonstrated enduring difficulties within Greek jurisprudence. For decades, courts have oscillated between two interpretive approaches: regarding Sharia as mandatory for all Muslims or acknowledging individual autonomy and allowing recourse to civil law (Ahmed 2025; Topidi 2023a). The Court of Cassation's decision in the Sali case indicated a reversion to a more stringent perspective, thereby eliminating individual autonomy and re-establishing a compulsory interpretation of Islamic law (An-Na'im 1991a).

The petitioner contended before the ECtHR that the compulsory enforcement of Sharia infringed upon her rights as stipulated in Article 6 (fair

trial), Article 8 (family life), Article 14 (non-discrimination), and Article 1 of Protocol No. 1 (property) (Farzan 2023a). The Court opted to analyse the matter pursuant to Article 14 in combination with Article 1 of Protocol No. 1, concentrating on discrimination in the exercise of property rights. Greece sought to justify its stance by referencing the Treaty of Lausanne, claiming that it was mandated to uphold a system of religious law for the Muslim minority. The government contended that the application of Sharia to minority members safeguarded their identity and honoured their cultural and religious sovereignty.

The Court categorically dismissed these arguments. It determined that differentiating between Muslims and non-Muslims regarding inheritance law amounted to religious discrimination (Hermanto et al. 2020). It underscored that Greece did not establish that requiring Muslims to adhere to Sharia was essential for safeguarding their rights or averting harm (Krawietz 2014). The judges observed that the fundamental objective of minority rights under international law is to guarantee equality, rather than to rationalise differential treatment imposed against individuals' consent. The judgement asserts, "The right to identity cannot be construed as entailing a right to unequal treatment" (Sychenko and Perulli 2023).

Molla Sali reiterated a fundamental principle: minority rights are inherent to individuals, rather than to nations or institutions. A regime for minority protection cannot serve as a rationale for imposing religious legislation on individuals without their agreement (Farzan 2023a). The ruling emphasised the necessity for legal certainty. The ECtHR noted that Greek jurisprudence exhibited unpredictability, characterised by decades of conflicting rulings on the mandatory or voluntary application of Sharia (Tsaoussi and Zervogianni 2011). This mismatch resulted in a scenario where individual rights fluctuated unpredictably based on judicial interpretation. The ECtHR determined that this uncertainty violated the rule of law and imposed an additional discriminatory burden on the minority population (Koumoutzis and Papastylianos 2019).

The domestic response to the ruling was instantaneous. The verdict revealed the untenable nature of Greece's legal framework, indicating that the compulsory adoption of Sharia could no longer be defended under European human rights law (Abdou 2020). The government promptly enacted Law 4511/2018, which converted the implementation of Islamic personal status law from compulsory to optional (Sezgin 2023). This legislative amendment was broadly perceived as a direct result of the ECtHR ruling, indicating an

institutional acknowledgement that the Greek system required alignment with modern legal norms.

The ECtHR created a definitive border for states by asserting that religious identification cannot justify unequal treatment, permitting the accommodation of religious law solely on the principles of voluntariness and human autonomy (Büchler 2012). The Molla Sali judgement signifies a pivotal stage in the development of Islamic personal status legislation in Greece. The legitimacy of legal pluralism is contingent upon the permission of the individuals it impacts, rather than on historical commitments or institutional traditions. The ruling destroyed the conceptual basis of obligatory Sharia jurisdiction and facilitated legislative reform. Comprehending this judicial inflection is crucial for evaluating the reforms of 2018 and 2022, which aimed to reconstruct the system in alignment with constitutional equality and human rights standards.

Legislative Reforms and the Transformation Towards Voluntary Sharia Jurisdiction

The legislative reforms adopted in Greece in 2018 and 2022 constitute the most significant transformation of the country's approach to Islamic personal status law since the early twentieth century. For decades, the application of Sharia in Thrace was justified through a historically entrenched interpretation of the Treaty of Lausanne (Papazisi 2019) under which religious jurisdiction was treated as an automatic consequence of minority affiliation. This model became increasingly untenable as constitutional principles and European human rights standards evolved. The Molla Sali v. Greece judgement exposed the structural incompatibility of compulsory religious jurisdiction with equality and personal autonomy, prompting a shift towards a rights-based framework centred on individual choice (Farzan 2023b).

Law 4511/2018 marked a formal rupture with the previous regime by explicitly establishing the voluntary character of Islamic personal status law. Under the former framework, domestic courts frequently treated Sharia as the default system applicable to Muslims in Thrace, even in the presence of contrary individual preferences (Årsheim and Slotte 2017). This practice not only undermined legal certainty but also entrenched differentiated treatment based solely on religious identity, culminating in outcomes incompatible with constitutional standards and ECHR standards (Eekelaar and Maclean 2013). While the 2018 legislative reform removed the presumption of mandatory

jurisdiction, its effectiveness depends on whether the shift from collective obligation to personal agency is realised in practice rather than merely declared in law (Koumoutzis and Papastylianos 2019).

