

Cambridge International AS & A Level

ISLAMIC STUDIES**9488/22**

Paper 2 Islamic Law (Shariah) and its Application

October/November 2024**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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This document consists of **16** printed pages.

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 descriptions 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.

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, i, 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 and 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.

AO1 Knowledge and understanding grid.

(For Questions 1(b), 2(b), 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

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

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

Question	Answer	Marks
EITHER		
1(a)	Briefly describe the day of a marriage (<i>nikah</i>). AO1 - Knowledge and understanding Answers may include some of the following ideas, but all valid material must be credited. One mark should be awarded for each response. • A contract is signed • A guardian brings the bride (<i>wali</i>) • She freely agrees in front of witnesses • The groom also freely agrees in front of witnesses • The contract may specify dowry and terms (such as in case of divorce) • An Imam may read the Qur'an • An Imam may say a prayer of blessing on the couple • Some have a main meal (<i>walimah</i>) on the same day; others the day after • Accept cultural traditions, such as clothing, dinner parties and foods such as Biryani.	5

Question	Answer	Marks
1(b)	Explain teachings about marriage (<i>nikah</i>) between Muslims and those of other faiths according to one school of jurisprudence (<i>fiqh</i>). AO1 - Knowledge and understanding 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 a wide variety of different opinions about this, both within and between different schools of jurisprudence and different individual interpretations within Islam. • The Qur'an 5:5 states: '(Lawful unto you in marriage) are (not only) chaste women who are believers but chaste women among the People of the Book. This has been taken to mean a Muslim may marry a Christian or Jewish woman, but not those of other faiths.' • Shaykh Yusuf Qaradawi, a modern Islamic scholar, interprets this to mean that marriage to Jewish and Christian women is allowed as they are a people of the book (<i>ahl-e kitab</i>). • Some reports of the life of Muhammad (pbuh) suggest that amongst his wives were Safiyya, a Jewish woman and Maria, an Egyptian Christian. • Caliph 'Umar asked some who had married Jewish and Christian women to divorce, fearing their families would drift away from Islam and into immoral ways. It could be debated what this meant – whether it was specific to those people or a general point about interfaith marriage. • The Qur'an 2:256 states: 'There is no compulsion in religion.' It is a principle in Islamic law (<i>shariah</i>) that things are not considered haram unless they are specifically stated. There are many issues on which no teaching from the Qur'an or Hadith is directly available. These are generally considered allowed. • Another principle applied by scholars is precaution. The Shi'i scholar Al-Sistani rules that marriage is permitted but it should be a temporary marriage (<i>muta</i>). This is a specific category allowed by Shi'i scholars. As a precaution, he ruled that other believers in one deity, including Zoroastrians, should not be married, and Muslim women should only marry Muslim men. • Qur'an 2:221 states: 'Do not marry unbelieving women (idolaters) until they believe; a slave woman who believes is better than an unbelieving woman even though she allure you.' Some interpret 'polytheists' to mean all non-Muslims, disallowing marriage to Christians and Jews. • Some put conditions on marriage to a non-Muslim woman. She should not be amongst a group in conflict with the Muslims, according to the companion Ibn Abbas. She should have avoided unlawful sex before marriage. She has a guardian who agrees to give her in marriage; some say that guardian should be a Muslim. • Reformist Muslims such as Khaleel Mohammed and Amina Wadud accept interfaith marriages for both men and women, arguing that they are in accordance with the principles of human rights laid down by the Prophet.	10

Question	Answer	Marks
1(c)	Discuss how Muslims living in different societies might apply these teachings today. Refer to different points of view in your answer. AO2 – Analysis and evaluation Mark according to the AO2 – 10-mark levels of response marking grid for analysis and evaluation. Answers may refer to any Islamic religious theory or teaching. Candidates may propose, analyse and evaluate some of the following arguments. All relevant arguments must be credited. • Different societies may include those which are mostly Muslim and have local cultural traditions; and those in which Muslims live as minorities alongside those of other faiths. Examples from candidate's experiences may be credited. • Some might argue that free mixing is not part of Islamic cultural tradition, so marriages involving other faiths are unlikely to occur and should be discouraged. • From another perspective, some might fear losing Islamic traditions whilst living in a mostly non-Muslim environment, so promote marriage to someone committed to Islam to keep the purity of Islam and pass on a strong faith to children. • Others might argue that if someone falls in love with another then they should marry and indeed Islam encourages marriage. It would be much better for them to marry than risk immoral temptation outside marriage, from a traditional standpoint. • Interfaith marriage might be seen as an opportunity for teaching another about Islam and sharing faith, an act of teaching Islam (<i>daw'ah</i>). • A distinction might be made between societies where most people are people of the book, Christians and Jews, and other societies where many people follow non-monotheistic religions. Muslims might marry amongst the former. • Reformist Muslims suggest that nowadays the principles of Islam should be interpreted with compassion and a view to modern living and human rights. Some argue that interfaith marriages should now be accepted as natural within today's mixed societies and embraced.	10

