Identity, Accountability, and Power in the American Muslim Community and in Islamic Chaplaincy

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Abstract

This paper uses a discursive framework to examine how identity, accountability, and power shape Islamic chaplaincy in North America. Drawing on the Amman Message and the works of Talal Asad, Wael Hallaq, Sherman Jackson, and Mariam Sheibani, the paper situates chaplaincy as both a site of spiritual care and religious formation. It argues that cultural difference, racial hierarchy, and institutional power are not peripheral but central to Muslim moral formation and professional ethics.

Keywords: *discursive tradition, accountability, authority, power, identity*

Introduction

Muslim chaplains, the profession of chaplaincy in Muslim communities, and Muslim endorsing bodies play an important role in shaping Islam and Muslim identity in North America. A chaplain is often characterized as a trusted and competent person who "journeys with" or "walks beside" a care-seeker. Metaphors of traveling and journey pervade the Islamic tradition, in which believers seek to stay on "the straight path" (*al-ṣirāṭ al-mustaqīm*), attempt to find the "way to the water" (*al-sharīʿa*), and perhaps follow an established spiritual "path" (*ṭarīqa*) for growth and community. Prophet Muhammad, peace be upon him, advised believers to "be in this world like a traveler" (*Ṣaḥīḥ al-Bukhārī*, no. 6416), but it was his custom to never travel alone.

Chaplains specialize in walking alongside people during times of crisis and transition. At varying times in their lives, individuals may struggle with adapting to difficult or exciting changes they face, such as becoming an independent adult, a good spouse, or a responsible parent. Over the course of one's life, new physical, psychological, spiritual, and social challenges emerge. These may be opportunities to grow, but they also may be overwhelming and confusing. Chaplains support both individuals and communities who want to heal past traumas, achieve greater balance in the present, and find a sense of purpose as they move through life and respond to changing circumstances.

When society is in a state of major upheaval, with political, environmental, and economic disruptions, communities may struggle to respond appropriately. Institutions and

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organizations vary in their capacities and willingness to shift priorities and adapt to emerging needs. A well-trained chaplain, one who is not overly regulated by a bureaucratic authority, should have the ability to respond effectively to dynamic situations and the needs of diverse care-seekers. At the same time, to ensure the care-seeker's safety, the chaplain must remain within the bounds of professional conduct and be accountable for his/her actions; this requires regulation and effective supervision.

Regarding Islamic chaplaincy through a discursive lens, this paper analyses how concepts of authority, accountability, and power are negotiated within Islamic theological traditions and contemporary institutional contexts, and situates chaplaincy as a site of religious meaning-making and a reflection of broader struggles over Muslim identity in North America. The key questions that this paper seeks to address are as follows:

- What kind of knowledge and which skills and capacities do American Muslim chaplains need to be effective, and to what extent does this vary based on the community they serve?
- What conscientious measures can individual chaplains, and the profession at large, take to responsibly nurture Islam in North America?
- How can Islamic chaplaincy endorsing agencies exercise the power to define Islam and regulate Muslim religious professionals in a responsible manner?

The Religious Identity of a Muslim Chaplain

For many decades, chaplaincy training programs in the United States have shared a foundation in established principles of pastoral care to support both individuals and communities. Broad social changes in religious identities and sources of funding have created pressures on these programs, with some now putting less emphasis on community care and more emphasis on "spiritual care," "wellness," or therapeutic models of care. In these programs, the chaplain is held accountable primarily to principles and practices shared with other caring professions, and his/her religious identity becomes less significant to effective job performance according to institutional standards. While these programs and chaplaincy services help support many individual Muslims, many others expect to receive a model of care more explicitly religious and perhaps grounded in a distinctive Islamic theological identity or school of thought.

