

Postmodernism and the Challenges of Child Upbringing in Africa Within the Context of Socio-Cultural and Legal Paradigms

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Abstract

A child is the most important and the most delicate nucleus of every society as he is the only medium through which any rot, decay or mistake can be repaired. Put succinctly, he is the second chance of every society. In the core African context, this idea is well understood and better engrained in the focus of the child's upbringing. He is trained to be responsible to his immediate society, his parents and then himself. This obligation is captured by the African Charter on the Rights and Welfare of Children. However, with the colonial invasion of Africa by the West, the core moral fabric of the African society was dislodged and extricated, hence the birth of the postmodern child that is caught in the cultural crossroads of Western values and African ideals.

Keywords: Postmodernism, Child upbringing, Family, Morality, Cultural paradigm.

Introduction

Child upbringing refers to the gradual integration of individuals into the society (Nkem Anusiem, 2010). It is the process of promoting and supporting the physical, emotional, psychological, social and intellectual development of a child from infancy to adulthood.

Parents all over the world hold specific beliefs about proper care and handling of small children and molding them into competent adults in a specified environment (Keller, Voelker and Yovsi, 2005) as well as specific time. During the 1500's in Europe many people believed they needed to treat children harshly to make them strong. In the 1600's children were raised tenderly as they were considered rational beings. More especially in the face of evolving cultures and belief systems, new developments have arisen with regards to child upbringing with their attendant characteristics and consequences.

In African countries it is impossible to define a child's upbringing without reference to the cultural value system. In the core African value system, a child is not considered only as an individual in relation to his parents, but in terms of his extended family members, from both parents, his relationship with his larger community and even his relationship with his environment including the unseen gods and ancestors. Thus, children were generally not considered to belong exclusively to their parents but also to the larger society and the broader group of kin to whom they must not just pay a predetermined degree of obeisance but look up to for moral education and protection. To this effect, Chiyangara and Dete, submit that the child first has obligation to the community and kinsmen and then after these to his parents (2007).

This fact is recognized in Article 31 of the African Charter on the Rights and Welfare of Children:

Every child shall have responsibilities towards his family and society, the State and other legally recognized communities and the international community. The child, subject to his age and ability, and such limitations as may be contained in the present Charter, shall have the duty;

- (a) to work for the cohesion of the family, to respect his parents, superiors and elders at all times and to assist them in case of need;
- (b) to serve his national community by placing his physical and intellectual abilities at its service;
- (c) to preserve and strengthen social and national solidarity;
- (d) to preserve and strengthen African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and to contribute to the moral well-being of society;
- (e) to preserve and strengthen the independence and the integrity of his country;
- (f) to contribute to the best of his abilities at all times and at all levels, to the promotion and achievement of African Unity.

The foregoing exposition of the Charter bespeaks of the African traditionalism where children are brought up to support in family livelihood, security and communal duties as disparate from the misconstrued Western conception of child labour.

By most accounts, we have entered a new age: a postmodern age with its attendant eccentricity and the cost of which is the abnegation of the intrinsic values in the African customs and traditions. It is true that postmodernism has offered its perquisites – it is a liberating movement, it champions cultural reinvention which improves traditional life, it has more radically democratized the belief system where the question “why” can now be asked. But many critics and moralizers are disquieted by its new cutting edge as it tends to erode what remains of the African morality where the African child is a product of many worlds he is exposed to; no thanks to the information world and Google. This paper, without being rebarbative of modernization, will address this concern broadly against the backdrop of anthropological conceptions and legal jurisprudence.

Statement of Research Problems

Africa, before colonialism had a rich spectrum of developments especially in the milieu of sociocultural contexts (Rodney, 1972). The continent formed a broad community rich in uncontaminated sociology as manifested in marriage, births, tutelage, initiations, religion, growths, deaths, etc. However, due to the impacts of colonialism and cultural imperialism, further exacerbated by postmodernist liberalism, the Western world lacked due appreciation for the unique characteristics of African cultures and family sociogram. To keep alive, human society needs other principles alongside industrial and technical culture.

