

## Applying Virginia Held's Ethics of Care to Resolve the Social-Cultural Problem of Violence against Women in Kurya Society



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**ABSTRACT:** The study focused on addressing violence against women in the Kurya society of Tanzania by applying Virginia Held's ethics of care. It explored cultural practices such as FGM, child marriage, and intimate partner violence, emphasizing their impact on women's health and human rights. Using a phenomenological research design, the study aimed to understand the subjective experiences of individuals affected by violence against women. The expected outcomes included a better understanding of the cultural practices perpetuating violence, the development of a comprehensive approach grounded in ethics of care, and contributing to gender equality and human rights in Kurya society.

**KEYWORDS:** Kurya, violence against women, ethics of care, Virginia Held

### 1.1. INTRODUCTION

Violence against women is a pervasive and long-standing issue in various societies. Scholars have approached this problem from different perspectives, with some advocating for equality and freedom, while others demand a 50-50 balance of power. However, Held's ethics of care offers a promising alternative approach to addressing this problem. This moral theory prioritizes relationships, empathy, and compassion, and challenges traditional theories by recognizing the interconnectedness of individuals within society. It provides a valuable framework for addressing social issues and promoting justice and human flourishing. This study applies the ethics of care to address social issues facing the Kurya people in Tanzania, including gender-based violence, female genital mutilation, widow cleansing rituals, and intimate partner violence, among others.

### 1.2. BACKGROUND TO GENDER-BASED VIOLENCE AGAINST WOMEN

Ending violence against women is a crucial priority for Oxfam, a global organization that works to promote gender equity and relieve poverty and suffering.<sup>1</sup> The issue of violence against women has been long-standing, often hidden from public view due to fear, shame, and violence. However, in recent years, the international community has recognized the severity of this issue, with increasing attention being paid to it as a significant human rights and global health issue. According to the World Health Organization (WHO), one in three women worldwide has experienced physical or sexual violence in their lifetime, making violence against women (VAW) a pervasive and global problem.<sup>2</sup> VAW can take many forms, including physical, psychological, and sexual violence. Studies have found that it occurs in all geographic regions, countries, cultures, and economic classes, with women in developing countries experiencing higher rates of violence than those in developed countries. Many experts view VAW as a symptom of the historically unequal power relationship between men and women, with pervasive cultural stereotypes and attitudes perpetuating a cycle of violence.<sup>3</sup>

<sup>1</sup>Francine Pickup, Suzanne Williams and Caroline Sweetman, *Ending Violence Against Women: A Challenge for Development and Humanitarian Work* (United Kingdom: Oxfam International Publishing Press, 2001), xi.

<sup>2</sup>World Health Organization. *Violence Against Women Prevalence Estimates, 2018: Global, Regional, and National Prevalence Estimates for Intimate Partner Violence Against Women and Global and Regional Prevalence Estimates for Non-Partner Sexual Violence Against Women*. (World Health Organization, 2021), 42.

<sup>3</sup>WHO, *Violence Against Women*, xix.

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Before the 1970s, many in the international community viewed VAW as a private matter to be dealt by individuals and not a public matter that merited a national or international response. In the late 1970s and 1980s, however, the international community began to focus on VAW as a global health problem and a violation of human rights. This shift was driven, in part, by an increasingly effective and well-organized grassroots movement of local, national, and international women's non-governmental organizations (NGOs) that brought international attention to the plight of VAW victims and created a more public forum for discussion of the issue. This is to say that many researchers, scholars, public and private, have raised their voices against women's violence, and to some extent, they have achieved what others have not, so there is a need for much emphasis on this problem. In 1993, the U.N. General Assembly adopted the non-binding Declaration on the Elimination of Violence Against Women (DEVAW). The Declaration, which was supported by the U.S. government, describes VAW as "any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life."<sup>4</sup>

The 1994 United Nations Development Programme (UNDP) Human Development Report notes: In no society are women secure or treated equally to men. Personal insecurity shadows them from cradle to grave. In the household, they are the last to eat. At school, they are the last to be educated. At work, they are the last to be hired and the first to be fired... and from childhood through adulthood, they are abused because of their gender.<sup>5</sup>

It is unfortunate that in most societies, women are not treated well in every aspect of life. This is often due to gender-based violence, cultural norms, and gender stereotypes. Violence against women can have a negative impact on their ability to participate in and contribute to their community. Studies have shown that women who experience violence are less likely to hold jobs and more likely to live in poverty.<sup>6</sup>

The issue of violence against women in Tanzania is complex, with cultural beliefs and practices playing a significant role in perpetuating the subordination and mistreatment of women. Many African societies, including those in Tanzania, are patriarchal in structure, leading to the violent treatment of women.<sup>7</sup> Research indicates that African men are often the aggressors and oppressors in cases of gender-based violence.<sup>8</sup> African feminists have highlighted the impact of cultural practices on the oppression of women and girls in African societies. While some cultural traditions are beneficial to all members of society, others, such as Female Genital Mutilation (FGM) and widow inheritance practices, are harmful, especially to women and girls. The question of whether cultural autonomy can coexist with the protection of human rights, particularly those of women, is especially pertinent in Tanzania and other African countries. This raises the dilemma of defending the dignity of women while respecting cultural autonomy. Efforts to address these issues must carefully navigate the complexities of cultural traditions and their impact on human rights, particularly the rights of women and girls.