Professor of Social Work Wahiba Abu-Ras has studied the interaction between chaplains and Muslim patients in a state hospital system. She notes that in the United States in general, "chaplaincy services are typically designed and practiced according to a paradigm of pastoral care or 'spiritual care' for all, regardless of religious affiliation," and that "many of the non-Muslim chaplains and directors in our study argued that they are knowledgeable enough to care for all patients regardless of their faith." However, "many chaplain-researchers argue that there are limits to this model which, in effect, seems to be a Protestant-based chaplaincy model camouflaged as an interfaith model of CPT/chaplaincy…." (Abu-Ras 2011, 39). According to Abu-Ras, some of the limits these chaplains might face when offering care for Muslim patients include navigating end-of-life discussions, offering Islamic prayers and supplications, or engaging with resonant Islamic teachings when discussing difficult challenges. Muslim patients often request "content"

that a non-Muslim chaplain cannot offer. Further, many, probably most, Muslim patients do not recognize or at least do not prioritize an individual "spirituality" that is separate from the religious community.

Most of the knowledge and skills necessary to offer a straightforward, correct recitation of the Qurʾān (one which conforms to the well-established rules of *tajwīd*) and to offer an appropriate supplication (*duʿāʾ*) in Arabic or in English should be acquired during a chaplain's Islamic educational process. Beyond the basics, what requirements should there be in terms of a Muslim chaplain's knowledge of and/or adherence to a school of thought in law, theology, and spiritual practice? This is an especially pertinent issue when a chaplain's duties include supporting congregational or communal worship and religious learning.

On the institutional level, correctional systems and military services—among other government-controlled institutions with "captive" populations—are legally required to enable access to congregational services, which the chaplain typically leads or facilitates. Given that the diversity of the world's Muslims can be found among American Muslims, delineating Islam's outer boundaries and selecting particular modes of religious practice to adopt within those boundaries is not only a challenge, but also is bound to lead to dispute.

One notable contemporary effort to define Islam's outer limits can be found in the Amman Message, signed by Muslim scholars who were selected by the Jordanian hosts to represent different communities from across the world in 2005 (Winter 2018). Understanding how the document was created and the purposes it served can help inform our community in the choices we have to make when we define the identity, purposes, and development of Muslim chaplains (and other Muslim religious professionals). The first point of the Amman Message is an attempt to categorize all those identities or schools of thought, practice, or identity that must be accepted as "Muslim" and hence, cannot be the basis for declaring them apostates. It states:

> Whosoever is an adherent to one of the four *Sunni* schools (*Mathahib*) of Islamic jurisprudence (*Hanafi, Maliki, Shafi'i* and *Hanbali*), the two *Shi'i* schools of Islamic jurisprudence (*Ja'fari* and *Zaydi*), the *'Ibadi* school of Islamic jurisprudence and the *Thahiri* school of Islamic jurisprudence, is a Muslim. Declaring that person an apostate is impossible and impermissible. Verily his (or her) blood, honour, and property are inviolable. Moreover, in accordance with the Shaykh Al-Azhar's *fatwa*, it is neither possible nor permissible to declare whosoever subscribes to the *Ash'ari* creed or whoever practices real *Tasawwuf* (Sufism) an apostate. Likewise, it is neither possible nor permissible to declare whosoever subscribes to true *Salafi* thought an apostate. Equally, it is neither possible nor permissible to declare as apostates any group of Muslims who believes in God, Glorified and Exalted be He, and His Messenger (may peace and blessings be upon him) and the pillars of faith, and acknowledges the five pillars of

> Islam, and does not deny any necessarily self-evident tenet of [the Islamic] religion.[1] (Amman Message 2004)

These statements invite further inquiry, especially for those who must decide for professional purposes who is to be identified as a Muslim and who is not. First, the inclusion of the Ẓāḥirī school might be puzzling to some since, even during the lifetime of Ibn Ḥazm (d. 456/1054), its greatest proponent, it existed only as an intellectual school of thought, and not an active tradition of theology and jurisprudence. Second, who is it who wanted to distinguish "true" Salafi thought from the implied "untrue" Salafi thought—was it the Salafis among the group, or others? Third, similarly, if there is "real Sufism," then there must be a form of fake Sufism that must be identified, so what are its hallmarks? Last but not least, the final section of the statement offers a broad definition of a Muslim as one who believes in the *shahāda*, the pillars of faith and of Islam, and who "does not deny any necessarily self-evident tenets of religion (*maʿlūm min al-dīn bi-l-ḍarūra*)" (Amman Message 2004). The problem with this statement is that not all Muslim theologians agreed on which tenets of the religion are necessarily self-evident,[2] so what kind of inquiry could this condition invite? In addition to the question of who asked for the various distinctions to be made and the various groups included, perhaps the most significant question that might be raised is: Who is authorized to make all of these distinctions?

