

Cambridge International AS & A Level

ISLAMIC STUDIES

9488/22

Paper 2 Islamic Law (Shariah) and its Application

October/November 2022

MARK SCHEME

Maximum Mark: 50



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.

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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)	Give five features of Friday prayers (Jumu'ah).	5
	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. There are traditionally two sermons (khutbah) The prayer takes place after midday on Fridays, in place of the midday (zuhur) prayer The prayer is said in congregation (jamaat) The main prayer consists of two units (rakah) The call to prayer (adhan) is given beforehand An Imam leads the prayer The Imam sits briefly between the two sermons The Imam holds a staff in his hand After the rakahs, the Imam reads du'a prayers for the community and any particular needs A collection is taken for the mosque and good causes Announcements are made	

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Question	Answer	Marks
1(b)	Explain the conditions needed for Friday prayers (Jumu'ah).	10
	 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 be credited for explaining the conditions necessary for Jumu'ah according to one school of thought which they have studied. Credit should also be given where they refer to more than one. Where there are differences between schools of thought, answers will still be credited if a candidate has taken one particular line. The day of the week should be Friday and the sun should have passed the meridian, the middle of the sky, indicating that the time is past midday. The time should be before the starting of the next prayer (asr) which begins when the shadow of an object is twice its length (some schools of thought) or equal to its length (other schools of thought). The number of people should be sufficient to form a congregation (jamaat). There are different opinions about how many people – these range from around 40 to as little as 2. If there are insufficient numbers, the daily midday prayer (zuhur) is read instead. A clean place facing Mecca is required for Jumu'ah but this can be any place, such as a mosque or even outside, in a public space. Some jurists note that it should be a publicly accessible place as Jumu'ah is a public service and so exclude private houses or places where the general public cannot hear the prayer. Some are of the opinion that only larger congregations should be held for Jumu'ah or that they are preferred, and Muslims rewarded for walking a little further to join a larger congregation. The sermon (khutbah) was always practiced by the Prophet (pbuh) so is generally regarded as a condition for the validity of Jumu'ah, although it is permissible for someone to join the prayer late, missing the sermon. Some regard it as a condition to make the sermon in Arabic. Credit answers which explain the general condi	

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Question	Answer	Marks
1(c)	'Muslims can find all the information they need for Friday prayers (<i>Jumu'ah</i>) in the Sunnah.' Do you agree? Discuss this statement with reference to different points of view.	10
	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 outlining the information a Muslim might use: the Qur'an, the Sunnah the consensus of scholars (<i>ijma</i>) and analogy (<i>qiyas</i>), as well as other possible sources such as the habits of the people of Madinah and local cultural practice. 	
	 Agree Jumu'ah prayers were instituted by Muhammad (pbuh) when he completed the Hijrah and escaped from Mecca. In Mecca, the Muslims could not pray openly but in Madinah they were free to practice the religion. The practice of Jumu'ah originates from this time. Muhammad (pbuh) left the details needed to pray Jumu'ah: the format of two rakats and so on closely follow his example. Muhammad's sermons are often repeated word for word today, suggesting it is not necessary to use any other source for Jumu'ah prayers. Candidates might explain Sunnah through hadiths, or might differentiate the two, to argue both need to be used. 	
	 Disagree The Qur'an Surah 62.9 states: O ye who believe! When the call is proclaimed to prayer on Friday (The Day of Assembly), Hasten earnestly to the Remembrance of God, and leave off Business (and traffic): That is best for you If ye but knew! This point suggests the Qur'an gives necessary information. Other sources might also be helpful, particularly Imams and scholars in various traditions, such as the four Sunni Imams. Local cultural traditions might inform the style of the prayer. In some countries the sermon is given in the local language for example. In some mosques, provision is made for women, and some are not included. This may vary according to different schools of thought and tradition, which may also have an influence upon Jumu'ah. 	
	 Conclusions Candidates should come to a balanced conclusion evaluating the sources of jurisprudence as relevant to <i>Jumu'ah</i> and make a personal judgement, particularly focusing on the word 'needed' i.e., necessary in the statement. 	

