WHEN COURTS SPEAK COHERENTLY: JUDICIAL NARRATIVES AND MINORITY GOVERNANCE IN PLURI-LEGAL STATES

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Abstract

This article examines how courts govern ethno-religious minorities in pluri-legal personal status systems by focusing on the narratives judges deploy when adjudicating Muslim Family Law (MFL) disputes. Moving beyond institutional design accounts, it argues that the political effects of personal status regimes depend less on formal legal structures than on the degree of narratival cohesion within the judiciary. Drawing on a comparative study of Israel, Greece, India, and Ghana, the article shows how cohesive judicial narratives, when coupled with socially receptive environments, can facilitate socio-legal reform, while narratival incohesion—or cohesive exclusion—fosters legal estrangement among minority communities. Based on an original dataset of over 3,000 judicial decisions and nearly 400 interviews, the analysis introduces three indices measuring narratival cohesion, extrajudicial ripeness, and legal estrangement. The findings recast courts as technologies of governance whose narratives shape reform trajectories, legal legitimacy and state-minority relations in pluri-legal states.

INTRODUCTION

A personal status regime is a legal system that governs family relations by subjecting individuals to different laws based on their ethno-religious background rather than a uniform civil code. Under

such systems, for example, Muslims are subject to Muslim law, Jews to Jewish law, Hindus to Hindu law, and so forth. Far from neutral accommodations of cultural difference, personal status regimes are historically constituted technologies of governance, often designed to control populations deemed politically "suspect" or "dangerous."[1]

Across the world today, eighteen Muslim-minority states[2] employ such pluri-legal systems with respect to their Muslim citizens by formally integrating Muslim Family Laws (MFLs) into their legal systems. While there is a robust literature on personal status arrangements by Muslim-majority states to accommodate non-Muslim minorities—for instance, under the Ottoman *millet*[3] system—the reverse configuration yet remains understudied.[4] In these settings, MFLs function as instruments through which Muslim-minority states regulate difference and mediate relations between majority polities and highly-securitized minority populations.[5]

In these jurisdictions, civil judges—mostly non-Muslims—exercise oversight over Islamic marriage, divorce, custody, maintenance, and inheritance disputes. Through this routine adjudication, courts do not merely resolve legal disputes; they actively make and remake Muslim subjectivities, delineate the boundaries of legal and political belonging, and shape how citizens experience state authority in everyday life. Whatever the original motivations behind the personal status regimes, their effects on the ground are often shaped less by institutional design than by how consistently courts interpret and narrate such laws over time. In this respect, the article examines how courts exercise this governing function through the consistency of narratives embedded in their judgments, often with unintended political and social consequences.

Civil judges overseeing MFL disputes in Muslim-minority states routinely justify their decisions by invoking broader stories about religion, gender, national identity, and constitutional

order. Consider, hypothetically, three identical cases in which three Muslim men divorce their wives by pronouncing *talaq*, a unilateral extrajudicial repudiation. In each case, the wife challenges the validity of the divorce before a civil court. The first judge invalidates the *talaq* because it violates gender equality and contravenes constitutional guarantees. In the second case, a different judge reaches the same conclusion but does so by reasoning that the *talaq* procedure fails to comply with Qur'anic requirements. In the third case, yet another judge invalidates the divorce by asserting that *talaq* is a custom of "desert tribes" and thereby has no place in a modern Christian nation.

The legal outcome is identical across all three cases. Yet the judicial narratives differ sharply in ways scholars have yet to theorize fully. Narratives are not mere stories but normative frameworks that communicate visions of justice and legitimacy and thus do more than justify outcomes. As they recur across cases and forums, they rearticulate authoritative accounts of who Muslim minorities are, what their law signifies, and the role religious difference may legitimately play in defining the parameters of citizenship. Over time, as these narratives harden into recurring patterns, they acquire meaning that extends well beyond the doctrinal content of individual rulings, structuring behavior and legal consciousness both within and beyond minority communities.

In the example above, the rulings exhibit narratival incohesion: each decision relies on a distinct normative frame that communicates a different message to judiciaries, activists, and litigants, despite converging on the same legal conclusion. This divergence raises theoretical and empirical questions that the present article seeks to address. First, where do distinct judicial narratives originate, and what explains their (in)cohesion within and across national judiciaries? Second, how do these narratives travel beyond the courtroom, and how does their (in)cohesion

shape social mobilization and socio-legal reform? Finally, how does narratival (in)cohesion shape state-minority relations, including minority attitudes towards civil courts, and perceptions of procedural justice and equal citizenship?

To answer these questions, the article develops a comparative study of MFL systems in Israel, India, Greece, and Ghana. It argues that whatever the original intent behind the adoption of personal status regimes, courts sit at their political center, and the effects of these systems depend less on judicial outcomes than on the consistency of the narratives through which courts speak. Judicial narratives about MFLs are not created anew; they are inherited from late-colonial and early state-building periods. Cohesion emerges where there is a strong ideological and professional consensus within the judiciary regarding the proper place of MFL in the national legal order—whether it should be accommodated, restricted, or abolished. Cohesion, the internal and external consistency of judicial narratives across courts and over time, matters because it enables the judiciary to convey coherent and intelligible governing messages through its decisions.

When judicial narratives are coherent, they are more likely to travel beyond the courtroom. Where they resonate with surrounding communities and extrajudicial conditions are ripe for their absorption—as assessed by the ripeness test—they can facilitate socio-legal change by diffusing into communal discourse. They also influence perceptions of procedural justice and legal belonging among minorities—as measured by the estrangement test—by reducing arbitrariness and signaling that the courts speak with a coherent and inclusive voice. Together, these dynamics help explain why courts sometimes succeed in fostering reform and trust even within institutions originally built as regimes of control and exclusion, as in Israel, and why, in other settings, they instead produce alienation and distrust.

The analysis utilizes an original dataset of more than 3,000 judgments and nearly 400 interviews with judges, lawyers, and litigants over a decade in all four countries. Drawing on literature on state-society relations, legal pluralism, historical institutionalism, judicial decision-making, legal mobilization, and procedural justice, the article demonstrates that judicial narratives are not mere rhetorical devices but technologies of minority governance. They structure legal authority, facilitate socio-legal reform, and shape how state power is experienced in pluri-legal societies. In doing so, it proposes a comparative political theory of courts as governing institutions, demonstrating how (in)cohesion of their narratives affects reform trajectories and state-minority relations.

The article proceeds in six parts. The next section develops the argument by locating judicial narratives at the center of minority governance in pluri-legal states. Section Two outlines the research design, data, and methods. Section Three maps cross-national variation in narratival cohesion across Israel, India, Greece, and Ghana. Section Four examines how narratival cohesion, when it encounters a ripe extrajudicial environment, can facilitate socio-legal reform. Section Five turns to the opposite configuration, showing how narratival incohesion—and cohesive exclusion—drive legal estrangement by eroding trust and belonging. The conclusion situates the findings within broader debates on courts in pluri-legal societies and the governance of religious differences.

NARRATIVES: THE MISSING LINK IN PLURI-LEGAL MINORITY GOVERNANCE

Dominant accounts of courts in pluri-legal societies emphasize institutional design, particularly jurisdictional rules, the constitutional status of religious law, and communal autonomy.[6] Such accounts posit that similarly structured personal status regimes should produce similar political effects.[7] Yet this expectation is contradicted by the cases examined here. Israel and Greece, for example, share *millet*-inspired personal status systems and comparable levels of securitization of their respective Muslim populations, yet exhibit sharply divergent trajectories of reform and legal estrangement.[8] By shifting attention from institutional design to the narratives through which courts speak, this article identifies the narrative cohesion as a missing mechanism linking courts in pluri-legal states to broader patterns of minority governance and state-society relations.