The Amman Message was initiated by King Abdullah II of Jordan in consultation with his own religious advisors, and then in consultation with a handful of senior international scholars. This occurred a few years after the US invasion and occupation of Iraq, which had created the conditions for large-scale sectarian violence between Sunnis and Shi'ites. During those years, there had also been what seemed to be an accelerating succession of terrorist attacks across the world justified in the name of Islam. The document that became the Amman Message sought to address the reckless declarations of apostasy and narrow definitions of Islam that were being used to justify violent attacks on other Muslims. Once the declaration was drafted, a large group of Muslim scholars (including myself) was invited to discuss, edit, and, finally, endorse the Amman Message. Thus, this declaration, like almost every other theological creed or statement written in Islamic history, was issued within the context of specific historical events and with a particular purpose; in this case, to cool the sectarian flames of violence. To point this out is not to critique the purpose of the document or its contents. Reducing vigilante and sectarian violence among Muslims is a valid goal, to say the least.

A valuable insight can be gained when we learn that after the Common Word conference ended, some Isma'ili Muslims pointed out they had been left out of the list of eight schools of jurisprudence. In a deft response to this awkward fact, the Agha Khan, who apparently had been invited to the conference but did not attend for unspecified

[1] This is the text on the English website of the Amman Message; I have retained their spelling and transliteration. The Arabic text is also available on the website.

[2] See Binyamin Abrahamov, "Necessary Knowledge in Islamic Theology," *British Journal of Middle Eastern Studies* 20, no. 1 (1993): 20–32. For the discussion's broader context, see Oliver Leaman and Sajjad Rizvi, "The Developed *Kalām* Tradition," in *The Cambridge Companion to Islamic Theology*, edited by Tim Winter (Cambridge University Press, 2008), 77–96.

reasons, wrote a letter to King Abdullah II in which he praises the conference, does not mention that the Isma'ilis have been left out of the Islamic schools explicitly identified as Muslim, but instead, offers a description of his community that allows it be implicitly included among those considered Muslim: "Our historic adherence is to the Jafari Madhhab and other Madhahib of close affinity, and it continues, under the leadership of the hereditary Isma'ili Imam of the time. This adherence is in harmony also with our acceptance of Sufi principles of personal search and balance between the zahir and the spirit or the intellect which the zahir signifies" (Aga Khan 2005). This letter was posted in a prominent place on the Amman Message website. It is unclear whether the Isma'ilis would have been included if the Agha Khan had attended the conference, yet as one of the scholars who attended the conference, I can affirm that those present were able to voice their concerns about who was or was not included and how they should be described.

We note that the Amman Message was not written to help endorsers or employers of Muslim chaplains draw distinctions among applicants. Nevertheless, it clearly demonstrates how debates over authority and inclusion, such as the definition of who speaks for Islam, is always a discursive journey over shifting historical, institutional, and ethical landscapes—including the emerging field of Islamic chaplaincy.

The Role of Chaplains in Islamic Discourse

Talal Asad famously described Islam as a "discursive tradition" (Asad 2009). His statement was in response to characterizations (made by a diverse set of "observers" of Islam—mostly anthropologists) that Islam was either anything a Muslim claimed it was, or a fixed set of laws and doctrines—with anything outside of that set characterized as heterodox (i.e., not "orthodox") or "folk" Islam. Asad convincingly argued that it was only within the worldview of modern industrial societies that anyone would expect homogeneity in a tradition. In reality, Islam (and many other "traditions") is known and upheld by means of an ongoing discussion (discourse, lending to the term "discursive") among Muslims "that addresses itself to conceptions of the *Islamic* past and future, with reference to particular Islamic practice in the present" (Asad 2009, 20). This is not idle, purposeless talk. Asad states that, "although Islamic traditions are not homogeneous, they *aspire to coherence* [my emphasis], in the way that all discursive traditions do" (Asad 2009, 23).