Part of the postcolonial vestiges in Africa is the concomitant assimilation of contagious negative Western values by Africans themselves in the guises of Western modernity. The continent is witnessing a crescendo of foreign anti African values imbibed through the mentality of inferiority complex. The confusion in our ideas and ethics is due to the torpor caused by imitation, whereas our turning our back on our own historical and moral traditions in favour of Western habits does not help us towards clarity. The battle to free Africans from the shackles of Western imperialism remains intractable with deepening exhibitions of farrago of ignorance and complacency. Africa does not draw aside in seclusion from the course which history compels civilisation to follow as compeer in mankind's caravan but to assert the positive achievements of our great past and the great treasures to human culture that laid the foundations of the modern world's edifice.

The family begs for rescue from a miscellany of factors conspiring to exterminate homes. Children are deprived of mother-love and exposed to raging violence, debauchery, inexplicable psychological injuries, moral bankruptcy that leave untold malformations on the personalities of children who

suffer incurable traumas. If the child is neglected as the intergenerational bridge and cynosure of the family, then mankind is at a downhill rush from moral levels into a materialist flood of social unrest and sedition that has lost its spirit and warmth.

To assuage the identity crisis of confidence amongst Africans, Bob Marley aptly posited that we should "emancipate ourselves from mental slavery, and that no one can do that for us". On the basis of this clarion call, this paper attempts to x-ray the phantoms of Western societies family sociology and distills an understanding of the rich traditional africanism of family in order to obviate mere epigonic imitation that debases our variegated cultural opulence.

Research Questions

1. What is child upbringing?
2. What is postmodernism?
3. How does the socio-cultural exposure of the African child to other climes impact their upbringing?
4. To what extent does the international legal paradigm under the African Charter on Human and People's Rights as well as other regional documents offer a veritable framework for an autochthonous child upbringing?
5. How much should African culture hold on to her cultural fences in protection of her ethos and strictures?

Research Objective

The objective of this work is examine the challenges that face the upbringing of a child as he interfaces with a postmodern world where the postmodern man holds one or more of the following views: there is no objective reality, there is no objective truth, that reason and logic hold sway over cultural code, ethos and tenets, and the general apathy towards all forms of cultural assumptions. Part of the objective of this research is to examine the impact which this cultural interface has on the art and process of the child's upbringing in Africa and to suggest tolerable degrees of permitting such cultural entanglement that may not sacrifice the core value of the African moral architecture.

Literature Review

Child upbringing autochthonous to the African ethos has been a concern to many anthropological researchers. Though there are various parenting styles, there are ways in which African parents bring up their children in order for the child to imbue the cultural values and ethics. The ethics of a society are embedded in the ideas of what is considered as right or wrong, what is good or what is bad character. Chiyangara and Dete (2007) believe that these values are thought to the child first at infancy in order for the child to imbibe them effectively. But in the cause of the rearing of the child, he encounters a postmodern world that tends to convolute his cultural strictures thus leaving him with more questions than answers as to what to believe and what to observe. Forghani, Keshtiaray and Yousefy (2015) explain this as multicultural experience which alters the perspective of the child. This point is further accentuated by Mereku and Mereku (2013) when they argue that modern educational system emphasizes western oriented knowledge base rather than free scientific thinking thereby serving to marginalize the African child's way of knowing his own cultural norms.

This work, while examining the socio-cultural angle to the discuss, contributes to the body of existing work by including a discussion on the international legal regime under the African Charter on Human and Peoples Rights as same pertains to child upbringing as well as his rights and obligations.

What is Postmodernism?

Postmodernism is a concept that represents an avant-garde of a cultural crusade and era, which appeared in those periods of Europe renaissance when the awareness and feelings of a new epoch emerged from a renewed relationship to the ancient; depicting a style of any creative group active in the innovation and application of new concepts and techniques in a given field (especially in the arts). It inflects a programme that revolts against all normalizing functions and all that is normative, in that it depicts an abstract opposition between tradition and the present.