Political scientists working in the field of law and courts—especially in U.S. contexts—have developed influential models of judicial decision-making, most notably attitudinal, strategic, and institutional approaches, which are indispensable for understanding why judges decide cases as they do.[9] These models are highly effective at identifying ideological, strategic, and contextual factors that influence judicial choices and case outcomes, particularly at the level of individual judges, panels, or specific courts. However, they are less well suited to explaining how non-Muslim courts, across the judicial hierarchy—from district-level family courts to superior courts—adjudicate MFL disputes. Specifically, existing models leave under-theorized the normative frames or narratives through which courts make sense of Muslim law and communities, how consistent these narratives are across time and forums, and when they resonate with—or fail to resonate in—the surrounding society. This article treats judicial narratives as a meso-level variable linking micro-level decision-making to macro-level outcomes in legal mobilization, procedural

justice, regulation of ethno-religious diversity and state-society relations. In this sense, the four-country comparison does not simply reapply familiar decision-making models; it shows that their explanatory power depends crucially on the consistency and social resonance of the narratives judges employ.

This explanatory gap becomes most visible in the everyday adjudication of MFL disputes, where judges operate under institutional and professional constraints. MFLs, derived from Qur'anic and prophetic injunctions,[10] are rarely fully codified in non-Muslim jurisdictions, requiring judges to rely on precedent, secondary literature, and religious sources when applying them. This challenge is compounded by the fact that most civil judges are non-Muslim[11] and generally lack formal training in Islamic law, competence in Arabic, and familiarity with the customs and values of the Muslim communities whose disputes they adjudicate. Moreover, MFLs often occupy an ambiguous place within the domestic system hierarchically, leading many courts to treat them as immune from full constitutional scrutiny. Against this backdrop, narratives assume a critical role in judicial decision-making. In the absence of explicit statutory guidance and amid pervasive judicial unfamiliarity, narratives supply judges with the interpretive frames, master stories, and justificatory tropes they rely on to make sense of Muslim law, identity, and belonging.

Legal scholarship underwent a narratival turn in the early 1980s.[12] Since then, an expanding body of scholarship has examined how narratives influence legal discourse, particularly in the adversarial framework of criminal law.[13] Over the subsequent decades, narrative studies in law developed into a rich scholarly field. Alongside courtroom storytelling, socio-legal scholars have explored how narratives shape the broader ecosystem of legality. Haltom and McCann, in *Distorting the Law*,[14] trace how political operatives, journalists, and interest groups crafted highly

stylized "tort tales" that helped manufacture the so-called American litigation crisis and reshape public opinion. Engel's "The Oven Bird's Song…,"[15] and later his work with Munger,[16] demonstrate how injury stories relate to legal consciousness, including why individuals so often refrain from mobilizing the law even when harmed. Ewick and Silbey, in *The Common Place of Law*,[17] further expand this perspective by showing how everyday narratives shape the way ordinary people imagine legality and their own relationship to state authority. Despite this vibrant literature, how judicial narratives enable courts to exercise governing authority beyond the courtroom—particularly in regulating ethno-religious differences—remains underexplored.[18] This article contributes to this understudied field by offering a new theoretical and methodological framework for analyzing narratives in judicial decision-making and their central role in shaping legal mobilization, procedural justice, and broader state-minority relations.

The type of narratives examined here differs from the judicial narratives proffered by criminal attorneys who compete to eventually influence the judge's final story.[19] Those are case-specific ad hoc narratives that do not become determined until the judge delivers his judgment. Yet the narratives observed in the MFL decisions of non-Muslim courts are predetermined "master" or "meta" narratives which serve as foundational stories, or Goffmanian frames, through which legal cases are understood and decided.[20] They begin to take shape before any words in a judicial opinion are written.[21]

Such master narratives are not the products of individual judges' imagination but emerge from collective modes of thought, alternative ways of interpreting historical experience, social norms and relations.[22] In Balkin's words, they provide historical and social scripts for analysis and interaction.[23] Courts continually invoke such constructs—sometimes consciously, often

subconsciously—when adjudicating MFL cases. These narratives serve multiple purposes: they justify outcomes, persuade lower courts that a particular course of action is correct, and communicate with communities whose behavior and beliefs the judiciary seeks to influence. Robert Cover, who stated, "no set of legal institutions or prescriptions exists apart from the narratives that locate it and give it meaning,"[24] was the pioneering legal scholar who aptly understood the complex role and power of narratives in sustaining, reshaping, and validating normative worlds.

Cover's work remains instrumental for understanding the narrative foundations of law. His central insight—that state law exists within a broader normative universe generated by multiple communities, each producing its own legal meanings—reoriented jurisprudence toward narrative, legal pluralism, and the jurisgenerative power of non-state groups. Yet a major limitation of Cover's theory is that it treats state courts as top-down mono-narratival institutions: their function, in his account, is to select a single authoritative meaning and extinguish all competing ones. This article, adopting a Migdalian state-in-society[25] approach, extends that framework by showing that courts in pluri-legal systems do not speak with one voice but instead draw on multiple, often conflicting, normative frameworks. In contrast to Cover's image of narrative singularity, my approach conceptualizes courts not only as governing institutions but also as discursive sites where multiple narrative strands interact, negotiate, clash, and blend, ultimately communicating the terms on which reform and state legitimacy are mediated within communities.

Plurality of judicial opinions is widely viewed as healthy for the development of law, especially in common law jurisdictions.[26] Narratival plurality, however, carries very different implications. The U.S. Supreme Court's decision in *Obergefell v. Hodges* (2015) illustrates this

distinction. The majority and dissents differed sharply in their conclusions, yet both operated within a shared constitutional narrative.[27] In other words, their disagreement reflected divergent opinions, not divergent narratives. Had the justices grounded their reasoning in different narratives (such as a biblical-morality narrative versus a fundamental-rights narrative), the decision would have reflected narratival plurality rather than doctrinal debate. As Dworkin argues, law's integrity requires that judges maintain a commitment to narratival cohesion and consistency.[28] Sander likewise shows in the context of international criminal courts that while some narratival diversity is inevitable, competing foundational narratives risk fragmenting the legal order rather than enriching it.[29] In sum, judicial opinions can disagree productively when they operate within the same overarching narrative; but when courts deploy multiple conflicting narratives, even to justify similar outcomes, the result is not doctrinal innovation but narratival incohesion and uncertainty.

As noted, personal status systems place different ethno-religious groups under distinct laws rather than subjecting all citizens to a uniform civil code. Historically, such pluri-legal regimes have functioned less as expressions of multicultural accommodation than as instruments of minority governance, structuring how difference is managed within the state.[30] The four cases examined here follow this pattern. Each incorporates MFL into their national legal system as part of a broader strategy for governing the internal affairs of highly securitized Muslim populations—an arrangement shaped by historical relations between majority and minority communities and, in many instances, by geopolitical considerations involving neighboring kin states.

Within these governance arrangements, courts do not merely apply law; they actively participate in defining the terms of minority incorporation. Judges who preside over MFL cases in Muslim-minority states overwhelmingly belong to the majority community and therefore approach

such disputes with preexisting assumptions about the proper place of MFL within the national legal order—whether it should be accommodated, restricted, or ultimately abolished. Where these attitudes toward MFL converge across the judiciary, shaped by shared ideological commitments, professional norms, and institutional incentives and constraints, courts tend to articulate stable and recurring narrative frames. Where they diverge, courts generate competing, fragmented, or internally contradictory narratives. Crucially, the forces that generate these patterns of (in)cohesion are deeply path-dependent,[31] reflecting the legacies of late colonial rule and early state-building experiences that structured how MFLs were initially incorporated, contested, and understood within national legal systems.[32]

Using a novel test to assess narratival (in)cohesion across judicial levels, forums, and time, the article argues that narratival incohesion carries three analytically distinct implications for the rule of law and state-minority relations. One implication concerns the over-politicization of judicial decision-making, a dynamic especially pronounced in common law systems and examined elsewhere.[33] This article instead focuses on the remaining two implications, which speak directly to the influence of narratives over state-minority relations. First, narratival incohesion weakens the prospects for internal reform within minority communities by sending conflicting normative signals that complicate efforts to harmonize communal norms with state law. Second, narratival incohesion also erodes trust in the judiciary and fosters legal estrangement, as minorities constantly hear contradictory stories about who they are and what their rights are vis-à-vis the majority-run institutions.

