



A Theological Study of Robert Spencer's Critique of Jihad and Freedom of Speech in Islamic Tradition

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Abstract:

*This research provides a scholarly theological analysis of Robert Spencer's critique of Islamic tradition, specifically focusing on his arguments regarding Jihad and Freedom of Speech. By examining seminal works such as *The Politically Incorrect Guide to Islam* and *The Truth about Muhammad*, the study identifies Spencer's reliance on "scriptural essentialism" and "selective literalism". Using a comparative textual methodology, the paper analyzes Spencer's application of the theory of abrogation (naskh) against primary sources, including the Quran and Sahih Hadith, alongside classical and modern exegesis. The findings reveal an "interpretive gap" created by decontextualized readings that overlook historical occasions of revelation (Asbab al-Nuzul) and the evolution of Islamic jurisprudence (Fiqh). Ultimately, this study offers a scholarly counter-narrative to polemical discourse, contributing to a more nuanced understanding of the compatibility between Islamic tenets and modern human rights paradigms.*

Key Words: Robert Spencer, Jihad Watch, Jihad, gender roles, freedom of speech, Polygamy, Dhimmitude.

Introduction:

In the current discussion of Islam in the West, Robert Spencer (b. 1962)¹ is a key and disputed figure in the "Counter-Jihad" movement. As the director of Jihad Watch, a renowned author with an M.A. in Religious Studies from the University of North Carolina, Spencer has influenced public opinions with such successful books as "The Politically Incorrect Guide to Islam and the Crusades (2005)" and "The Truth About Muhammad: Founder of the World's Most Intolerant Religion (2006)". In his books he mainly focuses on Islamic theology and fundamental incompatibility with Western liberal democracy, and argues specifically about customs like; Jihad, Freedom of Speech, Dhimmitude (the status of non-Muslims), and gender roles. His analysis frequently asserts that Islamic practice inherently promotes war and violence without providing historical context or scholarly interpretations of the texts he cites². Spencer's methodology is referred as "selective literalism" by scholars³. His motivation is mainly based on a belief that traditional Islam is intrinsically expansionist which he puts forth as a needed warning to

¹ I. A. Ahmad, "Islam and Dhimmitude," *American Journal of Islam and Society* 21, no. 3 (2004): 149, <https://doi.org/10.35632/ajis.v21i3.1778>.

² A. Karipek, "Portrayals of Jihad: A Cause of Islamophobia," *Islamophobia Studies Journal* 5, no. 2 (2020), <https://doi.org/10.13169/islastudj.5.2.0210>.

³ J. English, "Robert Spencer," *International Journal: Canada's Journal of Global Policy Analysis* 63, no. 3 (2008): 533, <https://doi.org/10.1177/002070200806300303>.

the West against the alleged threat of Stealth Jihad. One of the main targets of Spencer's argument is the doctrine of Jihad, which he says is not a spiritual struggle but a required constant offensive war against the nonbelievers. Using the concept of abrogation (naskh) he writes that violent verses such as the (Verse of the Sword⁴) supersede previous peaceful revelations and this constructs Muslim Jihad as a tool for global subjugation⁵. This is in direct opposition to the mainstream of scholarly interpretations, such as that of Khaled Abou El Fadl (2005), who emphasizes the contextual and historical nuances of Quranic verses, particularly regarding the concept of *qital* (fighting) which he differentiates from the broader spiritual and ethical dimensions of jihad⁶.

Parallel to this, Spencer describes Islamic position on "Freedom of Speech" as a trap of blasphemy. He claims that the Islamic law prohibiting criticism of the Prophet or of the Quran is a system for suppression of dissent that is not compatible at all with the First Amendment. While he refers to historical cases where critical voices were silenced to prove his point, according to academic studies, principles such as Shura (consultation) and Quranic injunction on not to compel anyone to change religion⁷. These principles, when contextualized within the broader corpus of Islamic jurisprudence, suggest a more nuanced approach to freedom of expression than Spencer's reductionist interpretation allows⁸.

The relevance of the study is that it provides an objective account of the Clash of Civilization discourse and it has come to become a mainstream in 21st-century geopolitical discourse. Personalities such as Robert Spencer are an important branch of the neo argument that are not only playing a crucial role in pursuing the minds of the people but also in the policy making of the West⁹. This research goes beyond polemics by offering a way in which Islamic customs are perceived and represented in a globalized world through a thorough study of Spencer's work. This work is scholarly as it is necessary to the study of the exegesis of scriptural essentialism.

The Jihad and Freedom of Speech are the core issues between Islamic values and liberal paradigms in modern times¹⁰. The study needs immediate intercultural dialogue and application of a scholarly understanding of the true nature of interpretive gap instead of considering them to be incompatible. Exploring the reasons and ways of arguments written by Spencer forms a point of reference in more perceptive, subtle discourse, which multicultural society requires to sustain social harmony. This analysis

⁴ *Al-Quran* (n.d.), 9:5.

⁵ R. Spencer, *The Politically Incorrect Guide to Islam (And the Crusades)* (2005), <http://www.loc.gov/catdir/toc/ecip0514/2005017128.html>.

⁶ M. Fanani and B. Iswanto, "Critique on Salafibism and It's Significance for Indonesian Islamic Moderation: Study on Khaled Abou El-Fadhl's Thought," *MAZAHIB* 22, no. 2 (2023): 351, <https://doi.org/10.21154/mj.v22i2.7046>.