When Asad wrote about Islam as a discursive tradition, he was writing from a descriptive, rather than an explicitly religiously normative, perspective. Nevertheless, many Muslims would agree that he captured much of what Islamic tradition should be, viz., an open, purposeful, and coherent process of striving to understand and implement divine revelation and guidance. To have an *aspiration* is to have an intention, which is a pre-condition in most cases for any act to have spiritual merit, according to most Islamic schools of thought. To aim for *coherence* in thought is to attempt to exercise reasoning in a sound manner, with the confidence that Allah the Almighty endowed human beings with rationality for a purpose. Ibrahim Kalin, a Turkish scholar of Islamic thought, states:

> As God's intelligent work, the world of creation reflects His creative power. Given that God creates optimally and always for a purpose, the universe has an order and intelligibility built into it. Truth, when properly accessed, is the "disclosure" of this

> intrinsic order and intelligibility, which God as the Creator has bestowed upon existence. When reason investigates natural phenomena and the universe, it seeks out this order and intelligibility in them because without order, structure, and intelligibility we cannot know anything. To name something, without which we cannot perceive the world, means giving it a proper place and signification in the order of things. A non-subjectivist ontology of reason, which the Qur'an advocates, construes rationality as disclosing the principles of intelligibility derived from the intrinsic qualities of the order of existence. (Kalin 2012, 2–3)

When Allah the Almighty endowed human beings with the ability to reason, He gave us a precious and powerful gift, one that we can choose to use for beneficial or harmful purposes. To state that Islam is a discursive tradition, therefore, is not to say that "everything is relative" or "anything goes." Rather, this is a recognition that when Muslims strive to understand how best to implement Islamic principles, purposes, and values in changing circumstances, they must, at the same time, stay open, rather than be closed, to new information, perspectives, and insights from all of God's creation, including the diversity of the Children of Adam.

Wael Hallaq, in his study of Islamic legal scholarship and institutions, described this openness in the context of pre-modern Islamic legal reasoning as a "dialectical wheel," which he summarizes in the following manner:

> Society's legal disputes ended up before the courts of law; judges encountered hard cases which they took to the *muftī* for an expert opinion (though the *muftī* was queried by laypersons too); the *muftī* provided solutions to these hard cases, thereby preparing them for integration into the law works of his [jurisprudential] school; students usually copied, collected, edited, abridged, and finally published such *fatwās*; the author-jurist, the author of the school's authoritative *fiqh* work, incorporated most of these *fatwās* into his compendium; this he did while: (1) strictly maintaining the body of principles governing his school's legal corpus; (2) weeding out opinions that had fallen out of circulation; and, conversely, (3) retaining opinions that had newly arisen or those that continued to be relevant to legal practice. The product of this juristic activity was the *fiqh* work that continued to gauge and be gauged by legal practice. In sum, while legal practice was guided by *fiqh* discourse, the latter was shaped and modified by the former. Dialectically, one issued from, yet also fed, the other. (Hallaq 2009)

In this description of the dialectical wheel in a traditional Islamic legal system (which is similar to what some might call a "system" of thought),[3] Hallaq recognizes the input of those whom he calls "laypersons" when they bring their disputes to court and when they query *muftīs.* This is just one example of the many ways community members contribute to the Islamic discursive tradition.

[3] See, for example, Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (Herndon: The International Institute of Islamic Thought, 2008).

The Profession's Engagement with Social Systems and Cultural Identities

To state that Islam is a discursive tradition is to recognize that our understanding of any matter will be profoundly shaped by whom we include, and whom we exclude, from our discussions, organizations, and institutions. As more people are included in the discourse, when they previously were excluded due to elitism, classism, racism, sexism, and other systemic injustices, there will inevitably be shifts in understanding and practice. This is alarming to those who confuse conservatism with tradition. Conservatism (at least, one form of conservatism) is focused on past practice and insists that authenticity is to be found only in what has been validated previously. Those committed to a conservative view of Islam, therefore, might be opposed to new understandings and applications of sacred principles. In contrast, a discursive tradition can embrace new understandings and perspectives to inform methods and practice if an argument can be made that is coherent with revelation.