The first of these implications concerns internal reform and normative harmonization. As Andersen[34] and Lobel[35] demonstrate, it is often the framing of a judicial decision—rather than its

doctrinal holding alone—that structures the interpretive processes through which communities negotiate internal change. Building on this insight, the article argues that when courts embed their rulings in coherent, rights-affirming narratives, and when those narratives resonate with communal values and are taken up by internal actors, the prospects for internal reform increase substantially. This is the logic of harmonization: a feedback loop in which ethno-religious communities selectively recalibrate their internal legal meanings in response to persistent and normatively clear messages conveyed by state courts.[36] Put differently, narratival cohesion, when it encounters a receptive environment, provides stable interpretive cues that reformers can appropriate to contest entrenched norms from within. The degree of communal receptiveness to such narratives, captured by the ripeness test, helps explain when judicial framing catalyzes reform and when it does not.

The second implication of narratival incohesion concerns procedural justice and, more broadly, legal estrangement. Classic procedural justice theory[37] emphasizes individuals' direct encounters with courts, yet in pluri-legal systems, only a small fraction of minority citizens ever resort to state courts. As a result, perceptions of legality are shaped primarily through vicarious experience—stories, observations, and collective memories of how "people like us" are treated. Drawing on Bell's concept,[38] this article argues that narratival incohesion deepens legal estrangement by linking procedural injustice to vicarious marginalization and structural exclusion. It generates a collective belief among minorities that the law governs without recognizing their culture, which mirrors Lazarev's account of legal alienation in Chechnya.[39] Incoherent judicial narratives (e.g., declaring religious practices as constitutionally protected in one case and unlawful in another) deepen perceptions of arbitrariness and bias. Over time, these perceptions erode trust, widen social distance, and encourage disengagement from state courts. In this sense, narratival

incohesion molds state-minority relations not through isolated courtroom encounters, but through the gradual build-up of estrangement.

The preceding discussion specifies a set of analytically distinct but interrelated concepts—narratival cohesion, social ripeness, and legal estrangement—that structure the article's explanatory framework. The argument implies that variation in judicial outcomes and political effects across pluri-legal systems cannot be understood without attending to how consistently courts articulate narratives over time and across judicial levels, how receptive surrounding communities are to those narratives, and how these dynamics shape perceptions of legality and belonging among Muslim minorities. The next section outlines the research design, explains the selection of cases, and details the construction of original indices used to operationalize the key variables.

RESEARCH DESIGN AND METHODOLOGY

This article employs a most-similar-systems design.[40] All four countries examined—Israel, India, Greece and Ghana—formally inherited state-administered MFL systems at independence, yet subsequently evolved along distinct institutional and narratival trajectories. Together, they represent a regionally diverse sample of MFL traditions spanning Southeast Europe, the Middle East, South Asia, and Sub-Saharan Africa.

Greece and Israel inherited and adapted the Ottoman *millet* system, under which MFLs continue to be administered by state-run religious courts. In both countries, civil courts exercise constitutional oversight, review religious court decisions, and intervene when they exceed their

jurisdictional boundaries.[41] In certain issue areas, especially in Israel, national laws recognize concurrent jurisdiction, allowing civil courts to apply Islamic law in cases involving Muslim litigants. India and Ghana, by contrast, inherited a British colonial model in which religion- and custom-based personal laws are applied by civil courts—without the involvement of religious judges—within a unified judiciary, a structure that remains in place today.[42]

The cases also vary across legal families—civil law (Greece), common law (India and Ghana), and a hybrid system (Israel)—as well as constitutional and administrative arrangements. India is a federal state, while Israel, Ghana, and Greece are unitary systems; Greece further limits the application of MFL to the northeastern region of Thrace. The cases also differ in their constitutional orientation toward religion: Greece and Israel are states with established religions that shape national identity and judicial culture, whereas India and Ghana are constitutionally secular but continue to grapple with religion's enduring social and legal presence.

The study relies primarily on qualitative methods, combining systematic content analysis of judicial decisions with semi-structured interviews. I collected about 3,000 trial, appellate, and high court decisions spanning nearly seven decades. Judgments were obtained through national legal databases,[43] archival research, and personal connections with lawyers, activists, and litigants. All judgments were digitized, and, where necessary, machine-translated, with translations verified against originals during pre-coding.

Relevant decisions were identified through iterative keyword searches sensitive to local legal terminology and transliteration practices. All cases were read line by line and manually coded using ATLAS.ti. Automated or AI-based coding tools were not used due to their limited reliability.

Coding proceeded in two cycles using attribute, structural, and pattern coding techniques,[44] with codes tailored to each jurisdiction's doctrinal and institutional context.

This analysis enabled the identification of recurring judicial narratives and the tracing of their diffusion across courts, judicial levels, issue areas, and time. On this basis, I constructed a Narratival Cohesion Index (NCI), which assesses the degree to which judicial narratives align vertically between the higher and lower courts, horizontally across courts at the same level, internally within individual judgments, and over time. Each dimension is scored from 0 to 2, yielding an NCI score of 0–8 and classifying systems as low, medium, or high cohesion.

To contextualize and validate the textual findings, I conducted over 400 semi-structured interviews with judges, lawyers, activists, and litigants across the four countries who were identified through snowball sampling, with multiple independent referral chains to mitigate network bias.[45] Interviews were conducted in person or remotely and took place in English, Hebrew, Arabic, Hindi, Urdu, Hausa, Greek, and Turkish, with translation assistance where necessary. They explored how judicial narratives are understood and transmitted beyond the courtroom. Many participants invoked these narratives habitually, as taken-for-granted frames for understanding MFL issues. This iterative back-and-forth between case law and field interviews generated data for two additional measures.

First, building on Irshai and Zion-Waldoks,[46] I developed a Ripeness Index (RI) to assess when judicial narratives are likely to gain traction within Muslim communities—that is, when they are accepted, mobilized, and internalized by activists. Ripeness is operationalized along five dimensions: communal resonance, the presence of interlocutors, internal unity or division, receptivity of religious authorities, and historical continuity. Each dimension is scored on a 0-2

scale, producing an overall ripeness score (0-10) that classifies cases as exhibiting low, medium, or high ripeness.

Second, drawing on Bell,[47] I constructed a Legal Estrangement Index (LEI) to measure the extent to which judicial narratives influence minority communities' sense of trust, belonging, and alienation vis-à-vis the legal system. The index has three dimensions: (1) procedural (in)justice, proxied by levels of trust in family courts; (2) vicarious experience, reflected in the prevailing stories communities share about others' encounters with the law; and (3) legal exclusion or belonging, assessed by whether courts are experienced as "our" institutions or as the law of the majority—each scored on a 0-2 scale. The resulting total score (0-6) classifies communities into low, medium, or high levels of legal estrangement. All three indices are additive and summarized here and fully specified in the online appendix.

As with all comparative qualitative research, the methods employed in this study have certain limitations. First, content analysis has well-known constraints.[48] Despite adherence to best practices, the coding process inevitably reflects the subjective reading of the coder, in this case, the author. The second limitation concerns the representativeness of the dataset. In all four jurisdictions, only a small fraction of decisions is accessible through databases. Although I supplemented publicly available data with cases obtained through personal contacts, the overall representativeness of the corpus remains uncertain, as no reliable record exists of how many MFL judgments are issued annually, or how many are reported or stored in any form. Finally, the author's positionality as a researcher working across diverse legal, linguistic, and cultural traditions may have also influenced both access to participants and the information shared during

interviews.[49] These considerations are characteristic of comparative qualitative research and are noted here to provide appropriate context for interpreting the findings.