⁷ M. H. Kamali et al., "Freedom of Expression in Islam," in *Bloomsbury Publishing Plc eBooks* (Bloomsbury Publishing plc, 2020), <https://doi.org/10.5040/9780755637690>; I. Marboe, *Freedom of Expression: Theory and Practice in the Islamic Realm* (2018), 254, https://doi.org/10.1163/9789004349155_012.

⁸ Ahmad, "Islam and Dhimmitude"; A. G. E. Sabet, "Islam Unveiled," *American Journal of Islam and Society* 20 (2003): 215, <https://doi.org/10.35632/ajis.v20i3-4.1847>.

⁹ S. Boulahnane, "Ground Zero Mosque in the Context of America's Post-9/11 Religious Pluralism: CDA of Mainstream News Media's Coverage of the Discursive Event," *Indonesian Journal of Islam and Muslim Societies* 8, no. 2 (2018): 253–79, <https://doi.org/10.18326/ijims.v8i2.253-279>; A. Hamad, "Western Arabo-Islamophobia: Where and When Will It End?," *International Journal of Islamic Thought* 9, no. 1 (2016): 1, <https://doi.org/10.24035/ijit.09.2016.001>.

¹⁰ S. S. Naqvi, "Social Misrepresentations and Their Role in Breeding Violence: A Comparative Study of Realism in Contemporary Pakistani Literature in Perspectives of Fundamentalism, Neoliberalism, and Neocolonialism" (PhD Thesis, HAL (Le Centre Pour La Communication Scientifique Directe), 2019), <https://tel.archives-ouvertes.fr/tel-03267702>.

will critically examine Spencer's interpretations through the lens of established Islamic scholarship and contextualize them within the broader historical and theological discourse¹¹. Lastly, the research addresses a gap that is imperative in the current literature. This paper will offer a road map to future scholars to approach the contemporary analysis of Islam in a manner that is intellectually honest, balanced, and based on primary source evidence by looking at the reasons behind the conclusions made by Spencer including his use of abrogation (naskh).

Methodology:

1. Research Design:

The nature of this research is mainly qualitative and descriptive analysis. It is presented as a hermeneutical investigation, i.e. an inquiry into the processes of interpretation, into the ways in which contemporary western discourse constructs its understanding of Islamic customs. This approach aims to systematically dissect the analytical frameworks and underlying assumptions that inform Spencer's interpretative output, particularly concerning Islamic theological concepts like jihad. The design of the study is of exploratory comparative nature and attempts to identify the division between the literalist assertions in the contemporary critique and classical and modern traditions with Islamic jurisprudence. By analyzing the epistemological foundations of these claims in the scholarly work, the reports present a structural analysis of religious texts into sociopolitical arguments during the 21st century. This will involve a critical examination of how decontextualized textual interpretations contribute to a misrepresentation of complex Islamic theological concepts and their societal implications¹². Specifically, this study will investigate Spencer's engagement with the concept of "naskh" (abrogation) within Quranic exegesis, particularly how he employs it to assert that violent verses supersede peaceful ones, thereby reinforcing a narrative of inherent belligerence in Islam.

The research explores a multi-layered approach for data collection so as to ensure that the compilation for analysis is balanced and adequate:

a. Primary Analytical Sources:

The basic information for the analysis is derived from the seminal works of Robert Spencer i.e. *The Politically Incorrect Guide to Islam (and the Crusades)* (2005) and *The Truth About Muhammad: Founder of the World's Most Intolerant Religion* (2006). These texts will be subjected to rigorous textual analysis to identify key arguments, interpretive methodologies, and underlying assumptions regarding Islamic doctrine and history. This is complemented by a qualitative analysis of his digital output through Jihad Watch to pursue the general aim of capturing the evolution of his views on Jihad and Freedom of Speech. Primary Islamic Sources In order to assess these claims, the work cites the Quran and the Sahih Hadith (notably of Sahih Bukhari and Sahih Muslim). Furthermore, classical and modern tafsir (exegesis) literature, along with significant works of Islamic jurisprudence, will be critically examined to provide a counter-narrative grounded in established Islamic scholarship, thereby illustrating the interpretive discrepancies. These are not used as static proofs, but as the basic texts on which different interpretations are based.

¹¹ R. A. Saeed and H. M. Naeem, "Freedom of Expression and Speech: An Exploration of Wahīduddīn Khān's Views and Approach," *Journal of Islamic Thought and Civilization* 10, no. 2 (2020), <https://doi.org/10.32350/jitc.102.09>.

¹² Ahmad, "Islam and Dhimmitude."

b. Secondary Scholarly Sources:

The research fulfills this academic context by incorporating scholarly commentaries to present historical and legal context on the research. This includes classical works of Tafsir (exegesis) and modern legal scholarship from such authors as Mohammad Hashim Kamali and Khaled Abou El Fadl. The study also draws upon scholarly articles and monographs that critically analyze the interpretations of Islamic texts and the historical development of Islamic law¹³. Additionally, academic works addressing hermeneutics, Islamic intellectual history, and the sociology of religion will be utilized to contextualize Spencer's methodology within broader theoretical frameworks and to deconstruct the epistemological underpinnings of his assertions¹⁴.