Postmodernism is hard to define because it is a concept that appears in a wide variety of disciplines or areas of study, including art, architecture, music, film, literature, technology, sociology, communications, fashion, history and law. It has, therefore, not been easy finding a single definition for the concept. Of note is that juristic thoughts have always suffered unsettled conceptions among legal experts. As a matter of fact, this problem has been noted by the Supreme Court in the case of **Federal Republic of Nigeria v. Mike Amaechie** (2004) 1 SC (pt II) 27 per Niki Tobi JSC in this dictum: ...Definitions are definition because they reflect the idiosyncrasies, prejudices, slants and emotion of the person offering them, while a definer of a word (concept) may pretend to be impartial and unbiased, the final product of his definition will, in a number of situations, be a victim of bias.

The Macedonian Philosopher, Aristotle, shared this concern when he quipped that "Indeed the problem of definition of words looms large in jurisprudence and traverses the entire terrain of law, thus creating nightmare for lawyers" (Aristotle, 1932).

It is hard to locate postmodernism temporally or historically, because it is not clear exactly when postmodernism began. Perhaps the easiest way to understand postmodernism is by thinking about modernism, the springboard upon which postmodernism seems to have grown or emerged.

Modernism usually refers to Neo-Classical Enlightenment assumptions concerning the role that reason (rationality) plays in guiding our understanding of the human condition (Drake, n.d.). It includes in general the activities and creations of those who felt that the traditional forms of art, culture, literature and religious beliefs were becoming ill fitted to their tasks and outdated in the new economic, social and political environment of an emerging fully industrialized world. Postmodernism redefines the new world and values. If we define the present ongoing effort to remake contemporary family life as the postmodern family, it signals the end of a family pattern of activity and emergence of new areas of endeavour whose activities are unclear and whose meanings and implications are not yet well understood. The post-modern world is shaped by pluralism, democracy, religious freedom, libertinism, consumerism, mobility, fast communication and increasing access to news and entertainment. The resultant effects of these orientations is the renunciation of universal conscience and indulgence in proclivities that has made humanity less sensitive to purity, aesthetical and spiritual needs as well as the needs of the environment. Residents of this post-modern world are able to see that there are many beliefs, multiple realities, and an exhilarating but daunting profusion of world views – a society that has lost its faith in absolute truth and in which people have to choose what to believe (Nath, 2017)

In legal jurisprudence, postmodernism affirms the urgent need for a new form of legal reasoning. Although Lloyd states that it is a notoriously ambiguous concept which has no clear definition, (Freeman, 2014) postmodernism proposes a change in the direction oriented toward the creation of operational legal concepts: creative justice, perspectives rationality, a systematic theory of truth and a judicial process that guarantees the multicultural experience (Forghani, Keshtiaray & Yousefy, 2015).

The latter part of the twentieth century saw the rise of postmodernism to the forefront of legal theory (Nish, 2012). Postmodern theories claim that law cannot have any foundation because they believe there can be no foundation for objective knowledge of any kind. This argument clearly redefines the loyalties accorded cultural tenets in child upbringing since it can as well be said that there is no basis for adherence to traditional African culture. Besides, it has been noted that law is whatever the most powerful cultural groups in society make it (Nish, 2012).

Postmodernism questions reason. It challenges the basic assumptions of rationality and posits that reason is no more universal than any other culture's definition of truth. Hence there is no objective means of identifying what is Truth even though it may exist.

Postmodernism deemphasizes holism, spirituality and traditionalism and subjects them to postmodern yardsticks of judgment. The effect of this within the African cultural milieu is that culture has made a complete break with its past and proceeded on a persistent search for a new meaning!

African Child in the African Cultural Paradigms and Contemporary Climes

The notion of child and childhood has been regarded differently both as a social phenomenon and as a legal concept. Researchers agree that the meaning of these terms is not rigid and therefore subject to a constant process of struggle and negotiation in public discussions including media, in the academy, in social policy, in interpersonal relationships (Ndofirepi & Shumba, 2014) and even in the legal parlance (Momodu, 2013). The central premise here is that 'child' is not a universal concept that enjoys a fixed meaning. This contention does not however argue that there are no common themes that unify the understanding of the concept of child in the African societies (Ndofirepi, 2013). These common strands of understanding boarder on how a child is parented, how he is supported by his immediate environment in his nurturing morally and economically, how he relates with the adult and his immediate society ethically and how the extended society outside his immediate parentage relates with him.