NARRATIVAL COHESION: THEORY, MEASUREMENT, AND CROSS-NATIONAL VARIATION

As noted, narratival cohesion across national MFL systems is driven primarily by ideological and professional consensus within the judiciary, conditioned by path-dependent attitudes toward Islam and Muslim minorities rooted in collective memories of nation-building, national ethos, and perceived security threats. Where judges converge around a shared understanding of whether MFL should be accommodated or excluded, judicial narratives tend to be cohesive. Where such consensus is absent, narratival incohesion emerges.

Cohesion refers to the internal and external consistency of the narratives courts employ to adjudicate MFL disputes. Where cohesion is high, a clear and stable message emerges regarding the normative status and legitimacy of MFL, as well as the rights and obligations of those subject to it. Through repeated and convergent reasoning, judicial actors collectively author coherent narratives that stabilize expectations among litigants, bureaucrats, and judges across all levels of the judiciary.[50] In such settings, even when individual opinions vary, the legitimacy of MFL as an integral part of the national system is not contested, and adjudication does not oscillate between competing sources of authority—for example, grounding rights in constitutional principles in one case and in Qurʾanic text in another.

Where cohesion is low, by contrast, narratival divergence produces vertical inconsistency between higher and lower courts, horizontal fragmentation across courts at the same level, or internal contradiction within individual judgments. Courts may continue to speak authoritatively, but they do so in conflicting normative registers, for example, affirming the constitutional legitimacy of Muslim marriages or inheritance rules in one line of cases while casting them as foreign, incompatible with national norms and morality, in another. Over time, such mixed signaling undermines the rule of law, erodes trust in courts among minorities, and weakens both judicial legitimacy and the prospects for internal reform.

Against this theoretical backdrop, the remainder of this section introduces each country briefly, explaining why Israel and Ghana exhibit high cohesion, while Greece displays medium cohesion and India approaches medium-low cohesion. The subsequent sections then examine how these differing levels of cohesion influence internal reform trajectories and experiences of legal estrangement.

Table 1. Narratival Cohesion Across National MFL Systems

Country	Vertical Alignment	Horizontal Alignment	Internal Coherence	Temporal Stability	Total Cohesion (NCI score)
Israel	2	2	2	2	8 (High)
Ghana	2	2	2	2	8 (High)
Greece	0	1	2	2	5 (Medium)
India	1	1	0	1	3 (Med.-Low)

Israel: High Cohesion

Table 1 shows that the Israeli judiciary exhibits a high degree of narratival cohesion in MFL cases. MFL operates within a broader pluri-legal personal status framework rooted in shared jurisdiction between the religious courts of fourteen ethno-religious communities and the civil family courts. Under this system, Muslims[51] are subject to shariʿa courts,[52] which exercise exclusive jurisdiction over marriage and divorce and concurrent jurisdiction with civil family courts in all other matters. Civil courts apply Islamic law in some areas (e.g., maintenance, alimony), and secular legislation in others (e.g., custody, inheritance). The High Court of Justice (HCJ) reviews both family court decisions and rulings of the Shariʿa Court of Appeals (SCA) to ensure compliance with national legislation, principles of natural justice, and jurisdictional limits.

The founders of Israel deliberately constructed this pluri-legal system as a central pillar of the nation-building project. Established as a Jewish state by largely European immigrants in a territory where Arabic-speaking natives constituted the majority, Israel faced from its inception the dual challenge of forging a unified Jewish national identity while governing a non-Jewish population positioned outside that collective. The *millet*-like[53] personal status system served these aims simultaneously by enabling horizontal homogenization among Jews—through intermarriage across diverse Jewish communities—while enforcing vertical segmentation by prohibiting intercommunal marriage among natives and between Jews and non-Jews.[54]

Within this framework, the state's accommodation of MFL through the incorporation of shariʿa courts became an integral component of minority governance. Jewish elites, including members of the judiciary, largely converged around the guiding principles of this arrangement.

Interviews indicate that nearly all Jewish judges endorsed the system in one form or another. As one retired family court judge explained, Islamic law was widely understood as a "normative fence" to be preserved rather than dismantled to sustain the ethno-genealogical unity of the majority community and the Jewish character of the state.[55]

This shared ideological commitment has been the primary driver of high narratival cohesion. Content analysis of MFL-related case law shows that, from the lowest civil family courts to the HCJ at the top, judicial narratives display strong horizontal, vertical, internal, and temporal alignment; whatever issue- and level-specific variations exist do not conflict but instead operate in tandem.

Ghana: High Cohesion

The Ghanaian judiciary also demonstrates a high degree of narratival cohesion, though the forces that produced it operated in the opposite direction. Whereas in Israel, ideological and professional consensus coalesced around accommodating MFL, in Ghana, it converged on excluding it from the purview of the national courts.

The formal basis for the application of Islamic law in Ghana lies in colonial-era legislation, the Mohammedan Marriage Ordinance (MMO) of 1907, which recognized registered Muslim marriages and divorces and vested colonial courts with jurisdiction to regulate their consequences and succession disputes according to Islamic law.[56] The British enacted the legislation to co-opt the Muslim Hausa population[57] in the Gold Coast at a time when Mahdist[58] movements threatened colonial authority in the wider region. However, colonial officials soon came to regard the

ordinance as a mistake. They gradually undermined its application by constructing an official narrative that Islamic law did not properly belong within the Ghanaian legal system.[59]

The post-independence judiciary inherited this narrative and further institutionalized it through influential jurists such as Justice Ollennu of the Supreme Court, who also served as Speaker of Parliament and Acting President. Interviews conducted in 2017 in Accra, Kumasi, and Tamale indicate that nearly all judges and state attorneys had internalized the view that Islamic law did not properly belong within the Ghanaian judicial system. Respondents repeatedly emphasized what they described as the foreign origins of Islam and "Mohammedan law," portraying it as incompatible with Ghanaian values and ways of life. This same exclusionary orientation is also evident in both colonial and postcolonial case law, where courts have consistently rejected MFL claims on procedural grounds, refusing to engage their merits and thereby denying Muslim law normative legitimacy and even juridical existence. In parallel, bureaucratic agencies have undermined implementation by weakening the registration machinery necessary to activate the MMO. These judicial and administrative practices reflect a rejectionist narrative that has remained highly coherent over time and across all dimensions measured.[60]

Greece: Medium Cohesion

Greece presents a case of medium narratival cohesion. MFL applies not nationally but only in the northeastern region of Thrace, bordering Türkiye, where *mufti* tribunals[61] have long exercised jurisdiction over the autochthonous Muslim minority.[62] This geographically and institutionally limited arrangement, however, did not translate into narratival clarity. Civil courts frequently disagreed over whether *mufti* jurisdiction was compulsory and over the scope of its subject-matter

authority, with this uncertainty most pronounced before Law No. 4511/2018, which made recourse to MFL contingent on the consent of the parties.

Greece preserved *mufti* tribunals pursuant to bilateral treaties with the Ottoman Empire and later Türkiye.[63] Since the 1920s, security-minded elites in Athens have deliberately emphasized the largely Turkish-speaking minority's Islamic character over its ethnic identity to insulate it against secular Turkish nationalism and to minimize the perceived "threat from the East." Mustafa Mustafa, a Member of Parliament from the Coalition of the Radical Left (SYRIZA), openly acknowledged this policy during the parliamentary debates on Law No. 4511/2018: "The preservation of shariʿa was a choice of our state, which was trapped in the theory of the religionization…and the de-Turkification of the minority…We invested in the shariʿa and the *mufti*s…And this crooked policy continues to this day."[64] Within this securitized[65] framework, *mufti* tribunals came to function as central pillars of state policy in the region.