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Question	Answer	Marks
2(a)	Give <u>five</u> people whom a Muslim man should not marry, according to the Qur'an.	5
	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.	
	 Father's wives / step mother Mother Sister Father's sister / auntie Mother's sister / auntie Foster mother / wet nurse who breastfeeds Foster sister Mother-in-law Step daughter Daughter in law 	
	Two sisters (in case of polygamy) References might be found in Qur'an 4.23.	

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Question	Answer	Marks
2(b)	Describe the freedom Muslims have to choose marital partners, according to Islamic law (shariah).	10
	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 be credited for explaining the conditions according to one school of thought which they have studied. Credit should also be given where they refer to more than one. Where there are differences between schools of thought, answers will still be credited if a candidate has taken one particular line. At the point of the ceremony (nikah), both man and woman will be asked separately, in front of witnesses, if they freely agree to the marriage. This condition suggests that Muslims have the freedom to reject any person whom they consider unsuitable. The witnesses also confirm that the two people conform to the shariah requirements. The groom should be a Muslim and the bride a believer in God, usually interpreted to mean a Muslim, Christian or Jew. A Muslim should consider both the religion and how far a person adheres to Islam when choosing their marital partner, with advice being given about choosing carefully. A Muslim should choose someone who is chaste. This is referred to in the Qur'an 24.3: 'Let no man guilty of adultery or fornication marry and but a woman similarly guilty, or an Unbeliever: nor let any but such a man or an Unbeliever marry such a woman: to the Believers such a thing is forbidden.' Some Muslims believe they should obey their parents and show respect to their views and the needs of their family. To that extent, Muslims should consider them when choosing their marital partner. This is interpreted in different ways: some parents choose the partners and ask their sons / daughters to agree; others put their choices to their parents. Generally, Muslims regard as necessary to reach agreement and not to marry against the wishes of others in the family. The extent to which Muslims have freedom to choose may depend on interpretations of shariah in different countries and cultures, and in different parts of the world. There are some differences of opinion regarding temporary marriage (muta) which is prohibited for most Muslims	

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Question	Answer	Marks
2(c)	'Piety is the only consideration which matters when Muslims choose a marital partner.' Do you agree? Discuss this statement with reference to different points of view.	10
	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 piety. This is the extent of religious practice, which might be someone who prays regularly five times a day and acts humbly with regard to Islamic traditions and practice, keeping to the Five Pillars of Islam, regularly visiting the mosque and so on. 	
	 Agree It is a tradition in Islam that rich and poor are equal, and Muslims should make no distinction except for piety. It is stated in the Qur'an 49.13: 'Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you.' Abu Hurayrah, may Allah be pleased with him, narrated that the Prophet (pbuh), said: "A woman is married for four (reasons): her wealth, noble ancestry, beauty and religion. Choose the religious woman lest your hand is stuck to dust (because of destitution)." [Al-Bukhari and Muslim] The Prophet (pbuh) said in his final sermon: 'All mankind is from Adam and Eve, an Arab has no superiority over a non-Arab nor a non-Arab has any superiority over an Arab; also a white has no superiority over a black nor a black has any superiority over a white – except by piety and good action.' This suggests that in choosing marital partner, Muslims should not take into account other factors such as wealth, caste background, social class, race and ethnicity or any other similar factor. Some of these have been considered as coming from cultural traditions which have nothing to do with Islam or the teachings of Muhammad (pbuh), so should be ignored. 	
	 Disagree References to distinction of the basis of piety might be more appropriate for prayer leaders and Imams, not necessarily for every aspect of life such as marriage. Compatibility and individuality might be considered important. For example, two people might be pious but both have different characteristics, so this might not be a good match. 	