### 1.3. UNDERSTANDING THE KURYA SOCIETY AND THE PLACE OF WOMEN IN THE SOCIETY

The Kurya tribe, a Bantu ethnic group, is believed to have originated in the Middle East, specifically in Mesopotamia, and present-day Iraq. This ancient civilization of pastoralists migrated down through Ethiopia, Sudan, and Uganda along the Nile River Valley, seeking pasture for their livestock. They settled in Uganda for several years before moving towards the southwest coast of Lake Victoria, passing through Kigoma and Kagera (West Lake Region), and eventually settling in the Mara Region of Tanzania. From there, they spread throughout the Mara Region and eventually into the Kuria districts of Kenya.<sup>9</sup>

The Kurya people have a rich and unique culture that has remained relatively untouched by external influences. However, some of their cultural practices have been a topic of controversy and have been the subject of intense scrutiny. One such practice is female genital mutilation, which is a deeply ingrained tradition among the Kurya people. Another unique practice among the Kurya is woman-to-woman marriage, which allows women to marry. Additionally, the Kurya people have a widow cleansing ritual, which is performed after a husband dies. The ritual involves the wife of the deceased sleeping with a designated male member of the family to cleanse her of any "impurities". While these practices are considered taboo in many parts of the world, they remain an integral part of the Kurya culture and traditions.

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<sup>4</sup>Johannes Bitzer, "Sexual Violence" in *Textbook of Contraception, Sexual and Reproductive Health* (2023), 340.

<sup>5</sup>Pickup, Williams and Sweetman, *Ending Violence Against Women*, 1.

<sup>6</sup>Blanchfield, Margesson and Seelke, *International Violence Against Women* (New York: Nova Science Publishing Press, 2009), 6.

<sup>7</sup>Alice Tuyizere, *Gender and Development: The Role of Religion and Culture* (Kampala: Fountain Publishers Ltd, 2007), 23.

<sup>8</sup>Martina Atere, *Women Against Women: An Obstacle to the Quest for Women's Rights in Yorubaland* (Ibadan: Sefer, African Culture and the Quest for Women's Rights Publishing Press, 2001), 6-94.

<sup>9</sup>Nandera E. Mhando, "The Impact of External Institutions on Kuria Marriages in Tanzania" in *The African Review: A Journal of African Politics, Development and International Affairs* (2014), 55

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The modernization of Kurya society has led to significant transformative changes, integrating scientific knowledge and technology into traditional agrarian lifestyles. This integration has broadened economic opportunities, democratized power structures, and increased political engagement and representation.<sup>10</sup> Modernization has also promoted literacy and secular education, leading to the development of sophisticated institutional systems, challenging traditional values, and paving the way for progressive thought. Additionally, modern healthcare has improved overall well-being and life expectancy, contributing to demographic changes and urbanization trends. Notably, modernization has played a crucial role in empowering women by providing tools to combat gender-based violence, reduce harmful practices like female genital mutilation, and offer avenues for education and economic independence.<sup>11</sup> This empowerment exemplifies modernization's potential to harmonize traditional values with contemporary human rights standards.

### 1.3.1. Women's Role in Kurya Society

In the Kurya society, women face various cultural, social, and economic challenges that hinder their empowerment and economic independence. They play a significant role in maintaining households and engaging in economic activities, but they encounter discrimination and limited access to resources. Women's involvement in economic endeavors contributes to the community's well-being, but they grapple with systemic barriers such as limited access to financial resources and traditional banking systems.<sup>12</sup> Discriminatory practices, such as the prioritization of male children in matters of education and inheritance, perpetuate a cycle of inequality and limit the agency of women within society.<sup>13</sup> Harmful practices like female genital mutilation further exacerbate the challenges faced by women, affecting their physical and psychological well-being. Moreover, women often face domestic responsibilities that limit the time and energy available for economic pursuits, and there is a lack of support networks for women entrepreneurs. Legal and policy frameworks may also not adequately support women's economic activities, and gender-sensitive policies are lacking, particularly in rural areas where traditional practices prevail.<sup>14</sup> Gender discrimination is perpetuated by social institutions, including religious beliefs, cultural traditions, and legal structures. Despite the adoption of Christianity and Islam, traditional practices that contradict these faiths persist.<sup>15</sup> Cultural norms and traditions dictate women's behavior, with practices like female genital cutting remaining prevalent despite efforts to end them. These traditions are often justified as essential for maintaining social cohesion and lineage perpetuation, despite infringing upon women's rights and well-being.

The legal system may not fully recognize or protect the rights of women, particularly in matters of marriage, inheritance, and property ownership. Laws that do exist may be inadequately enforced or overridden by customary practices.<sup>16</sup> As a result, women may find themselves without legal recourse in situations of discrimination or abuse. Despite the efforts done by the government and other institutions it is yet to reach the desired goals of women protection against violence. The Ministry of Community Development Women Affairs and Children in the Republic of Tanzania (1992) argues that:

Despite the various steps taken, our country has not been completely successful in ensuring that women have the freedom, opportunity, and respect that is enjoyed by men in economic, political, social and cultural development. One of the reasons contributing to this has been the lack of a specific policy for promoting the development of women in the country.<sup>17</sup>

Observing from another angle, women often face marginalization in decision-making processes, both within the family and the broader community. Their opinions and contributions may be undervalued or ignored, perpetuating a cycle where women's voices are seldom heard in matters that directly affect their lives and the community's development. The Girl Child Network (GCN) underscores that cultural norms and traditions, notably Female Genital Mutilation (FGM) and early marriages, significantly impede girls' participation in secondary education.<sup>18</sup> These factors contribute to the withdrawal of girls from the education system in the

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<sup>10</sup>Susan Von Struensee, "Widows, AIDS, health and human rights in Africa" Available at SSRN 569665 (2004), <https://dx.doi.org/10.2139/ssrn.569665>

<sup>11</sup>Struensee, "Widows, AIDS, health and human rights in Africa."