Kalin describes rationality in the Islamic tradition as "a function of existence and thinking and takes place *in a communicative and intersubjective context*" (my emphasis). He further explains:

> To say that something is intelligible means that it has a certain order and structure by which we can understand it. It also means that since it is intelligible, it can be communicated to others through language and rational arguments. This intersubjective context of rationality, which the Qur'an emphasizes on various occasions, places reason and rationality above the solitary work of a solipsistic and disengaged mind. Just as we humans are part of a larger reality, our thinking functions within a larger context of intelligibility. Using the plural form, the Qur'an explains its verses to a (tribe, nation, or community (*qawm*) who thinks) and chastises (those who do not use their reason) (see, for instance, Al-Baqarah, 2:164; Al-Maʾidah, 5:58; Al-Raʿd, 13:4; Al-Naḥl, 16:12). From disclosing the intrinsic intelligibility of things to intercultural relations, rationality emerges in a network of relations and connections that go beyond the internal procedures of the human mind. (Kalin 2012, 3)

It follows that reason and rationality in the Islamic tradition cannot be exercised in a sound manner if many of the humans who are "part of a larger reality" are excluded from the discourse. In the context of contemporary North American Muslim communities, this means that we have to take culture, cultural and "racial" identities, as well as structural barriers to inclusion, more seriously. Dr. Umar Abd-Allah has written about the need for American Muslims to pay closer attention to culture. He says:

> Culture weaves together the fabric of everything we value and need to know—beliefs, morality, expectations, skills, and knowledge—giving them functional expression by integrating them into effectual customary patterns. Culture is rooted in the world of expression, language, and symbol. But it relates also to the most routine facets of our activities—like dress and cooking—extends far beyond the mundane into religion, spirituality, and the deepest dimensions of our psyches… Family life and customs surrounding birth, marriage, and death immediately come

> to mind as obvious cultural elements, but so too are gender relations, social habits, skills for coping with life's circumstances, toleration and cooperation, or the lack of them, and even societal superstructures like political organization. (Abd-Allah 2004, 3)

If culture is the "functional expression" of our values and beliefs, it is not a stretch to say that it may be impossible for one Muslim chaplain to equally serve Muslims from all different ethnic, cultural, or socio-economic communities. While a well-trained Muslim chaplain should be able to offer a depth of care to all Muslims that non-Muslim chaplains are unable to offer, one cannot underestimate the extent to which the manifest differences among Muslims may impact this care. American Muslims reflect the ethnic and cultural diversity of the *umma*, as well as the diversity of the nation. The social and cultural practices through which American Muslims express their Islamic values and find resilience vary widely and cannot always be reconciled. Our community includes, for example, recent immigrants who, while they have physically left their extended families and homelands behind, nevertheless remain deeply attached to and have legal and ethical obligations to many people back home.[4] Our community also includes those whose ancestors are indigenous to the land, whose experience of American genocide is seldom acknowledged, and who might prioritize restoring the health of their families and communities on their traditional lands. Our community further includes those whose enslaved African ancestors experienced oppression and traumatic violence for hundreds of years, whose parents and grandparents, in their struggle for civic and human rights, set a model for all other Americans, and yet who still face personalized and systemic anti-Black prejudice and discrimination. And our community also includes Muslims who have no family or cultural community upon whom they can rely because they have been made isolated, impoverished, and demeaned by the harsh reality of American capitalism and individualism.

Should the specific experiences and identities of diverse communities within the broader American Muslim community matter when endorsers, directors, and educators prioritize the competencies, qualifications, and identities of Muslim chaplains and other religious professionals in our institutions and programs? That question will be answered differently, depending upon who is empowered to set the priorities for the group. The reality is that many well-intentioned Muslim religious professionals harm others because they have failed to acquire the knowledge necessary to understand the context (the "larger reality," in Kalin's words) in which they operate. Too many American Muslims, for example, are not only ignorant, but willfully ignorant, of the reality of anti-Black racism. Just as implicit Islamophobic bias can prevent a non-Muslim chaplain from responsibly caring for a Muslim care-seeker, color-privilege and race-privilege can also be significant obstacles for some Muslims to offer responsible care to other Muslims.