The African cultural paradigm is typified by a sociogram that is all-inclusive in terms of care and upbringing. Within the African cultural sociogram, the child is the product and beneficiary of multiple tutelary – parents, uncles, aunties, and others in the compound filiations, from which the child imbibes life skills and strategic impartations as coping mechanisms for survival and intergenerational transmission. Such impartation finds expressions in the home and community where the child exhibits entrepreneurial and empire-building skills by assisting in the economic, social, cultural, political and strategic needs of his/her people. Eventually the child is endowed with numerical intelligences through exposure to commerce and spatial intelligence in their itinerancy of errands run for the family. Ultimately the child is 'street wise' against the naivety associated with postmodern children raised in the pamper of gated habitations. This is true of majority of African cultures as opposed to Europe's individualistic culture. This one difference creates an entirely new paradigm and behavior.

The comprehensive nature of the African sociogram is projected at nurturing African ethos in the child. The child is thought to know and show complete loyalty to his uncles and aunties and other extended members of the family. This loyalty is even extended to elderly members of the family as well as community leaders. In turn, all these people contribute to the moulding of the child, his adaptation into the society, his sponsorship in education and development of skill. It was common place (and still largely is) for an uncle to punish a deviant child for the purpose of attitudinal impaction. This was not resented by his biological parents as it was acknowledged that everybody in

the life of the African child had a responsibility in creating a common pool of resources for the upbringing of the child.

From the take of the role of education in the improvement of human capitals for communal development, the United Nations defined education as “a force that develops well-rounded and engaged citizens, and builds more cohesive and participatory societies” (Cohen and Bloom, 2005). In the same vein, the National Academy of Science (National Academic of Science, 1996) reflects scientific literacy as the “knowledge and understanding of scientific concepts and processes required for personal decision making, participation in civic and cultural affairs and economic productivity.” Within the context of these definitions, the role of science education as a component of young people’s completely educational experience is to prepare them to become well-rounded and engaged citizens for full and satisfying life in the world of the 21st century. Its teaching in Africa places much emphasis on providing western oriented knowledge base to students rather than engaging them in what scientists do (Mereku & Mereku, 2013) thereby serving to marginalize African peoples’ ways of knowing, including their cultural norms, practices, technologies, arts, language and literature. In Western educational system inculcations, the child is classically conditioned to view certifications as the only mainstay of successful existence, view historians, celebrities and superstars as the only people worthy of respect or admiration and institutionalize a worldview of the purpose of being and God that is contrary to the puritanical ontology and cosmogony of Africa. In Africa, such literacy includes intergenerational transmitted knowledge of cultural norms and practices, indigenous technologies, arts, languages which are referred to as local or indigenous cultural knowledge, which must prepare the indigenous learner to understand his/her own social conditions and to search for effective, home-grown solutions to their own problems.

African cultural fences are about the maintenance of boundaries of morality. These boundaries define the African nation and if haphazardly torn down and replaced with untested values, it will come with its consequences (Shahada, 2010). Central to the cultural theme of African culture are spirituality, ethics, family formation, marriage rites. These are important distinctive elements in the African cultural milieu as they impact the African child in his self-development. This is because African culture places a high premium on moral attributes like decency, kindness, valour, truthfulness, respect, godliness and mores.

