

A Muslim Chaplain's Role in Government Institutions: Navigating Around Religious Freedom

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I never anticipated that I would be working behind bars when I was in graduate school, however—at the advice of my professor Dr. Ingrid Mattson—as a master's in Islamic studies student, I applied for a part time position providing weekly services to Muslim inmates at the Connecticut Department of Corrections near Hartford Seminary, where I was studying. I found that those I served were respectful, genuine, and seeking opportunities to learn and better themselves, and that I enjoyed doing the work. I added a graduate certificate in Islamic chaplaincy to the degree I had been working toward, in order to learn the clinical chaplaincy skills that I wanted to be able to bring into my work—skills which my colleagues from other faith traditions had gained through their own formal training. While I benefited greatly from what I was taught in this program, a significant gap in my training was the legal framework that I'd be called to operate in as a government chaplain. This became more significant when I transitioned from being a state-level corrections chaplain primarily serving Muslims to the role of staff chaplain for the Federal Bureau of Prisons.

As the legal boundaries of a corrections chaplain are unique, it is critical that those working in this space understand these boundaries. In this essay, I begin by laying out a legal framework relating to the role of chaplains in correctional institutions. I will then present case studies relating specifically to the role of Muslim chaplains in relationship to the Religious Freedom and Restoration Act (RFRA), including when the requested accommodation is not aligned with the chaplain's juristic opinion. I will conclude with some best practices to take into consideration when such requests are presented to a chaplain.

Chaplaincy Duties and Legal Requirements

Working in the Federal Bureau of Prisons (BOP) has been quite an experience for me, with having to learn about the more than twenty different religious groups represented and how to facilitate their religious needs in accordance with the Bureau of Prison's Religious Belief and Practice of Inmates policy (Lappin 2004). Quite my surprise, there are more faith traditions recognized by the BOP than I was accustomed to at the state level. This policy dictates how the First Amendment and the Religious Freedom Restoration Act of 1993 (US

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Congress 1993) are upheld in Federal Bureau Prisons. Chaplain Joe Pryor posits that a chaplain's understanding and knowledge of this policy is key for a successful chaplaincy career in the Bureau of Prisons (Pryor 2022, 242).

The BOP employs chaplains, similar as does the United States Armed Forces, as a means of both *fulfilling* and *staying within the bounds* of the Constitution's First Amendment. The First Amendment was written with the intention of ensuring religious freedom, especially from government interference, and grants people the freedom to practice religion. Unlike non-incarcerated citizens or civilians, those who are incarcerated or enlisted are dependent on the government to create access for their religious practices. Chaplains are thus employed by these government entities to enable that access. The Federal BOP's Chaplaincy Services' mission details the role of the chaplain in this regard:

to accommodate the free exercise of religion by providing pastoral care to all Federal inmates and facilitate the opportunity to pursue individual religious beliefs and practices in accordance with the law, Federal regulations and Bureau of Prisons policy. Chaplains will provide religious worship, education, counseling, spiritual direction, support and crisis intervention to accommodate the diverse religious needs of inmates. When appropriate, pastoral care and subject matter expertise may be extended to staff. (Federal Bureau of Prisons 2004, 1)

It is important to note that this mission statement demonstrates that services are not restricted to the chaplain's faith group: While I am a chaplain who is Muslim, my role in the institution extends to the care of all. Longtime chaplain and former director of Chaplaincy Services for the Federal Bureau of Prisons (BOP), Chaplain Pryor put it beautifully when he wrote "chaplains are called to minister to every person, inmate, or staff in their institution. It is ministry of constant presence" (Pryor 2022, 240). When an inmate has a loved one die, it does not matter if they are Jewish, Hindu, or Wiccan: If it happens during my shift, I will be responsible for verifying the death, informing the inmate, supervising a family phone call, and providing pastoral care.

As a chaplain who is Muslim, I am additionally responsible for leading *jumu'a* (Friday congregational prayer) and the daily *ṣalāt* (ritual worship), or arranging coverage for those outside of my working hours, organizing the observances of Ramadan and Eid prayers and celebrations, providing Islamic education to Muslim inmates, and serving as a subject matter expert when institutional guidance is needed.

At the same time, the First Amendment also restricts the United States from imposing religion and religious interpretations upon people (often referred to as the "separation of church and state"). It is because of this that corrections and military chaplains require endorsement from their faith group before they can be hired by the government. In this way, the faith groups evaluate the religious competencies and capacity of an individual to serve as a representative of the faith, while the government merely evaluates their employment capacity. It is important to understand that a chaplain in a prison is serving, in part, as "the state" when we think about this role of separation between "the church and the state."

