

# Women's Conception of Piety: A Reason to Divorce in Contemporary Malang

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Abstract: The emergence of private piety trend as the new form of Muslim religiosity gives a chance for women to manoeuvre their piety into diverse expressions especially in marriage. Recently, women start interpreting piety-constructed by their interest, knowledge, social norms, and religious activities they get involved and examining their husbands' pious performance concerning their marital tasks and relationship. If the husband's performance of their marital tasks are not following their understanding of piety concept, in some cases, divorce is unavoidable. This paper examines women's concept of the husband's marital task performances which are considered not pious, motivating the women to initiate a divorce. The analysis of women's narrations about their conceptions on husband's piety in marriage reveals women's demand on their husband's pious conducts in performing their marital tasks. If the husbands violate the religious commands such as drinking alcohol, the women consider the husband is not illegible to be the head of the family, encouraging the women to terminate their marriage.

## 1 INTRODUCTION

*"A husband is the head of family, he should give a good example for the members of the family like performing five time-praying and asks the family to pray together, otherwise, he is not a good husband for me"*. This statement was raised by a woman that I interviewed for asking their motivation to divorce, which are similarly expressed by some other women of the population of this study. Based on depth - interview with 15 divorced women in Malang, piety becomes a private matter for women providing them a personal preference to conceptualize piety and apply the concept into marital tasks of the husbands which, in some cases, leads to a divorce.

The narrations of divorced women will be discussed in this paper to gain an insight about women's conception of piety in recent context. Their conceptions were claimed by the women to be their personal motivation to initiate a formal divorce before the religious court of Malang district with the addition of other contributing factors.

Women's conception of piety in marriage and divorce by piety have been discussed in several studies. As an instance, In "Muslim women, middle

class habitus, and *modernity in Indonesia*", Rinaldo analyzes the concept of piety set up by female members of Prosperous Justice Party (PKS) with middle class background in Indonesia. They express their piety in two ways. First, women's piety is manifest in their devotion to marital duties and the way they dress. Delivering babies and maintaining the unity of family are among the marital duties they have to perform because they believe in the importance of family and children. Other scholars have documented the similar pattern of women's devotion to the family and their husband's order as part of women's marital tasks and their piety (see Welter: 1966, Mahmood: 2004, Ansari: 2016).

In relation to gender relationship within the family, the party does not agree with gender equality, but it prefers to apply the idea of a partnership between husband and wife. The concept of partnership assigns equal but different tasks to both husband and wife. Men are the head of family (a sole provider), and women are the caretakers of the children. Both functions are considered the practice of general marital obligations in Islam, which is stipulated in the Qurān. Men and women

should work together to perform the obligations although they are different (Rinaldo, 2008).

Besides performing marital duties, women's piety must be explicitly expressed by wearing Islamic dresses (*jilbab* and *busana muslim*). Their fashions are identical to the *jilbab* and are less fashionable than other middle-class women's fashion styles in Indonesia. However, their "less" fashionable style does not make them less aware of modern public ideas on education, discipline and professionalism ethics. They also concern with all the aforementioned ideas, which are identical with modern ideas. Wearing Islamic clothes, to these women, is their expression of their devotion to Islam. Although they admit that wearing the *jilbab* is not an obligation for Muslim women, they believe that it is the correct way to be a Muslim woman.

The second way to express women's piety among female members of the PKS party is by engaging to public piety. The platform of the party emphasizes women's agency as one of potential motors of piety movement through da'wa participation. One of the members of PKS reveals the reason of women's engagement to da'wa by stating: "This time society is in the middle of moral hemorrhage, far from the holy teachings of Islam that can return social life to a honorable state...it is certain that Muslim women have a major role in this field, a role that, like it or not, requires going out of the house, a role that requires the husband to permit his wife to play an active role in developing an Islamic society."

Buggenhagen (2012) suggests more personal – based interest of women's practice of their pieties among Senegalese women. She found that they express their pieties by wearing Muslim dresses, giving to charity, and visiting grave of religious figures. Their intention to achieve their personal piety motivates them to migrate to other places and to gain a better economic condition. By having a better economic situation and independent financial management, they believe that they will find a way to practice their piety. The way these Senegalese women express their piety i.e. giving charity causes several critics from their social environment for the high rate of divorce, infidelity and financial management problems with their spouses. Senegalese women are required to share financial contribution to the family by their husbands, but they reject the request. They are more inclined to spend their money on charity to the religious group they affiliate to, to visit the grave of religious leaders, and to wear a specific uniform of their group identity. They do not put into account the

effect of their conducts although they may affect their marital relationship. If they find any resistances against their conducts coming from their family (i.e. husband), they will maintain their belief on what they choose and prefer to divorce. This case of Senegalese women's practice of piety reflects a transformative piety in terms of the form of the piety, which is very personal. Women's piety, in this account, is very private and is prominent for women to achieve although it may risk their marriages.