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Question	Answer	Marks
2(c)	 Family considerations are also important to many who live in extended family units. Muslims might be pious but from different sect backgrounds, such as Sunni and Shi'i, so sectarian background could also be considered, as well as other factors. A pious Muslim married to a less pious partner might encourage them and help them to become more committed to their faith, so difference might be an opportunity, rather than something to be avoided. 	
	 Conclusions Conclusions might discuss the criteria for marriage and whether this must or should include piety or whether it is simply an option. A personal evaluation of the factors should draw together this discussion. 	

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Question	Answer	Marks
3(a)	Explain the position of Caliph.	10
	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.	
	 This question could be answered from the perspective of political and / or religious, and according to one or more than one school of thought, such as Sunni or Shi'i. The Caliph is the title of a Sunni religious leader, first used to describe the four pious Caliphs who succeeded Muhammad (pbuh) and then to describe the leaders of the dynasties which followed, including the Umayyad, 'Abbasid and later Ottoman Caliphate. Some other Muslim groups have claimed the title of Caliph for their leaders even up to the present day. Shi'i Muslims might accept the political leadership of the Caliph in tandem with the religious leadership of Imams specifically from the Prophet's family line and make a distinction between the roles at times after Caliph Ali. Muhammad (pbuh) had been the religious and political leader of Madinah, so Abu Bakr who followed as the first Caliph also assumed a religious and political role. In those days the distinction was not made, since everything was believed to be guided by God according to God's command. Every aspect of life was considered religious. The Qur'an refers to creating a vicegerent on earth. In a hadith, Muhammad (pbuh) said: 'Leaders will take charge of you after me, where the pious (one) will lead you with his piety and the impious (one) with his impiety, so only listen to them and obey them in everything which conforms with the truth (Islam).' This is used to justify the concept of Caliphate and specifically the Rashidun Caliphate as political and religious leaders. Caliphs were originally selected with the consent of the people through consultations (shura) and consulted people on their policies. References in the Qur'an also supported taking account of the needs of the people and warning against authoritarian rule. 	
	 Caliphs did not have special powers and were not regarded as prophets. The first four caliphs were honoured for their piety and knowledge, having been close companions of Muhammad (pbuh) and so in a good position to preserve his legacy. 	
	 A new concept has emerged in modern times of a world-wide Caliph as a saviour from Imperial and post-Imperial oppression. Islamist politicians have promoted the vision, from a Sunni perspective, of the creation of a Sunni Caliph in a new political form, with religious and political authority, as someone who would overthrow corrupt governments and be a champion of Islamic identity. 	

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Question	Answer	Marks
3(b)	Evaluate the ways in which the role of the Imam is different from that of the Caliph.	15
	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.	
	 This question might be interpreted in terms of the differences between Sunni Caliphs and Shi'i Imams. Another valid interpretation is between the Imam as a religious leader and the Caliph who became a political leader, as time went on. Accept all relevant answers. Candidates might define the Imam as the Shi'i Imams, in particular the line of Imams in Twelver Shi'i Islam and leaders of other Shi'i sects such as the Ismailis; or they might define Imam as the leader of a Sunni school of thought such as Abu Hanifa, or even a Sunni Imam as leader of a mosque. This question asks them to evaluate the ways in which this role is different from that of the Caliph. Sunni Caliphs were selected based on piety and with consultation – some would say election – from the people. They were expected to be educated and capable for the role and to follow in the traditions of Islam and the teachings of Muhammad (pbuh). Where new guidance was needed, the Caliph would look back on what Muhammad (pbuh) did and seek to copy it as best they could. Shi'i Imams were required to be in the family line of Muhammad (pbuh) and his descendants. They were usually given years, even a lifetime, of religious teaching and authority passed down from religious leaders to enable them to conduct their role. This included the power to interpret the inner meaning of the Qur'an and make rulings to help their people understand and follow Islam. This could logically deriving teachings from the Caliph. Leaders of Sunni schools of thoughts were Imams who specialised in religious matters and developed the application of Islamic jurisprudence (<i>figh</i>). They may have advised political leaders, such as the Caliph, but tended to take different roles apart from political life and focused on religious matters. Caliphs such as Abu Bakr were known for their piety and led the people in prayer. They were respected for knowing the Qur'an and the Sunnah better than anybody since they were present as companions of the Pro	

