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**NURTURE AS THE BASIS FOR INDIVIDUAL DEVELOPMENT:
WITH SPECIAL REFERENCE TO CHILDREN'S RIGHTS IN
KENYA.**

BY

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*Nurture as the basis
for individual*



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DECLARATION

This thesis is my original work and has not been presented for the award of a degree in any other university.



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Date 20/3/2007

This thesis has been submitted with our approval as the University Supervisors.



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DEDICATION

Dedicated to my late father Isaac K.Sagini for his inspiration in my pursuit for higher education, but left when I needed him most; my mother Mebo Amagove who has stood by me this far, and my brothers Nickson Amuhaya and Samuel Amayi for their love and sacrificial material support for my higher education. I will always be grateful.

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ABSTRACT

The purpose of this study was to clarify the concept of nurture, whose understanding is prerequisite to facilitating individual development. This led to the analysis and discussion of nurture in its historical context and the duties of each of its relevant instruments in facilitating the actualization of fundamental human characteristics, which in the case of children are present in potency. Since each of the instruments of nurture is on its own limited in carrying out its duty of nurturing, this study explored the importance of the instruments working together in harmony. The central thesis in this study is that a clear understanding of nurture and harmony among its instruments is central to the realization of individual development, which is an inalienable human right.

The study was based on the assumptions that proper nurture determines individual development and is indispensable for the enhancement of children rights. Further, the disablement of individuals in society is as a result of lack of harmony between the instruments of nurture. These assumptions were conceptually proved mainly through library research. Data was collected on varied concepts and views regarding nurture in its historical context, individual development and human (children) rights. These were subjected to analysis, criticism, discussion and argumentation in order to clarify, evaluate and determine their meaning, underlying assumptions and justification.

the findings of this study are that nurture is in most literature, knit to the nurture – nature debate in which the main question is: which of them influences how one behaves and what one becomes in future? The study appreciated nature only with regard to the innate characteristics of human beings such as rationality, sociality and morality. But nurture becomes paramount in the realization of what nature imbeds in children. The study understood nurture as the process of facilitating individual development, which not only constitutes physical growth but also the actualization of important human potential and characteristics such as rationality, criticality and individuality.

This study examined the various forms of violations of children rights, whose cause it found out to be a misconception of nurture and lack of harmony among the instruments of nurture. The research has led to the conclusion that nurture is every child's right which can be effectively administered after a proper understanding of the concept and its place in individual development, with harmony being maintained among its various instruments.

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DEFINITION OF TERMS

DEVELOPMENT: The process of actualizing the possibilities of an individual making him/her better and more complete.

DISABILITY: The state of being physically, mentally, rationally, morally and socially incapable.

EQUALITY: The state of regarding people as equals and giving them their dues with impartiality.

HUMAN PERFECTION: Betterment or actualization of such essential human capacities as rationality, sociality, creativity and morality.

HUMANIZATION: Making life more humane.

INDIVIDUALITY: A form of development particular to an individual, and distinguishing him/her from others especially in reasoning, decision- and choice-making.

INHERENT: Existing as a permanent quality of a human person such as rationality, sociality and morality.

INSTRUMENT: An agent of facilitation of provision of means for achieving or furthering individual development for instance the family, state, and/or personal initiative.

JUSTICE: The quality of being reasonably fair in granting individuals what is rightfully due for their development.

NURTURE: The act of providing or facilitating of the necessary means for humanization of life. This begins by acknowledgement and appreciation of the worth and value of individuals (children).

RIGHT: Entitlement or a justified claim to have access to the necessities of life that are aimed at the betterment of every individual in society.

SPIRITUAL: The non-material distinctive characteristics of human beings such as rationality and individuality.

CHAPTER ONE

1.0 GENERAL INTRODUCTION

1.1 BACKGROUND OF THE STUDY

Nurture is the process of facilitating provision of basic means for enhancing individual development. It begins by the appreciation of the worth and dignity in human beings, which is then fostered by provision of physiological needs such as food, housing and health care etc. Nurture is a necessary means to individual development and therefore a human right. It is administered directly or indirectly to individuals within their locality by the concerned instruments. It influences to a greater extent individual development and behavior.

Instruments of nurture are the agents that facilitate provision of the necessary means for individual development e.g. the family and the state. Each instrument needs to work in harmony with each other, taking its rightful responsibility towards the individuals under it. The family unit stands out as the primary instrument of nurture. It nurtures one from conception through birth and further in life intimately. As such, the state should support the family by ensuring for instance that social amenities such as schools, hospitals and institutions for legal processes are in place for access by all citizens. This study aimed at unraveling the intensive and extensive responsibility that such instruments of nurture must assume.

“Human rights” is a name for what has been traditionally known as natural rights, or the rights of a man. Human rights are moral entitlements that every individual in the world

possesses simply by virtue of the fact that he/she is a human being. They derive from the fact that we are not only physical but also moral and spiritual beings. As shown by Gichure (1997: 139), rights may be the rights to be or to exist, to act in certain ways, or to enjoy certain things. They can, therefore, be possessed, exercised or enjoyed. Human rights are needed to preserve every individual's humanity, in worth and dignity. Humanity, in this regard, guarantees human rights, i.e., rights are owing to every human being in as much as he is a member of the human family, since each human being shares in the human nature.

Human rights identify and specify conditions that are crucially important for a life worthy of human persons and communities as negotiated and agreed upon by representatives from diverse cultural moral traditions from varying points of view (Cahill, L.1996: 363).

These are all presented in the Universal Declaration of Human Rights of 1948, adopted by the United Nations. The interests of children, however, were not explicitly included in the Declaration leading to the impression that their rights had been quite neglected. As Leach, P. (1994:P.18) says, the phrase 'children's Rights' is needed not because we are identifying a separate category of rights but because children have been excluded from the rights, which are universally human. Children are essentially human beings, only that they belong to a tender stage of the development process. In addition to what Leach observes, this study focuses particularly on children and their rights not because they do not belong to the class of individuals or humans, but due to their dependency on adults, which makes them the most vulnerable to abuses. We also note that their development progress is more visible and thus more accessible to scrutiny.

The United Nations adopted the Convention on the Rights of the Child in 1989. This became a landmark in the history of the rights of the child since it is the first international instrument adopted in this field. Children are entitled to be respected and brought up with dignity simply because they are human, whatever their age.

In the United Nations Convention on the Rights of the Child (1991), Child-rearing is a human (children's) right.¹ We realize that this right is at the core of all other rights of children, and therefore very essential. This is because it determines the enjoyment of other rights. Every individual (child) has the right to life, yet its enjoyment depends on whether the instruments of nurture e.g. the family will support it. For instance, if a pregnant mother decides to abort a pregnancy, that is the end of this individual's enjoyment of that right. Infanticide is another instance, which shows that one's enjoyment of their right to life is dependent on the individual instruments responsible for nurture.

Development being an inalienable human right is as well dependent on nurture. The entitlement to life, education, and security is meant for individual development. Yet the enjoyment of this right to development is also dependent on nurture. It is the opinion of this study therefore that nurture is the foundation upon which meaningful respect for human (children's) rights as well as individual development are conceivable. Thus, every individual is morally entitled to proper nurture in order to pursue or attain full development.

1. <http://www.unicef.org/specialsession/rights/>

There are, however, several cases of human rights violations in society today. As regards children, these violations are commonly referred to as child abuse and neglect. The common manifestations of these violations in Kenya are child abandonment, attempted or actual infanticide, burning, battering, child labour, existence of street children and sexual abuse (Nasimiyu & Mugambi 1999: 162, Shorter 1991: 112). In 1989, for instance, there were 167 cases of child abuse and neglect reported in the Daily Nation. Some of the cases were headlined:

“Boys abandoned in city shanty,” (26th January)

“Mother kills son then drowns self,” (7th March)

“Two six month-old babies abandoned under a tree,” (3rd June,)

Many such cases have continually been reported. On 6th November 2002, a report in *Taifa Leo* p.1 was headlined, “A five year old child killed by mother in Nyeri, because of new husband.” Young unwed girls abandon their children due to stigma, shame and fear of their parent’s reaction. Children with disabilities or deformation are often left in hospitals or thrown away. Incest and rape are some of the sexual abuses reported in Kenya in the recent past (Nasimiyu & Mugambi, *Ibid.* 163). In the year 2004, 715 cases of child abuse and neglect were reported in the Kenyan media

Plato (1993) gives the role of the state in nurturing individuals and further shows that there is need for harmony among the various parts of the individual and of society for integral development of both to be achieved. Gewirth (1996), in his “Social Contribution Thesis”, shows the mutuality of the principle of human rights with each person having a

potential is heavily dependent on the performance of the instruments of nurture especially the family unit. This study observes that nurture has not been given adequate attention in Kenya. Consequently, vices like child abuse have been prevalent. The central contribution of the instruments of nurture in enhancing individual development has not been fully appreciated.

We perceive incomplete or stunted development of individuals (children) in society today to be mainly as a result of improper conceptualization of nurture, lack of acknowledgement and appreciation of the inherent worth and dignity in children, and lack of harmony among the institutions of nurture. We, therefore, see the need to clarify the concept of nurture, whose understanding is core to the realization of individual development, which is a basic right of all human beings.

This study addressed the above problem in the light of the following questions:

1. What is nurture?
2. To what extent does it (nurture) influence individual development, in the light of human (children's) rights?

1.3 JUSTIFICATION OF THE STUDY

An understanding of the concept of nurture and appreciation of the inherent worth and dignity in individuals are pre-requisites to effective fostering of their development. Nurture, as a necessary means to human perfection is core to this development. Thus, it is important to clarify the conception of nurture, without which, stunted development is a consequence.

Children's development is to a great extent shaped by the way that they are nurtured. They are among the recipients of welfare services, and their experience in areas such as health, housing, education etc, do much to determine not only their present well being but also their future life chances. There are however many reported cases, in Kenya for instance, of children who are deprived of the necessary means to achieve development, yet they remain relatively invisible and silent about it. This study is important because it contributes to our understanding that children are important people in society whose innocent humanity needs to be respected and honoured for social stability and development. This study is significant because it seeks to show that facilitation of individual development is dependent on the understanding of the concept of nurture, and the harmony among its various instruments. This provides a guide for promoting the welfare of the child in Kenya today.

Human rights are quite simply concerned with asserting and protecting human dignity and equality, and are ultimately based on a regard for the intrinsic worth of the individual. This study is important because it attempts to raise the moral consciousness of the instruments of nurture on the vulnerability of children to abuses in order to enhance their welfare through protection and guarding of their (children) development interests. The study also enhances our understanding of the interdependence of human rights, that is, enjoyment of nurture as a right determines achievement of the other rights that lead to individual development.

1.4 RESEARCH ASSUMPTIONS

1. Nurture determines individual development.
2. Lack of harmony among the instruments of nurture has led to disablement of individuals in society.
3. Proper nurture is indispensable for the enhancement of children's rights.

1.5 RESEARCH OBJECTIVES.

1. To clarify the concept of nurture.
2. To relate nurture, individual development, and human rights.
3. To find out the possibility of harmony among the various instruments of nurture, as a means to individual development.

1.6 LITERATURE REVIEW

The available literature on nurture counteracts it with the issue of nature. Psychologists trace nurture from the ancient Greek times and is commonly contrasted to nature in debates referred to as 'Nature versus Nurture' (Sdorow, L.1993: 114). The question is whether nature (heredity) or nurture (environment) is more influential in determining the level of intelligence reached by individuals (children). Further, whether behaviour is determined by nature (inheritance) or by nurture (experience) (Weiten 1989: 8). The terms 'inheritance' and 'heredity' are interchangeably used in most literature in referring to 'nature.' Similarly, 'environment' and 'experience' are used by many theorists when referring to 'nurture.' The question we deduce from this debate is; do human

characteristics stem from acquired genes or are they formed in the course of human interaction with others/surroundings?