Procedurally, the reform introduced explicit and documented consent as a prerequisite for recourse to the Mufti's jurisdiction, rejecting the longstanding assumption that religious identity alone sufficed (M. Berger 2020). However, the legal formalisation of consent does not, in itself, resolve deeper concerns regarding voluntariness. In minority settings characterised by strong communal norms and asymmetrical power relations, particularly within family structures, formally expressed consent may coexist with significant social or economic pressure (Coulson 1957). The risk that voluntariness remains largely formal is especially pronounced for women, whose choices may be constrained by patriarchal expectations, and for minors, whose interests may not align with those of adult family members.

The strengthened *exequatur* procedure introduced in 2018 represents a crucial, yet potentially fragile, safeguard. By requiring civil courts to conduct substantive review of Mufti decisions for compatibility with constitutional norms and the ECHR, the reform sought to correct a long-standing pattern of judicial deference (Agrama 2010; An-Na'im 1991b). The effectiveness of this mechanism depends heavily on judicial willingness to scrutinise religious rulings rigorously. Where courts adopt a cautious or deferential stance, the *exequatur* risks becoming a formal checkpoint rather than a substantive rights-protective tool (M. Berger 2020).

Shortly after the 2018 law entered into force, the number of decisions issued by Muftis in Western Thrace dropped dramatically in 2019 (Topidi 2025), indicating the immediate and tangible impact of the reform on the operation of religious jurisdiction in the region.

Law 4964/2022 responded to these shortcomings by deepening and systematising the post-2018 framework (Mohiuddin 2022). It clarified procedural requirements, standardised documentation, and introduced more explicit criteria for assessing consent, alongside safeguards aimed at protecting vulnerable individuals. The explicit incorporation of the best interests of the child into the legislative text is particularly significant, as it signals an attempt to move beyond abstract voluntariness towards substantive rights protection (Modood 2010). Even so, the law stops short of providing detailed guidance on how courts should

identify and remedy situations of indirect coercion or structural inequality, leaving considerable discretion to judicial practice.

The 2022 reform also addressed institutional opacity within Mufti offices by imposing clearer record-keeping and reporting obligations, thereby facilitating judicial supervision (McGoldrick 2019). While these measures enhance transparency, they do not fully resolve concerns about uneven administrative capacity and the limited accessibility of legal information for affected individuals. Without systematic legal assistance and outreach, the protective potential of the reformed framework may remain unevenly distributed.

Taken together, the reforms formally reshape Greece's system of legal pluralism by prioritising individual autonomy while preserving a state-administered form of religious jurisdiction (Tsitselikis 2004). However, the continued existence of such jurisdiction raises unresolved questions about the depth of this transformation. In comparative perspective, Greece remains an outlier within Europe, where religious norms are generally confined to informal private ordering rather than vested with adjudicative authority. This exceptionalism heightens the risk that, despite enhanced safeguards, structural inequalities and social pressures may continue to influence access to civil law alternatives. The Greek case therefore illustrates not only the potential of rights-based reform, but also its limits: while compulsory religious authority has been dismantled at the normative level, the effective realisation of voluntariness, equality, and protection for vulnerable groups ultimately depends on sustained judicial vigilance, accessible legal remedies, and ongoing empirical evaluation of how the reformed system operates in practice.

Conclusion

The evolution of the Sharia regime in Greece demonstrates how historical international obligations, constitutional development, and European human rights norms can be reconciled through doctrinal recalibration rather than abolition. For much of the twentieth century, Islamic personal status law for the Muslim minority of Thrace operated as a treaty-preserved regime prioritising collective identity over individual autonomy. The judgement in *Molla Sali v. Greece* marked a decisive turning point by affirming that minority protection cannot justify compulsory legal differentiation that restricts individual rights.

The legislative reforms of 2018 and 2022 fundamentally redefined the Mufti's jurisdiction by transforming Sharia adjudication from mandatory to

voluntary, introducing explicit opt-in consent, and strengthening judicial oversight through enhanced exequatur review. Rather than dismantling religious jurisdiction, the Greek legislature embedded it within a constitutional framework centred on equality, procedural safeguards, and the best interests of the child.

The Greek experience thus illustrates a model of conditional legal pluralism in which religious jurisdiction is constitutionally sustainable only when grounded in verified voluntariness and effective state supervision. While this study is doctrinal in scope and does not empirically assess how consent operates in practice, it clarifies a normative threshold for reconciling minority protection with constitutional equality and provides a framework for future empirical and comparative research.

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