[4] New Americans often truly live "here" and "back home" and are financially responsible for more than one family member abroad. This can lead to disagreements among Muslim community members about how to prioritize zakat and charity distribution, which is a tangible and symbolic signifier of compassion and community. For a deeper analysis of this, see, Ingrid Mattson, "Zakat in America: The Evolving Role of Charity in Community Cohesion," published by the Lake Institute on Faith and Giving, the Center on Philanthropy at Indiana University, 2010.

While it is unlikely that any Muslim chaplains would admit (even to themselves) to holding racist views, the denial of white privilege by a white or white-passing care-giver can cause harm to care-seekers.[5] But cultural competency and equity training is not enough. Even if white Muslim chaplains have worked to understand and apply anti-racist principles in their work, they still might not be connected to the cultural "content" (in Abu-Ras's terminology) of an African American Islamic tradition that is critical to the health and resilience of many members of this community. Although a necessary floor, anti-discrimination measures do not constitute the horizon of responsible chaplaincy. As we have argued, a foundational component upon which responsible chaplaincy can be built is a willingness for chaplaincy to participate in Islam's discursive tradition, wherein accountability is expanded beyond individual conduct to include attention to who is invited into the conversation, which knowledges are authorized, and how power is constrained when chaplains represent Islam in institutional settings.

We can turn to the work of Dr. Sherman Jackson for guidance on the development of discursive competence in the profession of chaplaincy. Dr. Jackson has spent decades reflecting upon how Muslims categorize what is, and what is not, "Islamic," and how this discourse affects the vitality and coherence of our communities. In his recent book, he argues that the term "Islamic secular" could be used to identify issues, spheres of life, and processes that do not strictly fall within the jurisdiction of *sharīʿa*, but are nevertheless vital to the "plausibility" of Islam and health of Muslim communities (Jackson 2024). While others might argue for alternative characterizations of these spaces and concerns (such as the "context"), Jackson's argument is compelling and, in the context of pervasive anti-Black racism, carries with it an urgency that should not be ignored:

> Even if institutionalized racism does not force Muslims to violate any specific *ḥukm sharʿī,* in that they can still pray, fast, wear *ḥijāb*, marry, inherit, build mosques, avoid alcohol, and eschew *ribā*, it may still undermine Islam and Muslims. Yet, how racial subjugation saps Muslims' self-confidence and resolve, how it breeds complexes that predispose them to self-doubt and self-hatred or to preferring the ways of the "superior" group over Islam, how it facilitates the voluntary forfeiture of economic rights and resources, how it impedes the acquisition of the cultural and intellectual authority necessary to the health and longevity of Islam's requisite *nomos* and plausibility structure, how it demoralizes Muslims and in turn potentially renders truth—about themselves as well as the Other—subservient to "victory," in fact, how it inhibits the dominant group's ability to give Islam a fair hearing, as Islam is invariably viewed as the Faith of "inferiors"—all of this, as well as what to do about it, is apprehended primarily not through the hermeneutics of *fiqh/sharīʿah* contemplating scripture, but by Islamic Secular *ʿaqlī* energies contemplating and interacting with socio-political reality. Even if *fiqh/sharīʿah* should address these issues so understood, the most it could provide would be a

[5] See the Muslim Anti-Racism Collective's "Anti-racism Guide for White Muslims" at https://muslimlink.ca/pdf/Anti-RacismGuide-Digital.pdf.

> *ḥukm sharʿī,* that condemns racism as ḥarām, or "impermissible," which is different from telling Muslims what, if anything, to do about it. (Jackson 2024, 348)

Jackson argues that many matters essential to Islam's "plausibility," the conditions rendering Islam livable, believable, and intellectually and morally coherent in a given time and place, such as race, power, institutional harms, sit outside *fiqh*'s narrow remit while at the same time constitute **decisively Islamic** concerns. As such, his framing of the *Islamic secular* invites chaplaincy educators and practitioners to adopt a discursive posture, where the work of confronting systemic injustice is not peripheral, but integral to the moral labor of Islamic chaplaincy.