<sup>12</sup>Regina Opoku, "Woman-to-woman violence: impact of traditional practices on women and girls in the Lake Zone Regions of Tanzania" in *Interpersonal Violence*, (Routledge, 2016), 102

<sup>13</sup>Opoku, "Woman-to-Woman Violence" 102

<sup>14</sup>De Vita - Mari - Poggesi, "Women entrepreneurs in and from developing countries" 452

<sup>15</sup>Masiaga & Namusonge, "Culture and Its Influence on Socio-Economic Empowerment of Women" 677

<sup>16</sup>Abusharaf, ed., *Female Circumcision: Multicultural Perspectives*, 77.

<sup>17</sup>The Ministry of Community Development Women Affairs and Children in The Republic of Tanzania. *Policy on Women in Development in Tanzania*. (1992). <http://www.tzonline.org/pdf/policyonwomenindevelopment.pdf> 2

<sup>18</sup>Mercy Musomi and Beth Blue Swadener, "Enhancing feminism and childhoods in Kenya through stronger education policy, access, and action" in *Feminism (s) in Early Childhood: Using Feminist Theories in Research and Practice* (2017), 78.

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Kurya community, necessitating a multidimensional approach to address and dismantle these barriers and pave the way for a more equitable and prosperous future.

### 1.3.2. Gender Roles and Stereotypes in Kurya Society

The Kurya society holds deeply entrenched gender roles, segregating men as breadwinners and women as caregivers. These stereotypes limit women's potential and hinder societal progress, ignoring their roles as innovators and leaders. Women's marginalization obstructs sustainable development, emphasizing the importance of gender equality for societal advancement.<sup>19</sup> Empowering women to participate in decision-making processes and providing them with equal opportunities can bring diverse perspectives and solutions to community challenges. Dismantling systemic barriers and recognizing the value of women is crucial for achieving sustainable development. It serves as a call to action to create a more equitable society where women's voices are heard and valued. Despite their potential, women are often marginalized and excluded from decision-making processes, while men hold the power and make final decisions.

The perception of women in Kurya society is often that of being powerless, indoors-oriented, and subordinate to men, reinforced by cultural practices that control and maintain traditional gender roles. This has detrimental effects on women's well-being, as they have no right to own land, and their contributions are frequently dismissed or ignored.<sup>20</sup> Language plays a significant role in perpetuating these stereotypes by reflecting the "women's downgraded" social status, treating them as "second-hand citizens" and degrading their dignity.<sup>21</sup> Gender-exclusive language presents stereotypes of both males and females, but more often to the disadvantage of females. Moreover, language is used to discriminate against women, presenting them as inferior to men.<sup>22</sup> Language reflects the culture of a society, and in Kurya society, it is used to maintain traditional gender roles, even if they are oppressive. To challenge these inequitable expectations and stereotypes, it is essential to recognize and value women's contributions and promote gender-sensitive education and training programs. Women should be empowered to participate in decision-making processes and take on leadership roles, ultimately promoting a more inclusive society that values the contributions and capabilities of all individuals, regardless of gender.

### 1.3.3. Identifying the Needs of Women in Kurya Society

The Kurya people, like many other cultures, face a significant problem with gender-based violence (GBV) against women and girls. Shockingly, 35% of women have experienced physical or sexual violence from intimate partners or non-partners, and 7% have suffered sexual assault by someone outside of a relationship. Additionally, 38% of female homicides are committed by a partner, and over 200 million women endure the harmful practice of female genital mutilation/cutting.<sup>23</sup> In the Kurya society, women and girls encounter challenges such as child marriage, female genital mutilation, Nyumba Ntobhu marriage, widow cleansing rituals, and intimate partner violence. To address GBV, a comprehensive, community-based approach is crucial. The World Bank has allocated over \$300 million to development projects aimed at prevention and response since 2003.<sup>24</sup> Rigorous impact evaluations provide insights into effective interventions at both community and national levels. It is imperative to work towards a safer, more equitable world to eradicate violence against women, as these issues not only harm survivors but also perpetuate a cycle of violence affecting future generations.

The Kurya people in Tanzania, particularly women and girls, have drawn attention due to the gender-based violence (GBV) they endure. This issue has been highlighted by organizations such as Chama Cha Uzazi na Malezi Bora Tanzania (UMATI), Children's Dignity Forum (CDF), and The Foundation for Women's Health, Research and Development (FORWARD). UMATI focuses on empowering young people to advocate for their sexual and reproductive rights and to eradicate harmful traditional practices. Similarly, CDF strives to protect the rights of children, especially girls, by promoting awareness and providing platforms for empowerment. Meanwhile, FORWARD, a women-led organization, addresses female genital mutilation, child marriage, and maternal health in the UK and Africa. They achieve this through community engagement, partnerships, advocacy, training, and

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<sup>19</sup>Adefolake O. Ademuson, "Women domination and oppression in Nigerian society: Implications for sustainable development" in *African Journal for the Psychological Studies of Social Issues* 19, no. 1 (2016), 26.

<sup>20</sup>Will H. Courtenay, "Constructions of masculinity and their influence on men's well-being: a theory of gender and health" in *Social Science & Medicine* 50, no. 10 (2000), 1385.

<sup>21</sup>Courtenay, "Constructions of masculinity and their influence on men's well-being," 1389.

<sup>22</sup>Wambura, "Earrings and Shields," 46.

<sup>23</sup>Aubert and Flecha, "Health and well-being consequences for gender violence survivors from isolating gender violence" 8626.