3. Thematic Analysis and Analytical Approach

The method used in this study is Content Analysis and Comparative Hermeneutics to deconstruct the specific arguments focused by Spencer. The analytical approach is organized into two main thematic pillars:

- a) **The Doctrine of Jihad** The methodology examines Spencer's dependence on the Theory of Abrogation (Naskh). The research examines his claim that later, Medinan verses, which he believes to be commands of offensive warfare, override earlier verses from Mecca that are verses of peace¹⁵. This approach necessitates a detailed investigation into the principles of *naskh* within Islamic jurisprudence, assessing whether Spencer's application aligns with traditional scholarly understandings or represents a selective, decontextualized reading. The paper compares this to the principle of Asbab al-Nuzul (occasions of revelation) in order to examine whether these commands were only applicable to the requirements of defensive necessity of the time (7th century) or if they were meant to be universal and unalterable commands. This nuanced approach acknowledges the historical context of revelation and aims to differentiate between verses addressing specific historical exigencies and those articulating broader, enduring ethical principles within the Quranic corpus.
- b) **Freedom of Expression:** The analysis discusses the argument on the "Blasphemy Trap." It explores and examines how Spencer uses historical biographical accounts (Sirat) to propose that Islamic jurisprudence has organic structural barriers to dissent our opinion¹⁶. This necessitates a rigorous examination of the historical evolution of legal interpretations concerning blasphemy within various Islamic schools of thought, contrasting Spencer's assertions with the nuanced

¹³ H. Rizapoor and M. R. Rahimi, "RETHINKING IMAM ABU HANIFAH'S JURISPRUDENCE AND THE GLOBAL DISSEMINATION OF MODERATE ISLAM," *MIQOT Jurnal Ilmu-Ilmu Keislaman* 47, no. 2 (2023): 222, <https://doi.org/10.30821/miqot.v47i2.1096>.

¹⁴ S. H. Akhlaq, "Handbook of Islamic Sects and Movements," *Islam and Christian-Muslim Relations* 34, no. 1 (2023): 101, <https://doi.org/10.1080/09596410.2023.2167679>; K. Palmieri, "Friedrich Max Müller's Rubicon: Historicism and Empiricism in the Victorian Sciences of Language and Mind," *Science in Context*, 2025, 1, <https://doi.org/10.1017/s0269889725100707>.

¹⁵ J. Petersen, "The Making of a Mosque with Female Imams: Serendipities in the Production of Danish Islams," in *Research Portal Denmark* (Technical University of Denmark, 2022), <https://local.forskningsportal.dk/local/dki-cgi/ws/cris-link?src=ku&id=ku-4ceac5fc-7f7f-492d-9dc7-0e25e64283a7&ti=The%20Making%20of%20a%20Mosque%20with%20Female%20Imams%20%3A%20Serendipities%20in%20the%20Production%20of%20Danish%20Islams>.

¹⁶ R. Spencer, *The Truth About Muhammad: Founder of the World's Most Intolerant Religion* (2006), <http://www.loc.gov/catdir/toc/ecip0619/2006027740.html>.

realities of intellectual discourse and legal development in Islamic civilization. This is countered in the form of a comparative textual review of the Quranic mandate of "no compulsion in religion"¹⁷ and the historical application of *Shura* (consultation).

- c) **Qualitative Synthesis and Evaluation:** The final stage of the methodology is an Intertextual Analysis where the "Methodological Gap" between Scriptural Essentialism - understanding that text has a singular and fixed and literal nature - and Dynamic Jurisprudence are evaluated. This critical assessment will involve examining how Spencer's interpretations neglect the ethical framework governing warfare and the spiritual dimensions emphasized in classical Islamic scholarship¹⁸, and how these divergences align with or deviate from traditional Islamic hermeneutics concerning textual contradictions. Rather than the binary refutation, the object of the research is to detect the epistemological origin of these opposite points of view. It examines the causes and the reasons for such specific conclusions of Spencer and provides an objective assessment of the various implications of different interpretive aperture on the perceived compatibility between Islamic customs and modern rights of the person paradigms.

Literature Review

The academic discussion on Western interpretations of Islamic customs has dramatically changed in the post 9/11 era¹⁹, leading to a surge in critical analyses concerning Islamophobia and the representation of Islamic traditions in Western discourse²⁰. Central to this debate is the work of Robert Spencer, whose work in the "Counter-Jihad" movement has been examined by a number of scholars as a byproduct of modern political polarization and not of theological inquiry²¹. His methodology, which often isolates specific passages from their broader thematic and historical contexts, has been criticized for constructing a narrative of inherent belligerence, thereby contributing to these polarized interpretations.

1. The Framework of Scriptural Essentialism

Scholars such as John Esposito and Ibrahim Kalin (2011) have highlighted the recent trend of "scriptural essentialism" in the West. This approach assumes that the actions of almost two billion Muslims is dictated by the scholars, a historical reading of 7th Century texts. This literature situates Spencer's work and particularly his dependence on the "Verse of the Sword"²² within a context that ignores centuries of varied legal tradition (Fiqh) and cultural accommodation (Asbab e Nazul) goes on to situate Spencer's production within the "Islamophobia Industry", reviewing how his narrative mediated through "Jihad Watch" works to produce perceptions of existential threat to west from Islam through representation of Islamic customs as specifically expansionist²³. This body of literature further contends that such interpretations frequently disregard the textual plurality within Islamic scripture and the diverse

¹⁷ *Al-Quran*, 2:256.

¹⁸ Ahmad, "Islam and Dhimmitude."

¹⁹ A. Rabasa et al., *The Muslim World After 9/11* (Defense Technical Information Center (DTIC), 2004), <http://oai.dtic.mil/oai/oai?&verb=getRecord&metadataPrefix=html&identifier=ADA429640>.

