

## The Socio-Political Performances of Care: women activists in Tanzania push for the increase of Tanzanian girls' age of consent from fifteen years to eighteen years

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### ABSTRACT

Performative care for victims of gender-based violence in Tanzania through established socio-cultural gendered policies that reinforce the disproportionate care labor that women activists carry. Women's rights activists historically sustain the care labor of protecting young girls from various forms of abuse and violence, in Tanzania, this abuse is embedded within Tanzania's constitution under the Law on Marriage Act of 1971, sections 13 and 17 that upholds the age of consent for Tanzanian girls at fourteen years or fifteen years respectively. In this chapter, I address the cost of harmful cultural or religious practices that sustain and reinforce violence against young girls in Tanzania. I explore the challenges of navigation justice in systemic heteropatriarchal societies and the exhausting but rewarding care burden of protecting young girls by women's rights activist groups or legal civil society organizations. My work adds to the voices of activists, scholars, victims, and survivors to explicitly emphasize the dangers that young girls face in societies that see children as objects for masculine domination and pleasure.

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## Introduction

Performativity of care for victims of gender-based violence is evident in many African countries, including Tanzania. Gender-based violence in Africa is prevalent, with data indicating 45% susceptibility.<sup>1</sup> Legal ramifications to the offenders are often hindered through established social, cultural, and political practices that frequently adhere to abuse, sexual exploitation, manipulation, and violence against girls and women. The focus of this article is to analyze how the state indirectly accepts violence to young girls through their support for cultural practices that maintain the injustice done to girls through child marriages, evident within the Law on Marriage Act of 1971 in sections 13 that address the minimum age of marriage and section 17 that addresses the requirements of consent as seen below;

### **Section 13. Minimum age**

*(1) No person shall marry who, being male, has not attained the apparent age of eighteen years or, being female, has not attained the apparent age of **fifteen years**. (2) Notwithstanding the provisions of subsection (1), the court shall, in its discretion, have power, on application, to give leave for a marriage where the parties are, or either of them is, below the ages prescribed in subsection (1) if– (a) each party has attained the age of **fourteen years**; and (b) the court is satisfied that there are special circumstances which make the proposed marriage desirable. (3) A person who has not attained the apparent age of eighteen years or fifteen years, as the case may be, and in respect of whom the leave of the court has not been obtained under subsection (2), shall be said to be below the minimum age for marriage.*

### **Section 17. Requirement of consent**

*(1) A female who has not attained the apparent age of eighteen years shall be required, before marrying, to obtain the consent– (a) of her father; or (b) if her father is dead, of her mother; or (c) if both her father and mother are dead, of the person who is her guardian. (2) Where the court is satisfied that the consent of any person to a proposed marriage is being withheld unreasonably or that it is impracticable to obtain such consent, the court may, on application, give consent and such consent shall have the same effect as if it had been given by the person whose consent is required by subsection (1). (3) Where a marriage is contracted in Islamic form or in accordance with the rites of any specified religion or in accordance with the customary law rites, it shall be lawful for the kadhi, minister of religion or the registrar, as the case may be, to refuse to perform the*

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<sup>1</sup> <https://www.who.int/news/item/20-06-2013-violence-against-women-a-global-health-problem-of-epidemic-proportions->

*ceremony if any requirement of the relevant religion or person other than a person mentioned in subsection (1) has not been complied with: Provided that nothing in this subsection shall be construed as empowering the kadhi, minister of religion or registrar to dispense with any requirement of subsection (1).*<sup>1</sup>

According to the Tanzanian constitution of 1977, teenage girls' minimum age to get married is fifteen or *fourteen* years, with special permission from the court. However, the boy's minimum age to get married is eighteen years. This is a gross inequity. It is also stated that a father has the right to decide when his daughter can be married. The father gives parental consent for a girl's marriage, or if the father is not available, the mother permits the man, or the court decides whether the girl should be married; the girl being married off young has no choice in this decision.