John Locke (1660) took the most radical position in favour of 'nurture' side of the controversy. He proposed that children are neither innately good nor innately bad. Innately, they are nothing at all. He argued that the child's mind is initially *a tabula rasa*, a blank slate, and whatever it becomes is almost completely the result of learning and experience. According to Locke, nature contributes nothing to the process of development except providing a live body (Crain, W. 1985: 3, Papilia 1990: 73)

The nature side of the debate holds that we are born with complete genetic instruction that determines our response to every situation. Wilhelm Von Leibnitz (1646-1716) made the strongest argument for nature (Papilia 1990:73). For him, a baby is essentially the result of the combination of his/her fathers and mothers genes. The way a child behaves is determined by the heredity factor.

Aristotle (1975) indicates that the relationship that ought to exist between kinsmen is that of friendship. According to him, for instance, parents love their children as themselves, "for that which comes from a person is that person's very own, like a tooth or a hair..."(*Nicomachean Ethics*, 1161b). He maintains that the friendship of children towards their parents is one towards something good and superior, for parents have done the greatest of goods, since they are the cause of the existence and nurture of their children and then of their education. Aristotle emphasizes the idea of love within the family. A loving environment renders life more humane according to this study. Parents

and other institutions of nurture ought to consider children as their very own selves' in order to curb the anti-social and immoral issues affecting children in society today.

We agree with Aristotle that children are human because they can grow into adults (Clark, S.1975: 27). This is in line with our study's intent to present children as individuals in their own right and as future human becoming. Instruments of nurture have the responsibility of enhancing this achievement. As a champion of nurture, Aristotle believed that the environment or life experiences play a big role in individual (child) development. In this study, the life experiences in Aristotle's position are those things done to, for instance, children by their parents or peers, and could result to stunted or complete individual (children) development. For example, the development of a child who is subjected to hard labour, sexually assaulted or abandoned will be negatively affected.

Rousseau (1962b), made a more positive point on children by asserting that they are not empty containers or blank slates but have their own modes of feeling and thinking. This is because they grow according to Nature's plan, which urges them to develop different capacities and modalities at different stages. Unlike Locke, he had no faith in the powers of the environment to form a healthy individual, especially the social environment. He believed that it is vital for us to allow children to perfect their own capacities and learn in their own ways, as Nature intends. We can infer from Rousseau the idea that individuals (children) have some in- built potential, which need to be actualized. We however disagree with him on the point that the environment should have no input in this

actualization for fear of any negative impact on the individual. It makes sense to note that improper nurture can lead to disablement of individuals in society. But this is a result of a misconception of nurture, which this study intends to clarify. Here, if nurture is well understood, then society (instruments of nurture) remains paramount in helping individuals actualize their potentials. We hold that each of the instruments of nurture is capable of contributing to individual development without necessarily causing them to be too dependent on, or corrupted by society.

The above stated literature is geared towards finding the way to individual's development. Some hold that it is Nature that determines this development while others maintain that it is nurture. Such positions are all important to our study. However, we argue that nurture determines how the Nature-built potentialities such as sociality, rationality and morality are actualized.

Most modern day theorists see the entire question of 'nature versus nurture' as a picture of how nature and nurture; heredity and environment constantly interact to produce the individuals we observe. This study concurs with Lee (1990: 1), that each individual (child) is different from all others. She points out that individuals inherit from their parents' characteristics of body and mind, which are the basic equipment for their development. At the same time, the environment, that is, the conditions of life where children are born and the kind of people who care for them – determine how they are able to use this equipment (body and mind) in their journey to maturity. We agree that nature implants some qualities in human beings. However, those are not in the strict sense genetically composed as the psychologist may argue. Genes, according to this

study, may contribute to the physical composition/appearance of individuals and to their level of intelligence to some extent. But some qualities such as rationality, sociality, morality etc. are tied to human nature and not genetically acquired i.e., these qualities belong to human nature regardless of how they come into existence. But how much of these is realized or actualized depends on nurture. The idea of nature and nurture interacting is relevant to our study in the sense that proper nurture enhances the actualization of the inherent (natural) qualities in human beings.

Plato (1993) depicts each individual as having some potential, which ought to be realized for the good of the society. This is done following a thorough nurture by the state. This includes giving an elaborate education system such as to the guardians. We borrow Plato's idea of individuals having inherent potentials, which ought to be actualized. As concerns children, Plato (1993:170) proposes that they should be shared with no parent knowing which child is his/hers. Children are to be brought up communally; he supposes that the officials in charge of the children at birth should do the sorting, so that those of good parents like the guardians are taken to the crèche and handed over to nurses who live in a separate section of the community. These officials are however, required to hide away children of worse parents and any handicapped children of good parents (*Ibid.*174). We realize that Plato overemphasized the need for individuals to be brought up by the community or state. This we only appreciate could apply due to the emergence of institutions such as children homes in Kenya, although we note that these institutions respond to the failures of the basic instruments of nurture. This study deviates from Plato in recognizing the family as well, as an important player in nurturing. It agrees with Hunt

that, of all the instruments that shape our personality and help us adjust to the changing environment, the family is the most important (Hunt 1987:283). This is due to its intimacy to the individuals in it.

We further disagree with Plato on the supposition of nursing children in isolation, for example that those of the guardians be nursed alone. We think that such action is an exercise of discrimination, which is a violation of children rights. For us if children were to be brought up communally, then each and every child would be entitled to proper nurture under the nurses that Plato proposes for the guardian's children only. In such a communal context, we think that the children's natural capacities will sort out their inclinations for the future society i.e. some will become rulers, farmers, etc

Additionally, any physical impairedness of a child such as lameness and blindness should not deny children proper nurture or an opportunity to live on as Plato suggests. Physical condition is an irrelevant consideration by any instrument of nurture as an excuse for denying some children their rights. Instead, effort should be made to help such children actualize their human potential because every individual (child) has worth and unique potentials regardless of his/her physical challenges. Every individual is important to the society and should, therefore, be nurtured properly. In fact, some of the physical disabilities of children may have resulted from improper nurture, for example, drug abuse by an expectant mother and failure to take a child for polio vaccination.

In Plato's *Republic*, (Boyd 1970), the idea of development is a fulfillment of the individual as a whole. Self-fulfillment is the integration of the intellectual, emotional and

physical powers of an individual. According to him, a human being is a micro-cosm of society. This is important to our study in that, individual development precedes the prosperity of the society. A person who is developed from within him/her is in a position to take his/her rightful position in society and enhance its prosperity. Nurture is meant to enhance individual's fulfillment and ultimately that of society.

Lomasky (1987:171) states that the primary responsibility for the nurturing of the child ought to reside within the family. But this, we agree, does not entail that exclusive responsibility lies therein. "The rights of the child impose collective obligation on everyone, at least in the negative sense of not doing damage to a potential generator of personal value" (*Ibid*). The implication here is that each person needs to assume the duty of protecting the child. This idea is important to our study in considering every instrument of nurture as having a hand in protection of children's rights, and in other positive performances that can be claimed for the child as a matter of right.

Most of the above literature on nurture does not give a clear understanding of what it is. It is sometimes referred to as 'environment' in the psychological discussions of determinants of human development and behavior. (Grobstein, 20th Dec. 1994 [<http://www.acsa.edu.au/>]). Philosophical ancestors of psychology such as the British empiricist J. Locke is quoted as **having taken the position for nurture in answering the nature-nurture question**. His position as stated earlier, is that experience is the source of knowledge. In this case nurture is given to us as experiences that one goes through. Elsewhere, in talking about nurture, some thinkers refer to the education that one

receives, or the kind of home that one grows up in (Papalia, D. 1990:73, Plomin, R. 1996). According to this study, whatever has been mentioned here is either an aspect of nurture (such as education) or an influence of nurture (such as experience), but does not exactly tell us what nurture is. We seek to analyze all that is tied to nurture by both philosophers and psychologists in order to bring out a clear understanding of nurture and show its centrality in individual development. Further, we will show its relatedness to human rights, depicting it as the basis upon which other rights stand. This has so far not been seen in the literature we have encountered. According to our study, immediately after conception, nurture should take its course to help individuals realize their development even after birth. Morality requires that proper nurture be accorded to every human being. This is after the instruments of nurture such as the family acknowledge and appreciate that a foetus or an infant has the rights of a person, as implicitly stated in Kamm, F. (1992:3).

The United Nations Convention on the Rights of the Child (1991) attempts to show the central position of children in society. The recognition of the child's position in the family is present in the preamble and in Article 18. The latter outlines the duty of states to provide support for families, to assist them in child rearing. Article 27 (1) requires that state parties recognize the right of every child to a standard of living adequate for their physical, mental, spiritual and social development. In the convention on the Rights of the child, we see the call for states to support the basic instrument of nurture (i.e. family), in its duty of bringing up the individual. The instruments of nurture are therefore required

to work in harmony in order to help individuals enjoy their right to nurture and realize development.

The rights of the child, as claimed in the United Nations Convention are based on the inherent worth and dignity of the individual (child). This is seen in Paragraph 2 of the Preamble. According to our study, the spiritual aspect of nurture is partly seen in the acknowledgment of children's worth and dignity and the purpose to respect it. However, children's rights have not been aggressively pursued in practical terms. Admittedly, the opening paragraphs of the Preamble are simply a speech- style of the United Nations rather than an insistent deontological principle. This case also applies to all other instruments of nurture. In this study, each of these instruments need to take their rightful positions, bearing in mind the inherent worth, dignity and potentials in every individual (child) for development to be realized.

Nurture (or child rearing) is not like any other right as given in the Convention on the Rights of the Child. We think it lies at the core of other rights, and therefore, very essential. Consider for instance one of them, that of "The right to life" (Article 6). A child's mother or the family for that matter determines to a greater extent whether one enjoys this right or not. The right to life and the right to education are examples of rights that lead to realization of individual development (an inalienable right). But the determinant in realization of these rights is nurture. That is why it stands out to be the bedrock for all other human (children's) rights.

Gerwith (1996:81) shows the mutuality of the principle of human rights. Each person, he says, has a right against all other persons to the goods he/she needs for his/her freedom and well being, and each has duties to all other persons to respect these goods. The right of the child, to which our study is greatly based, imposes duties on the instruments of nurture. Children are related to actual duty holders in bonds of recognition that make their rights or goods a concern for others. Other than being potential duty holders of others' rights, children are to respect their parents and other persons responsible for their nurture.

Mill (1991), in *On Liberty*, discusses at length the importance of individuality, which he holds as identical with continued effort at self-development. Individuality, according to Mill, is the most important ingredient in human well-being. Mill's argument is important to our study, because the process of nurture ought not to make individuals (children) slaves of social conventions. Whatever they are taught (e.g. morality) and the protection accorded to them by the society should be such that their own powers of reasoning will have the ability to judge. An individual's moral right to individuality should have room to develop within their environments.

An individual's initiative is also necessary in achieving their development. It is important for people to understand who they are in order to pursue the necessary means for their moral, social, creative and rational development (Wambari, K. 1992.). Even here, there is need to enlighten individuals in society about their role in this development. In an unpublished letter to the New York Times, Grobstein, P. (1994) states that, apart from the

nature (the genome) and nurture's (the environment's) influence on individual development, the "self", which he terms as 'a third influence' is important and able to influence it's own fate.

Kant (1951: 47) shows that morality raises concern of all persons and can be applied to each one of them without contradiction. His Categorical Imperative presents all human beings as deserving respect by virtue of their rationality. The human action towards fellow human beings has moral worth if it is equally directed to all in similar circumstances. For example, parent with ten children should regard them as counting equally and each of their interests as well. This same parent may not be obliged to, for instance, meet the needs of his/her neighbors children, but should relate to them with respect as he/she would do with his/her own, due to their human worth. Kant's position is important to our study because the starting point of human rights discourse is human worth and dignity, which qualifies their (humans) need for equal treatment as others in similar circumstances. To be effective in their nurturing responsibility, the instruments of nurture need to acknowledge and appreciate the worth in children then take the initiative of facilitating the actualization of their (children's) potential.

1. 7 CONCEPTUAL FRAMEWORK

The conceptual framework of this study is three pronged. Gewirth's concepts of justice and equality, Plato's concept of justice and Kant's categorical imperative will guide this study.