²⁰ N. Bajuwaiber, "From Orientalism to Islamophobia: Media Representation of Arabs and Muslims on the Pre-and Post-9/11 Hollywood On-Screen and Egyptian Cinema," *History and Cultural Innovation* 1, no. 1 (2024): 11, <https://doi.org/10.54536/hci.v1i1.2491>; M. K. Sufi and M. Yasmin, "Racialization of Public Discourse: Portrayal of Islam and Muslims," *Heliyon* 8, no. 12 (2022), <https://doi.org/10.1016/j.heliyon.2022.e12211>.

²¹ Ahmad, "Islam and Dhimmitude."

²² *Al-Quran*, 9:5.

²³ Karipek, "Portrayals of Jihad: A Cause of Islamophobia."

hermeneutical approaches employed by Muslim scholars throughout history, emphasizing instead a monolithic and anachronistic reading²⁴. Conversely, other scholarly discourse suggests that limiting the interpretation of Islamic texts to Muslims themselves, while acknowledging the diversity of Islamic thought, might inadvertently restrict critical external analyses that could highlight problematic traditional interpretations, particularly those undermining women's rights in the modern era²⁵. This latter perspective suggests a careful balance between respecting internal theological discourse and permitting robust academic inquiry into all facets of religious doctrine, regardless of origin.

2. Divergent Interpretations of Jihad

The theme of Jihad continues to be a point of scholastic debate. In Spencer (2005) denies abrogation (Naskh) and argues it makes a hierarchy in which future militant verses to replace earlier peaceful revelations. However, modern theologians such as object to this simple reductive, proposing that Jihad needs to be understood using the concept of "just war" theory and moral ethics as a corrective. This perspective emphasizes the defensive nature of warfare in Islam, as articulated by the Quran, and posits that any offensive military action is contingent upon specific, universally recognized ethical parameters²⁶. Abou El Fadl claims that it is outright a tendency among literalist commentators to neglect the Asbab al-Nuzul (occasions of revelation), which restrict the scope of combat to true necessity of defense. This research highlights a vast disconcertment between the Spencer model of perpetual war and the model of defensive struggle that specifies the common understanding of mainstream academic jurists.

Freedom of Speech and the Blasphemy Discourse:

The intricate relationship between freedom of speech and the concept of blasphemy in Islamic contexts remains a contentious area, with scholarly discussions frequently dissecting the historical evolution of blasphemy laws and their contemporary application in diverse Muslim-majority societies. This often involves a critical examination of how differing interpretations of religious doctrine interact with secular legal frameworks and international human rights standards²⁷. Such discussions frequently confront the ethical chasm between traditional religious rulings and the universal principles of free expression, especially concerning issues like apostasy and critiques of religious figures or texts²⁸. The ongoing debate surrounding the freedom of speech in relation to Islamic tenets, particularly regarding blasphemy, further complicates the portrayal of Islam in Western discourse and often fuels polemical interpretations. For instance, while Western legal systems largely uphold freedom of speech as a fundamental right, Islamic jurisprudence often incorporates specific prohibitions against blasphemy,

²⁴ A. Syauqi, "Retracing Jihad: A Comparative Study Between Said Nursi and Seyyed Hossein Nasr," *International Journal of Islamic Thought* 22, no. 1 (2022), <https://doi.org/10.24035/ijit.22.2022.235>.

²⁵ M. D. Rodliyana, "Reevaluating Gender Dynamics: A Critical Analysis of Misogynistic Narratives in Hadith Literature," *International Journal of Nusantara Islam* 11, no. 2 (2023): 312, <https://doi.org/10.15575/ijni.v11i2.31219>.

²⁶ D. Santoso, "THE DYNAMICS OF MUSLIM INTERPRETATION OF JIHAD VERSES: Between Morality And Military," *Al-Tahrir Jurnal Pemikiran Islam* 22, no. 1 (2022): 49, <https://doi.org/10.21154/altahrir.v22i1.3802>.

²⁷ S. S. Karimullah, "From Tradition to Mainstream: Understanding the Integration of Islamic Law in Various Global Settings," *Justicia Islamica* 20, no. 2 (2023): 214, <https://doi.org/10.21154/justicia.v20i2.6478>.

²⁸ N. Hashemi and E. Qureshi, "Islam and Human Rights: A 50 Year Retrospective," *Muslim World Journal of Human Rights* 19, no. 1 (2022): 1, <https://doi.org/10.1515/mwjhr-2022-0007>; S. S. Karimullah, "The Implications Of Islamic Law On The Rights Of Religious Minorities In Muslim-Majority Countries," *MILRev Metro Islamic Law Review* 2, no. 2 (2023): 90, <https://doi.org/10.32332/milrev.v2i2.7847>.

reflecting a different conceptualization of individual liberties balanced against communal religious sensitivities²⁹.