Question	Answer	Marks
OR		
2(a)	Give <u>five</u> scholars who presented opinions of jurisprudence (<i>fiqh</i>) in Islam. AO1 - Knowledge and understanding Answers may include some of the following ideas, but all valid material must be credited. One mark should be awarded for each response. • Imam Hanifa • Imam Shafi • Imam Malik • Imam Hanbal Ahmad • Imam Jafar • Ibn Taymiyyah • Ashari • Qaradawi • Ayatollah Khomeini • Ayatollah Sistani	5

Question	Answer	Marks
2(b)	Explain the use of consensus (<i>ijma'</i>) for Muslims as a source of Islamic law (<i>shariah</i>). AO1 - Knowledge and understanding 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 Qur'an 4: 59 states: 'O ye who believe! obey God and obey the Apostle and those charged with authority among you. If ye differ in anything among yourselves refer it to God and His Apostle if ye do believe in God and the Last Day: that is best and most suitable for final determination.' • <i>Ijma'</i> is the consensus of scholarly opinion about an issue. After the Qur'an and Sunnah, consensus (<i>ijma'</i>) is regarded as a source of authority in Islamic jurisprudence (<i>fiqh</i>). • Consensus can never contradict or come above the primary sources. Consensus is largely dependent on the primary sources, because scholars meet and research what they can find in the Qur'an and Hadith to guide their decision. • After the death of the Prophet (pbuh), the companions sometimes met to agree what to do, based on what they had seen the Prophet (pbuh) do. For example, under the Rightly-Guided Caliphs the companions met to agree some appointments, and agreed that the Qur'an should be written down. This shows how consensus (<i>ijma'</i>) was used at the time. • The main details about prayers were clear from the Sunnah. Further details about how to perform the Ramadan (<i>taraweeh</i>) prayers and the call to prayer (<i>adhan</i>) before the Friday prayers were defined by the <i>ijma'</i> of the companions. • Besides religious practice, some used consensus (<i>ijma'</i>) to help guide social issues. The Qur'an prohibits a Muslim man from marrying his daughters, sisters or mother. It was agreed by <i>ijma'</i> that grandmothers and granddaughters must not be married to them. • Hanifa wrote a letter to 'Abbasid Caliph al-Mansur, explaining some of his methods. He wrote that he worked first by the Book of God, then by the Sunnah of the Prophet, and then by the judgements of Abu Bakr, 'Umar, 'Uthman and 'Ali, then by the judgements of the rest of the companions (<i>sahaba</i>). Then, if there are any differences between their rulings, he would use analogy (<i>qiyas</i>). • This is taken to show how to use the four main sources of <i>fiqh</i> together: Qur'an, Sunnah, consensus (<i>ijma'</i>) of the companions and analogy (<i>qiyas</i>).	10

