Cambridge Assessment International Education

Cambridge International AS & A Level

ISLAMIC STUDIES **9488/22**

Paper 2 Islamic Law (*Shariah*) and its Application **October/November 2021**

MARK SCHEME

Maximum Mark: 50

Published

This mark scheme is published as an aid to teachers and candidates, to indicate the requirements of the examination. It shows the basis on which Examiners were instructed to award marks. It does not indicate the details of the discussions that took place at an Examiners' meeting before marking began, which would have considered the acceptability of alternative answers.

Mark schemes should be read in conjunction with the question paper and the Principal Examiner Report for Teachers.

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Generic Marking Principles

These general marking principles must be applied by all examiners when marking candidate answers. They should be applied alongside the specific content of the mark scheme or generic level descriptors for a question. Each question paper and mark scheme will also comply with these marking principles.

GENERIC MARKING PRINCIPLE 1:

Marks must be awarded in line with:

- the specific content of the mark scheme or the generic level descriptors for the question
- the specific skills defined in the mark scheme or in the generic level descriptors for the question
- the standard of response required by a candidate as exemplified by the standardisation scripts.

GENERIC MARKING PRINCIPLE 2:

Marks awarded are always **whole marks** (not half marks, or other fractions).

GENERIC MARKING PRINCIPLE 3:

Marks must be awarded **positively**:

- marks are awarded for correct/valid answers, as defined in the mark scheme. However, credit is given for valid answers which go beyond the scope of the syllabus and mark scheme, referring to your Team Leader as appropriate
- marks are awarded when candidates clearly demonstrate what they know and can do
- marks are not deducted for errors
- marks are not deducted for omissions
- answers should only be judged on the quality of spelling, punctuation and grammar when these features are specifically assessed by the question as indicated by the mark scheme. The meaning, however, should be unambiguous.

GENERIC MARKING PRINCIPLE 4:

Rules must be applied consistently, e.g. in situations where candidates have not followed instructions or in the application of generic level descriptors.

GENERIC MARKING PRINCIPLE 5:

Marks should be awarded using the full range of marks defined in the mark scheme for the question (however; the use of the full mark range may be limited according to the quality of the candidate responses seen).

GENERIC MARKING PRINCIPLE 6:

Marks awarded are based solely on the requirements as defined in the mark scheme. Marks should not be awarded with grade thresholds or grade descriptors in mind.

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Generic levels of response descriptors
These level descriptors address assessment objectives (AOs) 1 and 2, and should be used in conjunction with the indicative content for each question in the mark scheme.

Assessment objectives

AO1 Knowledge and understanding
Demonstrate knowledge and understanding of Islamic teachings, texts, beliefs and practices including their relevance for individual Muslims and communities.

AO2 Analysis and evaluation
Analyse, evaluate and discuss evidence, points of view and issues in Islam.

Generic marking principles

(a) Examiners should use the performance summary statements at the top of the descriptors to help to identify a level which matches the candidate's response. However, the final decision on the band and the mark within the band should be made on the basis of all the descriptors in the level and not primarily using the performance summary statement.

(b) Examiners should start at the lowest level, if the answer meets all the criteria they should then move to the next level and so on. The Examiner should repeat this process until there is a match between the overall answer and the level descriptor. Examiners should use a best-fit approach when deciding upon the level, it is possible for a different level to be chosen for each AO.

(c) If the Examiner identifies all aspects of the level descriptor within the answer then the highest mark for the level should be given. Examiners should also make reference to the indicative content when deciding on the mark within a level to ensure that there is sufficient relevant content evident within the answer for the level and mark. Examiners should be prepared to credit material in answers which is not contained in the indicative content

(d) The Examiner may need to make a judgement within a level or between two or more level statements. Once a 'best-fit' level statement has been identified, use the following guidance to decide on a specific mark:

- Where the candidate's work convincingly meets the level statement, you should award the highest mark.
- Where the candidate's work adequately meets the level statement, you should award the most appropriate mark in the middle of the range.
- Where the candidate's work just meets the level statement, you should award the lowest mark.