The Research Gap: Fulfilling the Needs of the Field

While the extant literature treats Robert Spencer's work as that of a polemicist or as a manifestation of the so-called "Counter-Jihad" movement at length, there is a relative paucity of scholarship providing a systematic, textual refutation of his specific exegetical claims concerning foundational Islamic texts. This gap is particularly pronounced in analyses that directly engage with his interpretations of Qur'anic verses and Hadith, rather than focusing solely on his broader ideological framework. Therefore, a critical scholarly endeavor involves meticulously dissecting Spencer's textual claims to expose potential misinterpretations, decontextualizations, or selective engagements with Islamic primary sources. Such an undertaking would not only serve to correct prevalent misconceptions but also contribute to a more nuanced understanding of Islamic theological and legal traditions within contemporary global discourse. This rigorous textual analysis aims to provide a scholarly counter-narrative to Spencer's assertions, fostering an environment where discussions about Islam are grounded in accurate and comprehensive academic inquiry, rather than ideological polemics. This approach seeks to unravel the original spirit of Islam by meticulously examining its foundational texts, disentangling them from cultural accretions and historically contingent interpretations that have stratified over centuries³⁰. This involves scrutinizing the hermeneutic methodologies employed across various Islamic schools of thought to identify convergences and divergences that inform a comprehensive textual understanding.

Methodological Deconstruction:

As opposed to labeling Spencer's work, it goes for a "deep dive" into how he used primary sources (Quran and hadith). By separating out his application of Naskh (abrogation), in this paper, we get a technical explanation of how his conclusions are arrived at. This method allows for a precise identification of instances where Spencer selectively applies or misinterprets the principle of abrogation (naskh), thereby revealing potential biases in his textual analysis rather than dismissing his entire framework as polemical³¹. This granular examination seeks to illuminate the inconsistencies in his methodology, particularly concerning his reliance on proof-texting without considering the broader ethical objectives of Sharia³². This detailed analysis will demonstrate how Spencer's understanding of *naskh* often overlooks the historical and theological debates among Muslim scholars regarding its application and scope, thereby presenting a monolithic and often skewed interpretation³³.

²⁹ Naqvi, "Social Misrepresentations and Their Role in Breeding Violence: A Comparative Study of Realism in Contemporary Pakistani Literature in Perspectives of Fundamentalism, Neoliberalism, and Neocolonialism."

³⁰ M. R. Akhtar et al., "Islamic Intellectualism versus Modernity: Attempts to Formulate Coherent Counter Narrative," *Journal of Islamic Thought and Civilization* 13, no. 1 (2023), <https://doi.org/10.32350/jitc.131.18>.

³¹ S. A. Jackson, "Not Truth But Tolerance," *American Journal of Islam and Society* 28, no. 4 (2011): 146, <https://doi.org/10.35632/ajis.v28i4.1238>.

³² S. El-Jaichi and J. Sabih, "Preventing Harm: Refutation of Militant Jihad in 'Revisionist Literature,'" *Research Portal Denmark* 16, no. 1 (2022): 46.

³³ J. S. Mawejje, "AN OVERVIEW OF THE DEBATE ON ABROGATION IN THE QUR'AN: PERSPECTIVES OF PROPONENTS AND OPPONENTS," *TOBIDER - International Journal of Social Sciences* 8, no. 4 (2024), <https://doi.org/10.30830/tobider.sayi.20.34>.

Epistemological Bridge:

The research specifies Spencer's interpretive friction combining scriptural literalism and dynamic jurisprudence. This provides scholars with a road map to seek to understand how the same text can produce such radically different sociopolitical outcomes. This methodology focuses on hermeneutical frameworks, including those integrating tafsīr, ta'wīl, and contemporary hermeneutic approaches, to offer a new perspective on understanding the text of the Qur'ān³⁴. By examining how Spencer's literalist approach contrasts with more dynamic jurisprudential methods, this study illuminates the varied epistemological underpinnings that lead to such divergent understandings of Islamic doctrine³⁵. This friction highlights the imperative of a multi-layered methodological approach to Qur'anic analysis, integrating intertextual analysis, historical-critical perspectives, and classical and modern exegetical traditions to avoid reductionist interpretations³⁶.

Objective Re-contextualization:

By combining the collection of Spencer's claims, primary sources, classical exegesis in an academic and neutral approach, will be utilized in this research which will offer a sound reference when future studies in the fields of Comparative Religion and International Relations. This interdisciplinary approach aims to transcend polemical narratives by providing a robust, academically rigorous framework for understanding Islamic texts within their multifaceted interpretive traditions. This re-contextualization directly addresses the challenges and controversies often encountered in integrating Islamic law into international contexts, particularly where differing interpretations lead to conflict³⁷. Furthermore, this objective re-contextualization facilitates a deeper understanding of the inherent flexibility within Islamic jurisprudence, demonstrating how diverse interpretive methods can be employed to promote justice, compassion, and equality in contemporary society³⁸.

Ultimately, this research will add to the field by turning a polarized debate into the framework of a rigorous academic investigation which will lead to a greater understanding of the role of interpretation in the way Islamic customs are globally perceived. This involves a meticulous content analysis of Qur'anic verses, drawing on established qualitative methodologies to examine how various interpretations either align with or diverge from established Islamic principles of gender equality and social justice³⁹. This approach aligns with scholarly calls for contextual interpretation to ensure equitable treatment and uphold the integrity of Islamic teachings⁴⁰.

³⁴ I. Supena, "Epistemology of Tafsīr, Ta'wīl, and Hermeneutics: Towards an Integrative Approach," *Journal of Islamic Thought and Civilization* 14, no. 1 (2024): 121, <https://doi.org/10.32350/jitc.141.08>.

³⁵ Supena, "Epistemology of Tafsīr, Ta'wīl, and Hermeneutics: Towards an Integrative Approach."

³⁶ H. Halil, "Reconciling the Qur'ān and the Bible: A New Approach to Scriptural Dialogue," *HTS Teologiese Studies / Theological Studies* 81, no. 1 (2025), <https://doi.org/10.4102/hts.v81i1.10763>.