Legally speaking, decisions of *mufti* tribunals are enforceable only after review by local civil courts for constitutionality and compliance with the European Convention on Human Rights.[66] Greek courts, unlike their Israeli counterparts, do not apply Islamic law; they do, however, frequently settle jurisdictional questions concerning *mufti* tribunals, such as whether child custody falls within their purview or whether Muslim Thracians may bypass Islamic inheritance rules by executing civil wills.[67] The Greek judiciary—which includes no Muslim judges[68]—has responded to these questions by deploying competing narratives.[69] My interviews with former judges who served in Athens and Thrace suggest that members of the judiciary largely shared the securitized state policy toward the minority and MFL.[70] Yet regional courts and the apex court diverged sharply on how best to address the perceived "threat."

The Supreme Court of Cassation (ScoC), located in Athens, consistently advanced a compulsory-shariʿa narrative.[71] This insistence has been widely interpreted as an extension of the securitized state policy aimed at reinforcing the minority's religious identity over its ethnic identity to counter Turkish influence in the border region. Lower court judges, especially those in Thrace, by contrast, often favored limiting *mufti* jurisdiction or abolishing it altogether, advocating a narrative of optional access to civil courts.[72] Many local judges held the view that the continued existence of separate *mufti* tribunals and compulsorily subjecting Muslims to shariʿa hindered minority integration and, paradoxically, served Türkiye's interests more than those of Athens in the region.

These competing narratives generated significant vertical divergence and some horizontal fragmentation. Although judges broadly agree on a securitized framing of the minority issues, their disagreement over appropriate institutional responses has prevented full cohesion. The result is medium cohesion: a partial narratival alignment marked by unresolved ideological disagreement, particularly between the apex court in Athens and lower courts in Thrace.

India: Medium-Low Cohesion

India exhibits medium-low judicial narratival cohesion, driven by deep ideological divisions within the judiciary over the role of MFL within the national legal system. At independence in 1947, India inherited from the British a plural family law system in which civil courts apply distinct personal laws to individuals according to their religious affiliation. As part of this framework, courts apply MFL, which remains largely uncodified, to Indian Muslims.[73] However, since the

early 1980s, the question of MFL has become a highly divisive one, pitting judges aligned with the Congress-era tradition of pluralist accommodation against those associated with the rising Hindutva (Hindu supremacy) movement, which seeks to abolish separate personal laws, particularly MFL, in favor of a uniform, Hindu-inspired civil code.[74]

Content analysis reveals that these ideological divisions have produced competing judicial narratives over time. Furthermore, compared to Greece's unitary civil law system,[75] India's federal common law structure encourages dissents, producing an even deeper form of narratival fragmentation. In India, incohesion thus manifests not only vertically and horizontally across courts, but also internally within individual judgments: intra-bench divisions and political pressures to address multiple audiences often result in decisions that articulate multiple, and at times conflicting, narratives within individual decisions. Informants, including judges and attorneys, widely acknowledged that this condition is undesirable and carries negative implications for the rule of law, but attributed it to communalization, political polarization, and sustained pressures on the judiciary. As one former High Court judge put it, "in uncertain times, ambiguity becomes a strategy…You appear to say many things, but ultimately you say nothing."[76]

Therefore, India approaches low cohesion. Judicial narratives neither converge on accommodation nor exclusion, leaving MFL in a state of persistent uncertainty. This narratival incohesion has significant implications for reform trajectories and how Indian Muslims experience the state law and power, explored below.

WHEN COHESION MEETS RIPENESS: THE CONDITIONS FOR SOCIO-LEGAL REFORM

Judicial narratives are important to understand not only for how courts think, but also for whether their messages affect the world beyond the courtroom and bring about socio-legal change. For this to happen, judicial narratives must be coherent, and the surrounding extrajudicial environment must be sufficiently ripe to receive and internalize them. Cohesion concerns whether courts speak in a clear and internally consistent voice, avoiding mixed signals. Ripeness, by contrast, indicates whether social, political, institutional, and intra-community conditions are conducive to absorbing narratives into action. In other words, the confluence of narrative cohesion and extrajudicial ripeness creates favorable conditions for socio-legal reform.

Reform typically unfolds through a process of harmonization mediated by interlocutors within affected communities—such as feminist activists—who act as conduits between courts and society. During my field work, women's rights advocates consistently reported paying close attention to judicial narratives in, especially rights-affirming, MFL decisions, focusing not only on outcomes but also on how courts framed their reasoning. They assessed whether narratives aligned with their reform agendas and resonated with prevailing communal values and, when they did, appropriated and vernacularized judicial language to counter resistance from religious authorities and conservative actors. Through this process, judicial narratives entered communal discourse about familial, spousal rights and obligations. As interlocutors continued mobilizing courts for favorable rulings and sustained internal advocacy, these narratives deepened over time, shaping expectations within the community. Religious authorities, in turn, often compromised—either in response to internal pressure or to avoid further confrontation with state law—culminating in the establishment of new rules governing contested practices.

As mentioned, ripeness is operationalized along five dimensions. The more a judicial narrative resonates with communal values, avoids deepening existing divisions or creating new ones, is tolerated by religious authorities rather than openly resisted, and endures over time, the more likely it is to meet the conditions of ripeness necessary for meaningful socio-legal change. Table 2, which reports ripeness scores across all four communities, identifies the Israeli Muslim community as having the ripest extrajudicial context. Combined with the Israeli judiciary's high cohesion scores in Table 1, this configuration makes Israel the paradigmatic case of how cohesion and ripeness interact to produce socio-legal change, most clearly illustrated in the domain of child custody.

In the field of custody, Israeli law requires religious courts to set aside religious rules and instead apply the Legal Capacity and Guardianship Law (LCGL) of 1962, which prioritizes the child's best interests.[77] Consistent with this mandate, the civil judiciary—particularly the HCJ and the family courts—articulated a cohesive narrative centered on the child's welfare. Following internal restructuring in 1994, however, the shariʿa courts' own custody narrative moved in the opposite direction. A new directive by the chief *qadi* barred regional *qadi*s from applying the LCGL and instead required reliance on rigid age presumptions and rules about mothers' marital-status derived from religious law. From the mid-1990s onward, these competing narratives clashed openly. In several high-profile cases,[78] the HCJ overturned shariʿa court rulings, requiring them to base their decisions on individualized welfare assessments rather than categorical religious presumptions. Through these decisions, the civil courts consolidated a coherent custody narrative that aligned closely with the demands of Muslim women systematically disadvantaged under shariʿa law.

Table 2. Extrajudicial Ripeness across Muslim-Minority Contexts and Legal Domains

Community / Issue	Resonance	Interlocutors	Unity	Religious Receptivity	Durability	Total Ripeness (RI score)
Israeli Muslims (*Custody*)	2	2	2	2	2	10/10 (High)
Greek Muslims (*Inheritance*)	2	0	2	1	2	7/10 (Med.-High)
Indian Muslims (*Triple Talaq*)	1	1	0	0-1	1	3-4/10 (Low-Med.)
Ghanaian Muslims (*Exclusion of Islamic Law*)	0	0	2	0	0	2/10 (Low)

In the Arab sector, secular women's organizations—most prominently Kayan—played a pivotal role in sustaining this narrative by helping women file custody petitions before civil courts to challenge patriarchal presumptions of shariʿa courts. Religious feminist groups such as Nisāʾ wa-Āfāq worked toward vernacularization by developing Islamic arguments that framed women-friendly custody arrangements as compatible with shariʿa rather than as secular impositions.[79] These actors attended not only to judicial outcomes but to narrative framing, internalizing the language of the child's best interests to resonate with communal values while limiting internal polarization. As litigation and internal advocacy intensified, pressure mounted on the shariʿa establishment, which—seeking to preserve institutional legitimacy and avoid further HCJ intervention—recast custody doctrine through Islamic concepts such as *maṣlaḥa* and *maqāṣid al-sharīʿa*.[80] The process culminated in not just the creation of new rules but also a robust socio-legal transformation accompanied by a new normative frame that was largely internalized within the community. This internalization was evident in my interviews, particularly with female litigants, who expressed near-unanimous support for the narrative.