The application of the Religious Services policy requires a chaplain to be fair, equitable, just, and consistent on a daily basis, navigating the rights of the over twenty

federally recognized faith groups. At the federal level, almost without exception,¹ each of these groups receive an equal amount of programming time per week irrespective of the time differentials obligated by the religion, and each is granted one ceremonial meal annually. This means that if one group has a class that runs an hour long taught by a staff chaplain or community volunteer, the other groups also need to have an additional hour of programming time in the chapel. Unfortunately, this restricts the capacity of many staff chaplains from being able to lend the fullness of their expertise to their own faith group, but the consistency maintains an important balance in an institutional setting where tension can easily brew.

There have been times when I have been challenged by Muslim inmates who expected me to go outside of institutional policies to provide them with special treatment. One of these occasions was when, following the Eid prayer and ceremonial meal provided by the Chaplains Office, inmates attempted to hold another celebration on their own in the recreation area. The recreation staff reached out to me and asked whether or not this gathering was sanctioned by the chaplain. I remember how much I wished that my Muslim brothers could have the joyful Eid they planned, but I had to stay true to the position I was entrusted with, which requires me to consistently uphold institutional policies and ensure justice in program offerings. My denial of sanction to the recreation staff led to a lot of hurt feelings and disappointment among the Muslim inmates.

Challenges Serving Other Faiths

When it comes to worship services of faith traditions other than mine, I am not expected to participate or take part in the service; however, I am responsible for ensuring all of their ritual worship needs are met, even when some of these practices conflict with my own faith tradition. For example, the consumption, buying, or selling of alcohol is clearly prohibited in Islam. However, alcohol is an essential item required for the Catholic Mass.² As a staff chaplain, were I to argue that the prohibition of alcohol in my religion prevents me from providing it to the community priest—who is coming from outside to provide service, and for whom institutional policy prevents him from bringing the alcohol in himself—I would be violating the First Amendment rights of the inmates, as the staff chaplain position exists specifically to enable incarcerated people's free practice of religion.

One compromise that has been made when required by Muslim staff chaplains is that they are responsible for unlocking and opening the cabinet where the alcohol is stored, observing the priest's retrieval and measuring of it, and documenting the measurement in the log. While some Muslim chaplains require this, others—myself included—are

¹ Some services fundamentally require more significant time for which exemptions have been carefully made. For example, those who are adherents to Native American religion (grouped as one within the BOP) have a weekly sweat lodge service which takes about four hours, while only counting as the one-hour worship service most groups are allotted. Other times, different groups are provided additional service time based on their seasonal holidays and observances; for example, a Passover program for Jewish and Messianic inmates.

² See the following article on the religious use of wine: Harley Lappin, *Program Statement: Religious Beliefs and Practices*, P5360.09, Federal Bureau of Prisons, U.S. Department of Justice, 2004, https://www.bop.gov/policy/progstat/5360_009.pdf.

comfortable forgoing the inconveniences and directly handing the necessary amount to the priest based on an interpretation of Islamic tradition that the prohibition of alcohol does not apply in this situation, as the chaplain is neither consuming it nor making money from it; and Islamic tradition provides flexibility and respect in this context in protecting the rights of other faith traditions and practices without imposing a limitation.³ If one is unable to navigate one of these options, it is generally accepted that staff chaplaincy in a federal institution would not be the appropriate job.

Subject Matter Expert

Another key role of a Muslim corrections chaplain is serving as a consultant or subject matter expert when dealing with Muslim inmates' requests for a religious practice or article that conflicts with existing institutional policies and regulations. In this regard, Muslim chaplains often serve as cultural brokers between the prison administration and the Muslim inmates to provide meaningful guidance on how to handle such requests.

When I first began working as a corrections chaplain, I was still relatively new to this country and my knowledge of American history, and particularly the history of racism or of Black liberation movements, was very limited. I saw myself as an imam who had a responsibility to ensure the correct practice of Islam for the people in my care and I knew little about the RFRA. I remember wondering then, *why are these Muslim inmates always causing trouble and not abiding by the prison regulations*, when they would do things like insist on praying all of the ritual prayers in congregation, hemming their pants above their ankle, or having a *jumu'a* service when they didn't meet quorum requirements in the seclusion units. A classically trained imam, I was dismissing their requests left and right on the grounds that these are not essential parts of the practice of Islam from my juristic interpretation.

I am grateful for the mentorship senior Muslim chaplains have provided me, especially longtime BOP chaplain Dr. Mukhtar Curtis, may God have mercy on him. As I came to understand how little control incarcerated individuals have over their lives, as well as how much changing external appearances can feel important for converts, I better understood how essential these things—which had seemed so trivial to me—were. They also helped me understand the role of the chaplain in relationship to “the state” when it comes to the Constitution, as well as the tremendous role that incarcerated Black American Muslims have had in shaping religious freedom for *all* Americans—largely through the fruits of their activism in the courts (Mattson 2022, xv; Kowalski 2011, 16).