Similarly, Smith (2014) finds that women's interpretation of piety as a way to avoid conducting unlawful things sometimes leads them to initiate a divorce. In her study, she finds that women believe that Islam ensures their sexual right and forbids adultery. In a certain period, during their husbands' absence, they cannot fulfil their sexual need. Therefore, they choose to divorce their husband secretly (without the husbands' consent and legal procedure) and marry with other men also in secret way that they call "spiritual marriage". They claim their second marriage as spiritual marriage because they argue that it can prevent them from committing adultery due to their sexual need. They decide to have secret divorce and secret marriage because they worry about the stigma of divorcee women which is not allowed by the Javanese cultural background. In this account, the women practicing secret marriage still maintain the need to be pious – in her articulation of piety- by reinterpreting religious provision on sexuality and divorce.

Piela (2011) proposes another women's interpretation (expression) of their piety. Her study of piety, marriage and professional career among women based on online discussion reveals that piety for women is not only women's submission to the family i.e. staying in the house after marriage, but is also public involvement i.e. entering the workforce. According to Piela's analysis, piety for some women is a means for a liberation, an empowerment and a gender justice. Therefore, although Piela's informants have an agreement about the demand to be pious women, they differ in the way to practice the piety. For example, a career woman maintains to continue to work after marriage rather than only staying and doing the household because being a career woman is not a deviation from piety. According to her, to support her family financially is one of among other pious conducts. Being pious does not mean to have limited access or to be oppressed because piety is a matter of religiosity directing women to conduct pious act. Although a woman is engaged with marital duties at domestic sphere, they can always negotiate the duties with the

husband to uphold religious tenets and to reach the goodness of the family. In this account, women's expression is very personal, but it is very accommodating to the whole piety of the family.

In summary, as discussed at scholarly works above, piety is a set of scheme of religiosity or religious conducts, which is articulated and expressed differently by women especially in marriage. Women's articulation of piety is much influenced by women's contexts and personal interests, which are also dynamic in terms of forms and place (sphere) where the piety is practiced. Also, women propose different reasons to explain their choices of piety practices. Therefore, with regard to my study on women and divorce in the perspective of piety is an opened inquiry to ask, whether they reflect piety for one possible critical reason to initiate divorce or piety as goal to achieve through divorce.

## 2 METHOD

This study aims to provide a qualitative analysis on women's narration on their conception of piety with regard to husband's marital tasks such as the head of the family, the educator of the member of the family, and the protector of the family. For that reason, this study uses qualitative data collected from depth interview with 15 interlocutors in Singosari sub-district in Malang in 2017.

The selection of the interlocutors based on two categories. First, the women should be the initiator of the divorce or the divorce litigants because this study focuses on looking at women's motivation to request a formal divorce due to their husband's conducts which are considered less pious by the women. Second, the women should be the divorced women who have passed through all the trial court procedures and granted their divorce request by the judges at the religious court, proven by their divorce certificate. By applying a snowball technique, 15 women are interviewed.

Malang is chosen as the location of this study because it is one of the districts in East Java with the highest rank of divorce rate in 2015. Specifically, this study focuses on Singosari sub-district because this Singosari sub-district stood as the second rank of divorce number (253 cases) initiated by women after Dampit sub-district (261 cases) according to the gender profile book 2016 (Erfaniah: 2016) and my interview with the head of center of gender studies of Maulana Malik Ibrahim State Islamic university when I did my preliminary research in

Malang and the gender profile book (Profil Data gender dan Anak) for the year 2016 published by the centre. According to the head of the centre, Singosari sub-district is more appropriate location to study the women's reasons to demand a formal divorce than Dampit. In her view, Dampit sub-district is a home for female migrant workers and most of divorce motives are economics. This area is located in the Southern part of Malang district with less fertile land, making the people cannot rely on the land for their economic needs. Consequently, the people from this area find alternatives for living by working to the city centre of Malang or to foreign countries as migrant workers. By contrast, Singosari sub-district a typical sub-urban area with a variety of economic incomes of the people. Some parts of this area is also plantation areas, providing the inhabitants with economic benefits. Also, this sub-district is not well-known as a departing area for migrant workers, making this study is possible to find different reasons for women to ask for a divorce from their husbands such as husbands' pious conducts. Therefore, I finally decided to conduct the research in Singosari sub-district, which is geographically easy to access and the information from the head of the centre studies about this sub-district's position on divorce rank in Malang.