Question	Answer	Marks
2(c)	Discuss the importance of consensus (<i>ijma'</i>) today. Refer to <u>two</u> different schools of jurisprudence (<i>fiqh</i>) in your answer. AO2 – Analysis and evaluation Mark according to the AO2 – 10-mark levels of response marking grid for analysis and evaluation. Answers may refer to any Islamic religious theory or teaching. Candidates may propose, analyse and evaluate some of the following arguments. All relevant arguments must be credited. • Muhammad (pbuh) said in a Hadith that: 'My people will never agree upon an error.' This is taken to justify consensus (<i>ijma'</i>) and give it importance to many schools of jurisprudence (<i>fiqh</i>), which have applied it in the past and to address new issues today. • There are many issues which are not covered by the primary sources of Islamic law, such as the use of technology, genetic engineering, smoking, issues of living in different communities and so on. It may be argued that consensus (<i>ijma'</i>) is important today and should be used to gain answers from the perspective of the knowledge of scholars. They can guide Muslims carefully and make rulings which, given their agreement, can be trusted by Muslims. • There are some differences of emphasis from the four main Sunni schools of jurisprudence. Hanafi, which applies consensus (<i>ijma'</i>) to many situations today. Another perspective is Maliki, which emphasises the agreement of the early Medinan scholars, whilst allowing for the possibility of consensus (<i>ijma'</i>). In practice, this means Maliki use may be more limited today, than it was in the early Medinan period. • Imam Hanbal rejected consensus (<i>ijma'</i>) in his time, claiming that there was no real consensus, and Hanbalis often argue that consensus cannot be achieved today and that it is valid to make analogy – which may differ between scholars, which is acceptable. • Shi'i scholars place more importance on consensus (<i>ijma'</i>) and do not restrict it to any time period. The Imams are able to make rulings with authority stretching back to the Prophet (pbuh) and find consensus amongst them. Their authority includes the belief that they do not err in interpretation, so their agreement carries additional importance in the use of consensus (<i>ijma'</i>). • Ibn Taymiyyah, and more recent groups such as the Salafi, emphasise the use of the consensus of the companions and followers (<i>Salaf</i>); where the <i>Salaf</i> do not leave clear of agreed guidance, diversity of individual interpretation should be accepted rather than consensus. Modern consensus (<i>ijma'</i>) is therefore seen as impossible.	10

Question	Answer	Marks
EITHER		
3(a)	Explain how Sunni Imams are appointed. AO1 - Knowledge and understanding 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. • A Sunni Imam is any person who leads Muslims in prayer. For most Sunnis, the Imam is a person who is educated, trained and employed by a main mosque to lead the prayers. The Imam conducts marriages and funerals and give sermons and teachings. • The Prophet (pbuh) said: “The person who can best read the Book of Allah will lead the people (in prayer). If they are equal in reading (the Qur’an), then the one who has more knowledge of the Sunnah.” • Therefore, Imams should be able to recite the Qur’an well. Some may have been trained as a beautiful reciter (<i>qari</i>). Generally, Imams are expected to have learned the Qur’an by heart (<i>hafiz</i>) and be able to read it and teach it to others. • They should have good knowledge of the Sunnah of Muhammad (pbuh) and apply this in their lives to set a good example for the people, and gain respect. • The Prophet (pbuh) that the Imam should be liked by the people. This helps to encouraged them to come together to pray, and prayer in congregation gains more reward both for the people and for the Imam leading. • Leaders should be compassionate on the needs of people, so they must understand them. The prophet (pbuh) advised that the Imam should not lengthen the prayer because there might be old, weak or people with other commitments reading behind the Imam. • The merits and education needed to become a Sunni Imam today varies by group and by country. Some modern universities have been set up to train Sunni Imams, and other training seminaries, taking a traditional approach, have also spread to qualify Imams to apply to local mosques to be their leader. • The appointment process may include the meeting of a mosque committee and verification of the qualification and skills of the Imam, such as checking of references and quality of recitation of the Qur’an for prayer. • Some mosques may look into the moral background of the Imam and ask their previous mosques for references to check they are known as people of good standing who will be respected by the congregation and can therefore lead sermons with authority and respect.	10

Question	Answer	Marks
3(b)	Compare the importance of the Prophet's family to Sunni and Shi'i Muslims with regards to Imams. AO2 – Analysis and evaluation Mark according to the AO2 – 15-mark levels of response marking grid for analysis and evaluation. Answers may refer to any Islamic religious theory or teaching. Candidates may propose, analyse and evaluate some of the following arguments. All relevant arguments must be credited. Definitions The Prophet's family might be defined as his wives and children and their descendants. Names might be given, and the importance of 'Ali and his line to Shi'i Muslims mentioned, with his sons Hassan and Husayn. Similarities • In practical terms Shi'i and Sunni Imams lead prayers, given sermons (<i>khutbahs</i>) and guide their people, helping conduct marriages and funerals and encouraging them in their faith. • The importance of the examples set by the Prophet's family as sources of authority is recognised because they both saw Muhammad (pbuh) and followed what he did so they are reliable sources for the Sunnah. Both Shi'i and Sunni Muslims recognise and follow their teachings. • Both sets of Imams attend their own training colleges which cover similar subjects such as Islamic recitation and jurisprudence, and both frequently mention traditions from the companions during their training. Differences • Shi'i Imams are from the family of the Prophet (pbuh) as they believe spiritual authority was passed on in a line of twelve Imams and Imams today are practicing temporarily in place of the twelfth Imam, who has disappeared and will re-appear in future. • Any educated, pious Muslim may act as an Imam and apply to be an Imam of a mosque, regardless of family of spiritual authority passed down. • Muharram is the busiest time of the year for Shi'i Imams who lead daily prayers and sermons, to recall and mark the death of Husayn, the Prophet's grandson, at Karbala. This event is not marked by Sunni Imams who are busiest leading Ramadan (<i>taraweeh</i>) prayers, not usually followed by Shi'i Imams. Conclusions Conclusions might draw together the response and make an overall judgement about the ways in which they are similar and different in various respects.	15