By contrast, the Greek case shows how partial cohesion can delay reform even when social practices are already aligned with egalitarian norms. MFL in Greece is not codified but applied as unwritten "customary" law by *mufti*s. Through ethnographic research in the region, I observed that communal practices among local Muslims diverged sharply from classical Islamic law, especially with respect to property relations. For example, community members—including sitting *mufti*s—who frequently referred to their laws as "light shariʿa," openly rejected gender-discriminatory inheritance rules, and routinely distributed property equally through *inter vivos* transfers or civil wills.[81] In other words, at the communal level, everyday practice and narrative were largely egalitarian and ripe for reform.

Yet judicial narratives failed to align with these practices. When heirs challenged civil wills, lower courts in Thrace often upheld Muslims' right to opt out of Islamic jurisdiction, relying on a narrative of choice that treated shariʿa as optional in property relations. The SCoC, however, repeatedly overturned these rulings, insisting that Muslims were mandatorily subject to Islamic law as a matter of treaty obligation. Operating from Athens and largely detached from local realities, the apex court advanced a narrative that framed shariʿa as an essential component of securitized minority governance. This conflicting judicial messaging—confounded by intense geostrategic anxieties and the rivalry between the Greek and Turkish intelligence agencies in Thrace—also undermined narratival harmonization by discouraging the emergence of interlocutors among local Muslims capable of contesting the judicial narratives that were at odds with people's lived experiences.[82]

Unlike Israel, where cohesive judicial narratives interacted with social ripeness to produce endogenous reform, change in Greece emerged only after external intervention. Two Greek

academics stepped into the interlocutory vacuum left by communal actors and brought the issue before the European Court of Human Rights. The application and the subsequent judgment of *Molla Sali v. Greece* (2018) triggered legislative changes, making recourse to shariʿa optional. Only after this externally induced shift did Greek courts begin to align their narratives coherently with existing communal practices, as heightened social ripeness around inheritance finally converged with judicial cohesion to make the socio-legal change complete.

India, with judicial cohesion at the low end of the medium range and low-to-medium extrajudicial ripeness, illustrates how socio-legal reform is stalled. Since colonial times, the Indian judiciary—particularly the Supreme Court and state High Courts—has addressed the so-called triple *talaq*[83] disputes using multiple, and often conflicting, frames rather than a consistent narrative. These include a non-intervention narrative that treats MFL as a protected minority domain; religious narratives debating whether triple *talaq* is grounded in Islamic text and tradition; secularist narratives portraying the practice as antithetical to India's secular principles; femonationalist narratives that exploit gender issues surrounding triple *talaq* for majoritarian politics; and fundamental-rights narratives framing triple *talaq* as unconstitutional. Different benches invoke different combinations of these frames without resolving their tensions, producing fragmented and often contradictory judicial messaging about the legitimacy of Muslim law and culture in India.

The extrajudicial environment mirrors this fragmentation along all dimensions measured. Normative resonance varies sharply across audiences: conservative religious bodies and many ordinary believers gravitate toward non-intervention and religious frames, while women's organizations and liberal groups engage selectively with rights-based and reformist religious

narratives. The field of interlocutors is also deeply divided, encompassing women's NGOs, public-interest litigators, Hindu supremacist actors, conservative *ulama* such as the All-India Muslim Personal Law Board, and reformist religious scholars—each mobilizing rival narratives rather than converging around a shared frame. As a result, communal unity remains low, as debates over triple *talaq* generate accusations of co-optation, betrayal, and Islamophobia, while religious authority is divided into competing camps that selectively endorse narratives aligned with patriarchal, reformist, or majoritarian agendas. In this fractured and unreceptive environment, the Supreme Court's decision in *Shayara Bano v. Union of India* (2017) was issued against conditions ill-suited to transformative harmonization. Its internally convoluted narratives and the following criminalization law reinforced existing divisions and failed to establish a clear or authoritative standard for Islamic divorce, producing little lasting socio-legal change.[84]

The Israeli, Greek, and Indian cases suggest that judicial narratives do not merely succeed or fail in producing reform; they also shape whether law is experienced as legitimate or as an alien imposition. The next section turns to legal estrangement, examining how narratival incohesion—and exclusionary cohesion—can deepen the normative gap between courts and the communities they govern by generating distrust and alienation.

WHEN COHESION FAILS OR EXCLUDES: THE RISE OF LEGAL ESTRANGEMENT

(In)Cohesion thus structures two divergent pathways through which judicial narratives travel beyond the courtroom. Where narratives are cohesive and encounter receptive environments, they can facilitate reform; where they are fragmented, they instead foster legal estrangement among minority populations by generating perceptions of distrust, exclusion, and uncertainty. As noted earlier, the LEI was developed to capture this perception of estrangement among Muslim minorities by measuring how they relate to civil family courts; the results are reported in Table 3, which reveals sharp cross-national differences.

Israel stands out with a medium level of estrangement, reflecting relatively higher trust in courts than in the other cases, alongside ambivalent perceptions of legal belonging and mixed vicarious experiences. By contrast, India, Ghana, and Greece—though less extreme than the other two—exhibit uniformly high estrangement across all three dimensions. In all three countries, Muslims report low trust in civil courts, overwhelmingly perceive the legal system as belonging to the majority rather than to them, and hear predominantly negative stories about others' encounters with the judiciary. This convergence of institutional distrust, symbolic and lived exclusion, and negative collective memory produces deeply alienated legal subjectivities: civil courts are experienced less as neutral arbiters and more as arenas of cultural, religious, or political domination.

Table 3. Legal Estrangement Across National MFL Systems

Country	Procedural (in)Justice—Trust in family courts (%)	Legal Exclusion	Vicarious Experience	Total Estrangement (LEI score)
Israel	1 (62%) *	1	1	3/6 (Medium)
Greece	2 (18%) *	2	1	5/6 (High)
India	2 (30%) *	2	2	6/6 (High)
Ghana	2 (18%) *	2	2	6/6 (High)

* The trust scores are obtained through the author's in-depth interviews with Muslim minority members in each country.

Interviews with Muslim informants suggest that the relationship between narratival cohesion and legal estrangement is conditional, not linear. Cohesion appears to reduce estrangement only when the judiciary speaks with an inclusionary voice, one that treats MFL as a legitimate object of legal governance rather than as a normatively suspect domain to be abolished or ignored. Israel, a high-cohesion/medium-estrangement case, illustrates this scenario. As noted, Israel has a dualistic system in which Muslim litigants have access to both civil and religious courts. Shariʿa courts already command high trust and respect among Muslims.[85] Yet Table 3 shows that civil courts—used by only about 10% of Muslims—also command relatively high levels of trust,[86] higher than in any other country studied, even as Muslims express ambivalent feelings about legal belonging and mixed vicarious experiences due to the state's exclusionary and discriminatory policies.[87]

Interviews suggest that this relative trust stems from the cohesion of judicial narratives, as one lawyer put it, "If each court tells a different story, you never know where you stand. But in Israel, the shariʿa courts and the civil courts echo some of the same values. That consistency creates

trust."[88] The consistency, in turn, appears to reinforce perceptions of procedural fairness and thereby curb legal estrangement. A Muslim woman who petitioned before a family court explained: "When the judge gave his decision, it was…exactly what I had expected…[I]t matched what I had heard from others…the ruling was fair. It gave me more confidence [about the system]."[89] In brief, limited data suggest Israeli Muslims experience family courts as relatively fair and normatively receptive, a configuration that tempers estrangement and renders the system more legitimate than in the other three cases.