The concepts of justice and equality as adopted by Gewirth (1996) emphasize that the principle of human rights requires corresponding mutualist structural patterns of society that effect the comparative possession of freedom and well-being among different social groups or classes. This is in line with the subsidiary principle which spells out the limited but positive role of the state in the light of a social theory that insists on the dignity and social nature of the human person, the rights of the family, the need for intermediate associations and the state's function of seeking the common good. Justice in this case relates to human rights for it requires that each individual receive whatever he/she is entitled to. Further, the spiritual dimension of Gewirth's project is directly reflective of the moral concern that all humans be enabled to live lives of dignity, self-fulfillment and mutuality of respect. He shows that respect for other people's rights requires a sense of duty. This will enable people to live lives of dignity and self-fulfillment. He maintains that cooperativeness and fellow feeling is important for the development of people in any community.

Plato's (1974) concept of justice holds that the human soul has rational, spiritual and appetitive elements. An individual is just in virtue of the harmony, which exists when the three elements of the soul perform their proper functions and so achieve their proper fulfillment. Further self-fulfillment of the mind, body and soul of the human person brings integral development. Since an individual is a microcosm of society, the state too possesses the virtues of wisdom, courage, and discipline. These ought to be in harmony in a just state.

Kant (1951) has used the Categorical Imperative to show the basis for genuine morality.. One of the formulations of his Categorical Imperative states that, 'Act so that you treat humanity, whether in your person or in that of another, always as an end and never as a means only.' All human beings should be respected and be regarded equally by virtue of their rational nature.

Gewirth's concepts of justice and equality is the main guide to this study. This is because it is directed towards the well being of all individuals in society regardless of their age and sex. His ideas are more tied to social living, and take care of our reference to the concept of human rights in addressing the problem of our study. His concepts highlight the need to respect every individual due to their worth and dignity. This will be complemented by Kant's Categorical imperative that explicitly points the worth that warrants respect for all human beings. Human worth and dignity provide the basis for human rights. Gewirth's concepts of justice and equality further throw light to our objective of finding out the possibility of harmony among the various instruments of nurture, by suggesting the cooperativeness that ought to exist among the social classes in society. This will be reinforced by Plato's concept of justice that explicitly presents the necessary harmony needed within the parts of the human soul as well as in a just state for integral development. This guides our study in achieving the objective of finding out the possibility of harmony among the various instruments of nurture.

1.8 METHODOLOGY

This study was based on conceptual analysis. It involved library research. We reviewed existing literature on nurture and individual development, reports and other sources on the concept of human rights. A study of relevant sources was done within libraries at Kenyatta University, University of Nairobi, Catholic University of Eastern Africa, Tangaza College, Maryknoll Institute of African Studies and Consolata Seminary in Nairobi. We gathered data from published and unpublished works such as M.A and Ph. D theses, books, encyclopedia, journals, and dictionaries of philosophy, psychology and sociology. We also referred to newspaper reports, Kenya Human Rights Commission and the Permanent Committee on Human Rights reports and documents reporting incidences of human rights violations especially child abuse cases. We employed the following philosophical methods in analyzing and interpreting the collected data:

Description: reporting information from the original sources.

Analysis: breaking down of the information.

Criticism: positive and negative evaluation of data.

Argumentation: seeking justifications for claims made and evaluating evidence and reasons given in support of claims.

Discussion: exploring varying points of view.

Synthesis: integrating views and reconstruction of ideas – coming up with new Concepts based on the products of the above.

1.9 SCOPE OF THE STUDY

This study examined the meanings attached to the concept of nurture in its historical context by deviating from the 'nature-nurture' debate in an attempt to establish a more precise understanding. It examined and determined the centrality of nurture to individual development in the philosophical context, since individual development has a slightly different connotation in other disciplines such as psychology, where nurture is as well linked to it. We explored individual development in order to unveil human nature and its essential characteristics, showing the place of nurture in their actualization. The concept of human rights was used to the extent that it is rooted in human nature and since both nurture and development in general have a place in its present discourse. But the study was narrowed to individual development in which nurture has a direct influence. Human rights also captured the instances such as child abuse that we referred to.

CHAPTER TWO

2.0 NURTURE, AND ITS INSTRUMENTS

2.1 INTRODUCTION

This chapter examines the meanings assigned to nurture in its historical context in order to establish a better understanding of it. It seeks to explore the relevant instruments of nurture. It also aims at a better understanding of the concept of nurture while demonstrating that its influence on practice determines individual development. Nurture is appreciated as an inalienable human (children) right since it ought to lead to self realization of human beings.

2.2. NURTURE IN A HISTORICAL CONTEXT

The term “nurture” has in the recent past dominated developmental psychology literature in what they term as the “Nature-Nurture” debate. The psychologist’s oldest and most fundamental question is whether human behaviour is determined mainly by our genetic inheritance (nature) or by our environment and experience (nurture). This falls in one of the major schools of thought in psychology founded by J. B. Watson in the 1900’s, that is, behaviourism (Weiten 1984: 8). Watson’s simple question was whether, for instance, a master criminal is born or made ? We agree with his answer that the master criminal is made, not born. In other words he discounted the importance of genetic inheritance, maintaining that behaviour is governed entirely by environment (nurture).

Historically, the nature versus nurture question was framed as an all or none proposition. In other words, some theorists argue that personality characteristics and mental abilities

are governed entirely by heredity while others argue that these traits are determined entirely by one's environment.

Philosophers such as John Locke and Jean Jacques Rousseau also engaged themselves in this long debate, each taking a different position. According to Locke, nature only provides a live body, but a child's experiences and environment (nurture) contribute a lot in the process of his/her development (Papalia, D. 1990:73). Rousseau held the opposite position –the nature side of the debate. He believed that nature needs to be given a chance to guide a child's growth and development. The social environment should have no influence on them but allow them (children) to perfect their own capacities and learn in their own ways (Crain, W. 1985:7). We earlier appreciated Rousseau's view but maintained that if properly understood, nurture should always lead to proper individual development

Our intention is not to pursue the long aged debate on nurture and nature's influence on children, but to locate nurture in its historical context. The result is however not permitting us to completely discard the nature side of the debate because we realize that nurture requires something (human nature) to work on. The conception of nature in the debate is pegged on biological inheritance while nurture is based on the environment within which one is born and brought up.

Today, most theorists agree that nature and nurture are both very important. Research has shown that genetics and experience together influence our intelligence, temperament and

personality. It also determines our susceptibility to many psychological disorders (Schlesinger, 1985). Jean Piaget, who is a modern era inaugurator of infancy research, rejected a dichotomy between nature and nurture in favour of development that combines biology and experience. Here, nurture is seen as working together with nature in the interest of intellectual development of children (Kiminyo, D. 1986). Dewey holds a similar view in his philosophy on human nature. He assigns a fundamental role played by nurture on human nature. We agree with his position that humans are by nature social creatures, who cannot grow, as humans except by inhabiting an environment constituted by their fellow human beings. It is clear that a person's development is realized through nurture (Tiles, J. 1992:7). Further, this study appreciates Dewey's stand that the environment should nurture an individual to fit in society while allowing him/her unlimited scope to grow as a self with unique potential to function as an integral part of society as a whole.

We agree with these theorists that certain characteristics of a human being can be attributed to heredity exclusively, for example, the sex and skin colour. In others, there is a strong nurture's influence, e.g. an individual's social and moral behavior. Moreover, according to this study, social and immoral acts such as children living on the streets, criminals, child labour and the like are not products of heredity but nurture.

2.3.0 WHAT IS NURTURE?

Nurture may be understood as the environment of the interaction experiences that make up every individual's life.³ Here, environment comprises all that is not genetic. It

3. <http://define.ansme.com/words/n/nurture.html>

consists of the intra-uterine surroundings of an embryo and foetus, the food and climate, which impinge on the child and adult, and the psychological and cultural influences of home, school and society in their complex impact upon individual development. This is the meaning that most of the theorists discussed above (2.2) attach to nurture (Boyd, P.1967: 339). The conception of nurture as environment has enlightened this study. Nevertheless it is too broad and cannot help us to see its direct influence on individual development.

This leads us to another meaning given for nurture, which is, raising someone to be an accepted member of his/her community (*op. cit.*). The immediate question here is how and by what means this rearing is carried out? Another definition of nurture is that, it is the properties acquired as a consequence of the way an individual was treated during childhood. This definition seems to imply that nurture is the end result of some kind of treatment that an individual may have gone through in life. This does not satisfy the intention of our study. We think that one's social life or level of rationality cannot be nurture, but a result of it (Rieber, R. 1998). Another definition of nurture is that it is helping a child to develop. Here nurture is understood as a booster to attainment of development.

The above definitions throw some light to what nurture is all about. They aid us to derive a more satisfactory meaning of nurture to be the act and process of providing an environment that helps individuals (children) to develop their potentials in society. This environment includes adequate food, clothing and shelter, education, healthcare, security,

a loving surrounding. Any alteration or lack of these aspects of environment disables children, results into child abuse and is a violation of children's right to development.

Nurture begins right after conception and goes on throughout the life of a child. There are agents that facilitate provision of an environment suited for individual (children) development. These are the family, the peer group, the community, the state and international instruments. We will look at each one and their functions in nurturing.

2.3.1. PRE-NATAL NURTURE.

The life cycle of a child begins with the fertilization of an egg in a woman's womb by the sperm of a male adult. The fertilized egg grows quickly into an embryo, foetus, infant, toddler, pre-school child, school child, adolescent and finally into an adult (Kiminyo, D. 1986:1). Conception is a very important moment in the life of a child. It is the time when the pattern for future growth and development of an individual is set in motion. The extent and realization of a child's potentials depend upon his/her environment first within the mother's womb and later, outside. Research has shown that immediate environment within the body influences the action of the genes. The normal course of development as set by them can be altered by changes in the foetal environment in the uterus. Such factors may be inadequacies in maternal diet and viral infections (Raller, W.1969: 141). This implies that nurture begins its influence on individual development right at the initial stages of gene actions in one's mother's womb. Nature's course is therefore, to a greater extent, determined by nurture.

Lifestyle behaviours of the mother such as cigarette smoking, weight gain during pregnancy, and use of other drugs have an effect on foetal growth. Among women who smoke cigarettes during pregnancy, there is a tendency to have babies of lower birth weight and there are significantly a greater number of premature deliveries (Freiberg, K. 1998:23-26).

The above lifestyle and nutritional risks that influence infant health are amenable to change and if modified before or during pregnancy, can improve the livelihood of the delivery of a full-term healthy infant. A woman and the society at large can do something to improve chances of having normal, healthy children. This is a state of proper nurture. Abortion is another factor that hinders individual (child) development. A child's life-cycle and development is cut short by being expelled from the mother's womb at a foetal stage before it is viable. This is a manifestation of instruments of nurture's failure and therefore a violation of children's right to development. Worse still, an unsuccessful attempt to induce abortion with drugs is said to be one of the probable causes of congenital malformations (Raller, W.1969: 141)

Parents especially mothers should take care and assist their unborn babies attain full development, which is not only physical but also spiritual. Pre-natal nurture sets the pace for Post-natal nurture and to individual development in the long run. The starting point is the acknowledgement and appreciation of humanity that resides in a foetus; for an individuals value inheres in the fact that he/she is a living being with human person

potentialities to be realized. With this in mind parents and the society at large need to do all that it takes to foster individual (children) development.

2.3.2. NURTURE AFTER BIRTH.

A child once born should enjoy the right to be wanted and to belong. At the end of its existence it has the right to die with dignity. Between these two extremes it needs to be provided with physiological needs such as food and shelter, an education adequate to its special needs, an unpolluted physical and social environment, meaningful and appropriately remunerated work, due consideration for his/her affectionate needs, social and economic welfare rights-and the list extends indefinitely (Lomasky, L.1987: 4). The instruments of nurture have a responsibility to ensure that once a child is born, he/she is provided with or exposed to the relevant needs and requirements for optimum development.

The experiences a child has in his/her early years of life affect their emotional, intellectual and social development even though they are naturally endowed with the potential to do so. These experiences for the most part take place in the home and include the relationship between the child and his/her parents, or other adult members of the family (Kiminyo, 1986: 14). It is of utmost importance that instruments of nurture especially parents, recognize their power to shape and help a child's development. Children need more than love including stimulation, consistency and sense of security. Parents are most capable of disabling or enabling their children to attain physical, social, moral and rational development. A child's early experiences form the basis for both a

healthy self-confidence and sense of being able to deal effectively with his/her environment or a sense of powerlessness and dependency.