Question	Answer	Marks
OR		
4(a)	Explain Mu'tazilah teachings about justice. AO1 - Knowledge and understanding 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 Mu'tazilah believe in divine justice (<i>'adl</i>), which is one of their five principles, and refers to God's justice which is set out in balance over the worldly life and in the afterlife. • In the earthly life, the Mu'tazilah position is that humans have free will so are responsible themselves for being just and handling their fellow human beings with justice. Life is a test, and all will be judged according to their beliefs and their actions. • The Qur'an makes clear that God is good: "And ye have no good thing But is from God." (Qur'an 16:53). This leaves the problem of explaining why there is evil in the world, especially if God is all-powerful and God is transcendent and everywhere. God's justice is therefore somewhat apart from worldly suffering. The Mu'tazilah say that things which are not good must be from human errors. • Justice is formed based on life's test. The Mu'tazilah see life as a fair test according to how far each soul can manage. "On no soul doth God place a burden greater than it can bear." (Qur'an 2:286) God, who is compassionate, will put no blame on children or those who did not know or understand Islam. • God can make things fair for people, even if they suffer in their worldly life, by balancing things out with rewards in the afterlife. So, accepting suffering may bring reward later. It may even be a good thing, because life for ever in paradise is a reward worth paying the price of some suffering in the world, according to the Mu'tazilah. • Mu'tazilah believe that humans have a natural need to submit to a system of right and wrong. God promises paradise and warns of hell after judgement – this informs Muslims they need to submit to God's will and encourages them to do so. • Mu'tazilah believe that serious sinners are in an 'intermediate' position after they die. They are not unbelievers because they have not denied God. But they are also not believers because they have sinned against God's commands and not repented. Those who committed major sins are expected to go to hell, where there are many different layers of punishment depending on the seriousness of the crime.	10

Question	Answer	Marks
4(b)	Compare the use of rationalism by the Mu'tazilah with <u>one</u> other Islamic school of thought which you have studied. AO2 – Analysis and evaluation Mark according to the AO2 – 15-mark levels of response marking grid for analysis and evaluation. Answers may refer to any Islamic religious theory or teaching. Candidates may propose, analyse and evaluate some of the following arguments. All relevant arguments must be credited. Definitions Rationalism might be defined as using human reasoning, making sense by argument, in preference to following revelation whether or not it made sense. The two can go together with varying degrees of priority and being used together in different ways. Mu'tazilah • The Mu'tazilah were known as rationalists. They used rationalism in their five principles. • For belief in God, they thought people had a duty to work this out rationally. They also used the Qur'an but said that verses such as the "hand of God" could only be interpreted metaphorically, because this did not make rational sense for an unseen God who does not have human features. • The Qur'an itself was regarded as created by people, as God cannot work in human language. • To the Mu'tazilah, God's justice had to be worked out rationally, with everything in complete balance. Comparison • Another theological group such as the Ash'ari might be chosen. Ash'ari scholars used rationalism in discussion but used revelation first and foremost and thought that the Qur'an could be interpreted literally, at least in part. • Scripture should always be taken as the first source of knowledge, and it is not essential to use rationalism. The Qur'an itself was taken as uncreated, a divine revelation, and the first source of knowledge. • The Ash'ari took a middle position between the Mu'tazilah and another group, called the Athari, who took a literalist position about the Qur'an and revelation, and were supported by many Hanbali scholars. • To the Ash'ari, God's justice did not have to be understood rationally, because God could work in ways unknown to Muslims at the present time, and their suffering might be for a greater good in the future. Conclusion A balanced conclusion should be made at the end with a judgement about the extent of the differences and similarities between the Mu'tazilah and the other group chosen for comparison.	15