Cohesion, however, is not normatively neutral. When cohesion forms around an exclusionary narrative, it can intensify estrangement rather than mitigate it. Ghana illustrates this dynamic clearly. There, the judiciary speaks in a highly coherent voice, but that coherence is anchored in a narrative that denies Islamic law any legitimate place within the legal system. Courts have systematically dismissed MFL claims on procedural grounds without substantive engagement, while bureaucratic agencies have undermined the mechanisms necessary to register Muslim marriages. Many Muslims consequently perceive the legal system as structurally biased. As a result, trust is extremely low, exclusion is extremely high, and vicarious experiences are overwhelmingly negative. Alienation was expressed in stark terms. One Muslim taxi driver bluntly stated: "Courts are not for Muslims...They do not accept our law. My law is shariʿa."[90] A university student echoed the sentiment: "We, Muslims in Ghana, do not have a state of our own. The Christian majority owns the state and courts…."[91] Another informant—who reportedly had friends who traveled to Syria to join ISIS—expressed distrust and frustration in more radical terms, describing Ghana as a "state of *kufr* [disbelief]" because its courts refused to recognize Islamic law, concluding that "it is OK to make jihad [against such a state]."[92] Ghana thus shows that cohesion is an amplifier. When the prevailing narratives are rights-affirming or supportive of

recognition, it lowers estrangement, but when they are rights-denying or exclusionary, it deepens separation and drives communities away from state courts.

Where cohesion is low, estrangement tends to be high, as conflicting and ambiguous narratives erode trust and foster alienation. Even in the absence of overt discrimination, narratival inconsistency can generate the perception that the legal system is biased, reinforcing suspicions that outcomes hinge on extra-legal considerations. India and Greece illustrate this in different ways.

India represents an extreme form. Courts routinely deploy multiple, at times conflicting, narratives—often within the same judgment. As a result, many Muslims come to regard civil courts as unpredictable, untrustworthy, and most importantly, political, rather than neutral arbiters, thereby contributing to their legal estrangement. Interviewees frequently interpreted the judiciary's incohesion through the lens of Hindu majoritarian politics, viewing courts as agents of the ruling party. One Muslim lawyer summarized this sentiment starkly: "[Courts] do the BJP's bidding…Muslims are unwanted citizens in Modi's India…Can anyone blame them for not trusting this country's courts?"[93]

Greece presents a subtler but structurally similar pattern. While individual judgments usually display internal coherence and limited horizontal consistency, vertical cohesion remains weak due to persistent narratival conflict between regional courts and the SCoC. The result is structural estrangement—manifested in low trust and strong perceptions of exclusion—even where vicarious experiences are mixed rather than uniformly negative. This estrangement is further compounded by the institutional exclusion of Muslim judges from the bench. This feature distinguishes the Greek case from the other three countries examined in this study.[94] Interviewees

repeatedly framed this absence as emblematic of a broader denial of equal belonging within the legal order, with one noting pointedly: "This is a Greek Orthodox state. Greece is a religious state, not a secular one. How can Muslims be equal? If we are equal, where are the Muslim judges?"[95]

All in all, the four cases underscore two general propositions. First, cohesion reduces estrangement only when it is paired with inclusionary, rights-affirming narratives that recognize minority law as a legitimate object of legal governance. Second, incohesion—and even more starkly, cohesive exclusion—predictably fosters estrangement by producing a stable message of normative rejection. In both configurations, courts shape state-minority relations not only through what they decide, but through the narratives they consistently—or inconsistently—project beyond the courtroom.

CONCLUSION

This article argued that courts exercise political power in pluri-legal systems not only through the outcomes they produce, but through the narratives they create and consolidate over time. Focusing on MFL systems in four Muslim-minority countries—Israel, Greece, India, and Ghana—it has shown that judicial narratives function as technologies of minority governance that shape reform trajectories, and perceptions of trust, belonging and legal estrangement among minority communities. The central claim is that institutional design alone cannot explain why similarly structured personal status regimes generate divergent political effects. Instead, it is the degree of narratival cohesion within the judiciary, and its interaction with extrajudicial conditions of ripeness, that determines whether courts facilitate endogenous reform, require external intervention, or deepen estrangement.

Theoretically, the article advances a comparative political account of courts as governing institutions embedded in state-society relations. By introducing narratival cohesion as a meso-level mechanism linking judicial behavior to macro-level outcomes, it bridges a persistent gap between institutionalist explanations that focus on legal architecture and attitudinal or strategic models that center on individual judges. Existing approaches can explain why judges reach particular outcomes, but they are less equipped to account for how courts generate durable political effects across time, judicial hierarchy, and social context. By shifting attention from what courts decide to how consistently they speak, the analysis demonstrates that judicial influence depends crucially on the coherence and social resonance of the narrative worlds courts help to produce. In this respect, the article also extends and revises Cover's influential account of narratives by showing that courts in pluri-legal systems are not mono-narratival institutions but sites of narratival interaction, conflict, and mediation, with significant implications for state-minority relations.

The findings further contribute to the literature on legal pluralism, minority governance, and securitization. The Israeli case yields the study's most counterintuitive result: even a highly exclusionary institutional design can, inadvertently, facilitate reform and comparatively lower estrangement when judicial narratives are cohesive and encounter socially ripe conditions. Greece, on the other hand, shows how partial cohesion, within a securitized framework, can delay reform even when communal practices are already ripe or egalitarian. When that happens, outside help is needed to realign judicial narratives with communal values and practices. India and Ghana present alternative trajectories: narratival incohesion and cohesive exclusion, respectively. Both produce high levels of estrangement by rendering law unpredictable, normatively hostile, and untrustworthy. All in all, the cases underscore that cohesion is not normatively neutral. When it

is coupled with inclusionary narratives, it can foster reform and trust; when built around exclusionary narratives, it can lead to alienation and disengagement.

Methodologically, the article offers a framework for examining the power and influence of judicial decisions beyond the courtroom. It does so by combining systematic content analysis of more than 3,000 judicial decisions with nearly 400 interviews across four countries, and introducing three original indices—the NCI, the RI, and the LEI. These tools operationalize the ways judicial narratives align institutionally, travel socially, and are experienced collectively, thereby enabling scholars to conduct qualitative, narrative-centered comparisons across time and space. More broadly, the study illustrates the value of integrating judicial opinions, ethnographic insight, and comparative methods to trace how law operates as a lived and narrated form of governance.

In conclusion, the article's findings invite students of comparative politics, law and courts to focus on judicial narratives as units of analysis. Courts do not just interpret the law. As shown, they tell stories about belonging, authority, and legitimacy that extend well beyond the courtroom and deeply shape state-society relations. Understanding when those stories cohere, when they divergence, and with what consequences is essential for explaining how states govern diversity—and why law sometimes reforms, sometimes estranges, and occasionally does both at once.

NOTES

[1] Sezgin 2013, 19–42.

[2] Cameroon, Eritrea, Ethiopia, Ghana, Greece, India, Israel, Kenya, Mauritius, Myanmar, Philippines, Singapore, Sri Lanka, Suriname, Tanzania, Thailand, Trinidad and Tobago, Uganda. Sezgin 2023a.

[3] See footnote 53**Error! Bookmark not defined.**.

[4] Some exceptions are: Karayanni 2016 ; Sezgin 2010 ; Tsitselikis 2007.

[5] Asad 2003 ; Cesari 2010 ; Mahmood 2016.

[6] Bali and Lerner 2016 ; Mamdani 1996.

[7] Hathaway 2001 ; Lerner 2009 ; Tamanaha 2021.

[8] Sezgin 2018.

[9] Segal and Spaeth 2002 ; Westerland et al. 2010.

[10] Ali 2000.

[11] See footnote 94.

[12] Di Donato 2020 28; Olson 2018 21.

[13] Brooks 2018 140.