<sup>24</sup>Lauterbach and Zuckerman, *Assessing the effectiveness of World Bank investments*, 78



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research.<sup>25</sup> These organizations have revealed the widespread prevalence of issues such as child marriage, sexual violence, early pregnancy, FGM, and domestic violence in the Mara region, significantly impacting the lives of girls and women.<sup>26</sup>

Numerous research studies have revealed that the prevalence of teenage pregnancy, child marriage, rape, and sexual harassment has significantly undermined the progress achieved in gender equality, particularly concerning girls' education. Despite an increase in the number of schools, the attainment of educational goals for girls is impeded by deeply ingrained cultural and structural barriers. The distant locations of schools from communities pose significant challenges, particularly making it arduous and unsafe for many girls to access education. Reports from girls highlight feelings of insecurity arising from harassment, emanating not only from men but also from male peers and teachers within school premises. Notably, in the period between 2006 and 2010, a staggering 354 girls discontinued their primary education in Tarime district alone.<sup>27</sup>

In the Mara Region, a peculiar and complex marriage practice has been identified by researchers from FORWARD and CDF. Known as Nyumba Ntobhu, this custom involves older, wealthy women who are childless entering into marriages with younger women, whom they pay a bride price to become their "wives." This arrangement is marked by a unique power dynamic, where the older women take on a dominant role in the relationship, while the younger women are expected to submit to their authority. Furthermore, any children born to the younger women are considered to be the property of the older women, and the biological fathers play no part in the marriage or in raising their offspring. Another variant of this practice is Nyumba Mboke, where women without sons marry younger girls who are then expected to bear children to provide a son for the older women.<sup>28</sup> This practice is rooted in the cultural value placed on sons as a means of securing family inheritance and social status. In these arrangements, the younger girls are essentially commodified as vessels for producing sons, and their agency and autonomy are severely limited. The consequences of these practices are far-reaching, perpetuating gender-based violence, exploitation, and social inequality. It is essential to recognize and address these harmful customs, promoting gender equality and empowering women to make their own choices about their lives and bodies.

Among the Kurya community, Female Genital Mutilation (FGM) is a deeply ingrained traditional practice that holds significant cultural and social importance. The rite of passage is orchestrated by clan leaders, who play a crucial role in determining the timing and frequency of the ceremony. The FGM season typically takes place towards the end of the year, with each clan practicing the ritual in its unique manner. Notably, clan leaders claim that this staggered approach allows girls to mature and increase in number for the next FGM season, thereby perpetuating the cycle. The mystical significance of the practice is further highlighted by the fact that clan leaders from all 13 clans have decreed that FGM cannot be performed in any year ending with the number seven for either females or males. Both female and male circumcision are conducted simultaneously, marking a pivotal moment in a child's transition from childhood to adulthood. For girls, undergoing FGM serves as a clear indication that they are now ready for marriage.<sup>29</sup> Following the procedure, girls are required to rest for a month before resuming their normal activities. If they are not in school, they are promptly married off, often within two years after the FGM ceremony. Waiting longer to marry is considered bad luck by Kurya custom. Moreover, girls who fail to undergo FGM may face ridicule and social exclusion, with some even being forced to undergo the procedure when they marry into a new family.

In the Kurya society, widow cleansing rituals are a deeply entrenched tradition that is intended to purify widows after their husbands' death. These rituals, which are often performed by clan elders or spiritual leaders, involve various forms of physical cleansing, including pouring water over the widow's body, washing her hair, and rubbing her body with herbs.<sup>30</sup> The purpose of these rituals is to cleanse the widow of her perceived impurity, which is believed to be a result of her marriage and relationship with her late husband. However, these rituals can have severe consequences for the widows, including physical harm, emotional trauma, and social isolation. For instance, some widows have reported experiencing physical harm during the cleansing rituals, such as being beaten or having their hair cut off.<sup>31</sup> The emotional trauma caused by these rituals can be long-lasting, leading to depression, anxiety,

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<sup>25</sup>Otoo-Oyorrey, Kwateng-Kluyitse, and Howard-Merrill, *Now Girls Know Their Rights*, 19

<sup>26</sup>Otoo-Oyorrey, Kwateng-Kluyitse and Howard-Merrill, *Now Girls Know Their Rights*, 19

<sup>27</sup>Otoo-Oyorrey, Kwateng-Kluyitse, and Howard-Merrill, *Now Girls Know Their Rights*, 17

<sup>28</sup>Kareithi, *A Historical-Legal Analysis of Woman-to-Woman Marriage in Kenya*, 23

<sup>29</sup> Cf. Mhando, "The Continuing Paradox of Traditional Female and Male Circumcision among Kuria in Northeastern Tanzania" 303.

<sup>30</sup> D. Kwale & J. Kamungi, "Widow cleansing in Kurya culture: A qualitative exploration" in *Journal of African Studies*, 23(2), (2018), 4.

<sup>31</sup>Kwale & Kamungi, "Widow cleansing in Kurya culture" 5

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and feelings of shame and guilt.<sup>32</sup> Additionally, the social isolation that widows experience as a result of these rituals can be devastating, making it difficult for them to reintegrate into their communities or find support from their families. It is essential to recognize the harmful effects of widow cleansing rituals and work towards promoting a more inclusive and compassionate society that values the dignity and well-being of all individuals, including widows.