## 3 FINDINGS AND DISCUSSION

The narrations of piety and divorce will be examined here to see how women's conception of piety motivates them to divorce. In what follows the general patterns of women's conception of piety and their examination on their husbands' conducts encouraging them to ask for a judicial divorce will be presented.

First, lack of husband's knowledge on religious commands affects their pious performance of the head of the family. As an instance, the case of divorce initiated by EN (52). She narrated her divorce due to her husband's less understanding of religious knowledge, impacting on his daily conducts as the head of the family. She argues that her initiative to end her marriage is due to her husband's immoral conducts and she believes that her husband's lack of knowledge about Islam is the main factor of his wrongdoings. Also, she puts an emphasis on a husband's foremost marital task in marriage is educating the family members to perform the religious commands by giving a good example of his conducts, not providing the economic

needs of the family. She stated “*To fulfil economic need is a husband’s role, but it is permissible if he cannot perform the task, but he must have a good understanding about religious commands, and it will lead him to avoid immoral acts*”. In her case, EN felt that economic needs of the family was both spouses’ responsibility, but her husband must avoid leaving the praying, gambling, and having extramarital affairs. Since her husband committed the acts, she decided to terminate her marriage legally. However, EN mentions that her decision to divorce due to this ground is not an immediate decision. She keeps her marriage for years until she comes into a conclusion that her husband cannot change his conducts which she considers less pious because the main problem is on his knowledge on Islam, causing him not having a self-control of his acts. As a result, he keeps doing the immoral acts. For that reason, this woman requires a high-understanding about Islam and its commands for a man who wants to offer another marriage for her in the next future.

EN’s understanding on piety refers to the concept of piety in normative context in Islam. The concept of piety refers to the concept of *taqwā*. Irsyadunnas (2003) outlines two important aspects of piety in Islam. First, the term refers to a defensive action from all the unlawful things outside ourselves because etymologically it means to preserve, to avoid, to cover, and to hide. Second, it is interpreted as an effort to keep Muslims away from the punishment of Allah originated from the term *ittaquallah*, meaning to fear Allah. The fear for Allah helps Muslims to alert themselves to always perform good conducts to avoid the punishment of Allah. According to Irsyadunnas, a pious person is an individual who maintains him/herself from the punishment of Allah, he or she must have great perspective and awareness of understanding about what conducts (causes) can result in the penalty. Therefore, it is deeply embedded in Muslims’ conducts and reflected in their everyday practices, a condition translated by Irsyadunnas as a Muslim’s self-control and described by Saba Mahmood (2004), as “the state attainable”. In that context, the case of EN is in line with both scholars definition of piety mentioned above. Other women might perceive their husbands less pious conducts in different ways as the following divorce case.

To the second, less pious husband brings a woman to perform less pious conduct in marriage. The case of MJ (45) also indicates that piety is a personal reason to end a marriage for a woman. This woman, preferred to be a divorced woman

rather than to have less pious husband who never performed five time-praying. At first, she could be tolerant to her husband’s reluctance to pray. However, she started to be disturbed when she realized that her husband tried to make her not praying like him. Since, praying is considered crucial for MJ, she went to the court to initiate a formal divorce with the addition of her husband’s extramarital affair. According to MJ, if her husband was pious and diligently pray, he would not have an affair with another woman.

To some extent, MJ’s argumentation of her husband’s less pious conducts is still in the context of normative piety as suggested by Irsyadunnas, defining piety as a defensive action from the unlawful things. Therefore, MJ maintains that her husband’s extramarital relationship with another woman is a result of his avoidance of practicing the religious commands such as performing the five-time praying. According to MJ, her husband has no self-control when he does not perform the rituals demanded regularly by Islam. Her husband not only avoiding himself from practicing the rituals of Islam, but he also trying to make his wife (MJ) to do the same thing with him. Consequently, MJ feels that her husband makes her not performing her duty as a Muslim. At the end, she believes that her marriage is no longer important for her. In that account, MJ use her husband’s less pious conducts as a reason for her to end her marriage. However, this research make no claim about her divorce ground registered at the religious court. She might use different reason before the court in order her divorce proposal is granted by the religious court.