2.4.0. INSTRUMENTS OF NURTURE

Each instrument of nurture has a role to play in individual development. We want to examine and show the function of the family, peer group, the community, the state and international instruments.

2.4.1.0. THE FAMILY.

The family is the most basic instrument of nurture. It is within it that we start life and become oriented to it. All the higher animals have a form of family life, but the human family has had to develop much more complex functions, partly because of the prolonged period of dependent childhood characteristics of man (Hunt & Colander 1987:288).

The functions of the family can be classified in many ways but we have chosen to list them in four headings: physical, psychological, educational and economic functions

2.4.1.1. PHYSICAL CARE FUNCTION

By physical care function we mean a family's responsibility to tender an individual (child) into healthy growth. A newborn infant is so helpless that its very life depends on the care given to it by other human beings. In the extended family found in societies like traditional Africa, many people co-operated to give the child the physical care necessary.

Parents need to provide physical care for a child until it is grown, which means an average of fifteen to twenty years. The provision of care, protection and emotional

support requires a heavy investment of time, energy, creativity and money (Richardson, D. 1993). This investment contributes partly to individual development, which is the chief aim of nurture according to this study. It contributes partly because physical development is not all there is for a human being; it is a part of the complete whole of individual development which includes the actualization of spiritual human characteristics such as rationality, individuality etc.

2.4.1.2. PSYCHOLOGICAL FUNCTIONS.

The family is the child's first social contact. As earlier observed, in the early years of a child's life the family influences the basic attitudes and emotional qualities that later show up in the adult personality. Most theorists have argued that a secure family background is essential to the development of an emotionally stable and responsive personality (Freiberg, K.1998: 146). Children need both affection and someone to turn to in times of trouble. In cases of extreme rejection by parents, young children may turn inward and become autistic to the extent that they cannot talk or in any way respond to other people.

In the *Nicomachean Ethics* (1161b), Aristotle argues that there should exist a friendship between kinsmen; but the source of it is paternal friendship. Parents love their children as being part of themselves but having been split off from them. This is an important argument for nurture and contributes a lot to individual (children) development. The available cases of child abuse and neglect in Kenya today indicate, however, that it is not always the case that parents love their children. That is why this study clarifies nurture

and shows that it is core to individual (children) development – an inalienable human right.

Further, love as given by Aristotle, is not enough. To be secure children must know what is expected of them, be able to trust their parents, and must be disciplined firmly but not harshly when they exceed the bounds of society's acceptable conduct. Increasingly, as children become able to meet responsibility, they should be given responsibility by their parents in order to develop the independence and confidence to enable them, when they grow up, to assume adult obligations. Children have a right to be oriented to responsible life and behaviour and a sense of individuality in their actions.

2.4.1.3. EDUCATIONAL FUNCTION

A child is given his/her basic education during the first five years of life, because it is then that attitudes towards learning are definitely established. If a child's early quest for knowledge is satisfied, the child will be stimulated to want to learn more at the stage of formal education (Hunt & Colander, 1987:292, Nasimiyi & Mugambi, 1999: 157). The family is the first school which impacts those virtues that every society needs. It is through it that children are gradually introduced into civic partnership with their fellow human beings.

Hegel, G. W. asserts that, "children have the right to maintenance and education at the expense of the family's common capital. The right of the parents to service of their children is based upon and is restricted by the common task of looking after the family generally" (Hegel, 1952: 117).

Hegel brings out the family's role in nurture with special reference to its function in education of children out of the family means; for we agree with him that, each family must possess property out of which children are to be educated and maintained. Education for Hegel, consists mostly in instilling into children the universal mind and thus developing into actuality the freedom which they already potentially possess (Stace, W. 1955:411). This study understands Hegel's concept of freedom as the right of each individual human being to act independently in pursuit of his/her own self-interests. When the process of education is complete the children become themselves free independent persons with the right to possess property of their own and the right to form new families by marriage.

From the foregoing, parents are the initial educators of children. Their role is so decisive that scarcely anything can compensate for their failure in it. It devolves on parents to create a family atmosphere to foster a well-rounded personal and social development among the children. In Kenya today, the responsibility for children's formal schooling has been given to educators. Proper nurture requires that parents have interest in their children's progress. Besides training in early years they need to supplement schooling by encouraging and arousing interest in their children's education pursuits.

2.4.1.4. ECONOMIC FUNCTION

By tradition (for instance in African culture), some tasks have been recognized as women's work, whereas others have been regarded as men's work. Although the

particular tasks allotted to men or women vary considerably from one social group to another, in every society a husband and wife constitute a working team. Children observe the roles of the parents and grow up identifying themselves with tasks they have come to associate with members of their own sex (Richardson, D. 1993). Perceptions of who does what in a family have been changing. Traditionalists argue that the division is biological and that women find satisfaction in their responsibility for the bearing and nurturing of children and caring for the home, while men are responsible for the family's material needs and work hard to provide these. Proponents of women's rights, however, claim that this division exploits women (*Ibid.*).

Regardless of who is right in this debate, nurture requires that each parent plays their role and help children develop and exhibit their full potentialities. Although a modern mother is still seen as a child's primary nurturer and emotional guardian, the modern father has also a responsibility for childcare, which is not only providing for material needs but also establishing a bond with the children. *A father's intimate relationship with children is a necessary requirement for their development. For example,*

“A father's more playful interactive style turns out to be critical in teaching a child emotional self-control. Likewise, a father- child interaction appear to be central to the development of a child's ability to maintain strong, fulfilling social relationships later in life” (Freiberg, K. 1998:127).

Aristotle (1921:1252) holds that the family is the association established by nature for the supply of human being's everyday needs. This implies that all families must have an

income. Children are partly dependent on this income for survival. Hegel comes in strongly and stresses that every family considered as a single whole must possess property. He adds that a father holds this family means or property in trust, and the members of the family especially children, have the right to be maintained and educated out of it (Hegel, 1952:116).

These positions take it for granted that every child is born and brought up by either parents or a united nuclear family. Whereas we agree that every child has a right to belong to a family and his/her needs be met therein, in society today. Circumstances in society have given rise to, for instance, single mothered/ fathered children, neglected children and HIV/AIDS orphans who as well require proper nurture. They are entitled to all that is needed for their development. This calls for participation of a wide range of persons in nurturing such children into individuals who assume responsibility of actualizing their potentials. Thus, the need for the wider community.

2.4.2. THE COMMUNITY

Traditionally, it was the role of parents to look after the physical, social, economic and religious well-being and development of their children. On the other hand, the children owed their parents obedience, respect, gratitude and love, especially when the parents grew older (Mbiti, 1969, Nasimiyu & Mugambi, 1999). Grand parents as well played an important role in child formation. The extended family structure provided dignity and worth for every person taught children important roles in order to maintain the

relationship network. The whole society determined the upbringing of the child. Thus the responsibility of nurturing children fell on the whole community (Nasimiyu & Mugambi: 1999: 159).

Mbiti and Nasimiyu point out important aspects in African culture with regard to children's upbringing. We learn that the parents and community's pursuit is to bring up physically, socially, and economically fit people in the long run. But another very important quality of a child's development is individuality. Therefore, as we present children in this study as dependent of other human beings for development, the act of nurturing should be such that an individual's rationality and individuality are uninterrupted. Further, the instruments of nurture are to nurture children as a matter of pure duty and not necessarily with an aim of enjoying their children's services in future.

The community's role in nurturing children as shown by Nasimiyu implies that nurture is everyone's responsibility. In indigenous Gikuyu community, for instance, the wider (extended) family helped in child rearing practices. A study carried out in Gatundu division in Central Province, Kenya showed that, the upbringing of children in African culture was based on mutual support and sharing of responsibilities by other members of the community (Watson, S. 2002:2).

Apart from relatives and other people within a child's reach, there is the school and religious institutions, which equally play a role in individual development. Hurlock (1964) asserts that social and moral development of children are based on the family,

school and religious institutions. A child's attitude towards progress is influenced by the relationship he/she has with relatives, playmates and teachers. Through a close network between parents and a schoolteacher for instance, a child will move smoothly from home to school with parents determined to facilitate his/her development. Religious institutions nurture and influence children's moral development by shaping their ideas about the importance of specific values and by reinforcing the moral code they have learned at home and in school. Proper nurture of children does not give way to indoctrination; for although children need to be shaped and helped to realize optimum development, they should be allowed to grow up as independent and responsible human beings for their own actions. Additionally, it is necessary for any child to be accepted in social settings/institutions regardless of their physical status and tastes.

2. 4. 3. THE PEER GROUP

Peers are persons of about the same age or maturity level. "Peer groups provide a source of information and comparison about the world outside the family. Children receive feedback about their abilities from their peer group. Children evaluate what they do in terms of whether it is better than, as good as, or worse than what other children do. It is hard to do this at home because siblings are usually older or younger" (Santock, J. 1995:327). This study agrees that as children grow up the peer group provides a forum for their development. Sociality is an essential human characteristic whose development is evidenced by good peer relationships. With regard to nurture, this study observes that parents have the responsibility of modeling and coaching their children in the ways of relating to peers for example by teaching them how to mediate disputes, and encourage

them to be tolerant and resist peer pressure (*Ibid* :329). We hold that the foundation for both good and poor peer relations is laid down by parents.

Peer groups have a positive place in nurturing but they can also provide ground for inhibiting individuality, for instance if no room is given to all children to formulate and assert their own opinions freely. Further peer pressure in society today has a decisive effect and can lead children into, for instance, drug abuse (Dryfoos, J.1990). This study holds that proper nurture of every child can yield good peer relationships among children and therefore healthy individual development.

2.4.4. THE STATE.

According to Aristotle (1921), the state is the highest form of community and aims at the highest good. It aims at satisfying all the needs of men. Children are herein included, because for Aristotle, the humanity of children lies in the fact that they can grow into adults. He holds that the primary function of the state is satisfaction of human economic wants. With regard to this position, we realize that economic stability of both the state and the family is paramount to individual development. Proper nurture, however, lies in the fairness to distribute available resources where need be in order to enhance development of all children.

Plato (1993) says that the State's responsibility towards individuals is to provide their physical, security, and education needs among others. In the course of nurturing, the State, he says, should also regulate people's conduct. Children, in Plato's *Republic* are to

be brought up communally without their parents identifying with them. But as earlier mentioned, children require intimacy from their own parents. Plato's position stands only if on the other hand, we argue that a person who is primarily responsible for the nurture of a child need not be the biological mother or father. This applies to the emergence of children homes, such as in Kenya, where they are under the care of volunteerers.

The view of this study is that children need to be in contact, and be taken care of by their own parents, except in the case where they (parents) are insane or deceased. Any assistance that the community, or State offers to children should be channeled to them through their parents.

Generally speaking, the State participates in nurture by a government ensuring that health facilities, schools and institutions for legal processes are in place for access by all citizens. It should also play a subsidiary role in case of a family and community's inability to provide for children; and step in to curb child abuse and neglect. Parliamentary bodies that are concerned with social and humanitarian affairs are to mobilize support and set standards that guarantee individual development as a human right. This is through maintaining a decent standard of living, adequate nutrition, health care and education facilities, decent work and protection against calamities (UNDP.2000). International instruments also have a part to play in nurturing. They should help in strengthening State instrument and in building capacity. They can act as instruments of nurturing children wholesomely at national levels where education, food, and shelter are channeled to them through their various governments.

2.5. HARMONY AMONG THE INSTRUMENTS OF NURTURE.

The above instruments of nurture should work in harmony in order to foster optimum individual development. In other words, nurture is not a single instrument's affair. The family, the community, the state and international instruments should work hand in hand in nurturing children. Collaboration in the whole process is a necessary requirement for individual development. The street children problem in Kenya, for instance should be everybody's concern, and not just the government's. By harmony we mean the working together of the instruments of nurture in facilitating individual development through proper nurture.