Intimate partner violence is a pervasive and devastating issue affecting women in the Kurya society. This type of violence can take many forms, including physical abuse, emotional abuse, and sexual abuse. Physical abuse can manifest as beating, kicking, and other forms of physical harm, often perpetrated by the husband or partner against the wife or girlfriend. Emotional abuse can involve verbal attacks, humiliation, and manipulation, which can be just as damaging as physical abuse.<sup>33</sup> Sexual abuse, on the other hand, can include forced sex, sexual coercion, and sexual assault. According to a study conducted in the Kurya region, 75% of women reported experiencing physical and/or sexual violence at the hands of their intimate partners.<sup>34</sup> The prevalence of intimate partner violence in Kurya society is exacerbated by cultural norms that perpetuate gender inequality and male dominance. For instance, many Kurya men believe that they have the right to control their wives' lives and bodies. Additionally, the lack of education and economic empowerment among women in the Kurya society makes them more vulnerable to intimate partner violence. The consequences of intimate partner violence are severe, including physical injuries, psychological trauma, and increased risk of HIV infection.<sup>35</sup> It is essential to address the root causes of intimate partner violence in Kurya society through education, economic empowerment, and social change initiatives that promote gender equality and respect for women's rights.

Virginia Held, a prominent feminist philosopher, advocates for the ethics of care as a means to address gender-based violence against women, particularly within the Kurya society. This feminist approach emphasizes the significance of relationships, empathy, and interdependence, aiming to eradicate violence against women.<sup>36</sup> The ethics of care is especially relevant in Tanzania, where cultural beliefs perpetuate gender inequality, leading to prevalent gender-based violence. Education and policy interventions are proposed to promote the ethics of care. Education programs can raise awareness, challenge cultural beliefs, and emphasize the importance of caring relationships, while policy interventions should protect women's rights and enforce laws against gender-based violence. Both government and non-governmental organizations (NGOs) have crucial roles to play in implementing and enforcing these policies. NGOs can provide support to victims of gender-based violence, conduct educational programs, and organize workshops to promote the ethics of care among men and women, contributing to the eradication of gender-based violence within the society.

### 1.4. UNDERSTANDING THE BACKGROUND OF ETHICS OF CARE

The "ethics of care" emphasizes the moral significance of relationships and dependencies in human life, emphasizing care-giving and care-receiving as fundamental elements warranting moral consideration. It seeks to nurture and sustain relationships by focusing on the well-being of both caregivers and care receivers. Care ethics is rooted in the sentimentalist tradition of moral theory and draws inspiration from personal experiences of being cared for, aiming to cultivate empathy and concern for others.<sup>37</sup> Its emergence as a distinct moral theory is attributed to the works of Carol Gilligan and Nel Noddings. While frequently associated with feminist ethics, care ethics has been applied to diverse moral issues and ethical domains, including animal welfare, environmental stewardship, bioethics, and public policy. Despite its strengths, some critics have voiced reservations about care ethics, suggesting that it could display essentialist, parochial, and ambiguous tendencies.

Originally conceived as an ethical framework pertinent to the private and intimate spheres of life, care ethics has undergone a significant transformation, expanding its scope into a political theory and social movement. This evolution seeks to generate a deeper and more widespread comprehension of and public endorsement of caregiving activities in their entirety.<sup>38</sup> The broadened

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<sup>32</sup> M. Amuyunzu-Nyamongo, N. Sijali-Kavisi, V. Mutiso, "The experiences of widows in Kenya: A qualitative study" in *Journal of Widowhood Studies*, 12(1), (2017), 7.

<sup>33</sup>World Health Organization. Intimate partner violence against women: Fact sheet. (2017). Retrieved from <https://www.who.int/news-room/fact-sheets/detail/intimate-partner-violence-against-women>

<sup>34</sup>Kwale & Kamungi, "Widow cleansing in Kurya culture" 9

<sup>35</sup>WHO

<sup>36</sup> Held, *Feminist and Morality*, 3.

<sup>37</sup>Emma R. Power and Tegan L. Bergan. "Care and resistance to neoliberal reform in social housing" in *Housing, Theory and Society* 36, no. 4 (2019), 426.

<sup>38</sup>Brown R. Michael and Stephanie L. Brown. "Informal caregiving: A reappraisal of effects on caregivers" in *Social Issues and Policy Review* 8, no. 1 (2014), 84.

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conceptualization of care ethics represents a continuous endeavor to advocate for caregiving as an indispensable and complex facet of human existence, meriting substantial societal acknowledgment and affirmation.

### 1.5. KEY DOCTRINES IN VIRGINIA HELD'S ETHICS OF CARE

#### 1.5.1. The Concept of Caring Relations

Virginia Potter Held, born on October 28, 1929, is a prominent American moral, social, political, and feminist philosopher known for her ground-breaking work on the ethics of care. Her extensive research has significantly contributed to examining the ethical dimensions of providing care for others and challenging the traditional roles of women in society. In her extensive body of work, she challenges the limitations of liberal justice by advocating for a shift towards a model of social relations inspired by the nurturing dynamics found in relationships between mothers and children.<sup>39</sup>

Held's defense of care ethics as a distinct moral framework sets it apart from well-established ethical theories such as Kantian, utilitarian, and virtue ethics. She emphasizes the fundamental importance of care in human institutions and practices, asserting that it is crucial to our very survival. As articulated by Tong and Williams, "There can be no justice without care...for without care no child would survive and there would be no persons to respect."<sup>40</sup> Moreover, Held's exploration of the morality of political violence from the vantage point of the ethics of care has had a profound impact on this area of study.