Similar to MJ’s case, the third divorce for piety reason was petitioned by a young woman (LS) who could not stand with her husband’s drunken habit. Besides, he rarely prayed. LS was annoyed by her husband’s habit because she could not perform her praying due to her husband’s command to clean his vomit whenever he was drunken. Sometimes LS missed her praying when she need longer time to clean the vomit. After one year of her marriage, she decided to divorce. She stated that, she need a pious husband to have a happy marriage and being pious is one of a husband’s task in marriage. In her view, her husband failed to perform his task to be a role model of the family, then, it was unbeneficial for her to stay in the marriage. It was her reason to be a plaintiff of divorce.

The conception of the usage of piety in preventing immoral conducts of a husband and divorce cases as presented in divorce cases above is in line with Wadud’s description of piety. Wadud

(2006), rather using the term "self-control" like Irsyadunnas, she defines piety as an "instinctive motivation" because, in her point of view, it is a "moral consciousness" in the trustee of Allah. With this awareness, Muslims have the instinct to perform pious conducts in public and domestic (private) realms. She argues that piety is also a reflection of a dynamic divine –human relationship because to reach piety, Allah grants the freedom to act to people, but Allah is the trustee of their acts, not other people. The grant of the freedom in Islam is recognized as an agency, which is defined by Wadud as a responsibility. She emphasizes her conception of agency as responsibility by stating: *"agency, human empowerment, is best described as responsibility. We are responsible for the choices we make at every juncture, and we will be held accountable via the ultimate judgment for all of our choices."* Her statement is premised upon the reciprocal relationship between capacity and responsibility; Muslims must be free to choose and must be responsible for their conducts because all choices have different consequences before Allah. Further, she suggests that piety is a "moral limitation" and a "moral sacrifice" manifesting in personal and social conducts of Muslims. As a moral consciousness under the trustee of Allah, Muslims' conducts must conform to the commands of Allah. In this point, inspired by Fazlur Rahman's point of view, Wadud perceives that all the religious acts must be concurrent with the idea of the establishment of justice in the social order stated in the Qurān (see Fazlur: 1994).

Her notion of social justice leads her critics on the social construction of women's piety and men's piety, according to her, which is unfair and oppressing for women. Although she admits that "women's oppression" is the western media's construction, she contends that women, in religious realm, are not considered fully autonomous agents because agency commonly associated to autonomy and intentions, which are not the typical of religious women (See Wadud: 2007, Burke: 2012, Sewell: 1992, Swidler: 1986, Ahmed: 2010). Women pious agencies are considered the complementary to the whole piety of the family. As a result, there is a distinctive construction of manhood and womanhood piety.

Manhood piety (father and son) reflects unlimited power encouraging men to be protectors, providers, and masters, which are manifest in the idea of leadership. Their pieties cross the domestic boundary and associate to public piety such as involving in open debate in public or delivering a

sermon on Friday praying. By contrast, women's reflects a submission to the ultimate goal of family well-being (piety) and it ends in the domestic realm. In that account, Wadud argues that women are in an ambiguous situation to exert their pious agencies. On the one hand, they are acknowledged as an independent agent to perform piety before Allah, their expressions of the piety are not fully autonomous before the member of the family and limited in domestic sphere on the other. Then, she maintains that a gender jihad promoting gender justice is necessary for both –men and women– because they will be personally responsible for their conducts or choices (conducts). It is argued that women should be independent to express their pieties based on the commands of Allah with their moral consciousness, either in public or domestic spheres. Women should be free to choose to articulate and to express their piety because piety is not practical guidance, but general principle of Muslims' conducts. Her of the concept of piety in Islam reflects the idea of religion- in the perspective of Sociology of culture- not as the prescription of actions (Swidler:1986), but it is as a set of models and the various alternative actions (Sewell: 1992). Further, she tends to shed an idea of the possibilities for women to articulate and to express piety in public sphere (i.e. engaging in public rituals), described by feminist group as emancipatory or women's assimilation into social world with full participation. However, there are some women who may think their devotion to their family, is also their conscious and independent choice to express and to reach their piety. Hence, the expression of women's piety in marriage –either a social construction or independent choice– is always contentious and distinctive in articulation. This notion is applicable to the following divorce case.