[14] Haltom and McCann 2004.

[15] Engel 1984.

[16] Engel and Munger 2003.

[17] Ewick and Silbey 1998.

[18] Hanne and Weisberg 2018 117.

[19] Feeley 1992 ; Hanne and Weisberg 2018 120.

[20] Balkin and Levinson 1998 986–990; Goffman 1974.

[21] Beasley 2023.

[22] LaRue 1995.

[23] Balkin 2024 184.

[24] Cover 1983 4–5.

[25] Migdal 2001.

[26] Ginsburg 2010.

[27] Galston 2019.

[28] Dworkin 1978 ; 1985.

[29] Sander 2018 575.

[30] Hayward 2019.

[31] Mahoney 2000 ; Thelen 1999.

[32] Lerner 2013 ; Tamanaha 2021.,

[33] XXXX

[34] Andersen 2006.

[35] Lobel 1995.

[36] Sezgin 2023b.

[37] Tyler 2003.

[38] Bell 2017.

[39] Lazarev 2019.

[40] King et al. 1994.

[41] Sezgin 2018.

[42] Josiah-Aryeh 2015 ; Subramanian 2014.

[43] *Nevo* and *Takdin* in Israel; *Casemine*, *Indian Kanoon*, and *Manupatra* in India; *Dennislaw* and *Digital Attorney* in Ghana; and *Nomos* and *DSanet* in Greece.

[44] Saldaña 2021.

[45] Biernacki and Waldorf 1981.

[46] Irshai and Zion-Waldoks 2024.

[47] Bell 2017.

[48] Kolbe and Burnett 1991.

[49] Holmes 2020.

[50] Dworkin 1986 228–232.

[51] Muslim population within Israel's pre-June 5, 1967, borders (excluding the Occupied Palestinian Territories and the Golan Heights) is estimated at 1.7 million (18.1% of the total) in 2021, source: Israeli Central Bureau of Statistics. Available at https://www.cbs.gov.il/he/mediarelease/DocLib/2022/217/11_22_217e.pdf (Accessed in June 2024).

[52] As of June 2024, nine regional shariʿa courts and a Shariʿa Court of Appeals operated within Israel. These courts were staffed by twenty-two state-appointed *qadi*s, all but one of whom were male.

[53] I use the term "*millet*-like" to underscore key differences between the Ottoman *millet* system and its contemporary iterations in Israel. Under the Ottomans, the *millet* operated as a broad framework of communal self-rule, encompassing wide-ranging religious, social, and legal authority. By contrast, Israel—and Greece—retained only its family law-related components. Moreover, whereas Muslims constituted the majority when the *millet* system was originally conceived, they now occupy minority status within these modern states. Benjamin 1982 ; Boogert 2012 ; Karpat 1982 ; Layish 2008 ; Sezgin 2010.

[54] Karayanni 2016 ; Sezgin 2010.

[55] Virtual interview with Hon. Yitzhak Aryeh Rabinowitz (pseudonym), September 2024.

[56] Anderson 1954 249–286; Josiah-Aryeh 2015 5–15; Weiss 2005.

[57] According to the 2021 census, there were 6.1 million Muslims in Ghana making up 19.9% of the total population, source: Ghana Statistical Service. Available at https://census2021.statsghana.gov.gh/ (Accessed in June 2024).

[58] Mahdism was an Islamic revivalist and anti-colonial movement led by Muhammad Ahmad, who established the short-lived Mahdist State in the Sudan (1885–98). The movement became a powerful source of inspiration for anti-colonial resistance across Africa. Searcy 2011.

[59] Hiskett 1976 ; Sezgin 2024.

[60] Sezgin 2023b.

[61] A *mufti* is a religious scholar who interprets Islamic law and issues non-binding legal opinions (*fatwa*s). Traditionally, *mufti*s do not serve as judges (*qadi*s). However, the Greek government has authorized state-appointed *mufti*s (in Komotini, Xanthi, and Didymoteicho) to adjudicate family matters among local Muslims per usage and custom. Tsitselikis 2012a 54.

[62] The Thracian Muslim minority, composed mainly of ethnic Turks, Pomaks, and Roma, is estimated to number between 85,000 and 140,000; no official figures exist because Greece does not collect data on religion in its national censuses. Tsitselikis and Sakellariou 2020 ; Verhás 2019.

[63] The Treaty of Constantinople (1881), the Treaty of Athens (1913), the Treaty of Sèvres (1920), and the Treaty of Lausanne (1923).

[64] Hellenic Republic 2018.

[65] From 1936 until 1996, parts of Thrace were designated a restricted military zone which residents could not enter or leave without special permits. As a result, the Ministry of Defense became the primary architect of minority policy in the region. Yagcioglu 2004 117–118.

[66] Tsitselikis 2012b.

[67] Ktistakis 2013.

[68] See footnote 94

[69] Sezgin 2026.

[70] A former judge from Thrace said: "[T]he issues of *mufti* and Islamic law…concern the history and politics of the region…it is about national security and bilateral relations [with Türkiye]." Virtual interview with Hon. Dimitris Konstantinidis (pseudonym), September 2017.

[71] Topidi 2021.

[72] Tsitselikis 2001.

[73] Approximately 172 million people (~14.2% of the total) according to the latest census from 2011; source: India Census 2011. Available at https://www.census2011.co.in/data/religion/2-muslims.html (Accessed in Sep 2025).

[74] Herklotz 2016.

[75] The Greek Constitution of 1975 (Article 93(3)) permits judges to issue dissenting and concurring opinions, but this practice is rarely used in MFL cases.

[76] Virtual interview with Hon. Raju Verma (pseudonym), January 2022.

[77] Ramadan 2008.

[78] Ramadan 2008.

[79] Kozma et al. 2011.

[80] Edres 2024.

[81] Figures I obtained from the Mufti Tribunal in Komotini show an average of 185 inheritance rulings per year in 1964-85, about 20 in 1985-2005, three to five in the 2010s, and none in 2018-22.

[82] Sezgin 2026.

[83] Triple *talaq* is a unilateral instant divorce effected by three pronouncements at once, religiously disfavored yet long tolerated in law.

[84] Saxena 2022.

[85] According to a recent survey, 64% of Muslims trust in shariʿa courts: Finkelstein et al. 2022.

[86] In my interviews, 62% of Muslims expressed trust in civil family courts; survey data report trust levels of 49% among Muslims, compared to 38% among Jews: Finkelstein et al. 2022.

[87] Yagil and Rattner 2005 ; Yiftachel 1999.

[88] Virtual interview with Attorney Muhammad Khalil al-Husseini (pseudonym), June 2022.

[89] Personal interview with Aisha Samira al-Tamimi (pseudonym), Jerusalem, May 2018.

[90] Personal interview with Abdulai Issahaku (pseudonym), Accra, May 2017.

[91] Personal interview with Aisha Sulemana (pseudonym), Accra, May 2017.

[92] Personal interview Mustapha Tahiru (pseudonym), Tamale, June 2017.

[93] Virtual interview with Karimullah Usman Qureshi (pseudonym), March 2022.

[94] While there are no Muslim judges in Greek civil courts, Muslims do serve in the judiciaries of the other countries examined. In Ghana, informants reported in 2017 that six Muslim judges served on the superior courts (~3.5%), though reliable figures for the lower courts were unavailable. In Israel, as of May 2024, there were two Muslim family court judges (~3%). My review of the official judicial directory in September 2025 identified roughly 80 Arab judges (including Christians and Druzes), of whom approximately 50, I estimate to be Muslim—about 5% of the judiciary. In India, official and academic sources suggest that Muslims constitute approximately 7–8% of judges in the lower courts and around 4% at the High Court level. Ash et al. 2022 2; Chandrachud 2014 254–255; Sachar 2006 174.

[95] Personal interview with Hasan Can Kaya (pseudonym), Komotini, December 2022.

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