Since colonial invasion of Africa, Africa has never remained the same. The underlying change is viewed strongly by some. The argument presented is that as a result of the impact of alien domination and globalization, African culture is undergoing a process of erosion and cannot have a viable existence given the overwhelming impact of alien elements predominantly European (Kigongo, 2002). This argument seems to resonate with the sentiments of Shahada when he observed that the African culture in contemporary time is like an empty bottle which advertises a product it no longer holds (Shahada, 2010). While this suggestion comes with the seemliness of exactitude, it is humbly submitted that it is less than the absolute truth. The viability of the African culture can still be justified in the sense that we can still talk of a continuity of the African cultural content despite the change, though the essence and intensity of this content cannot be established with certainty. The African cultural ethics did not collapse, instead they lost their intrinsic importance in the perception of people and assumed a peripheral role in the event of colonialism and its attendant cultural impingement (Kigongo, 2002). In Nigeria, for instance, one way in which some cultures reflect this challenge is the erosion of native language and replacement with the English

language. It is a common concern shared by many cultures within Nigeria. As a result, diglossia is a common feature in Nigerian society.

This perceived peripheral status of the African culture comes with serious consequences on the upbringing of the child, videlicet:

a. Firstly, the nucleus nature of the African setting is dislodged

The nucleus nature of the African cultural setting is one of the distinctive features of African culture that is diametrically opposite to what is obtainable in Europe. It plays an important role in the upbringing of the child since in Africa the community is considered the custodian of the individual. This informs the existence of social elements like community center, town hall, village square that play a significant role in the tutelary requirements of the child. Traditional housing and architectures were redolent of the values and symbolism of our heritage as African and serve to unite all elements of the family. The design and features of traditional housing, particularly the courtyards provided a rendezvous for inter-households congress, symbiosis and socialization.

In the new wave of urbanism, housing styles and settlement design layouts and patterns are hybridized antithesis of African cultural sociology and filiations. Gradually there has been an erosion of African cultural fabric through the media diffusion and absorption of culture and the inherent dominance of Europeanism or postmodernist proclivities due more on indiscriminate media intakes. However, under the postmodernist era, a plethora of factors (Western styled housing and neighbourhood design, sexual re-orientations and permissiveness, meretricious treatment of the sanctity of marriage, divorce, etc.) conspires to abort the existence of the family that Africanism holds inviolable as the basic unit of society. Quite uncommon in the past, contemporary urban children and families are losing their indigenous mother language, costumes, cuisines, etiquettes, cultural history and identity. Under the heavy domination of the European culture, more Africans homes are opting for individualism where the child is the sole responsibility of the biological parent.

b. Secondly, the alienation of filial ties

It is 'African' to value filiations. Brothers, uncles, aunties, grandparents, etc. have great control over an individual and in some cases; this control tends to endure throughout the life of the individual (Mijlof, Roman & Rich, 2020). The benefits of this rich African cultural expression to both the old and young cannot be overemphasized. For instance, the nexus between children and the old folks affords a symbiosis that leverages warm supportive companionship to the elderly, even when such could not beget a biological child, as opposed to the uncared, depressed and solitary life that old ones are consigned to in the West as trends in the postmodernist era. In the framework of this interdependence, children's IQ and knowledge develop as they spend quality times with the elderly and learn much ancient wisdom particularly during moonlight folktales and post story telling gatherings. Such sessions provide rich context developing knowledge and skills in speech, mythology, reading, critical thinking, numeracy, history, traditions, and native sciences in children. Thus, trust and assimilation builds-up in the interaction between children and elders.

Therefore, it is not commonplace for a relative to seek for permission to pay visit to any member of his family at any time even unannounced. Consequent upon this, it is 'un-African' for one to question an unannounced visit by an extended member of the family. This practice is obviously alien to the Western culture where permission is not only especially requisite, but same may

even be refused on being sought. This practice, like many other features of the cultures of the Western world, has found a place in the culture of postmodern African societies.

c. Thirdly, dislodgement of traditional institutions for dispute resolutions

A conflict is a state of opposition between persons, ideas and interests that could lead to confrontation, antagonism or irreconcilable or contradictory opinions or points of view. According to Stein conflict is when differences show in terms of cohesion, a disagreement or clash between ideas, principles or people. Conflicts management is about diffusing tension and ensuring a win-win for conflicting parties. Managing conflicts is having the skills in handling antagonism using resources, tactics, process or approach that can diminish friction. Africans have always explored mediation, persuasion, consultation, value/social norms, etc. to mitigate conflicts. Within this paradigm, native courts resolve disputes through traditional fiat. Negotiations and persuasions explore the vehicle of oath sworn to, and agreement reached while evoking the divine and compliance assured due to the inherent fear of consequential repercussions from such evocations. Besides, manhood induction ceremony imparts the understanding among the initiated to uphold inviolably the sacredness of fellowships. These have entrenched communal harmony and solidarity among members of various age grades and families. Aberrations and pervasions from cultural norms and values are checked through anecdotal histories, particularly during folktales, to show how the violations of norms and cultural values entail malediction on individuals or whole families, ostracized or banished.