The Fourth divorce is on the base of husband's immoral conducts and his protecting his wife from public activities. The case of UH (53) reveals that one of women's reasons to end her marriage is her husband's conducts that she considered immoral and against the religious commands as well as his order to UH to not join public activities. She said her motive to divorce this way:

*A husband should be religious. However, my husband did not perform pious conducts that a husband as the head of family should perform. He was also, umm, his social life with his friends, he drank (alcohol). I had demanded him (to stop), but he did not listen to my demand. Also, he did not allow me to join social or religious activities outside the house although the activities were*

*conducted by religious organization. At first, I just accepted all the situations and his order, but I felt it was not fair for me. After years, I could not stand with his habit. Then, I asked him to end our marriage, but he rejected my proposal. Therefore, I brought the case before the religious court. I used that reason to sue him for divorce and the court agreed, and he was also very temperamental.*

The quote indicates that husband pious conducts are important for women to encourage them to maintain the marriage. Furthermore, a woman like UH wants her husband to give permission for her to perform public piety by joining some activities which are conducted by religious organizations. For her, by joining the activities, she could develop her personal potentials that can also contribute to her religion and people surrounding her. However, her husband had different perception from her. Besides, her husband's conducts were considered by UH not proper to be the head of family. Hence, UH assesses the typical of her husband and his conducts provide no reasons for her to stay in her marriage. She declares that after divorce she feels that she is happier and free to do all the things that make her more religious compared to her previous condition when she is married with her ex-husband.

The last, a woman's motivation to divorce is due her husband's violent act toward which is considered as a result of a husband's act against religious command. SAK (57) is one of divorced women who initiated a divorce after 27 years of living in violent acts of her husband. She declares that her motive to marry is to obey the religious commands by obeying her parents to marry a man that their parents choose for her. Consequently, he expected to have a husband who is pious and is able to lead her to the religious paths. After 27 years of her marriage, she realized that her husband did a violent acts during the whole period of the 27 years and never taught her and her children any of religious commands. She claims also that her knowledge on religious commands are better than her husband. For that reason, she argues that her husband did not perform her sole provider task and did the violent acts towards her. She narrated her story this way:

*"It is a family disgrace, but for all women out there, I'm willing to share this. My husband did violent acts for the whole life of my marriage. He never provided me and my children with his income. I am the one who is the sole provider of my family. We fight for almost all of the time, but he still asked me to provide him with a*

*sexual access. He never asked me and my children to pray together with him. I maintained my marriage until one day he accused me to have an affair with my colleague and did a very rude act toward me in public. Then, I started thinking about it. I got nothing from this marriage. I could accept the fact that I am the sole provider of the family and I did it sincerely because I want to get the blessing from the God if I am an obedient wife. Nevertheless, I should end this violent acts. It should be enough now."*

The description of UH's case reveal that a woman marries because of her devotion to the religious commands. Therefore, she expects that she can gain a religious life after married. When she feels she cannot obtain it, she might want to end her marriage with the addition to her husband immoral conducts, preventing her from being a pious woman. Therefore, after 27 years, she finally gives up with her marriage and chooses to divorce.

The divorces samples presented above indicate that piety was interpreted as one of a husband's marital tasks, reflected in his daily conducts. Also, it could be a motivating factor for the wife to obtain a judicial divorce. In brief, piety becomes a private matter for women providing them a personal preference to conceptualize and to express piety and womanhood either in domestic or public life. Additionally, women's access to religious education and their entrance into faith-based organizations are an opened access to be religious specialists and active participants in interpretation or reinterpretation of religious texts. The diverse interpretation and expression of piety by women also reflects the notion of Islam as a discursive tradition that Asad notes: *"Anyone working on the Anthropology of Islam must be aware that there is considerable diversity in the beliefs and practices of Muslims.* Besides, Hefner reveals that one of religious resurgence marks especially in contemporary Asia is women's participation in a variety of religiosity. In that account, women start defining piety by their own understanding, which is influenced also by their contextual situations i.e. religious knowledge, interests, environment, and so forth (See Orit: 2008, Sherina: 2011, Ali: 2014, Loimeire and Franke: 2016).

## 4 CONCLUSION

In summary, as discussed at scholarly works above and the research findings, piety is a set of scheme of religiosity or religious conducts, which is

articulated and expressed differently by women especially in marriage. Women's articulation of piety is much influenced by women's contexts and personal interests, which are also dynamic in terms of forms and place (sphere) where the piety is practiced. Also, women propose different reasons to explain their choices of piety practices. Therefore, with regard to my study on women and divorce in the perspective of piety is an opened inquiry to ask, whether they reflect piety for one possible critical reason to initiate divorce or piety as goal to achieve through divorce.

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