Advocates for women's rights and freedoms and civil society organizations have advocated for the girls' age of consent to be increased to eighteen years to prevent sexual abuse and exploitation, an abundance of child marriages, and high numbers of early school drop-out rates for school-going girls. Still, there has been structural resistance to this fight. The consequences of young girls' early school drop-out due to unintended pregnancies or early marriages increase their chances of living in poverty, and this vulnerability exposes them to various forms of violence within their communities. Legal scholar Almohammadi Bander states that 37% of Tanzania's children marry before the age of 18 due to poverty, gender ideologies in Tanzania, and culture, which have serious consequences. (Almohammadi, 2023, 2-4)

Social inequalities such as poverty, gender-based violence, unemployment, and low-income jobs thrive in societies with low education. It is, therefore, essential to recognize the foundations of this injustice to mitigate its consequences. Using Tanzania as an example also allows us to explore the large systems at play here that contribute to the women's inability to exist in a free world just as the men do in many African societies such as patriarchy and religion that reinforce ingrained contempt for or prejudice against women in masculine dominated societies.

Advocates, activists, scholars, victims, and survivors emphasize the dangers that girls and women face in many African societies that use established patriarchal structures to control women because they are not men. This assessment may seem unrealistic to the readers, but the girls' inability to choose and make decisions concerning their lives, with almost no room to say NO to masculine power, is a violation of their rights. These girls unjustly bear the cost of not studying and a choice not to be married before eighteen years of age. Tanzania's marriage laws discriminate against women. Audre Lorde, in her book *The Master's Tools, Will Never Dismantle the Master's House*, addresses the systemic *tools* of oppression used by dominant groups to enact control over groups that they perceive as weak or non-dominant.

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<sup>1</sup> The Constitution of Tanzania, 1977

*"For the master's tool will never dismantle the master's house. They may allow us temporarily to beat him at his own game, but they will never enable us to bring about genuine change. And this fact is only threatening to those women who still define the master's house as their only source of support."*  
(Lorde, 1983, 98-101)

I use Lorde's reference to provide the context in which patriarchal establishments thrive due to fearful retaliation against them. Masculine control contributes is foundational to the gendered limitations of the rights and freedoms of women in Tanzania. I believe that Audre Lorde encourages societal resistance to abusive hierarchical structures that control women into manipulation and subordination. The legal conflict between the state and human rights advocates in parts of Tanzania that prevent young girls' decision-making for their bodies and lives is due to presumably outdated cultural and religious practices and social constructions of subservient womanhood.

The Law and society can empower girls from a young age to define a safe and equitable world for themselves. As adults, women need to thrive and not be divided and conquered as objects, as evidenced in Tanzania's constitution. (Lorde, 1983, 98-101) Systemic sabotage of the age of consent to marriage limits the freedoms of Tanzania's young girls and ultimately sets the course for subservience and dependency on men. I assess the practices of *Care in the context of Time* for young girls in Tanzania. As students, young girls need extra protection and care to support their education and make plans for a future that elevates their consciousness and independent responsibilities. This article explores how responsiveness to injustice against a large group of marginalized people can significantly disrupt a woman's life if such laws are acted upon from their childhood. There is a seemingly performative rhetoric to systemically care for the Tanzanian girls' equal opportunity in education or marriage because the mother law provides for it while deliberately upholding domination over women's lives.

## **Methodology**

I am using scholarly literature that addresses the challenges of gender-based social and political advocacy. The publicly available data and reports from organizations advocacy for women's rights, social justice, gender-based violence, prevention of young motherhood and education of girls in Tanzania or Africa to inform my paper.

## **Discussion**

### **The Socio-Political Performances of Care - Feminist Organizing in Tanzania**

#### **The State**

The state is a primary actor in implementing the rights of all citizens of a given country. As a member of key international bodies such as the United Nations Declaration of Human Rights,

CEDAW, 1995 Beijing and 1985 Nairobi Conventions, all of which centered transnational advocacy for the fundamental rights of women and of which the Tanzanian government has vowed to uphold the human rights of all people in Tanzania including young girls. The Tanzania women's movement, including women's rights advocates, scholars, legal practitioners, and policymakers, states women's limitations and challenges in accessing fundamental human rights in the current social and political sphere. The review and age of consent increase in Tanzania's marriage Act should not have been an issue if the government adhered to global support for women's rights and safety.