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AO1 Knowledge and understanding grid
(For Questions 1(a), 2(a), 3(a) and 4(a))

Level	AO1 Knowledge and understanding	Marks
Level 4	**Detailed accurate knowledge with good understanding** • Uses a range of detailed, accurate and relevant knowledge. • Demonstrates understanding through a well-developed response. • Fully addresses the question. • Good understanding of the wider context, if relevant.	**9–10**
Level 3	**Mostly accurate knowledge with some understanding** • Uses a range of mostly accurate and relevant knowledge. • Demonstrates understanding through a developed response. • Addresses most aspects of the question. • Some engagement with the wider context, if relevant.	**6–8**
Level 2	**Partially accurate knowledge with limited understanding** • Uses a range of knowledge which may be partially accurate. • Demonstrates limited understanding through a partially developed response. • Attempts to address the question. • Attempts to engage with the wider context, if relevant.	**3–5**
Level 1	**Limited knowledge and basic understanding** • Identifies a limited range of knowledge which may not be accurate. • Demonstrates basic understanding through a limited response. • Response is relevant to the topic, but does not directly address the question. • Little or no reference to the wider context, if relevant.	**1–2**
Level 0	No relevant material to credit.	**0**

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10–mark grid for AO2 Analysis and evaluation
(For Questions 1(c) and 2(c))

Level	AO2 Analysis and evaluation	Marks
Level 5	**Alternative conclusions with analysis of points of view** • Analyses the importance and/or strength of different points of view in detail. • Uses accurate evidence to support a coherent and well-structured discussion. • Coherent conclusion to the question which evaluates knowledge and points of view and assesses alternative conclusions.	**9-10**
Level 4	**Coherent conclusion supported by evidenced points of view** • Discusses different points of view in some detail. • Uses accurate evidence to support a well-structured discussion. • Coherent conclusion to the question which evaluates knowledge and points of view.	**7–8**
Level 3	**Clear conclusion with different points of view** • Recognises different points of view and discusses at least one in some detail. • Uses accurate evidence to support discussion. • Clear conclusion to the question which is linked to a range of knowledge and points of view.	**5–6**
Level 2	**Basic conclusion with a supported point of view** • Discusses one point of view. • Uses supporting evidence for one or more relevant points. The support may not be wholly relevant or accurate. • Attempted conclusion to the question which is linked to knowledge and/or a point of view.	**3–4**
Level 1	**Limited interpretation with a point of view** • States a point of view. • Little or no supporting evidence. • Attempted interpretation which may not directly address the question.	**1–2**
Level 0	No relevant material to credit.	**0**

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15–mark grid for AO2 Analysis and evaluation
(For Questions 3(b) and 4(b))

Level	AO2 Analysis and evaluation	Marks
Level 5	**Alternative conclusions with analysis of points of view** • Analyses the importance and/or strength of different points of view in detail. • Uses accurate evidence to support a coherent and well-structured discussion. • Coherent conclusion to the question which evaluates knowledge and points of view and assesses alternative conclusions.	**13–15**
Level 4	**Coherent conclusion supported by evidenced points of view** • Discusses different points of view in some detail. • Uses accurate evidence to support a well-structured discussion. • Coherent conclusion to the question which evaluates knowledge and points of view.	**10–12**
Level 3	**Clear conclusion with different points of view** • Recognises different points of view and discusses at least one in some detail. • Uses accurate evidence to support discussion. • Clear conclusion to the question which is linked to a range of knowledge and points of view.	**7–9**
Level 2	**Basic conclusion with a supported point of view** • Discusses one point of view. • Uses supporting evidence for one or more relevant points. The support may not be wholly relevant or accurate. • Attempted conclusion to the question which is linked to knowledge and/or a point of view.	**4–6**
Level 1	**Limited interpretation with a point of view** • States a point of view. • Little or no supporting evidence. • Attempted interpretation which may not directly address the question.	**1–3**
Level 0	No relevant material to credit.	**0**

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Question	Answer	Marks
1(a)	**State <u>five</u> jobs which a Muslim might not do.** Answers may include some of the following ideas, but all valid material must be credited. One mark should be awarded for each response. • Work in a bar or serving/making/processing/selling alcohol • Work in a non-approved (non-*halal*) butchers' shop/selling pork • Any work involving substances which intoxicate (*khamr)* • Work involving taking interest (*riba)* • Mortgage selling for non-Islamic mortgages • Work involving free mixing of sexes/unmarried adults in private situations • Accept other reasonable suggestions	**5**