In case of conflict, the traditional institutions were often turned to for resolution and they were effective in ensuring peace. Prior to the British colonial administration in Nigeria, traditional institutions of governance played very significant roles in conflict management and resolution as they wielded very strong political influences in their domains. The traditional dispute resolution institutions promoted consensus-building, social bridge reconstructions, as well as enactment of order in the society. This well-structured time proven social system was well instanced in the Akans traditional courts in Ghana, the Tswana culture in Botswana, the endogenous Gacaca courts in Rwanda, the Acholi Justice system in Northern Uganda, the Kpelle people of Liberia, the Ndendeuli of Tanzania, the indigenous system of Yoruba people, the heterogeneous traditional institutions of Igbo people, the homogeneous traditional institution of Hausa/Fulani, and the Pondo tribe of Zulu in the South African justice system. With the advent of colonialism and post colonialism, traditional institutions not only became weakened but decimated and thus unable to live up to their traditional responsibilities of conflict management and peace-building.

Trends in the Postmodern Family

Edward Shorters is perhaps the first to use the phrase "the postmodern family" in the 1970s. He believed a fundamental erosion of the nuclear family had begun with the emergence of postmodern changes in family system. He identified three main aspects of this change: the weakening of the links between the generations characterized by adolescents showing indifference to the family's identity; a declining commitment to the idea of marriage which results in instability in the lives of couples and rapid increase in divorce rate; and increased difficulties experienced by women in finding meaning in a life based on domestic activities in the home which culminates in the destruction of the notion of nuclear family life with the liberation of women (Cheal 1996).

To him children were having weaker links with their parents because they were turning away from their parents and towards their peers; and increased divorce was attributable to difficulties in satisfying an enhanced eroticism and women's individualism and economic independence.

Child Upbringing and the International Legal Milieu

The various provisions under the international legal instruments make provisions for the protection of the child. A wide array of international instruments has been drawn for the purpose of promoting the rights of children by state parties. Some include Declaration of the Rights of the Child 1959, Minimum Age Convention 1973, United Nations Convention on the Rights of the Child 1989, African Charter on the Rights and Welfare of the Child 1990, African Charter on Human and People's Rights 1986. Basically, their focus is on the 'protection' of the child. Not so much is averted to the colour of upbringing or training of the child, but it can be gleaned that the child's right is perceived from the purview of enhancement of his wellbeing. Some of the protections as enunciated include that the child is to enjoy special protection as well as opportunities and facilities for healthy physical, mental, moral, spiritual and social development "in conditions of freedom and dignity". The child is also protected from any form of child labour by stipulating a minimum employable age. The list is quite inexhaustible.

Of all the various international laws, the African Charter on Human and People's Rights (ACHPR) addresses the protection and development of children not just from the angle of the "prevailing interest of the child" like every other international instrument on children's rights, but also from the angle of their duties to the family and their immediate community. The law rather robustly provides that:

Every individual may freely, take part in the cultural life of his community;

The promotion and protection of morals and traditional values recognized by the community shall be the duty of the State (See Article 17 (2) and (3) ACHPR).

Furthermore, the Charter provides for a place for the community whose moral and ethical standards must be protected by the state, thus enjoining the protection and promotion of the traditional values of the community on the government. The Charter provides thus:

1. The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health and moral.
2. The State shall have the duty to assist the family which is the custodian of morals and traditional values recognized by the community.
3. The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.
4. The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs." (See Article 18 ACHPR)

These provisions can be viewed as a reflection of the African customary law as they are more consistent with the African customary system which considers the holistic development of the child to mean that he must be reared, not just to know his rights and entitlements within his society but, to understand his duties to his society as well.