### **Women's contributions to Tanzania's democracy**

From the beginning of Tanganyika's fight for independence in the 1950s, women have significantly contributed to Tanzania's progress. Under the leadership of Mwalimu Julius Nyerere, the first president of Tanganyika after independence, women advocated for women's rights through the nationalist women's movement. These women were led by Bibi Titi Mohamed, a key women's wing leader in the Tanganyika African National Union (TANU). Bibi Titi Mohamed and other women did this advocacy work alongside Tanzanian men before and after Tanzania gained its independence. However, as stated by scholar Rasel Madaha, the leadership of TANU actively disregarded and weakened the women's movement, and ultimately, the president, Mwalimu Julius Nyerere, a man, became the leader of *Umoja wa Wanawake Tanganyika* (UWT). (Madaha, 2014, 21- 22)

Tanganyika women could work with Tanzania men to accomplish political freedoms and fundamental human rights that the colonial government had long withheld. However, the efforts to make Tanzanian women and other marginalized groups in Tanzania fully independent and to craft spaces within TANU that allow for the advancement of women's liberation from societal gendered prejudices and masculine domination were futile. There was a need for independence, unlearning, and undoing misogynistic practices to allow for evolving social and political gender discourse and practice.

The Tanzania Media Women Association's (TAMWA) work significantly contributed to challenging and changing the narratives limiting women's ability to lead and work or own property, and they also highlighted the work women do for Tanzania's social, economic, or political sustainability. (Madaha, 2014, 21- 22) Women are still organized within the restrictive frameworks and have made some progress toward change. The brief history of Tanzania's initial attempts at gender equality gives us a preview of the continued challenges that women's social movement organizers have faced to improve women's lives.

Tanzania's patriarchal system influences gender equity in various ways. Allan Johnson argued that patriarchy is a system that must be challenged by society and acknowledged by the state to accomplish transformative gender justice. (Johnson, 2005, 29- 32) Additionally, I refer



to Audre Lorde's essay "The Master's Tools Will Never Destroy the Master's House" to demonstrate the limitation in women's ability to be free if the systems are still intact entirely. (Lorde, 1983, 101)

The 1999 Land Act provided an opportunity for women to own land equally. This Act safeguarded the women's ability to manage their land and benefit from its use. The 2000 Women and gender development policy states that patriarchy is a big challenge to the implementation of gender equity in Tanzania, as stated in the National Strategy for Gender Development (2000), "Patriarchal system, customs, and traditions that discriminate women continue to perpetuate gender inequalities, gender capacity and institutional aspects". (Decker, 2015)

### **Challenges in Developing Sustainable Care Networks for Marginalized Girls**

I did research in Tanzania and this process exposed me to some of the systemic challenges I mentioned in this paper. The limitation to progressive policies that support women's liberation is based on the fear of challenging patriarchy which sustains the status quo. To safeguard young girls impacted by upholding the *age of consent* at fifteen years, a combination of these three limitations ought to be addressed. This, however, is not a new discovery as the work of liberating women in Tanzania has always been done by Tanzanian women since before independence and some progress has been made.

Historians Alicia Decker and Andrea Arrington, in their book *Africanizing Democracies, 1980-present*, explore the progress made concerning women's rights as evidenced by their participation in global conventions in support of gender equity that the United Nations organize, the African Union, and individual governments signing the world treaties, conferences, or policies to which Tanzania is an active member supposed to positively abide by them. (Decker, 2015) Feminist and legal scholar Sylvia Tamale, in her book "*When the Hens Begin to Crow*," states that grassroots organizing and increasing visibility for women in positions of power is foundational to challenging the patriarchal hold on women in a given country to establish a strong resistance. (Tamale, 1997)

Political scientist and feminist scholar Aili Tripp (2001) notes, "Rarely mentioned in studies of democratization in Africa is the role played by women's groups in the political reform process of the 1990s. Like student organizations, labor unions, and human rights activists, women's organizations openly opposed corrupt and repressive regimes through public demonstrations and militant actions". (Tripp, 2001B, 142) She notes that better educational opportunities for girls and women helped to create an important pool of women in a position to compete for political power. Interestingly, "these women frequently had more experience than men in creating and sustaining associations, having participated in church-related activities, savings clubs, income-generating groups, self-help associations, community-improvement

groups, and other informal organizations and networks. They thus often found it easier than men to take advantage of the new political openings in the 1990s". (Tripp, 2001B, 144)