Question	Answer	Marks
1(b)	**Describe guidance given in Islamic law (*shariah*) about employment for Muslims.** Mark according to the AO1 – 10–mark levels of response marking grid for knowledge and understanding. Answers may include some of the following ideas, but all valid material must be credited. • The schools of Islamic jurisprudence (*fiqh*) are based on the primary sources of the Qur'an and Sunnah, which neither permit nor proscribe certain jobs or professions, but give guidelines about categories of action. • All actions are regarded as service to God therefore Muslims should approach employment with honesty and give their full effort, first and foremost, as a way of serving God, providing sustenance for their families, and helping everyone with whom they trade or work. • Some traditions suggest the Prophet (pbuh) approved of working the fields by hand, originating from the years of hardship when the Muslim community had to survive through hard labour. Others suggest he particularly valued trade. • If employment requires a Muslim to commit an act which might be considered forbidden (*haram)*, then that employment should be disregarded; on the other hand, employment might bring blessings if it involved approved (*halal)* activities. • Taking interest (*riba*), dealing with intoxicating substances (*khamr*) such as alcohol, and working in an environment which may lead Muslims away from practising their faith or into division or lying, may be considered as unacceptable because the activities themselves are disapproved of. • The Prophet (pbuh) referred to rights of women; his first wife Khadijah was a business woman. Some scholars use the principle that unless specifically forbidden, an action is permissible, so women are not prohibited from any position. Others interpret social habits of separation of the sexes, customary to a degree amongst the people of early Islam, to restrict women from employment where they would shake hands and mix socially with unmarried men. • Some jurisprudence (*fiqh)* scholars make allowance for what is possible, given the situation of the Muslim, and for the intention of the Muslim in carrying out the act, based on Hadiths of the Prophet (pbuh). Therefore, some permit employment in businesses concerning interest in a non-Muslim country and where that employment is necessary to provide income for a family. • Different scholars have given their own opinions (*fatwas*) on the permissibility of various occupations, and judged them according to the five categories of action (*halal*, etc.).	**10**

Question	Answer	Marks
1(c)	**'Analogy (*qiyas)* is the most useful source of Islamic jurisprudence (*fiqh*) for today.' Discuss this statement with reference to different points of view.** Mark according to the AO2 – 10–mark levels of response marking grid for analysis and evaluation. Answers may refer to any religious theory or teaching. Candidates may propose, analyse and evaluate some of the following arguments. All relevant arguments must be credited. **Definitions** • The meaning of *qiyas* might be described and its place within Islamic law (s*hariah)* outlined, together with other sources. Issues which concern Islamic jurists nowadays and what might be 'most useful' to answer them might be identified. **Agree** • There are many issues which arise nowadays which were not faced at the time of the Prophet (pbuh) so not answered directly by the primary sources of *shariah*, the Qur'an and Sunnah. Issues such as the use of tobacco, genetic engineering, living in plural societies in the West and so on. • The Hanafi school of Islamic jurisprudence (*madhhab*) is said to give more emphasis to *qiyas*, although there are examples from different schools which may be referenced. • *Qiyas* is a secondary source which involves analogy. Scholars search for comparable rulings and apply them, answering modern questions with some reference to authentic sources. Thus, guidance is provided where there was none. Without *qiyas*, there might be no meaningful guidance at all. **Disagree** • However, it could be argued that the Qur'an and Sunnah remain primary and more important sources. *Qiyas* can only work with reference to these to find comparable situations. • Furthermore, to make meaningful comparisons, the original meaning in context would need to be known and it might not be possible to know this, so fresh *qiyas* rulings might not be possible. • Individual scholars may make rulings (*fatwa)* which are their opinions applicable to themselves and their followers. It might be preferable to gain the consensus of scholars (*ijma*) rather than focus on *qiyas*. • Shi'i Muslims follow the rulings of their Imams who use a form of reasoning ('*aql)* less bound by the analogy required of *qiyas*. It might be argued that this is another source worth exploring. • Other candidates might go further and suggest that individuals make interpretations (*ijtihad)* which are more appropriate to find answers for modern living. **Conclusions** • In making conclusions, responses might refer back to the wording of the statement and make a judgement particularly regarding whether *qiyas* is 'most useful'.	**10**