³⁷ Karimullah, "From Tradition to Mainstream: Understanding the Integration of Islamic Law in Various Global Settings."

³⁸ H. M. Fadhil, "Cultivating Feminist Hermeneutics As The Interpretation Of Al-Qur'an: A Comparative Study Between Asghar Ali Engineer And Muhammad Al-Ghazali," *Jurnal Ilmiah Ilmu Ushuluddin* 22, no. 1 (2023): 75, <https://doi.org/10.18592/jiiu.v22i1.10587>.

³⁹ H. Hasan et al., "Polygamy: Uncovering the Effect of Patriarchal Ideology on Gender-Biased Interpretation," *HTS Teologiese Studies / Theological Studies* 78, no. 4 (2022), <https://doi.org/10.4102/hts.v78i4.7970>.

⁴⁰ Rodliyana, "Reevaluating Gender Dynamics: A Critical Analysis of Misogynistic Narratives in Hadith Literature."

Discussion:

The emergence of Muslim feminist scholarship, which critically analyzes patriarchal interpretations and endeavors to restore egalitarian messages within the Qur'an through novel methodologies, underscores the necessity of moving beyond traditional exegetical approaches⁴¹. The heart of Robert Spencer's critique is based on the assumption that in the Islamic primary sources there are static and "manual-like" instructions for how Muslims should behave today. This perspective, however, overlooks the dynamic nature of Islamic jurisprudence and the rich tradition of contextual interpretation⁴². Conversely, contemporary Islamic scholarship, particularly within critical and feminist frameworks, actively re-examines foundational texts to challenge readings that perpetuate inequalities, favoring instead interpretations that align with universal human rights and equity⁴³. This re-examination often involves applying a "maqāṣid" methodology to discern the overarching objectives of Sharia, thereby allowing for reinterpretations that prioritize justice and socio-ethical considerations over rigid literalism⁴⁴. While Spencer makes good use of authentic primary sources (mainly the Quran, Sahih Hadith and the Sira [prophetic biographies]), the academic validity of his conclusions is challenged by his particular methodology. In that he uses a framework of scriptural essentialism, which supposes that the most violent interpretation of a text is its only "authentic" interpretation, disregarding 1,400 years of varied legal evolution and contextual exegesis⁴⁵.

1. Deconstructing the "Perpetual War" Doctrine of Jihad

Spencer's interpretation of jihad as an inherently offensive and perpetual war against non-Muslims frequently neglects the nuanced distinctions between different categories of warfare in Islamic jurisprudence, as well as the broader ethical considerations that frame such conflicts⁴⁶. This approach also fails to acknowledge the distinction between contextual verses, tied to specific historical circumstances, and normative principles that possess universal relevance across different eras⁴⁷. Moreover, Spencer's hermeneutic often omits the Qur'anic strictures against forced conversion and unethical conduct during hostilities, which historically compelled medieval jurists to temper their endorsements of holy war⁴⁸. Furthermore, his analysis frequently overlooks the concept of "maqāṣid al-sharī'a" the higher objectives of Islamic law—which emphasize the preservation of life, intellect, progeny, religion, and property as foundational principles that guide interpretations of jihad⁴⁹. Spencer's

⁴¹ A. Hegeg et al., *Complexities of Spiritual Care in Plural Societies* (2022), <https://doi.org/10.1515/9783110717365>.

⁴² Rr. S. K. Widiastuti, "Research Method for Exploring Discourse on the Rights for Religion for Transgender," *ESENSIA Jurnal Ilmu-Ilmu Ushuluddin* 18, no. 1 (2017): 105, <https://doi.org/10.14421/esensia.v18i1.1473>.

⁴³ A. Fattah, "Rethinking Jacques Derrida's Deconstruction and Its Relevance to the Study of Islam," *ULUMUNA* 23, no. 1 (2019): 113, <https://doi.org/10.20414/ujis.v23i1.349>.

⁴⁴ B. Abdelgafar, "Re-Envisioning Women's Empowerment: A Maqasid Approach to Understanding Women's Status and Rights in Islam," in *Gulf Studies* (Springer Nature, 2023), https://doi.org/10.1007/978-981-99-6006-4_3.

⁴⁵ J. L. Esposito and İ. Kalın, *Islamophobia: The Challenge of Pluralism in the 21st Century* (2011), http://bvbr.bib-bvb.de:8991/F?func=service&doc_library=BVB01&local_base=BVB01&doc_number=020630260&sequence=000001&line_number=0001&func_code=DB_RECORDS&service_type=MEDIA.

⁴⁶ Santoso, "THE DYNAMICS OF MUSLIM INTERPRETATION OF JIHAD VERSES: Between Morality And Military."

⁴⁷ Fadhil, "Cultivating Feminist Hermeneutics As The Interpretation Of Al-Qur'an: A Comparative Study Between Asghar Ali Engineer And Muhammad Al-Ghazali."

⁴⁸ Ahmad, "Islam and Dhimmitude."