However, a closer look at some regional instruments particular to Africa reveals that there is the inclusion of duties of the child. Article 31 of the African Children Charter places some duties and responsibilities on the child. The following are the duties contained in the African Children's Charter:

- (a) to work for the cohesion of the family, to respect his parents, superiors and elders at all times and to assist them in case of need;
- (b) to serve his national community by placing his physical and intellectual abilities at its service;
- (c) to preserve and strengthen social and national solidarity;
- (d) to preserve and strengthen African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and to contribute to the moral well-being of society;
- (e) to preserve and strengthen the independence and the integrity of his country;
- (f) to contribute to the best of his abilities at all times and at all levels, to the promotion and achievement of African Unity.

Articles 27 – 29 of the African Charter on Human and People's Right (ACHPR) imposes a number of duties on the child which he owes to the family, society and state and even to the international community. "Every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance".

The inclusion of these duties in the ACHPR has not been without some criticism by some scholars (Mutua, 2002). They consider that the imposition of the duties on the individual could be construed as a legitimization of state power to override individual rights. Also, they argue that the provisions for duties to family condone and support repressive and retrogressive structures and strictures of social and political ordering. Beyond this, they contend that the duty of the individual to serve his national community is dangerous as it serves as justification for obstacles to freedom of movement of the nationals of a state, particularly Article 29(6) of the ACHPR which requires individuals to "work to the best of his abilities" as same could be used to impose forced labour on the individual (Sloth-Nielson & Mezmur, 2008).

It need be stated that the ACHPR, the African Child's Charter and other African human rights documents are different from the European and the Inter-American human rights systems in several respects. Mutua (1999) argues that the most notable contributions of the African Charter are the codification of the three "generations" of rights, including the concept of peoples' rights, and the imposition of duties on individuals. According to Heyns (Heyns, 1996):

The importance of the group in African tradition is reflected already in the title of the African Charter. Because the group or 'people' is considered to be the basic unit of society, in contrast to the West where the individual plays the predominant role, this document, which has been ratified by almost all African states, is entitled the African Charter on Human and Peoples' Rights

This difference between the African Charter and its counterparts is perhaps a clear expression of the emblematic distinction of the African ethos which was captured by the welcoming address Leopold Senghor (President of Senegal) in 1979 to the Meeting of African Experts preparing the Draft African Charter in Dakar, Senegal. After referring to the example set by international human rights instruments, he said:

As Africans, we shall neither copy, nor strive for originality, for the sake of originality. We must show imagination and effectiveness. We could get inspiration from our beautiful and positive traditions. Therefore, you must keep constantly in mind our values of civilization and the real needs of Africa.

Conclusion and Recommendation

The challenges that come with postmodernism which include inability to foster brotherhood, encouragement of racism, its fractionalization and internal discords, lack of spiritual vitality, unbridled warrant to licentiousness, the irrationality of its doctrines and corruption constitute the myriad of quagmire which child upbringing in contemporary Africa is faced with. The African Charter of Human and People's Rights, the African Children's Charter on the Duties of the Child, as well as other African child protection documents significantly reflect the African ethos which the drafters obviously intended must be the basis of our own colour of civilization. Nevertheless, the postmodern child has completely parted ways with his root and embarked upon search for new meanings of his doctrines. This has left the African child at a crossroad of cultural divergence, disorientation and bafflement.

The concern here is how much should the African culture hold on to her cultural fences in protection of her own strictures and at what point is it necessary for her to allow those fences to fall and let in other civilization. While it will continue to be a subject of academic discourse and jurisprudential exploration, it is proposed that the essence of the African scruples must be rekindled in view of how far removed most African homes are from their African patterns of child upbringing. It is conceded by these authors that it is reasonable for these patterns to remain open to new ways and civilization, but such openness must be to such tolerable degree as will be useful to the values and real needs of Africa and not to sacrifice the very moral fabric we seek to protect.

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