Question	Answer	Marks
2(a)	**Identify <u>five</u> different occasions when a Muslim might perform purification (*wudu*).** Answers may include some of the following ideas, but all valid material must be credited. One mark should be awarded for each response. • Before a prayer service: – dawn prayer (*fajr)* – midday prayer (*zuhur)* – afternoon prayer (*asr)* – sunset prayer *(maghrib)* – night prayer (*isha)* • Before other prayers: – Friday prayers (Jumu'ah) – Eid – Sunnah prayers – Supererogatory (*nafl*) prayers • Before taking part in practices of remembrance (*dhikr*) for Sufis • Before reading the Qur'an • After 'breaking' a previous *wudu* • After sleep/first thing in the morning • After going to the toilet/breaking wind	**5**

Question	Answer	Marks
2(b)	**Explain when it is necessary to perform *wudu* according to <u>one</u> school of Islamic jurisprudence (*fiqh*).** Mark according to the AO1 – 10–mark levels of response marking grid for knowledge and understanding. Answers may include some of the following ideas, but all valid material must be credited. • Candidates should choose and name the school of Islamic jurisprudence (*fiqh*) they are referring to, although many of the points may be common to most schools. • The five categories of action may be applied: – Compulsory conditions (*fard*/*wajib*), such as after a Muslim has gone to the toilet or woken from sleep – Recommended (*mustahab*), such as after becoming angry or saying unpleasant words – Neutral (*mubah*) – Disliked (*makruh*), such as wasting water during *wudu* – Forbidden (*haram*), such as making *wudu* without saying the intention, *niyyah;* or using waste or unclean water • The main source for *wudu* is the Qur'an 5.6. Credit explanations and interpretations of this verse. • From the Hadith, Angel Jibril first taught Muhammad (pbuh) how to perform *wudu*. • Some jurists rule that doubt does not break *wudu*; others that a fresh *wudu* should be undertaken. There are different opinions given by different scholars based on traditions and their interpretation. • Bleeding may require a fresh *wudu* to be made, except for the Shafi'i school of thought which only requires a fresh *wudu* in more severe cases of bleeding. Wounds which are bandaged may be omitted from *wudu* and wiped over the top of the bandage instead. • Shi'i Muslims generally consider it a requirement to perform *wudu* before each prayer, on three occasions per day (as they combine *zuhur* and *asr*; *maghrib* and *isha* prayers). • Credit specific points relevant and distinctive of any particular school of thought chosen.	**10**

Question	Answer	Marks
2(c)	**'Differences regarding performing *wudu* are not important.' Discuss this statement with reference to different points of view.** Mark according to the AO2 – 10–mark levels of response marking grid for analysis and evaluation. Answers may refer to any religious theory or teaching. Candidates may propose, analyse and evaluate some of the following arguments. All relevant arguments must be credited. **Definitions** • Candidates might begin by defining *wudu*, the main methods, and what different points of view are being referred to. • For example, a candidate might choose to compare two or more different schools of *fiqh* or opinions of scholars, and clearly state which will be mentioned in an introductory paragraph. **Agree** • Candidates may refer to different circumstances Muslims face and how they may vary methods of ablution in them, such as whilst on a journey they may wipe over socks. They might consider how far methods of *wudu* vary at different times. • Candidates might identify differences between two different schools of Islamic jurisprudence (*fiqh*), name them and analyse variations between them and the extent to which any differences are significant. • The importance of following a ritual ablution, which the believer considers justified by a *fiqh* interpretation of Qur'an and Sunnah, with an intention (*niyyah*) given to perform this act for the worship of God, might suggest that whatever the differences, the main parts are common. **Disagree** • *Fiqh* schools may differentiate between Sunnah acts, such as washing each part three times, and the minimum required, to wash once. Variation may occur at different times, such as whether a Muslim is busy or might, by way of washing three times, miss the time slot for a prayer such as the sunset *maghrib* prayer. In such circumstances it might be ruled preferable to wash once and meet the prayer time. When water is scarce, once might be recommended. • There are some differences about how much of the hair/head may be wiped over between the different Sunni *madhhabs*. It could be debated how significant this is. • There are some circumstances in which it may not be possible to perform *wudu*, in which case a form of purification using sand *(tayammum)* is done, which is dry purification. Some people may be ill in hospital and unable to perform *wudu*, so in those cases their intention may suffice. • Some Muslims, including some Ismailis who follow the teachings of their Imam, consider the cleansing of the heart and spiritual purification to be the compulsory *wudu* applicable for modern times, more so than the ritual washing.	**10**

Question	Answer	Marks
2(c)	**Conclusions** • Conclusions might be drawn about how significant variations in practice are, and how far there is little difference. • Good conclusions refer back to the words in the question: 'not important' and make a personal judgement.	