⁴⁹ M. Ustaoglu, *Maqasid Al-Sharia/h* (2023), 1, https://doi.org/10.1007/978-3-030-93703-4_332-1.

main argument is that Jihad is not a spiritual campaign but a compulsory, aggressive, military campaign for world domination. He bases this upon the "Theory of Abrogation" (Naskh), that the "Verse of the Sword"⁵⁰, essentially "cancelled" out more than 120 previous verses calling for patience, forgiveness, and peace⁵¹. However, this rationale has been criticised by scholars as its linear and reductive application of Naskh. Classical jurists such as Al-Suyuti and modern theologians such as Khaled Abou El Fadl believe that abrogation was never meant to eliminate the ethical sentiments of the Quran; instead, it dealt with specific changes in the situation. By selecting the "Verse of the Sword" as a universal instruction for all time, Spencer disregards the question of the Asbab al-Nuzul (occasions of revelation), which tells us that these verses related to the pagan tribes Makkah who had violated the Treaty of Hudaibiyyah and had initiated hostilities against the nascent Muslim community⁵².

Furthermore, Spencer's emphasis on offensive Jihad conflicts with the theology of the foundational "Just War" principles found in the Quran. For example, Quran 2:190 specifically instructs the following: "Fight in the way of Allah those who fight you but do not transgress. Indeed, Allah likes not Al-Mustaf'afun"⁵³. Spencer's rationale does not explain the difference between Jihad al-Difa'i (defensive struggle) and Jihad al-Talab (expansionist struggle), which in the past was an issue of Imperial statehood⁵⁴ and not a compulsory aspect of religious duty for the individual believer⁵⁵. Spencer's disregard for the defensive nature of jihad has been noted by scholars⁵⁶.

2. The Validity of Historical Sources: Sira vs. Jurisprudence

Spencer's analytical framework frequently conflates narrative accounts from the Sira, which describe specific historical events and military campaigns, with formalized jurisprudential rulings that articulate generalizable legal principles⁵⁷. This conflation often leads to a mischaracterization of jihad, as it blurs the lines between contextualized historical actions and universal legal imperatives⁵⁸. This distinction is crucial, as the Sira often provides specific situational accounts, whereas jurisprudence aims to derive overarching ethical and legal principles applicable across diverse contexts.

A prominent part of Spencer's case about Freedom of Speech and "Blasphemy Trap" involves the Sira of Ibn Ishaq and the account of the executions of several poets who mocked the Prophet. Spencer uses these accounts as a "normative blueprint" to show that Islam is innately intolerant to dissent⁵⁹. However, modern historians and legal scholars maintain that Spencer equates theological dissent with political treason. Modern historians and legal scholars maintain that Spencer equates theological dissent with political treason. In 7th century context, this was classified as Haraba (armed rebellion or war against

⁵⁰ *Al-Quran*, 9:5.

⁵¹ Spencer, *The Politically Incorrect Guide to Islam (And the Crusades)*.

⁵² L. C. Brown and K. M. A. E. Fadl, "The Great Theft: Wrestling Islam from the Extremists," *Foreign Affairs* 85, no. 2 (2006): 201, <https://doi.org/10.2307/20031953>.

⁵³ *Al-Quran*, 2:190.

⁵⁴ Z. Mubaraq et al., "Journal of Southwest Jiaotong University," *Journal of Southwest Jiaotong University* 54, no. 6 (2019), <https://doi.org/10.35741/issn.0258-2724.54.6>.

⁵⁵ A. N. Chattha, "Perspective of the Islamic Law of War on the Armed Non-State Actors' Militancy," *Journal of Islamic Thought and Civilization* 11, no. 2 (2021), <https://doi.org/10.32350/jitc.112.19>.

⁵⁶ Ahmad, "Islam and Dhimmitude."

⁵⁷ Ahmad, "Islam and Dhimmitude."

⁵⁸ Ahmad, "Islam and Dhimmitude."

⁵⁹ Spencer, *The Truth About Muhammad: Founder of the World's Most Intolerant Religion*.

society) that is considered capital offense in almost all legal systems of ancient and even medieval periods, not mere religious blasphemy⁶⁰. This brings one to question the validity of sources. While Cooper's sources are "authentic" in the sense that they exist in the tradition, his rationale is ahistorical. He at once applies modern Western notions of "free speech" to situations of 7th century tribal warfare while dismissing the Quranic principle of Shura (Consultation) and the injunction (2:256) to "There shall be no compulsion in religion⁶¹". If the Quran itself clearly and explicitly forbids the forced acceptance of the faith, then it follows logically that it would be the theological basis for intellectual pluralism. Spencer's rejection of engagement with these counter-texts implies an unequal methodology that is strategic in aiming to justify a predetermined polemical conclusion rather than a tolerant mind dedicated to an objective scholarly inquiry. Similarly, his portrayal of Islam as inherently intolerant is further undermined by ignoring the historical reality of Muslim societies, which often demonstrated significant pluralism and accommodated diverse populations peacefully⁶². This historical context is frequently overlooked by critics, leading to a decontextualized understanding of Islamic legal and ethical frameworks⁶³. For instance, the historical precedent of the 'Mihnah' illustrates a period where state attempts to impose theological conformity were resisted by leading Islamic scholars, underscoring an inherent tension against monolithic interpretations and coercive religious enforcement⁶⁴.

3. Scriptural Essentialism vs. Living Tradition

Spencer's reductionist approach, which prioritizes a selective reading of scripture over the dynamic interplay of diverse interpretations and evolving communal practices, neglects the rich tapestry of Islamic thought that has historically embraced intellectual discourse and dissent⁶⁵. This essentialist methodology fails to account for the internal interpretive debates and jurisprudential developments that have shaped Islamic law and ethics over centuries.