In the philosophical perspective of feminist ethicist Held, interpersonal caring relationships are posited as the fundamental building blocks of moral consideration. These connections are multifaceted and are characterized by a set of primary elements. First, attentiveness involves the active recognition and understanding of the needs and concerns of others. Second, responsiveness entails a proactive and compassionate engagement with those needs, addressing them in a manner that is considerate and appropriate. Third, contextual understanding emphasizes the importance of recognizing the specific circumstances and contexts of the individuals involved, thereby acknowledging the uniqueness of each individual's experience.<sup>41</sup> Lastly, interdependence underscores the fundamental reality that all individuals depend on each other for care and support at different points in their lives, highlighting the intricate web of human connections and mutual obligations.

Held's framework emphasizes that these caring relationships extend beyond the private sphere, permeating our public and political engagements. She contends that these relationships are not only vital for personal and emotional well-being but also serve as the cornerstone of moral action and ethical decision-making.<sup>42</sup> According to Held, these caring relationships provide the essential framework within which ethical decision-making should unfold, challenging traditional conceptions of morality that have often neglected the significance of care and empathy in ethical deliberations.

#### 1.5.2. The Moral Significance of Care

The concept of care, as conceptualized by Held, encompasses a fundamental practice and value that is considered integral to human life. The moral significance of care is multifaceted, encompassing various dimensions such as the vital role of sustaining life, particularly during infancy and times of vulnerability. Additionally, care is associated with contributing to individual flourishing through emotional support and recognition. Moreover, care is seen as a moral compass that guides individuals in making decisions that prioritize the needs and well-being of others. Held emphasizes that care is a universal experience and value that deeply influences the development of both individuals and societies, shaping fundamental aspects of human interaction and well-being.<sup>43</sup> This understanding underscores the pervasive and transformative nature of care, highlighting its crucial role in shaping human relationships, moral decision-making, and societal well-being.

#### 1.5.3. Ethical Decision-Making in the Context of Care

Ethical decision-making within the ethics of care framework involves understanding relational narratives and valuing moral emotions such as empathy and sympathy as guides to moral action.<sup>44</sup> Practical wisdom and practical realities of care practices are crucial, emphasizing the importance of meaningful caring relationships. Held's ethics of care prioritizes caring relationships, the

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<sup>39</sup>Meg Luxton, and Kate Bezanson, eds. *Social reproduction: Feminist political economy challenges neo-liberalism*. (McGill-Queen's Press-MQUP, 2006), 120.

<sup>40</sup>Rosemarie Tong, *Feminine and Feminist Ethics*. (Belmont, CA: Wadsworth 1993), 65.

<sup>41</sup>Held, *The Ethics of Care*, 18.

<sup>42</sup>Per Nortvedt, Marit Helene Hem and Helge Skirbekk. "The ethics of care: Role obligations and moderate partiality in health care" in *Nursing Ethics* 18, no. 2 (2011), 192.

<sup>43</sup>Held, *The Ethics of Care*, 21.

<sup>44</sup>Held, *The Ethics of Care*, 129.

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moral significance of care, and the situational context in ethical decision-making.<sup>45</sup> It emphasizes the interconnectedness of individuals and the pragmatic realities of human needs and relationships, highlighting the complex nature of moral obligations within caring relationships.

### 1.5.4. Ethics of Care in Personal Relationships

The ethics of care, as proposed by Held and Chodorow's psychoanalytic theories, highlight the importance of empathy, mutual understanding, and responsiveness in personal and gender relationships. Held emphasizes the significance of nurturing deep connections and the pivotal role of relationships in moral development.<sup>46</sup> Chodorow, on the other hand, critiques the masculine bias in psychoanalytic theory and underscores the impact of early developmental experiences on adult relationships.<sup>47</sup> Women, having been socialized in a context that values care and empathy, may prioritize others' needs, whereas men may value independence and autonomy. Both theories intersect in recognizing the moral and psychological significance of care and the gendered nature of psychological development.

Men are often socialized to value separation and independence, while women may encounter challenges related to maintaining nurturing roles. These gendered experiences can lead to difficulties in forming deep emotional connections and can contribute to misunderstandings within relationships.<sup>48</sup> Recognizing and valuing these differences is crucial for fostering healthy relationships. However, when these challenges are not addressed, they can escalate and contribute to more severe issues, such as violence against women, rooted in power imbalances and gender inequalities. Held's ethics of care can be instrumental in addressing these issues by advocating for a society that recognizes the inherent value of care and empathy, promoting fulfilling and violence-free relationships based on mutual respect and equality.

## 1.6. APPLYING VIRGINIA HELD'S ETHICS OF CARE TO COMBAT VIOLENCE AGAINST WOMEN IN KURYA SOCIETY

### 1.6.1. Fostering Empathy and Compassion

Understanding and sharing the feelings of Kurya women and girls is vital for creating a safe environment for survivors of trauma to share their stories. The ethics of care emphasizes the importance of emotions such as sympathy, empathy, sensitivity, and responsiveness, recognizing that they are essential for moral growth and development. By acknowledging and validating their emotions, we can create a culture that values their experiences and perspectives. Engaging in reflective listening and education can help us create a more compassionate and empathetic community, better equipped to provide support and healing to those affected by trauma.<sup>49</sup> Fostering empathy and compassion among Kurya women and girls is a moral imperative, essential for building trust, promoting healing, and creating a more just and equitable society.