"Increasingly, one sees a discourse emerging in many women's organizations arguing for abandoning paternalistic notions of authority that undergird and are part of neo-patrimonial systems. Moreover, the fact that political leadership is no longer equated with male leadership is another indication of the erosion of the paternalistic ideological construct. Women sometimes draw on their domestic experiences to create a new imagery that defies the paternal one". (Tripp, 2001A, 36) So, Tripp supports ongoing progress, but it is still slow, and the idea that women are living freely is still a myth for many Tanzanian girls and women. In Tanzania, masculine domination permeates almost every aspect of society, education, government, military, etc.; it is a male-dominated, male-identified, male-centered society. From birth, one tries to fit into a socially constructed gender ideal.

Radical transformative Tanzanian feminist scholars and activists are constantly addressing gender inequalities negatively affecting women and other marginalized people. Allan Johnson, in his book *the gender knot: Unraveling our patriarchal legacy*, notes that in a patriarchal society, characteristics of manhood and masculinity are perceived as superior and more human than womanhood and femininity. (Johnson, 2005, 38) Additionally, at the center of a patriarchal culture are the core values of control and domination, and everyone participates in this socially structured system, consciously or un-consciously. Socially, economically, culturally, or politically, women are often relegated "to the marginal position of the other". (Johnson, 2005, 38)

In Tanzania, patriarchal systems have a strict code for upholding masculine domination, and it is culturally upheld from one's childhood to adulthood. The Tanzania government has participated and declared its commitment to gender equity; these state commitments look good on paper but do not often entirely translate into practice. It is worth exploring further to seek the social-cultural interpretations of women's rights given perceived hegemonic masculine authority and how the Tanzania women's movement has intensively or moderately challenged patriarchy in a country with limited accommodations for radical feminist practices to cater to notions of "intrinsic" male authority. (Wyrod, 2008, 809-812) So, understanding Tanzania's patriarchal practice allows one to understand the complexities of instituting a transformative feminist movement.

So, suppose Tanzania's perspective on gender innateness ensures that women and gender-nonconforming individuals all conform to the established roles and positions in and outside the home. How did the women's movement navigate such complex and conservative spaces to develop a movement and cater to social justice and progress for marginalized people's rights? Also, in a country that classifies gender as an intrinsic component of someone from birth, how

then do non-gender conforming groups or “disruptors” of the social norms navigate their safe existence and well-being?

This article explores the tactics of key players in the Tanzania women’s movement that were used in a complex patriarchal system to achieve significant progress and contribute to the present-day advancement of equality and marginalized people’s care networks in Tanzania. The slow progress is due to the institutional restraints that cater to masculine privilege and government control. (Mbilinyi, 2015)

Rasel Madaha also compares the snail pace progress of gender equality work to the second-wave feminist movement in the United States’ feminist movement, compared to the current 4th wave in the global north. Madaha suggests that Tanzania still needs time to achieve substantial transformative and revolutionary gender equality. (Madaha, 2014, 20-21) Organizations challenge and advocate but still operate within the hetero-patriarchal social and political systems, and, inevitably, they may still subscribe to or fall prey to the pressures of dominant power structures. Virginia Held states, “A moral theory such as the ethics of care is needed to assure that we care enough about our fellow human beings to actually respect their rights and take appropriate account of their interests and especially that we refrain from aggressive violence.” (Held, 2010, 121) Applying a care ethics analysis suggested by Held ensures that structures supporting disrespecting rights of girls are neither encouraged nor tolerated. There is a need for a better understanding of the systemic power dynamics between advocacy groups, organizations or scholars and the State that negates conflict and sustains injustice.

### **Advocating for the increase of the Age of Consent to Marriage in Tanzania**

Sections 13 and 17 of the Marriage Act of 1971 have been sustained by the heteropatriarchal machinery that benefits from controlling a young girl’s ability to marry at 15 years old. (Dutt, 2017, 307) Several bills have been tabled to change this law, but the dominance of men in parliament prevented progress. This has been a recurrent concern in my research participants’ interviews.