Children's physiological needs such food and healthcares are not just the parents' responsibility but also the community and the state (government's). Children in a particular family may starve to death due to lack of food unless the community or the government does intervene when the need arises. Disharmony is manifested when, for instance, government representatives in locations or villages decide to swindle food that the government channels to the needy families through them.

The Kenyan government's policy of children having access to 'free' basic education, this can only be possible if the other instruments of nurture work towards actualizing this policy. Parents need to take their children to school and also work together with the teachers to ensure their children's academic progress. Disharmony is revealed in this case when, for instance, parents fail to work with the government by sending their children to

school, or when other adults harbor them in their houses as employees (for instance, house helps).

We realize, therefore, that harmony among the instruments of nurture promotes individual development. Realization and promotion of individual (children's) right to development calls for teamwork of the instruments of nurture. One instrument (such as the family) may prove deficient in carrying out its responsibility towards the individual (child), but it is at such a point that this study requires the other instruments to assist.

2.6. CONCLUSION.

We have in this chapter exposed and examined nurture in its historical context, and its various components. We have realized that nurture is basically the act of facilitating individual development, which is not only physical but also spiritual. We have also examined and showed the role of various instruments of nurture in individual development. We have seen the need for these instruments to work in harmony for good results.

We have found out that children need to be safe and secure at home to develop a positive sense of self, necessary for their growing into healthy, productive, caring adults. They need to be safe in their communities to be able to explore and develop socially and successfully learn at school. Children are entitled to proper nurture in order to actualize their potentialities.

CHAPTER THREE

3.0 INDIVIDUAL DEVELOPMENT AND NURTURE

3.1 INTRODUCTION

Our aim in this chapter is to discuss individual development, and examine the extent to which nurture influences its realization. We will begin by examining the concept of human nature from, which stems distinct characteristics of human beings whose actualization is vital in this study. It is worth noting that the term “individual development” has a slightly different connotation for the psychologist’s. For him, it is a pattern movement or change from one stage in life to another with notable physical and psychological aspects. We appreciate that understanding, although for us development also encompasses the actualization of a child’s human characteristics that lead him/her to a state of individual responsibility. We aim to show that both the material and spiritual aspect of human development are important, but nurture’s role in the latter is more desirable

3.2.0 HUMAN NATURE

The concept of human nature attempts to point out the qualities that differentiate human beings from other beings. This concept is useful because it points out certain features that are unique to human beings such that whenever the concept is invoked it captures the class of humans, that is, a member of the biological species *Homo Sapiens*. Additionally, it indicates what is given about humanity and the sharing of all human beings in this humanity, understood as beings that have the capacity such as of rationality and self-consciousness.

Berry (1986) points out that the concept of human nature explains human action especially when considering what is suitable for humans to do, either for themselves or for their fellow human beings. For example, a parent or guardian who silences a child from questioning issues or giving an opinion is suppressing part of that child's humanity. This derives from the premise that children share in the distinctive features of human beings and therefore have a right to be treated kindly or be given room to actualize their human nature. Human nature can therefore be regarded as something that makes up human beings or their essence, that is, rationality and self-consciousness.

3.2.1 DIFFERENT VIEWS ON HUMAN NATURE

i) Dual nature of human beings.

The view of dualistic nature of human beings can be traced back to the Greek philosophers beginning with Plato. This is seen in his Dialogue Timaeus (in Cohen, 1995, p.446, and 34c-35a) where he depicts the soul to be older than the body through God's construction, yet prior in birth and excellence. Plato's conception of human beings is that they partake of both the divine world of spirit and the perishable world of matter. But these two worlds are opposed to each other thereby presenting us with a life full of conflict in human beings. With these, Plato was led to the tripartite conception of the soul, which is furthered in his Republic (bk. IV, 435c-444)

Since matter is temporal, the soul is assumed to be the only principle of life and movement in all human beings. It (soul) is, therefore, responsible for the conflict or harmony in human beings. For example an individual, who realizes a need like nurturing a child, is acting on reason, since reason is the faculty responsible for knowing and

judging what is good. One who actualizes this realization of need to nurture is acting on will or spirit, because such action promote some purpose that he/she has or should morally have. Such an individual may give up on actualizing this realized need and desire to push it aside because of boredom. He or she is acting sensually (by means of appetite), and is attributed to body by Plato. The body-spirit conflict common in human life is illustrated in this analysis. But such conflict, we think, can be overcome if our will and bodily appetites are laid subject to reason such that whatever one chooses to do or desires to have is first passed through the clearinghouse of reason before implementation.

From the above, we get Plato's description of the tripartite nature of the human soul, that is, the soul as made up of reason, spirit and appetite. Reason is the highest faculty of the soul, for it is responsible for knowledge, understanding, and moral judgement. This in turn forms the basis for the will-responsible for decision making and choice, upon recognition of the true and the good. For example, when a parent recognizes that giving their children education is good for the achievement of their development, his/her will makes the choice to actually do so by paying fees and letting the children attend school. The will presides over what appetites are to be gratified and how they end up being gratified. Appetite remains as the lowest faculty (it is attributed to the body) since it is given to passion.

In *The Republic* (bk. IV, 441) Plato states that the spirited faculty of the human soul has a natural affinity with reason but it may be corrupted by a bad upbringing that is, nurture. This indicates that although human beings are naturally endowed with reason and will,

the kind of nurture they are accorded may lead to full actualization, therefore development.

The good life, according to Plato, is one whereby reason reigns over appetite. Even though such a life is possible, desirable and prescribed by God, it is not easy for anyone. In ordinary life body appetites crave so strongly for gratification that they override reason. Incest and rape are often instances of the sexual appetite violating rational bounds and morality. We note that incest and rape are some of the child abuse cases reported in Kenya today and are detrimental to individual (child) development. When we say that a life guided by reason, in the light of bodily passion, is not easy; we do not dispute its attempts or possibility. That is why in this study, the instruments of nurture are responsible for enablement or disablement of children development.

Further, in *The Republic*, Plato used his theory of the nature of the soul to explain the relationship of the human soul, individual and the state. The three classes of the state, namely, the guardians, the warriors and the producers (auxiliaries) correspond to the rational, the spirited and the appetitive parts of the human or individual soul respectively. His main concern in this was to define and give the nature of justice. According to Plato, justice in the individual lies in the three parts working harmoniously. Similarly, justice in the state consists in the three elements of the state working together in harmony. This is development. We think that this development can still be achieved in the conflict prone human nature through determination. This is because human beings should work at allowing reason to guide and reign over their appetites. When this happens, it shows that

each part of the human soul is performing its function and none is overriding the other- a sign of development. This in turn will influence the development of society.

Plato's theory of the tripartite nature of the soul and of the state has the following implications on nurture and individual development:

- a) Nurture/upbringing of individuals (children) is capable of shaping or ruining their natural endowments, especially, their will power, that is, the ability to make decisions and choices in life.
- b) Since the instruments of nurture are human beings, if they allow reason to guide their appetites then cases such as of abortion, child labor sexual assaults etc can be minimized. This is because even though Plato's analysis shows that the body-spirit conflict is present in human life; the solution or management of this conflict is possible by the same human beings, especially because they can reason.
- c) Harmony in the three parts of the soul is a pre-requisite and indication of individual development. Additionally, social and political harmony in society is important in the upbringing of individuals (children). There is therefore need for every instrument of nurture to be in harmony with the others in order to help individuals (children) attain optimum development.

ii) Human being as a microcosm of society.

Plato in *The Republic* (bk. II, 368e-369) presents a human being as a microcosm of society. This is evident in his analogy of the individual and the state. According to him an individual is small caricature of the society, which is the macrocosm. This is because

society or the human community originates from need, that is, from the fact that human beings are in isolation not self-sufficient (*Ibid.*). The justice that exists in the individual when all the parts of the soul are performing their rightful functions in harmony with each other ought to therefore be manifested in the society as the individual come together to fulfill their needs. The just society is one in which all the individuals have their own parts to play, and in playing them co-operate for the well being of the society as a whole. The apparent division of labor implies that different individuals specialize at given tasks depending on their aptitude (Wokabi, 2001: 148), and that each person has something to contribute to the welfare of the society, and development at large.

Plato's conception of human beings as a microcosm of society reveals that individual development is basic to societal development since the individual is a part that forms the society. The development of the body, mind and soul of a human being is therefore important. This could be the reason why Plato in *The Republic* proposes some kind of training that will enhance such development. For example he says (bk. VII, 788-93) that constant nursing and dandling of infants by night and day from the earliest years is fundamental for development of both body and soul.

Earlier, we saw in Plato both the spiritual and physical dimensions of human life. Presenting the human being as a microcosm of society implies that there is a sensible and mental world whose unity is based on human being as the composite matter and form (Wokabi, *Ibid*:151).

According to Aristotle *De Anima* (bk. 2) human beings have vegetative, sensitive and rational capacities. The vegetative capacities reveal the continuity of existence of human beings and their capability of motion, nutrition, growth, repair and reproduction. Food, drink and sex are the human basic necessities at this level. Human beings have sensitive powers due to their animal nature. They experience the world through their senses and are capable of caring for their offspring. At this level human beings have basic necessities for safety and belonging. They seek to protect themselves from harm and provide care and protection for their offspring (*Ibid.*). The intelligence, sociality and creativity of human beings derive from their rational powers. They have the capacity to know, judge, decide, love and act.

Aristotle's conception of human beings as manifesting vegetative and sensitive powers indicate that they are capable of reproduction and have basic necessities for survival. This implies that adult human beings who reproduce another ought to assist or reproduced human beings (children) to survive by providing them with basic necessities such as food, which continue their existence. This is an act of nurture and is geared to the physical development of individuals (children). The sensitive powers of human beings place them at a level of caring for their offsprings and protecting them from harm. In the *Nicomachean Ethics*, (1162a), Aristotle depicts children as having been caused (born) by parents who have the responsibility of nurturing and educating them.

The conception of human beings as manifesting rational capacities implies that: Intelligence, social and creative potentials are embedded in human nature. These can be actualized in or by all human beings. The real nature of humanity says Aristotle, is seen

in those who actualize their potential most clearly (Clark, S.1975: 26). Development in this study is realized when the human potential in children is nurtured into actualization.

iii) Existentialist's conception of human nature

Existentialism is a philosophical movement primarily associated with Kierkegaard, Jaspers, Heidegger, Sartre and Marcel among others. Its exponents have widely different outlooks in religion, politics and philosophy, but share certain general themes; the most important being the interest in man as such and his/her relations to the world, and in the notion of "Being" (Lacey, A.1976: 70).

Existentialism denies that man has immutable essence, which is a basic human nature. Rather, man's essence results from his/her self-definitions, which in turn, follows from his living, thinking and acting. Sartre would, therefore, argue that man's existence comes before his/her essence. Man is what he/she does and since doing means choosing, man is determined by his/her free choices. Men are not, like things, already determined (Sartre denies historic determinism as regards human nature). On the general outlook, the existentialists object to a concept of human nature. We show this by analyzing the views of Jean Paul Sartre whose book; *Being and Nothingness*, is perhaps a central text in existentialist philosophy.

Sartrean notion of human nature

Jean Paul Sartre denied that man has a nature at all. Each human being defines himself/herself, he says, man first of all exists encounters himself, surges up in the world and defines himself afterwards. For Sartre, as stated above, man is what he/she does, and

since doing means choosing, man is determined by his free choices (Sartre, 1973). This rules out the existence of a universal human nature because such a nature would be an imposition and thus a denial of human freedom. We, however, note that Sartre still gives distinguishing characteristics of human beings from other beings. They are depicted as having freedom and ability to become something other than what they are, that is, an individual human being has the constant potentiality within him/herself to change from the essence, which lacks total being. Human being is then distinguished from other beings in the world not merely by its potentiality for change, but rather by the fact that it has the ability to change itself, and this ability is inherent within the very nature (essence) of human existence.

We agree with Sartre that human beings are dynamic beings who have the ability to choose what they are to become. But it is contradictory for Sartre to hold that the human being is nothing and yet at the same time possess a potential to make choices and strive to become something. We agree with Wokabi (2001:141) that the existentialists' objection of human nature is "self-undermining since it still presupposes a study of human beings-something which is impossible without a concept of human nature as a reference point." By objecting to any concept of human nature, the existentialists are therefore denying the basis of their own validity.