The Responsible Exercise of Power: Endorsement as Discourse

Jackson's work sheds light upon one of the most difficult challenges for North American Muslims: how to responsibly use the power of making religious endorsements for Muslim chaplains on behalf of the state. Here, identities must be defined, practices regulated, and policies established if we are to make endorsements. Jackson's scholarship requires a depth of knowledge and measure of attention that many Muslims might say they do not have or are unable to give. But each one of us is capable of taking a few minutes to reflect on this question: Why is it that Jackson, a preeminent contemporary scholar of Islamic law and theological ethics, has now written three substantial books[6] engaging with the theme of anti-Black racism as he theorizes the boundaries of Islamic law and theology? Why has he, after writing hundreds of pages plumbing the depths of Islamic legal theory and history, had to argue the point that it is an "Islamic" act for Muslims to engage with social scientific scholarship about racism, its manifestations, enablers, and impacts? This is not to reduce his vast and expansive scholarship in these monographs to a single issue or to limit his purposes, for there are legions of lessons to be learned from his publications. What I am suggesting is that there is a persistent resistance of a particular type that Jackson has repeatedly had to push against, and that chaplaincy is not immune to this resistance. This resistance appears in the refusal to consider issues or concerns that are not explicitly regulated by "Islamic law" (*fiqh* or *sharīʿa*) to be moral priorities; sometimes such concerns are even characterized as foreign intrusions into the "Islamic tradition." Jackson is not alone in facing this resistance, nor is anti-Black racism the only major issue that has not been given the priority it deserves by Muslim communities and their leaders. Replace "racial subjugation" with "misogyny" in his passage above and the negative dynamics he describes still hold.

In a recent article, Dr. Mariam Sheibani argues that (Islamic) "legalism"—that is, equating what is "Islamic" with Islamic law—has enabled abusive practices, such as Muslim scholars justifying secret marriages with their students and *murīd*s by rejecting any normative or practical knowledge outside the law. She points out that the law (*fiqh*) does

[6] The other two are: *Islam and the Blackamerican: Looking Toward the Third Resurrection*, 1st ed. (Oxford: Oxford University Press, 2005) and *Islam and the Problem of Black Suffering* (Oxford: Oxford University Press, 2009).

not take Muslims far in developing and cultivating moral and healthy family relationships. For example, "The answer to most marital tensions does not usually lie in more knowledge and the application of the law, but in taking moral responsibility and accountability for ourselves and searching for creative solutions to resolve tensions arising in our relationship inspired by the Sunna of the Prophet Muhammad" (Sheibani 2023, 13). Further,

> As a body of rules, *fiqh* is not intended to instruct us on how to be good spouses or good children, especially when we hedge as close as possible to minimum absolute obligations and duties and nothing more. For example, if we turn to another relationship that *fiqh* minimally regulates, that between adult children and parents, we will gain very little insight into how to honor parents from *fiqh* alone. *Fiqh* delineates the minimum obligations of financial maintenance that a child must fulfill in order to avoid liability before a judge in court for neglect of their duty of care.

Both Jackson and Sheibani argue, in their own ways, against the refusal to consider what is "Islamic" in the regulation and organization of Muslim societies and communities beyond what is regulated by Islamic law. We suggest that, similar to the way "spiritual bypassing"[7] may block the honest examination of a person's dysfunctional mental state and circumstances, Islamic "legalism" can block an honest examination of abusive and oppressive systems and practices in a Muslim community. Talal Asad would see this refusal as an assertion of power: "Wherever Muslims have the power to regulate, uphold, require, or adjust *correct* practices, and to condemn, exclude, undermine, or replace *incorrect* ones, there is the domain of orthodoxy" (Asad 2009, 22).