I am also tremendously grateful to the BOP Central Office of Chaplaincy Services for their ongoing professional training pertaining to religious accommodation needs, which have emphasized the BOP's commitment to protect the religious rights of those in custody. I can't emphasize enough how important these trainings have been in providing me with a

³ For example, when Prophet Muhammad (peace be upon him) was in Medina as its leader, he provided freedom and protection to religious minority groups such as Christians and Jews, to freely practice their faith. This is also demonstrated in how Muslim empires, such as the Ottomans, treated religious minorities under their rule.

proper understanding of how to navigate these requests—from both a constitutional law and pastoral care framework.

The advent of halal diet specific options in the BOP is an example of the importance of RFRA knowledge for chaplains serving as subject matter experts for their agency. In the past, Muslim and Jewish inmates were jointly provided Religious Diet Meals that were based on kosher diet certification requirements. Muslim inmates challenged the BOP on the basis that kosher requirements are not the same as halal ones. In doing so, they pointed out some important differences between the two and requested that they should be provided with halal certified specific foods (*Ajaj v. Federal Bureau of Prisons*). Several Muslim chaplains were called to provide guidance to the Central Office Chaplaincy Services on halal requirements and, particularly, their manifestation outside of a prison context in Muslim lived experience.

We explained the diversity of opinions among Muslims pertaining to halal requirements and the major differences between halal and kosher dietary rules. For example, many American Muslims—including the majority of inmates in the institution where I was serving—consider consuming non-*ḡabīḥa*⁴ (a term denoting meat slaughtered in accordance with halal rules) certified beef and chicken permissible based on *fatwās* (Islamic non-binding rulings) of scholars such as Imam Yusuf al-Qaradawi (Central Mosque, n.d.) and Ibn al-Uthaymin (Islam Question & Answer 2023). These *fatwās* are based on the verse in the Qur’ān which states: “This day [all] good foods have been made lawful, and the food of those who were given the Scripture is lawful for you and your food is lawful for them” (Qur’ān 5:5). Additionally, they reference the narration by ‘Ā’isha (may Allah be pleased with her) that “some people said: ‘O Messenger of Allah, some people bring meat to us, and we do not know whether they mentioned the name of Allah over it or not.’ The Messenger of Allah (peace and blessings be upon him) said: ‘Mention the name of Allah over it and eat’” (*Ṣaḥīḥ al-Bukhārī*, no. 2057).

However, many other American Muslims hold that *ḡabīḥa* guidelines should be followed in the consumption of beef and chicken on a daily basis. Therefore, kosher meat would not be considered halal because the name of Allah has to be said specifically by a Muslim as a condition for *ḡabīḥa* certification (Riaz and Chaudry 2004). Certified poultry sold domestically and internationally is commonly machine slaughtered with the name of Allah given as the machine is turned on, rather than as each animal is slaughtered, given the speed at which the machines move. The opinion that this is an acceptable method of fulfilling *ḡabīḥa* requirements is held by the Jeddah Fiqh Academy and overwhelmingly by other Muslim scholars around the world.⁵

A subset of the second group, however, including the inmate bringing the request, rejects the notion that machine slaughter is acceptable. This opinion is held by contemporary scholar Mufti Taqi Uthmani (Ibn Adam, n.d.) and others on the basis of the Qur’ānic verse: “And do not eat of that upon which the name of Allah has not been

⁴ See more details on the *ḡabīḥa* process: Mian N. Riaz and Muhammad M. Chaudry, *Halal Food Production* (CRC Press, 2004), available at: http://www.al-rida.net/attachments/040_halal.pdf.

⁵ See an extended discussion on the permissibility of mechanical slaughtering: Mufti Ikram ul Haq, *The Fiqh of mechanical slaughter: A research for AMJA’s 9th Annual Imam’s Conference 2012* (Los Angeles: AMJA, 2012). <https://www.amjaonline.org/wp-content/uploads/2019/02/2012-8-slaughter.pdf>.

mentioned” (Qur’ān 6:121). They hold that slaughter must be performed by hand to meet the *ḡabīḥa* requirement of alleviating distress for the animals *and* that the name of Allah must be said over each animal (Chaudry et al. 2000). While this is a minority opinion not reflective of mainstream practice, nor the opinion that I personally follow, for some—including the inmate—it is a sincerely held religious belief. Notably, it is also a more expensive and logistically complicated request for the BOP to facilitate. While it would have been convenient for the BOP, and aligned with my own interpretation of halal regulations, to have advocated for the acceptance of machine slaughter or kosher certified meat, it would have been a violation of this inmates’ religious freedom by “the state.”