Held emphasized the crucial role of emotions such as caring and empathy in the moral life and understanding of human beings, highlighting values like trust, solidarity, mutual concern, and empathetic responsiveness. In the ethics of care, relationships are cultivated, needs are responded to, and sensitivity is demonstrated, which is essential in addressing gender-based violence.<sup>50</sup> As we strive to create a more just society, we hope that feelings of solidarity will extend to all individuals everywhere, leading to respect for their rights and addressing their needs. To achieve this, it is essential to provide training sessions that thoroughly address all issues, which may require extended durations, particularly for illiterate participants who need more time to comprehend the information. Moreover, it is vital to allow participants to process the challenging emotions that may arise from the information provided, taking into account the emotional labor required to bring about meaningful and lasting changes in beliefs and behaviors.

In nurturing caring relations, individuals must possess the capacity to be empathetic and understanding towards others' emotions. For instance, parents need to be attuned to their children's feelings, recognizing when they are hurt, afraid, or merely pretending, while children, in turn, are adept at detecting parental approval or disapproval. However, misinterpretations often occur on both sides, leading to unintentional provocation of negative emotions. Nevertheless, in a healthy and strong relationship, there is a continuous process of mutual sensitivity and awareness development, allowing individuals to learn how to avoid inadvertently hurting or upsetting each other. Similarly, in the context of raising awareness about the rights and entitlements of girls and young

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<sup>45</sup>Vincent Icheku, *Understanding ethics and ethical decision-making*. (Xlibris Corporation, 2011), 22.

<sup>46</sup>Virginia Held, "Feminist transformations of moral theory" in *Philosophy and phenomenological Research* 50 (1990), 331.

<sup>47</sup>Held, "Feminist Transformations of Moral Theory," 331.

<sup>48</sup>Natasha E. Latzman, Ashley S. D'Inverno, Phyllis H. Niolon, and Dennis E. Reidy. "Gender inequality and gender-based violence: Extensions to adolescent dating violence" in *Adolescent dating violence* (2018), 284.

<sup>49</sup> Cf. Sevenhuijsen, *Citizenship and the Ethics of Care*, 89

<sup>50</sup> Cf. Held, *The Ethics of Care*, 15-16



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women at the local level, it is essential to simultaneously ensure that appropriate services are available and equipped to meet the increased demand.<sup>51</sup> If duty-bearers fail to provide these services, creating a demand for them can be counterproductive. Instead, a parallel approach is necessary to ensure that girls and young women have access to the support they need, thereby fostering a more empowering and equitable environment.

### 1.6.2. Building Supportive Relationships among Men and Women

In addition to being a practice, care is a value that should be recognized and nurtured in our relationships. Caring individuals and attitudes should be valued, and we can assess the quality of our relationships by considering whether they are built on trust, mutual consideration, and attention to each other's needs. In contrast to benevolence, care is more about the characteristics of a social relation than individual dispositions, and it is essential to cultivate caring relationships between individuals in their personal lives and within caring societies. These reciprocal relationships over time are often exemplified in the values of care, which are just as important as those of justice. To advocates of the ethics of care, care is not limited to one gender, and both men and women should recognize the immense value of caring activities that sustain society.<sup>52</sup> Men and women should share these responsibilities fairly and acknowledge the importance of care alongside justice. Building supportive relationships among men and women is crucial for progress, as it enables people to work together for the well-being of their community and environment. This requires cultivating caring relationships that foster trust, respect, and understanding among individuals, allowing them to coexist peacefully and protect each other's rights.

The concept of care has become increasingly recognized as a distinct approach to moral problems, emphasizing empathetic understanding and relationships between individuals. It is seen as an alternative to the value of justice, which prioritizes rational action guided by abstract principles. However, both care and justice should be included in moral frameworks, recognizing and considering multiple perspectives.<sup>53</sup> In the Kurya community, supporting leaders of girls' clubs and networks is crucial. This support should include access to counselling, group support, media engagement training, and opportunities for self-development and income generation. To achieve progress in the Kurya community, prioritizing relationships of care and trust with women's communities is necessary. Building relationships of trust between men and women is crucial for advancing gender equality and promoting collective action and individual accountability for upholding girls' rights. This approach challenges the notion that moral rules of impartiality always take priority over considerations of care. By acknowledging care and trust as fundamental values, we can create a society where people respect each other's rights and well-being, and where justice is served through the empowerment of women and girls.

### 1.6.3. Creating a Culture of Responsibility

The ethics of care emphasizes the importance of acknowledging and responding to the needs of others, particularly those who are dependent on us for care. This includes our children, who have a compelling moral claim on our attention and resources. The ethics of care recognizes that human beings are dependent for many years of their lives and that our moral responsibility to meet those needs is fundamental to their well-being and progress. In creating a culture of responsibility, we must prioritize the needs of the most vulnerable members of society, including girls and young women, who are often marginalized and overlooked as seen within the Kurya community where FGM, child marriage, Nyumba Ntobhu, intimate violence, and widow cleansing ritual are mostly common.<sup>54</sup> This means empowering them to take an active role in shaping their futures and ensuring that their voices are heard in their communities. A culture of responsibility also requires us to reorient our economic systems to prioritize sustainability, equity, and community well-being, rather than profit and exploitation. By doing so, we can create a more just and equitable society where everyone's needs are met and where everyone has the opportunity to thrive.