With power, some can claim orthodoxy as the reason for refusing to engage with an issue, deeming it unimportant or contrary to what is "Islamic," and by so doing, they use their power to paralyze the dynamic movement of the discursive Islamic tradition. This is a choice that Muslims in a society where they have religious freedom are free to make. How such choices will be judged by Allah the Almighty, however, is another matter altogether. This should give us pause and cause us to engage more seriously than we have up to now with the issue of power.

Chaplaincy is integral to Islam in North America because it is a path where questions of religious identity, authority, and accountability converge and through which our communities are thoughtfully engaging with these issues. Because of our community's diversity, there is already more than one chaplain-endorsing organization for American Muslims. We should embrace this development as positive, because it means that we remain self-governing and refuse the state the right to interpret our faith for us. Nevertheless, it would be wise for a Muslim endorsing body that aims to have a broader

[7] The term "spiritual bypassing" is used by counselors to indicate a spiritual or religious coping style "whereby spiritual beliefs, emotions, or experiences are used to avoid or bypass one's difficulties." See Salman Shaheen Ahmad, Merranda Marie McLaughlin, and Amy Weisman de Mamani, "Spiritual Bypass as a Moderator of the Relationships Between Religious Coping and Psychological Distress in Muslims Living in the United States," *Psychology of Religion and Spirituality* 15, no. 1 (2023), 32-42, p. 33, https://doi.org/10.1037/rel0000469.

positive influence on American Islamic culture to embrace an open and discursive approach to the Islamic tradition, rather than retreat to a narrow assertion of orthodoxy that prevents the assimilation of new information and perspectives.

Conclusion

Like all Islamic organizations in North America, chaplain education, professional organizations, endorsing bodies, and employers are regulated to some extent by multiple state entities. In the words of Mohammad Fadel, when it comes to how we interpret and apply revelation and place people in positions of institutional power and religious authority, we are a "self-governing community" (Fadel, n.d.). Muslims in North America have struggled and continue to fight for this right to interpret and practice our faith as we understand it. One could argue that many of us still have not taken seriously enough the responsibilities that entail with the right to self-governance. As I described in detail in a recently published paper (Mattson 2024), from the time the first generation of Muslims won the right of self-governance, they paid close attention to the regulation of power. Some of the findings of this research include:

- those who hold public positions, including religious professionals, must be supervised and held accountable by someone with more power or greater authority than themselves.
- those with great influence over the religious community are held to higher standards than other people.
- good people may be excluded from leadership and professional associations if they lack competence.
- public leaders and religious professionals may be subject to additional restrictions on otherwise lawful behavior for the public good (*maṣlaḥa*).
- abuses of power and violations of trust are offenses that may be disclosed, rather than concealed, in contrast to personal mistakes or sin.
- a person may be suspended from a position once a serious complaint is made and before an investigation is completed.
- governing authorities must operationalize principles of justice through effective regulations (*al-siyāsa al-sharīʿa*) that will vary across communities because they must take into account existing beneficial cultural practices and customs.

These are a few general Islamic administrative principles and practices that should be applied to Muslim chaplaincy, and indeed to all Muslim organizations and Islamic institutions. What will remain diverse is the way Muslims interpret and apply revelation, identify and implement Islamic principles, and prioritize issues of concern. Uniformity of policy and practice among North American Muslims can only come about through coercion and state enforcement. We should, of course, vigorously resist transferring the power to live according to our conscience and our faith as we understand it to the state, even if we

sometimes feel strongly that our interpretation is the right one.[8] The work of chaplaincy is not simply to meet institutional standards of care, but attending to the moral environment that renders Islam livable in diverse contexts, thereby animating the living discourse of Islam. *Wa Allāhu aʿlam* (And Allah knows better).

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[8] Some American Muslim scholars have, for example, seemed to encourage the state to severely limit abortion rights while others have argued that this is a violation of the religious freedom of Muslims who hold a range of opinions on this issue. See Asifa Quraishi-Landes, "Abortion bans trample on the religious freedom of Muslims, too," in the *San Francisco Chronicle,* June 24, 2022; https://www.sfchronicle.com/opinion/openforum/article/abortion-bans-religion-17259119.php.

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