As a result of the approach of fully demonstrating the diversity of normative Muslim views on the topic beyond my own position in order to be RFRA compliant, the BOP was able to avoid a lawsuit being brought against it. Additionally, while it was not a factor in my consideration and rather a benefit I only recognized subsequently, it also opened up a significant new market for halal food sales within BOP facilities, as well as helped drive the development of more humane slaughter practices.

When accommodation requests cannot be handled at an institutional level for safety or security reasons, or because a required mechanism is absent, they will be referred to a regional office, and if necessary, to the Central Office of Chaplaincy Services. When the Muslim inmate requested the halal diet, there were no policies at the institutional level to facilitate the request. Eventually, the request worked its way up to the Central Office level. Ultimately the BOP, in consultation with Muslim chaplains and other departments, concluded that denying the request would substantially burden the Muslim inmate’s free exercise of his religion under the RFRA law. Therefore, they decided to provide a halal diet option based on a strict *ḡabīḥa* hand slaughtering process, and this version of a halal diet was made available throughout all BOP institutions.

Another example of balancing an individual chaplain’s juristic opinion with the sincerely held beliefs of an inmate arose around trying to decide which method should be used to determine the Ramadan timings used by the BOP: calculation or moon sighting; and if the latter, global or local? The implications are significant due to the logistics around meal scheduling, staffing needs (as all meals must be supervised), the institutional schedule related to when inmates can move between spaces, and a list provision of who is allowed these special movement and meal privileges. In this regard, requiring the calculation method nationally would be a significantly easier pathway, as it allows for more concrete advanced preparation and is considered a valid approach by many Islamic scholars.

However, many Muslims, especially among those who are incarcerated, follow the moon sighting juristic opinion. Keeping the RFRA in consideration, a decision was made by the Central Office in consultation with Muslim chaplains, to provide an advanced memo containing projected dates for planning purposes and then, once a global moon sighting has been declared by a significant *fiqh* (Islamic juridical) council, an additional communication is sent to institutions to provide them with notification to commence Ramadan programming.

I believe it is important for a Muslim chaplain, when called to serve in such a capacity, to navigate the issue through the lenses of religious freedom and practice, the RFRA, and respect to the diversity of Muslim scholarly interpretation, rather than imposing

one's own opinion or a mainstream Muslim interpretation of Islam. One theme that comes up when looking at the arc of such cases is that enabling the most restrictive Islamic interpretation has often opened space for flexibility for incarcerated Muslims to have more freedom in their religious practices, while also benefiting the BOP by avoiding additional legal suits. While perhaps not always the case, it is worth taking into consideration as one considers *fiqh* positions: What seems the easiest may end up being harder, and what at first seems difficult to accommodate may lead to more ease.

The RFRA prohibits any government agency or official from substantially burdening a person's exercise of religion "even if the burden results from a rule of general applicability" except that the agency concludes that "the application of the burden to the person" (1) furthers compelling governmental interest; and (2) it is the least restrictive means of furthering that compelling governmental interest (US Congress 1993). In facing and dealing with new and unfamiliar religious requests, chaplains are taught during training that we must handle such requests on a case-by-case basis and we should ask a number of questions, while working with other departments in the institution (e.g., custody, food services). Is this request a sincerely held religious belief or practice by the inmate? Is it required by his/her faith tradition or is it rooted and has basis in his/her faith tradition? Is it a fringe opinion in his/her tradition? Is there a compelling institutional interest to deny or put a limit to such a request? Is this request going to impact safety, security, and the orderly running of the institution? If the agency decides to deny such a request, will this place a substantial burden on the practice of the inmate's religion? Can there be a compromise, and can the agency explore alternatives to be able to accommodate with a less restrictive option?

Conclusion

Muslim chaplains have many roles in corrections chaplaincy, including providing pastoral care to all inmates regardless of religion, ensuring that religious services are provided for all recognized faiths, and lending meaningful and non-judgmental guidance when called to serve as subject matter experts for accommodation requests. This last responsibility can be especially challenging when requests do not conform with a chaplain's own interpretation, are not aligned with mainstream Muslim practice and belief, or place a burden on the institution. Despite the challenges, facilitating these requests is often required of us given the role that we fill, and they also can create new opportunities for humane treatment of those behind bars and a more diverse and holistic protection of free expression of religion and faith. When Chaplain Pryor discusses this fundamental role of the chaplain in relation to the First Amendment of the Constitution that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof" (US Constitution, amend. 1) in the prison setting, he sagely writes: "In protecting the religious freedom of others, chaplains realize they are protecting their own at the same time" (Pryor 2022, 241).

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