Question	Answer	Marks
3(a)	**Explain the anthropomorphic references to God in the Qur'an.** Mark according to the AO1 – 10–mark levels of response marking grid for knowledge and understanding. Answers may include some of the following ideas, but all valid material must be credited. • There are various verses of the Qur'an which appear to refer to God and physical, humanlike features, such as: – 'The **Face** of thy Lord'– Qur'an 55.27 – 'On the Day of Judgment the whole of the earth will be but His **handful**, and the heavens will be rolled up in His right **hand**.' – Qur'an 39.67 – 'Firmly established [seated] on the Throne' – Qur'an 57.4 – Several other verses also refer to the hand and eyes of God. There are also several references in the Hadith collections, but this question is asking specifically about the Qur'an. – Credit references to the above verse and explanations which might apply to the meaning of a specific verse or verses. • The Mu'tazilah argued that the anthropomorphic descriptions could be understood metaphorically or poetically, and not literally. To do otherwise would compromise the unity of the oneness of God and split God's unseen essence from God's characteristics. • Many Muslim scholars, such as al-Ashari, did not explain these verses, claiming that God was beyond human comprehension and so any descriptions of God found in these verses could not be fully explained. • Some interpreted the verses as metaphors or ways of helping humankind understand the unseen which is beyond comprehension. • Some literalist interpretations accept that God has a hand but argue that this hand cannot be like a human hand lest the interpreter be guilty of ascribing human characteristics to God, denounced by many as an act of unbelief. • Credit answers which attempt to explain the meaning of specific anthropomorphic verses or which refer to the opinions of particular scholars or different schools of thought.	**10**

Question	Answer	Marks
3(b)	**Discuss how Muslims might interpret the anthropomorphic verses of the Qur'an.** Mark according to the AO2 – 15–mark levels of response marking grid for analysis and evaluation. Answers may refer to any religious theory or teaching. Candidates may propose, analyse and evaluate some of the following arguments. All relevant arguments must be credited. • Candidates need to show skills of discussion, which means they should consider differences of interpretation and make these in the light of different Muslim opinions, for example scholars, schools of thought or individual Muslims throughout history or today. • Candidates might argue that God is unseen, not a human, and cannot be represented visually such as through a statue or picture. Any reference to the “hand” or “face” of God therefore cannot be literal. This argument could be expanded to apply to the whole of the Qur’an. • Indeed, Mu’tazilah theologians went further and argued that the Qur’an itself could not have been written by God, so must have been a human creation. However, most Muslims rejected this view, particularly the Asharite theologians whose views eventually became mainstream. • The Qur’an states in Surah 3.7: “it is He Who has sent down to thee the Book: In it are verses basic or fundamental (of established meaning); they are the foundation of the Book: others are allegorical.” This verse is sometimes used to argue in favour of mystical interpretations and a spiritual approach. It could also be argued that some verses may be taken literally and others not so, and this might be applied to the anthropomorphic verses. • The above verse suggests different verses may be interpreted in different ways. It could also be argued that in the original context of revelation (*asbab al-nuzul)*, a verse had a specific literal meaning which has since been lost. A verse might be understood literally at the time of its revelation but nowadays require interpretation by scholars. • Difficulties of translation, which involves an element of interpretation, could be mentioned. Since even those with knowledge of classical, Qur’anic Arabic today understand the words through the framework of their first language, some interpretation is always involved, which might mean literalism is not possible. • Reference could be made to different approaches by scholars nowadays, ranging from those taking a literalist approach to the Qur’an to those who interpret mystically or with modern re-interpretation. Some Muslims passionately apply a literal interpretation of selected verses from the Qur’an, which they find helps give them meaning and purpose to their faith and practice. • Conclusions might make a personal conclusion, drawing together their discussion and summarising how they feel the best way of interpreting these verses should be made.	**15**