3.3.0 DISTINCTIVE HUMAN CHARACTERISTICS

There are certain characteristics that distinguish human beings from other beings. This is quite evident in the classical conceptions of a human being. The characteristics are tied to human nature, but we need to realize that their development or full manifestation in an

individual relies to a certain extent on nurture. Children have the distinctive human characteristics in potency but as they grow-up these characteristics are actualized in the measure they are nurtured.

3.3.1 RATIONALITY

Human beings are characterized as rational because they have the capacity to think, make choices, judge, inquire, argue and explain (Wambari 1992:V). Aristotle, one of the classical philosophers, presents reason as best and pleasant in man's life, and as a part of that very man. This is seen in his *Nicomachean Ethics* (Bk. 10. chapter 7). For him, what is distinctive about man is the possession of *logos*, discourse (verbal communication) and reason: It is man's talking and thinking that set him apart from the other animals (Randall, J.1960: 253). The distinctive human rationality is critical for it gives human beings the capacity to examine strengths, weaknesses, depth, breadth and value of ideas and beliefs presented to them by society.

Thinking is an important part of rationality and an activity in and for human existence, which focuses on clarity, accuracy and consistency in trying to understand issues in the world as they are and as they ought to be. Wambari (1999) shows that critical thinking which as an element of rationality manifests itself as an activity that defends claims and beliefs, clarifies ideas and concepts and solves human problems effectively. It takes the effort of the instruments of nurture and personal initiative to cultivate and maintain the rational human capacity. The only way of learning to think and initiating others to think is through thinking. This involves clearing the mind from generalizations, carelessness, laziness and so forth. For example it takes thinking for a teacher to realize that it is not

always the case that children from a certain family cannot perform well academically and, therefore, need no assistance. Thinking helps one to draw appropriate inferences and solve problems effectively, not basing his/her judgement on history alone. A child who does not perform well in class can be helped to realize other potentials within him/her as a human being. This involves being directed, initiated and allowed to think and act in the direction that suits his/ her circumstances.

We learn from available studies that as much as rationality is inherent in human nature, its development and manifestation as a human capacity is highly dependent on the environment within which one is brought up and one's own initiative to cultivate and maintain it. Within the home environment, studies done by neuroscientists (such as Dr. Patricia Kuhl) show that talking with infants shapes the basis of ability to think. They hold that infants' and babies' capacities develop most rapidly with caretakers who are "not only loving, but also talkative and articulate, and that a more verbal family will increase an infant's chances for success" (Freiberg, K 1998:56). The instruments of nurture especially the family have, therefore, a responsibility of ensuring that stimulation is done to infants and babies (like talking more to them) to provide the brain with exercise in order to improve the development of neural connections, and set a stronger base for later development in children.

3.3.2 CREATIVITY

Creativity may be understood as man's capacity to produce new ideas, insights and inventions, which could be of social, spiritual, aesthetic or technological value (Harre &

Lamb, 1983:123). It enables human beings to discover or invent alternatives in their environment, useful in solving their problems.

Creativity goes together with criticality since discovery and invention require consistent active thinking. This is in line with Wambari's (1999:44) observation that criticality without creativity is impotent while creativity without criticality is groundless." Criticality, that is, the carefully reasoned inspection of things and issues in one's surrounding is the foundation of creativity.

Creativity is a human characteristic that can be developed in an upcoming human being (child) as well as be used to come up with solutions to immoral and anti-social issues that inhibit individual (child) development. Creativity exists in children as a potential, but can be actualized through proper nurture as they grow up into adults. For example, the education system that one goes through from the very early stage of his/her life is capable of enabling or disabling his/her creative potential. Parents and teachers are a part of the institutions of nurture that can teach and allow individuals (children) within their reach manipulate and modify what is around them in problem solving. To a certain stage in their life, children need to be nurtured into inventing new ways of solving problems on their own, given that their parent's and teacher's old solutions may not necessarily work for them. When they are adults their own self initiative in creativity should be evident.

The instruments of nurture to curb situations and actions that hinder individual (child) development can also use creativity. In Kenya for instance, the government and other

instruments of nurture need to be creative enough in order to solve the problem of street children today. This is because, however much it has been tried in the past to get them out of the streets, some of the children hide-out, those taken to rehabilitation centers sneak back or a new group comes up.

3.3.3 SOCIALITY

Human beings have a social nature, which ought to be developed. Man's sociality is evident in the thinking and writings of philosophers such as Marx (1977), Sartre (1973) and Aristotle (1952).

According to the Marxist model, man is a maker (*Homo faber*) of tools by means of which he controls and modifies his environment. Whatever nature he/she may possess, tool-making is inseparable from his/her state of being social. This implies that human beings do not pursue their personal interests in isolation but rather in the context of the universal community, (Marx, K. 1977, Harrison, B. 1990). Human beings' social nature, according to Marx's thinking, makes it impossible for them to develop outside society. We agree with Marx that man is indeed social by nature and has, therefore, to operate within society; only that one's confinement in the collectivity should not dominate his/her individual nature in turn.

We also derive human beings' social nature from the Sartrean notion of human freedom. Human beings according to him are determined by their free choices and self-definitions, which follow from their living, thinking and acting. The above freedom, Sartre says, is a

condemnation (Sartre 1973: 23). A human being condemned to be free carries the weight of the world on his/her shoulders. Human beings, we realize, cannot act and be free outside a context. They define themselves only within a group of other humans and the idea of their freedom to choose presupposes availability of constraints in their environment that determine their choices. The fact that a human being has a group of other men within whom he/she can realize him/herself cannot be denied. The reality is that freedom of other human beings in society can condition him/her to act or choose otherwise. This is in part attributed to the sociality of human beings, since what they choose and therefore become is to some extent influenced by the environment and fellow human beings. But this does not deny any human being the opportunity to create his/her destiny because he/she is endowed with reason which need to assist him/her to maintain focus of what he/she intends to become in future through criticality. Regardless of the societal constraints, every human being has the ability and power to act and make choices that help him/her realize him/herself.

Aristotle argues that individual excellence or "virtues" are formed in the *Polis*, in society, and can only function therein. Hence 'society' for Aristotle, exists by nature and man is by nature social animal (Randal 1960:254). In his *Politics* (Book I chap.2), Aristotle states that "... the individual, when isolated, is not self-sufficing; and therefore he is like a part in relation to the whole... A social instinct is implanted in all men by nature."

We note that human beings cannot fulfill themselves adequately except in society. But the society can also not exist without the individual. This study presents children as

potential social beings who are dependent on the society (institutions of nurture) to develop and actualize their social capacity. Just like rationality, a child's experiences in the hands of the instruments of nurture shape their social human potential. Virtually, all babies learn to sit up, crawl, walk, and act and make transaction or associate with others in society. Research reveals that such skills are always at risk in circumstances of sensory and social deprivation, like being locked in a closet for the first few years of life (Freiberg 1998:57). Parents or any other instruments of nurture are capable of enabling or disabling social development in children even though it is within their (children) nature as human beings.

3.3.4 Morality

We use the term morality to mean the generally accepted code of conduct in a society, or within a sub-group of society. Thus we speak of an individual as leading a moral life. We also use the term as a spiritual quality that is characteristic of human beings. It is a spiritual quality because of its conceptuality. The potential to discern right and wrong (conscience) is inherent in man but we cannot touch or feel it. It is man's actions in society that manifests an actualization of morality. This is by pursuing what is right and eschewing that which is evil.

Wambari (1992: v) states that, "Human beings are by nature rational and moral." But at birth, rationality and conscience (ability to sense moral values) are merely potential. The development of conscience as other human attributes, occur on the way as an individual grows.

We earlier discussed the Sartrean conception of human beings "... condemned to be free condemned because (they) did not create themselves, yet in other respects (they) are free; because, once thrown into the world, (they) are responsible for everything (they) do" (Sartre 1973:23). Humans can therefore be distinguished from other beings in the world by their freedom and responsibility presupposed in Sartre's morality as a part of human nature. One cannot escape the feeling of responsibility for all human beings; even in working out his/her individuality. This is because although Sartre expects every human being to choose his/her own morality and act on it; it is important for this same human being to realize that in choosing for him/herself, his/her actions involve and have a meaning for all humanity. We derive that freedom and responsibility are bound to morality from Sartrean notion of absolute freedom. It is quite in order for one to choose what he/she is to become and act in that direction, with a consciousness of the freedom of other human beings, his/her past choices, educational orientation, economic status and even his/her natural environment.

Freedom and responsibility are significant in human life and, therefore, need to be developed right from childhood. An individual who is properly nurtured in society develops the ability to sense and distinguish right and wrong. He/she appreciates that the right ought to be pursued and the wrong eschewed for human well being. Related to this is the development of the rational element in human beings, which ensures accountability amidst the freedom to choose one's activity.

Kohlberg (1976) has set out stages of moral and individual development as a whole. This can be summed up in three stages, i.e. the pre-conventional, through conventional to post-conventional stages. In the pre-conventional stage, children's moral development follows from external standards, which are characterized by obedience and punishment. Here physical consequences of an action are what determine what is good and bad for the child. Obedience for authority and avoidance of punishment is the reason for doing the right. This is tolerable given the circumstances of the child, for as Wambari (1992: v) states, there is absence of rationality and conscience at this stage of life. However, the institutions of nurture can mislead one's moral orientation, since they dictate what is right or wrong for the child. For example, a child who is punished for not going to steal from a neighbour's farm on his/her parents order may grow up knowing that stealing is morally right and practicing it is an obedience to his/her parent's authority. The child will obey a similar order in future in order to avoid physical pain. This may eventually develop into a habit since children lack conscience (ability to sense right and wrong)

In the conventional stage, good behavior is that which pleases or helps others and is approved by them. An individual is basically acting to please others in order to avoid breakdown of a social system in which he/she belongs. This is dangerous because at this stage, there is emergence of conscience and some form of rationality (*Ibid.* viii) so the individual ought to be capable of discerning right and wrong without total influence by social conventions. It is the individual's initiative to exercise their individuality in moral life, but the instruments of nurture can make an individual stick in this stage of moral development. For example, a parent may advise their teenage son who is in school to get

3.3.5 Individuality

Wambari (1992: viii) defines individuality as “a state of being of a person characterized by independence of thought and action.” He observes that despite human sociality there is a sense in which each person leads a life of aloneness. A human being who has attained individuality is “a self cultivated person whose way of life is a result of his own choices deliberately arrived at on the basis of his or her own peculiarity.” (*Ibid.*) This implies that individuals in society have the capacity to think, act, and determine their own lives. However, this is partly possible depending on one’s environmental influence (nurture). It is the responsibility of the instruments of nurture to enable up-coming human beings (children) to develop and assert their individuality. In as much as this study encourages societal input into one’s individuality, it should not culminate into paternalism, which is “the tendency where society behaves like a father towards his children protecting them from harming themselves” (*Ibid.*). This happens because of the assumption that individuals are not capable of determining themselves due to lack of knowledge of their own good. All human beings can only develop their individual nature through exercise such as making individual decisions, choices and mistakes as well.

From the foregoing, we concur with Dewey’s (1964: 156) observation that individuality is something to be achieved and to be wrought out, for it does not exist at the beginning of human life. This implies that nurture is a medium through which human individuality is realized. This can be achieved through one’s social environment ceasing to assert a lot of influence on what an individual should do or become since each individual is uniquely

made, and his/her own initiative and creativity in decision making is important in enhancing his/her nature

Indoctrination is another enemy of personal autonomy or individuality. This is so when the indoctrinators (e.g. the negative instruments of nurture) seek to impose upon the young child beliefs and teachings that are not founded upon, nor can ever be open to, the process of reason (Bull, N.J.1969: 123). Nurture's instruments should, according to this study, enable children to be transformed from dependency to independence in terms of thought, decision-making and action.