The last of Spencer's tensions is his rejection of Dynamic Jurisprudence when it comes to literalist interpretations. He claims that the modern and moderate Muslims are "deceptive" or "marginal" and that the "real" Islam is the Islam of the most rigid interpretations⁶⁶. This rationale is problematic academically as it denies the Islamic tradition the right to evolve, which is a standard that is not applied to other religions across the world. By citing extremist interpretations as the "only" valid ones, Spencer ironically makes his method of study compliant with that of radical groups such as Al-Qaeda or ISIS, both of whom reject centuries of scholarly Tafsir (exegesis) in favour of decontextualized literalism. An "essentialist" approach overlooks that Sharia is an ideal and Fiqh (human understanding of the law) is divergent, flexible and subject to historical contexts⁶⁷. This aligns with the broader critique that reductive

⁶⁰ M. H. Kamali, "Freedom of Expression in Islam," *American Journal of Islam and Society* 10, no. 2 (1993): 178, <https://doi.org/10.35632/ajis.v10i2.2506>.

⁶¹ *Al-Quran*, 2:256.

⁶² T. Gutmann, "Propaedeutics in Practice: Islamic Legal Studies and the Public Sphere," *American Journal of Islam and Society* 37 (2020): 1, <https://doi.org/10.35632/ajis.v37i3-4.744>.

⁶³ F. Umam, "The Religious Freedom: Universalism Claim, Resistance of Islamic World, and Reconceptualization," *ESENSIA Jurnal Ilmu-Ilmu Ushuluddin* 21, no. 2 (2020): 119, <https://doi.org/10.14421/esensia.v21i2.2234>.

⁶⁴ M. H. Kamali, "Diversity and Pluralism: A Qur'anic Perspective," *ICR Journal* 1, no. 1 (2020), <https://doi.org/10.52282/icr.v1i1.12>.

⁶⁵ Sabet, "Islam Unveiled."

⁶⁶ Spencer, *The Politically Incorrect Guide to Islam (And the Crusades)*.

⁶⁷ T. Moustafa, *Constituting Religion* (2018), <https://doi.org/10.1017/9781108539296>.

interpretations often fail to acknowledge the intricate hermeneutical traditions and the internal diversity within Islamic thought⁶⁸. This perspective often disregards the complex interplay between religious texts, their multifaceted interpretations, and the socio-historical contexts that influence their application⁶⁹.

Findings:

The qualitative analysis of Robert Spencer's primary texts shows that his critique of Islamic customs is founded upon a consistent framework of scriptural essentialism (which assumes that 7th-century texts provide an immutable, literal manual for the modern behavior). The results suggest that most of Spencer's thesis about "perpetual war" about Jihad is based on the linear and selective application of the theory of abrogation (Naskh), where Spencer holds that the "Verse of the Sword" (9:5) basically invalidates more than a hundred preceding verses promoting peace and tolerance. However, a comparative textual analysis, however, divulges a significant divergence between this literalist reading alongside the classical passing textual reliance on a much more limited range of *Asbab al-Nuzul* (occasions of revelation) that historically limits the scope of such verses to contextual, defensive, 7th century geopolitical conflicts. Furthermore, the research shows a conflation in Spencer's work between historical examples of political treason as registered in the *Sira* (biographies) and the contemporary theological understanding of blasphemy. By making the execution of the historical critics a normative religious requirement and not a situationally forced response to tribal security threats, his methodology makes a *prima facie* intero, in which Islamic jurisprudence is simply incompatible with freedom of expression. Ultimately, the results raise an epistemological question about a difference, where Spencer's decontextualized focusing on proof-texting overlooks the multi-spectral evolution of *Fiqh* (jurisprudence), resulting in a diminutive reflection of Islamic customs in a way that resembles the hermeneutics of radical groups, not the diversity of classical or modern Islamic thought.

Conclusion

This important examination of the issue concludes that Robert Spencer's critique of Islamic customs is essentially grounded in a literalism or essentialism - a hermeneutic that focuses on decontextualized fragments of the text rather than the living tradition of Islamic jurisprudence. The resulting study shows that the perceived incompatibility between Islam and modern liberal values in regards to Jihad and Freedom of Expression is often an artifact contingent on Spencer's particular method of interpretation and not an inherent, fixed quality in the faith itself. By relying on a linear model of abrogation (Naskh) and extruding historical security measures out of their 7th Century context, Spencer manages to create a reductive Islam that resembles the same kind of extremism he is trying to denounce. In contrast, this research conveys that there is a much more nuanced and dynamic legal framework that accommodates both intellectual plurality and defensive-only warfare in the context of classical and modern scholarship; and, ultimately that one is recording in the "clash" circularis depicted in Spencer's work is an epistemological one; a tension between a static, scriptural essentialism and a historically grounded, contextualist tradition. By diffracting the causes and means of such assertions, this article is a vital academic road-map for moving out of state of polarized polemic. It calls for a move towards a more

⁶⁸ P. Birch et al., *Crime, Criminal Justice and Religion* (Informa, 2022), <https://doi.org/10.4324/9781003276593>.

⁶⁹ S. S. Karimullah, "For True Humanity: Harmonization of Islamic Law and Human Rights Towards Universal Justice," *Matan Journal of Islam and Muslim Society* 5, no. 2 (2023): 40, <https://doi.org/10.20884/1.matan.2023.5.2.9125>.

rigorous and historical-critical approach to religious texts that will open up a scholarly dialogue that is sensitive to the complexity of Islamic customs but which maintains the standards of objective enquiry. This study therefore adds to the domain of Comparative Religion by proving that interpretation of the sacred texts is still the most important element determining the fits between ancient traditions and modern human rights paradigms.

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