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Question	Answer	Marks
4(a)	Explain how a Sufi might rise through the spiritual stations towards union with God.	10
	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.	
	 Sufism refers to the movement or approach some Muslims take, focusing on the inner dimensions of worship to find true meaning regarding God and their faith. Sufis refer to spiritual stations (<i>maqam</i>), which are states of consciousness of God. An individual may rise through the stations in an arc of ascent towards greater awareness of God, or even mystical union with God. A Sufi might carry out various practices to achieve this. Remembrance (<i>dhikr</i>) is the practice of starting with chanting the names of God sometimes using prayer beads (<i>tasbih</i>) whilst meditating on the meaning of the names to gain greater awareness of God's characteristics. A Sufi might attend special gatherings and recite a Sufi prayer (<i>wird</i>), twice a day, to help develop a spiritual routine. Some might carry out extra acts of prayer and fasting, and times of solitude. A Sufi who wishes to commit to developing their faith may make an oath of allegiance (<i>bay'ah</i>) to a <i>Shaykh</i> and receive direction from a guide (<i>murshid</i>). The follower (<i>mureed</i>) enters a Sufi order (<i>tariqa</i>). They believe it is essential to follow this guidance to avoid being misled by their own desires. At Sufi gatherings, special songs (<i>qasidas</i>) may be sung and the mood lifted sometimes into a trance like state in which Sufis lose awareness of their immediate surroundings (<i>hal/haal</i>) and become focused on God. Some Sufis practice whirling to achieve this, as in the case of the famous Turkish Sufis, the whirling dervishes. Some Sufis follow traditional forms of Islam alongside Sufism. Others might dispense with traditional observances as 	
	 they rise through the spiritual stations. Some have been criticised by traditional Muslims for describing a pantheistic form of experience in which there is no distinction between themselves and God, which others have criticised as the heresy of association of other besides God (shirk). 	

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Question	Answer	Marks
4(b)	Compare the mystical approach of Sufism to other ways in which Muslims develop awareness of God (taqwa).	15
	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 Muslims have different ways to develop awareness of God (<i>taqwa</i>). Some might follow a mystical approach; others might use ritual and formal practices to focus their minds on God throughout their daily lives. Others might follow scholarship, reading and different approaches. 	
	 Similarities It might be argued that all are Muslim so there should be no significant differences between mystical and other experiences since all should lead to the same realisation that there is one God who is present and acting as all-powerful controller at all times and in all places. All individuals have their own deeply personal religious experiences which might be mystical or rational realisations or other; individual experiences may not be neatly categorised as Sufi or otherwise. Prayer and fasting are activities which can focus the mind on God and can be followed as part of the ritual of the Five Pillars or as part of forming a mystical experience, so the seemingly different approaches may be quite similar in reality. 	
	 Differences Particular prayers which Sufis follow as part of their mystical approach, such as Sufi prayer (<i>wird</i>); remembrance (<i>dhikr</i>) and practices such as whirling (<i>sama</i>) are generally not practiced by other Muslims. Many Muslims put more emphasis on the Islamic law (<i>shariah</i>), following the outward rules of Islam, such as prayer five times a day in order to satisfy God's commands and be rewarded on the day of judgment. Some Sufis would agree but might put a different emphasis on their actions: to achieve a greater sense of God and love for God in their lives. The state of ecstasy achieved by some Sufis involves detachment from their surroundings. Other ways to develop awareness of God might focus on greater awareness of surroundings, such as the beauty of nature, which is seen as a sign of God's creation and a means to bring Muslims closer to God in their daily lives. Other Muslims may aim to be fully aware of <i>shariah</i> law and how they should act in compliance at all times, rather than letting go, as some mystics do, the idea of which some might find unsettling. 	

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Question	Answer	Marks
4(b)	 Conclusions A personal judgment should be concluded, drawing together the discussion and making an overall conclusion about the extent of similarities and differences and the significance of this for the faith and practice of Muslims overall. 	

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