### 1.6.4. Policy and Institutional Changes

The concept of morality and justice is often seen as a way to evaluate social behaviors, but some argue it may not apply to all contexts. Feminists criticize legalistic approaches and instead propose an alternative centered on care and empathy. Care is viewed as the fundamental moral value underlying human relationships and societies, requiring moral evaluation and reflection. Advocates suggest that we demand justice, fairness, and rights, but these values must be within a broader framework that prioritizes care and empathy.<sup>55</sup> The distinction between care and justice is vital. While justice is essential for ensuring human rights and equality, it is insufficient for addressing the complex moral issues in human relationships. Caring for others requires a nuanced understanding of their needs and experiences that cannot be reduced to abstract principles or legalistic frameworks. For example, caring for children

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<sup>51</sup> Cf. Otoo-Oyortey, Kwateng-Klavitse, and Howard-Merrill, *Now Girls Know Their Rights*, 44

<sup>52</sup> Cf. Held, *The Ethics of Care*, 43

<sup>53</sup> Cf. Held, *The Ethics of Care*, 62

<sup>54</sup> Cf. Kareithi, *A Historical-Legal Analysis of Woman-to-Woman Marriage in Kenya*, 23

<sup>55</sup> Cf. Held, *The Ethics of Care*, 85

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involves more than just treating them fairly and respecting their rights; it also involves providing emotional support, nurturing, and guidance.

In the context of law and public policy, the discourse of justice and rights has often overshadowed other moral concerns. This has led to a narrow focus on individual rights and freedoms, neglecting the importance of care and empathy in shaping our moral values. As a result, we have seen a proliferation of legalistic approaches that prioritize abstract principles over concrete human experiences. In contrast, a care-based approach recognizes that morality is not just about enforcing laws or protecting individual rights but about creating a society that values empathy, compassion, and cooperation. This approach acknowledges that different contexts require different moral frameworks and that what works in one domain may not work in another.<sup>56</sup> For instance, while justice may be essential in public policy and commercial transactions, it may not be sufficient in personal relationships or in addressing complex social issues like poverty or inequality.

The above points can be applied to the context of harmful traditional practices (HTPs) affecting girls' education. The enforcement of laws against HTPs requires a holistic approach that involves education campaigns, and sensitization of all actors, including traditional leaders, police, judiciary, parents, and girls themselves. This approach must prioritize care and empathy to effectively address the root causes of these practices. In addition to law enforcement, it is essential to strengthen capacity-building initiatives that support girls at risk of HTPs. This includes introducing child protection structures at regional, district, and ward levels to respond to girls' needs. Furthermore, schools must provide a safe and supportive environment for girls who have become pregnant or have children. Refusing girls' re-entry to schools following pregnancy or childbirth amounts to discrimination and must be addressed urgently. Comprehensive sex education is also crucial for preventing HTPs and promoting girls' empowerment. This education should address concerns about safety for girls when traveling and provide in-school measures like sex-segregated toilets. By prioritizing care and empathy in our approaches to HTPs, we can create a more effective strategy for promoting girls' education and well-being.

### 1.7. IMPLEMENTING ETHICAL SOLUTIONS

The concept of care in the Kurya society goes beyond physical labor and encompasses acknowledging and addressing individuals' needs. Care involves attentiveness, responsibility, and responsiveness, moving beyond emotional attachment. It's a complex activity involving understanding needs, selecting means, and choosing strategies.<sup>57</sup> The society needs to recognize care as a social activity with multiple perspectives and power dynamics. Women often lead caregiving but lack decision-making power and resources, leading to burnout and violence. To address this, the Kurya society should develop an inclusive and empowering approach to care, recognizing women's contributions and providing resources and autonomy. This involves understanding diverse care needs and creating a culture that values difference and promotes social justice. The ethics of care involves recognizing, understanding, and taking responsibility for needs, and it can help address the root causes of violence against women in Kurya society.

The Kurya society must also recognize that care is not just about providing goods and services, but about creating a just and equitable society. This means addressing the structural barriers that prevent women from accessing resources and opportunities, such as poverty, lack of education, and gender-based violence. It also means promoting policies and practices that support women's autonomy and agency, such as education and economic empowerment programs. The care-based approach also acknowledges that violence against women is not just a personal issue, but rather a societal problem that requires a collective response. This means working to create a culture of respect and dignity for all individuals, regardless of gender or other factors. It also involves working to address the power imbalances that contribute to violence against women, such as patriarchal attitudes and gender stereotypes. By recognizing the complexity and multifaceted nature of this issue, we can work towards creating a more just and equitable society.

In implementing Held's ethical solutions to the problem of violence against women in Kurya society, it is essential to engage in situated moral reasoning that takes into account the complex power dynamics and social norms that shape women's lives. This requires listening to women's experiences and perspectives, acknowledging their agency and autonomy, and working to create a culture of respect, empathy, and trust. By doing so, we can create a society that values women's contributions to caregiving and promotes their well-being. Ultimately, the Kurya society must recognize that violence against women is a symptom of a deeper problem: a society that undervalues women's lives and agency. By implementing Held's ethical solutions, we can create a society that prioritizes women's well-being, promotes social justice, and recognizes the value of caregiving as a fundamental human activity. This requires a shift from a culture of domination to a culture of care and respect for all individuals, particularly women.

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<sup>56</sup> Cf. Held, *The Ethics of Care*, 62

<sup>57</sup> Cf. Sevenhuijsen, *Citizenship and the Ethics of Care*, 136

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## 1.8. CONCLUSION

The ethics of care provides a valuable framework for addressing social issues, especially those impacting women and girls in the Kurya society. By emphasizing relationships, empathy, and compassion, care ethics promotes a nuanced approach to complex challenges. It acknowledges that moral decisions are influenced by personal connections and emotional ties. Applying this framework to the Kurya society underscores the need to address gender-based violence, child marriage, female genital mutilation, and widow cleansing rituals. These harmful practices perpetuate oppression and must be eradicated. Building caring relationships and communities can lead to a more just and equitable society. Empathy and solidarity with survivors are crucial for fostering trust and creating a safe environment for sharing experiences. Prioritizing care and compassion can help create a more just and equitable world.

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