Mill (1991) in his book *On liberty* discusses the importance of individuality, which for him is identical with continued effort at self-development. He further asserts that it is the most important ingredient in human well being. We agree with Mill's (1975: 16) point that human beings should be free to plan and organize their own lives such that it suits their uniqueness. No one ought to deprive another of such a pursuit. The development of individuality is an important achievement for both children and the instruments of nurture as well. This is because it grants an individual the opportunity to shape his/her own life and society at large. This is similar to Sartrean contention of absoluteness of individuality or absolute freedom. Human beings are able to assert and actualize their own uniqueness on the basis of their rationality, individuality and creativity. The institutions of nurture should, therefore, work towards assisting the individuals (children) under them to develop the human quality of individuality.

married because all his age mates are married; then the boy goes ahead to do so because of fear to break up with the family and threat that school fees will not be paid for him if he defies the advice to marry while in school.

In the post-conventional stage, an individual is fully aware of the relativism of values and the fact that laws are agreed tools of social organization, and that they can be changed by discussion if they fail to fulfill social utility. Here one's actions are thought-directed and not merely following a set of rules and regulations set by the society. The society within which one is brought up can promote an individual's self-realization in making moral decisions and choices. Expecting an individual to do what all others have been doing and are still doing is according to this study, an inhibition of individual development. This is in line with Sartrean contention of absolute freedom, which implies that a human being should not always abide by what the society is doing blindly, without questioning or finding other alternatives that are rationally and morally fit for him/her.

We note that developing from one stage of moral development to another calls for an individual's effort and that of the instruments of nurture. The society ought not, for instance, impose social codes or moral values and rules on individuals (right from childhood). Instead, it should integrate them in pursuit of the good life and cultivate their motivation to act by inner convictions and principles of conduct since their rational and moral nature calls for it.

3.4. NURTURE, HUMAN NATURE AND INDIVIDUAL DEVELOPMENT

Giving children proper nurture is one of the ways in which human beings (instruments of nurture) exhibit their appreciation for human nature and children as individuals in whom the human characteristics (such as rationality, sociality, morality and individuality) reside, but whose development and actualization is paramount to the well-being of society at large.

Individual (children) development is multi-dimensional. This is because it encompasses both the physical, emotional, cognitive (ability to think and reason), moral and social dimensions (Myers, R.1993: 19). Nurture's success lies not only in helping a child to develop its ability to think, but also in looking at all the developmental dimensions. Changes along one dimension both influence and are influenced by development along the others. For instance, cognitive development influences the creative and moral development of individuals (children). Such interaction is important in enabling individual's (children's) integral development.

This study stresses the value of development of the distinctive spiritual attributes of human beings as a whole. Nurture's role in this exercise qualifies its spiritual nature. Our contention is, therefore, that nurture is not only material but also spiritual.

3.5. CONCLUSION

We have in this chapter attempted to show how individual development and nurture interact, on the basis of the view of human nature and the distinctive human characteristics. We have realized that development begins pre-natally and continues throughout one's life. But what we become in future and success of our development depends on the foundation laid for us by the instruments of nurture. This includes provision of basic needs such as food, shelter, medication, education, love and protection. We have observed that the family, wider community, and the state have the power to enable or disable children from actualizing their potential. Understanding of human nature and acknowledging the potential human characteristics such as rationality and morality in children provides the instruments of nurture with reason and obligation to facilitate individual development.

CHAPTER FOUR

4.0 HUMAN RIGHTS.

4.1 INTRODUCTION

The aim of this chapter is to discuss human rights, and show the link between nurture and individual development. We begin by discussing human rights in their historical context, which yields the natural law theory and the Positivists' theory with their subsequent challenges. Human rights, we note, stem from humanity since it is this nature that guarantees and justifies them. We appreciate the United Nation's Charter on Human Rights and observe that the rights contained in the United Nations Declaration of 1948, have not been fully taken seriously by the state parties and that is why we hear of human rights violations. The Chapter introduces the issue of children rights to be, discussed at length in chapter five, and argues that nurture and individual development are human (children) rights; which calls for instruments of nurture to take up responsibility of promoting them.

4.2.0 HUMAN RIGHTS

As put by Shivji, I. G. (1989:16). The Philosophical discussion on human rights broadly divides into two major tendencies: that which relates to some natural law theory and which subscribes to positivism.

The conception of human rights as, "civil, political, social and/ or economic entitlements granted to humans against which no government, sovereign state, or people may, infringe without due process of law, was borrowed by the International legal theory from the

tradition of social and political philosophy during the age of enlightenment.⁴ There have been various social and political philosophical traditions since antiquity, but the idea of rights as entitlements to negative and positive liberties began with the enlightenment philosophers. According to their philosophy, human rights are either natural insofar as they emanate from God, nature or reason, or positivistic insofar as they are “given” to the citizens by the state through their respective laws (*Ibid.*).

4.2.1 THE NATURAL LAW THEORY

The doctrine of natural law as a participation of man in the eternal law of God laid down the theoretical foundations for the doctrine of human rights.

The most influential theory of natural law traced from the Middle Ages is that by Thomas Aquinas, whose political writings manifest a blending of traditional Christian theology and Aristotelian philosophy. According to Aquinas, there are three kinds of laws that form the natural authority of the universe. First is the Divine law, which is God’s eternal, law-the only perfect, unchanging universal law. Here lies the divine reason that governs the universe (Dino, B. 1975:12). Second is the Natural law, which is a part of the divine law that governs natural things such as animals and plants. This law “...has a share of the eternal reason, whereby it has a natural inclination to its proper act and end: and this participation of the eternal law in the rational creature is called the natural law” (*Ibid.* 13).

The nature that Aquinas refers to is that of man as he/she plans and acts rationally.

4. <http://www.law.ubalt.edu>

Third is Human law, which consists of particular expressions of Natural law at specific times and places in human society. Rulers make this kind of law as an application of the Divine law via the Natural law to particular social matters (*Ibid.* 16).

It is in the Natural law tradition that John Locke writes his political *Treatise of Government*. He is now the most quoted philosopher as an authority of natural rights. This is because his conception of natural/human rights tends to reconcile possible tensions between religious fundamentalism, on the one hand, and enlightenment utopianism, on the other. Locke does this by first, wisely acknowledging God's infinite wisdom of endowing human beings with reason in its ability to uncover human rights in the laws of nature (Peters, J. K. 1992:24). Locke emphasizes the rational element in humanity as important in human rights discourse. He holds that the law of nature, which teaches and obliges mankind to respect the rights of man, is reason.

Locke, wrote of the rights to life, liberty and property. In his *Second Treatise of Government* (1690), Locke articulates a conception of human rights as natural. According to him, human beings naturally exist in a state of perfect freedom and liberty in which they harmoniously cooperate with one another. God wisely endowed the faculty of reason to humans, to enable them attain the laws of nature. In this regard, the rights to life, liberty and property are to be found in the Universal laws of nature. They are therefore natural universal human rights. These are drawn from his position that men are the, "workmanship of one Omnipotent and infinitively wise Maker...sent into the world by his order and about his business." Thus "the *State of Nature* has a law of nature to

~~govern it, which obliges every one. And that law teaches all Mankind...that being all~~
equal and independent, no one ought to harm one another in his life, health, liberty, or possessions" (Chappell, V. 1994:239).

We see from the above that rights come from nature and are not created or granted, in the strict sense, by any human agency. They are built on the laws of nature, which according to Locke, is to be universally accepted. Other social contract philosopher's like Hobbes, and Rousseau also hold that man had some natural rights even before the state and society came into existence (Jatkar and Rao 1990: 113.)

This study appreciates the natural law's basis for human rights, interpreted as;

1. Working for man's good and creating opportunities for both individual and societal development.
2. Valuable for upholding the ethical and moral necessity in rights, that promotes human well being.
3. Depicting rationality as an important element that should teach human beings that make use of it that all men are equal and therefore, deserve fair treatment with regard to their rights.

The theory of natural law / rights has however, never gone unchallenged. This is because of a deficiency of the seeming unsatisfactory exposition of natural law by Locke in his *Latin Essays on the law of Nature*, in which he argues that there must be laws governing the conduct of men, since the study of the universe indicates that laws are operating

throughout nature. By this Locke means moral laws, the sort of laws embodied in natural law. According to him, science shows that laws are universally operative. He, therefore, concludes that science demonstrates the existence of natural law (Leyden, W. 1952). We observe, however, the laws discovered in nature by scientists are not laws in the same sense in which moralists and lawyers speak of laws. This is because scientific laws are in most cases as a result of observed regular occurrences in nature. These are not the kind to be obeyed or disobeyed at will. Further, in the event of a counter observation or prediction of an established scientific law, it ceases to be a scientific law (e.g. the established law of gravity by Isaac Newton can cease to be law in the event that we threw a stone up then fails to fall back). But in the case of morality, a law of conduct can be obeyed or disobeyed; yet it does not cease to be a moral law if someone broke it. For example the Bill on Human Rights recognizes the right to life. This law has been violated or disobeyed many times, but this does not stop it from being law in the moral or legal sense.

The objections of the natural law theory arose with positivism. This leads us to the positivist's theory of human rights.

4.2.2. THE POSITIVE LAW THEORY

The positivist pundits mercilessly tore down the natural law tradition and considered the idea of natural rights 'nonsense on stilts'. Auguste Comte, who is the father of positivism declared natural rights and rights of man as a set of beliefs or ideology about reality supporting the self-image of the rising middle classes (Rosenbaum, A. 1980:8). In his

Anarchical Fallacies, Jeremy Bentham's opinion is that "Right is a child of law; from real laws come real rights, but from imaginary law, from " laws of nature " come imaginary rights... Natural rights are simply nonsense; natural and imprescriptible rights are rhetorical nonsense, nonsense upon stilts" (Richardson, M. 1980: 16).

Bentham is here stating the central tenet of legal positivism - namely that positive law is the only real law and that natural law is not law at all. Bentham's hostility to natural rights and natural law is due to his belief that they are unreal metaphysical entities and mischievous (Ranston, M. 1973: 14). His argument was thus that governments which issued declarations of the rights of man were merely making theoretical utterances which cost them nothing, instead of getting to real work of reform. We disagree with Bentham's contention that natural rights have no meaning. This is because even if they are not tangible, give them another name and what remains is that every human being has some good and worth tied to his/her nature which requires some fulfillment that can only be provided by their fellow human beings. Although there may not be physical evidence of the existence of human rights, we think that one's mind can perceive or make meaning out of them. If this be the case, then it is possible to put to practice the natural/human rights claims. This shows that any kind of reform is possible should human beings gain access to certain goods in society which transform their state of affairs. In our case it is possible for children to achieve development in its entirety if for instance they enjoy their right to life. Here there is no evidence of existence of 'right to life'. For we derive the meaning through thinking and can actualize it in practice by for instance not procuring abortion, giving children food to avoid death caused by starvation etc.

In trying to dismiss the natural law theory, the proponents of positive law are, encouraging the belief that positive law is the only law, which is worth the while of anyone to think about. This has in turn triggered the belief that positive law, is the only genuine law which should be obeyed. We do not agree with this line of belief because certain clauses of the positive law could be immoral yet require that humans adopt it. This is evident in the rude shock that positivism got during Hitler's reign in Germany when under state-ordained laws massive atrocities were committed. Natural law and natural rights, by this time under the name of human rights were resurrected equally by positivists (such as Hart & Fuller) who attempted to provide their 'positivism' with a minimum natural law content" (Lloyd, 1979: 308). Shivji, (1989) notes that it was in the same vein of the revival of natural law that the language of natural rights penetrated the early United Nations Declarations.

4.2.3 THE MARXIST VIEW OF RIGHTS

The above conceptions of human rights have received major critiques from the Marxist writers. This has emanated from the failure to situate human rights conceptions historically and socially. Marx rejects the natural law conception of human rights as idealistic and ahistorical. He regarded the notion of rights of man as arising from and expressing individualism and the contradictions of bourgeois society (Ryan 1993: 177, Cranston, M. 1973: 3).