There are laws supporting women’s emancipation or freedoms that have been tabled and passed in the Tanzanian Parliament, such as the 2000 Women and gender development policy that is administered by the Ministry of Community Development, gender, and Children to advance gender equality in all government policies, plans, and development strategies. This policy was very progressive and a big win for women and children; however, even when presenting a progressive policy is a good thing, not providing the right tools and systemic support for transformative change limits the impact of change. The 2000 Women and gender development policy offered women an opportunity to be educated, be economically empowered, and have decision-making power. This policy aligns with several international treaties or policies that support gender equality, such as the 1999 UN Jomtien Resolution on



Education for All, the 1979 Convention on the Elimination of All Forms of Discrimination against Women, The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). (Ferree, 2006, 52-55)

However, the policy is still inadequate in providing equitable gender practices due to social, political, and cultural gendered practices, roles, and ideologies. (Dutt, 2017, 310)

Fear contributes to women's passive participation in social justice advocacy to avoid retaliation from the dominant group. An organization that practices transformative ethics of care embodies care practices that unapologetically address marginalized groups' social justice, freedoms, and well-being in countries with strict opposition to their identities and existence, such as Tanzania. Feminist care ethics can be supported by Ujamaa, a culturally sensitive practice of communitarian care in Tanzania.

### **Caring for Tanzania's young girls' education**

Since independence, Tanzania has advanced women's empowerment through laws such as The Law of Marriage Act (1971) and The Land Act (1999), which attempted to grant equal rights to men and women in civil representation. Still, unfortunately, these advances have not benefitted all people equitably. Minoritized groups of people in each country often rely on NGOs whose goals are to protect girls, marginalized women, disabled people, individuals dealing with mental health diagnoses, or other marginalized groups of people to advocate for their rights, help them to exercise their autonomy, and enjoy their rights within.

Women at the margins of society (e.g., the impoverished, disabled, sexual and physical abuse survivors, sex workers, and LGBTQ+ communities) are often overlooked or underserved by government services. I add to this argument by stating that women contribute to nation-building beyond the confines of their homes, taking on un-rewardable family and community care work, or being in service and subservient to their husbands as TANU seemed to believe.

Other East African regional scholars like Tushabe from Uganda state that Women's contributions “go beyond the virtues of nurturing and caring” as women in society “are goal-driven and core to combating social, political and economic problems”. (Tushabe, 2009, 47-49) Through their meticulous organizing skills and commitment, women are leaders who should not be undermined in anyway. Organizations such as the Tanzania Media Women's Association (TAMWA) and the Tanzania Gender Networking Program (TGNP) were and still are some of the major NGOs in Tanzania that have steered the boat of transformative gender equality and social justice from the 1980s to the present.

### **Conclusion**

This article explores the need for transformative care ethics and advocacy for young girls' ability to choose when, who, and what they need in life in Tanzania. The role of sociopolitical systemic

control in reinforcing the abuse of human rights and protecting the dominant groups is a big challenge to accessing significant changes. Sustainable Development Goal 4 recognizes that there is still a lack of progress for girls' equitable education globally. Goal 5 speaks to the global challenges of achieving gender equality because all women and girls are still not empowered to achieve equitable co-existence with men.<sup>1</sup> Women and girls' progress is controlled at a young, vulnerable age because the fathers in a misogynistic society demand that they are seen but not heard. Many girls who grow up in these environments tend to adopt and fit into the mold of society's demands, which often limits their upward mobility in education and economic accomplishments. To provide care for women, the state and society need to release the hold on girls and undo archaic traditions or state laws. The girls will then freely evolve like the boys to create transformative and sustainable life plans for themselves and their communities.

Research participants I talked to in 2024 who were concerned about the danger of maintaining laws that directly limit girls' progress ignited my interest in learning about this law. I acknowledge that more research and follow-up are needed to gauge the progress or changes made to Section 13 and Section 17 of the Tanzania Marriage Act in the future. It is then that the evident care for young girls in Tanzania will be transformative.

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<sup>1</sup> <https://sdgs.un.org/goals>

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