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Question	Answer	Marks
4(a)	**Explain the importance of belief in the Mahdi for Shi'i Muslims.** Mark according to the AO1 – 10–mark levels of response marking grid for knowledge and understanding. Answers may include some of the following ideas, but all valid material must be credited. • Various Hadith were passed down through Shi'i traditions, which refer to the Mahdi as the guardian of knowledge after the prophets. Muhammad (pbuh) is reported to have said: "If there were to remain in the life of the world but one day, God would prolong that day until He sends in it a man from my community and my household. His name will be the same as my name. He will fill the earth with equity and justice as it was filled with oppression and tyranny." This is thought to refer to the Mahdi. • Ja'far al-Sadiq, the Sixth Imam, referred to the Mahdi as a figure who would return to conquer the world and unite all people as believers. • Twelver Shi'i Muslims believe that the Mahdi will come and establish a reign of justice and peace, in which Islamic law (*shariah)* is perfectly applied according to the revelations given to Muhammad (pbuh). • A line of twelve Shi'i Imams in the first few centuries of Islam ended with the disappearance of the twelfth Imam. He is thought to have gone into occultation and will return as the Mahdi. First, the Imam entered a minor occultation but appointed deputies on earth whom he guided on occasion; secondly the Mahdi entered a major occultation which will last until the last days. • The Mahdi and his chosen ones will return with him and they will fight the antichrist (*Dajjal*). A reign of justice will occur after the Mahdi defeats the antichrist, then ‘Isa will return, in a belief similar to Sunni traditions. • The Shi'i Mahdi doctrine influences Shi'i Muslims today. Some Shi'i Muslims believe they should bear suffering with patience in expectation of the coming of the Mahdi who will defeat evil and establish righteousness. • Others believe they should work with the same aims of the Mahdi in challenging unjust rule, so take part in political activities. This is said to have influenced the 1979 Iranian revolution and creation of a theocratic state.	**10**

Question	Answer	Marks
4(b)	**To what extent are there significant differences between Shi'i and Sunni beliefs? Give reasons to support your answer.** Mark according to the AO2 – 15–mark levels of response marking grid for analysis and evaluation. Answers may refer to any religious theory or teaching. Candidates may propose, analyse and evaluate some of the following arguments. All relevant arguments must be credited. **Definitions** • The main focus of this question is to evaluate the extent of the significance of any differences between Shi'i and Sunni beliefs, going beyond identifying and describing the beliefs themselves. Focus should be on beliefs rather than practices. **Extent of differences** • It might be argued that Sunni and Shi'i beliefs in the oneness of God (*tawhid)*, that God sends messages through messengers (*risalah)*, and eternal life after the Judgement (‘*akhirah)*, are essentially the same amongst Shi'i and Sunni Muslims. • Sunni Muslims agree with righteous, fair and just government and leadership. They agree, but see it through the lens of the Caliphate of the Four Rightly Guided Caliphs, rather than the events of Karbala. • Some scholars stress the similarities between the two sects. Shi'i scholar Seyyed Hossein Nasr, for example, argues the two have no major differences of belief, but have their distinct perspectives and traditions. • The position of the Shi'i Imam could be seen as significant. Shi'i Muslims believe the line of succession should have been through ‘Ali and the Prophet’s family. They see the death of Hussain and his family at Karbala as a great injustice marked each year during ‘Ashura. This is a very significant occasion for Shi'i Muslims not shared in the same way by Sunnis. • Shi’i Muslims consider the Imam to be a source of authority who interprets the Qur’an without error and so should be obeyed. How far this is different from Sunni Imams, Shaykhs, Sufi guides (*murshid*), Sunni Caliphs in the early days and so on, might be considered. • How far practices such as self-flagellation on the occasion of Muharram are linked to beliefs and how far they are a difference between sects might be discussed. • Shi'i add their respects to ‘Ali after saying the statement of faith (*shahadah*); it could be argued that this shows unity in that the main statement is the same or that this encapsulates a difference in the addition of words of respect to ‘Ali. **Conclusions** • It is a matter of debate how far these practices actually represent different core beliefs, or are simply based on the same basic beliefs expressed through different traditions. • Conclusions might draw together the discussion and make a judgement about the extent to which any differences are significant, and the implications of this for the unity of the world-wide fellowship of Muslims (*ummah)*.	**15**