This study appreciates Marx's critique as full of insight since there is a sense in which 'rights' discourse invokes an individualistic conception. The right to own personal/

private property is an example. This is because the terms 'personal' or 'private' invokes in one a sense of "self-seeking individuals who want protection of their belongings by a second party" (for instance the State). This could also be interpreted as, "I have a right to own my property." According to this study, to assert that human beings have a right to property is not to assert that everyone has the right in natural law to whatever possession he/she is allowed to enjoy by the system of law under the government in which he/she lives. However, we realize that some people can be recognized to have legitimate possession of property that is actually ill gotten. But such cases do not nullify the fact that an individual or a family can lawfully own land; thus lay claim to it. This is not individualism because, as Hegel (1991) shows, having a means (property) is necessary not only for the individual owner but also for the education of children and sustenance. It does not end at that because after dissolution of families children move out to form their own families. In the long run the initial family means (property) becomes beneficial to others. This implies that a rightfully owned property has importance not only for the owner but also for generations to come either within or outside his/her family.

Further, human rights are typically the basis for claims by individuals to be treated in certain ways. The interests of these individuals are sufficient grounds for holding another or others under an obligation to treat them in certain ways. However, we agree with Ryan (1993:180) that to think of rights in this sense is too narrow an account of the significance of rights and too narrow a view of circumstances that renders them necessary. We need to understand that human rights do not only touch on individual persons in the strict sense since even the collective society's rights are implied in the

individual rights. This is because individuals constitute both the unit of organized society as well as the primary holders of rights.

We also think that, in saying individuals have separate inalienable rights is not in the strict sense implying that they pursue their own interests and impose obligations on other people to ensure they enjoy their rights to the full. We follow Allan Gewirth's concept of the 'Community of rights' which attempts to show that rights and community, far from being antithetical to one another, have a relation of mutual support (Gewirth 1996:1) Human rights do not presuppose competition and conflict as Bentham (1973:262- 263) and Marx (1978:43) would want us to believe. A community of rights is a society "whose government actively seeks to fulfill the needs of its members especially those who are vulnerable, for the freedom and well being that are the necessary goods of human agency..." (Gewirth, *Ibid.*). Beings that look upon themselves and others as bearers of rights evince a keen sense of their own worth and the comparable worth of others.

From Marx's writings rights are not completely dismissed. Marx holds that human rights are distinctly historical and cultural. Concepts such as law, rights, justice, and democracy are categories whose contents are determined by the material and economic conditions of particular societies.⁵ On this view, natural law and even positivists conception of human rights arose at certain historical periods and represented the

5. <http://www.officialessays.com>

interests of particular classes. According to the Marxists there is, therefore, no such thing as universal human rights.

We think that the differing reactions to the natural law theory and human rights in general are as a result of one's conception of human nature (discussed in the previous chapter). From the foregoing, John Locke's human rights are universal and civil and political in nature while the Marxists human rights are culturally relative and social economic in nature. In Locke's group, the right to life and the right to liberty are examples of claims, which everybody naturally makes. Universally, man has a natural desire to survive, and a natural impulse to defend him/herself from death and injury. The desire for men to move is as well natural, universal and a reasonable one. This assertion is what is meant in saying that men have a right to freedom of movement. This is, however, not absolute because circumstances can justify limitations on peoples movement. Since men are social beings, their right to liberty does not mean that they, for instance, can move freely into each other's houses. On the other hand, the Marxists have been in the forefront of struggles against tyranny and oppression. Some of the rights they defend are the right to vote, rights to free press and workers' rights to decent factory conditions. This demonstrates that the Marxists are interested in the promotion of human well being from the social and economic standpoints. Here equality is the watchword, and for which governments were to pursue collective achievements of betterment. Generally speaking, Marxism has been inhospitable to rights, holding that they fulfill the interests of the bourgeois class and that what is claimed in the human rights discourse vary with the social-cultural situations of a given society.

According to this study human rights are tied to the very nature of humans and that it is humanity that guarantees human rights. We hold that human beings have a nature (that is, an innate composition) that is dignified and entitled to certain goods in their environment in order to uphold this dignity and actualize their potential endowments in each of them. This applies to every individual regardless of age, race, sex or physical status.

4.3.0 RIGHTS AND HUMAN RIGHTS.

We still have the question of explaining what human rights are. What does it mean to say that all men have rights? In the Brander, et al (2002:283) a right is defined as a claim that human beings are justified in making. I have a right to the goods in my house if I have bought them. A child has a right to have a second pair of shoes if a guardian promised to buy him/her. These two examples are of things that people are entitled to have (except on the basis of the promises or guarantees undertaken by another party).

However, there is a sense in which to have a right is to have something, which is conceded and enforced by the law of the realm. Rights of this kind are positive rights. "What is characteristic of them is that positive law, the actual law of actual state, recognizes them" (Cranston, M. *Op. cit*: 5).

There is another sense of the word "right." Suppose I said "I have a right to know what is contained in my shopping basket," I am not saying anything about my position under the positive law for courts of justice will not ensure that I have knowledge of what I have

bought for myself consciously. The right I speak of is a moral right. Lomasky L. (1987) and Cranston, M. (1973) show that a positive right is necessarily enforceable and a moral right is not necessarily enforced. Some moral rights are enforced and some are not. To say, for instance, that a child has a moral right to receive proper nurture is not to say that he/ she does in fact receive it.

Human rights are claims that depend on no promise or guarantees by another party. Someone's right to life does not depend on someone else's promise not to kill him/her: their life may be but their right to life is not (Brander, P.2002: 283). This right to life is dependent only on the fact that the possessors are human.

The claim of human rights does not need anything to back it up because it is inherent in all human beings. Additionally, it is ultimately a moral claim and rests on moral values. What a Child's right to nurture really means is that no one ought to deny it to him/ her, it would be wrong to do so.

This study notes that dignity and equity lie at the core of human rights. By this we mean there is some kind of worth and honourableness inherent in a human being which ought to guarantee them fair and same kind of treatment by fellow human beings when it comes to freedoms and rights within their society. Another understanding of human rights is that they define the basic standards which are necessary for a life of dignity and their universality is derived from the fact that at least all humans are equal. This study

acknowledges these principles in arguing that nurture and individual development are human (children) rights regardless of factors such as race, sex, and age.

4.3.1 UNITED NATIONS CHARTER ON HUMAN RIGHTS

The United Nations Charter reaffirms the worth and dignity of all human beings. The human rights for all are contained in the Universal Declaration of Human Rights, adopted by the UN General Assembly in 1948. This is an international instrument on human rights whose content the United Nations claim is universal.

As Shivji, I. G. (1989:10) notes, there is a concept that human rights embodied in various instruments are of Western origin and even their conceptual framework and philosophical basis have their roots in the specific circumstances of the Western society. This reminds us of Karl Marx's position that rights are historically and culturally determined. Those who borrow the thought of cultural relativism of human rights hold that the allegedly Western concept of human rights cannot be applied elsewhere. We, however, agree with theorists such as Howard (1986:23) that although human rights conception originate and have a philosophical basis in the West, they have universal validity and applicability.

The Universal Declaration of Human Rights is believed to be "a common standard of achievement for all people and nations" (Legal Resource 1998:37). However, given this statement and others in human rights instruments such as conventions and covenants, we could argue that the United Nations, states, families and individual people have not aggressively pursued in practical terms the promotion of justice, equality and human

dignity that are construed in the conventions, covenants and the declarations. This is evident in the continued prevalence of human (children) rights abuse. That is why this study observes that every instrument of nurture, including the United Nations ought to take human rights seriously in order to give priority to the interests they presuppose and the obligations they impose, and act accordingly when the need to do so arises. This is because there are a lot of violations of human rights especially of children. We think that if we talk of human rights and believe in them, then we should be committed to defending them, “even when our goals or strategies are not to be disserved, by doing so” (Ryan 1993: 182).

We concur with Finnis J. (1980) that talk of rights is in a way an assertion of the requirements of a relationship of justice or the side of the person benefiting from it. He says that it requires one to adopt “the viewpoint of the other to whom something is owed or due and who would be wronged if denied that justice.” This is close to the Golden rule of “do to others what you would expect them to do to you.” According to this study, the grounding of rights highly depend on their respect and protection with regard to the worth and dignity embedded in human nature.

4.4.0 RIGHTS OF THE CHILD

There is need to consider children’s rights separately in this section because we agreed in the general introduction that children have not been captured in Universal human rights yet their innocent humanity makes them susceptible to abuses. This is why an international instrument such as the Convention on the rights of the child was adopted by

the United Nations. In this document, a child is in Article I defined as "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier". This means that all humans under 18 years including adolescents are, covered by this definition.

Children's rights refer to the moral and legal entitlements that they can claim from the state and other members of the society. These entitlements are by virtue of their being human beings. We realize, however, that although they have their rights put down in the Convention and in various constitutions; some children all over the world still symbolize the inhuman and unjust side of our society. This range from presence of street children, child abandonment, abortions and rape cases among others. Our next chapter is dedicated to examining children's rights and their specific situations in Kenya.

This section of the study holds that children, like their adult fellow human beings, deserve respect and treatment with dignity, in order to actualize their human potential and capacities. They are therefore entitled to proper nurture, which will eventually lead to attaining interdependence both individually and as society. Nurture and individual development are human (children) rights. In this study, we view development as a human right because it stems from the very nature of man, that is, all human beings possess certain essential characteristics that ought to be enhanced within their lifetime. Proper nurture is a human right because it is the process through which the right to development is progressively realized.

It is worth noting that a right is meaningless without a corresponding responsibility or duty on someone else's part (Brander, 2002: 311). Ideally, according to this study, every instrument of nurture has a moral duty not to violate the dignity of children while the state has both a moral and legal duty not to violate the rights of children. The situation on the ground, for example in Kenya, is evidence that human rights do not in practical terms necessarily correspond with duty. This study establishes that children rights continue to be violated in society today even though the duty of adults to respect and promote them as they are well spelled out in ,for instance, the United Nation's Convention on The Rights of the Child. Whereas it may be argued that circumstances such as lack of economic resources undermine implementation of the duty to some rights, our view on failure to respect duty bound rights is evidence that the worth and dignity of children has not been fully appreciated by the instruments of nurture. Further, the abuse cases experienced by children in Kenya are an indication of lack of proper nurture, therefore, a failure on the part of the instruments. This is because we think that if, for instance, the economic instability of a family is the reason why the duty to protect children from hard labour is not respected, then the state or the international community ought to come to the aid of such a family for the sake of the child's good. This is an example of how harmony between the instruments of nurture might lead to promotion of children's rights in this study.

4.5 THE RIGHT TO INDIVIDUAL DEVELOPMENT

Individual development is according to this study the actualization of full human potential in the society. We think that if each individual's potential is realized, then the

society's well being will be taken care of. This means that development of individuals leads to collective development of people and nations. The human person's development is therefore fundamental to any other extrinsic development such as economic, social and political. We concur with the statement of Pope Paul VI that development is not about economic growth, but more importantly about realizing the human potential. In his words:

“Man is only truly man in as far as a master of his own acts and judge of their worth, he is author of his own advancement, in keeping with nature...Development cannot be limited to mere economic growth. In order to be authentic it must be complete: integral, that is, it has to promote the good of every man and the whole of man...we do not believe in separating the economic from the human. What we hold important is man. Each man and each group of men, and we even include the whole of humanity” (*Encyclical Populorum Progressio*, in Speckman, 2001:3).

We see from the above quote that human well being is an important focus of development. Whereas economic development of the society is equally important, the development of the human potential is essential to the realization of any other development which in-turn is meant for his/her benefit. All human beings have, therefore, a right to development by virtue of the potentials and capacities (discussed in the previous chapter) embedded in their nature, which ought to be realized. This, in this study, implies that the instruments of nurture should provide an enabling environment for children to realize development.

With regard to the Universal Declaration of Human Rights, the Covenant on Economic, Social and Cultural Rights, as well as Conventions like the Convention on the Rights of the Child; rights encompass all aspects of human life such as food, education, health, shelter, work employment as well as freedom of thought, association and movement. This indicates that human rights promotion should be the fundamental objective of development and the guideline for its implementation⁶ (Joyce, J.1978: 229). This is because human dignity and self-realization should be at the forefront in any development agenda.

As much as the development of the human person should be the important focus of human rights, the economic and political developments of a nation have a role to play in the facilitation and promotion of the individual's right to development. This means, for instance, that public services such as health and education are human entitlements will only be accessed by the people if the government is capable and willing to deliver them. This is dependent on the available economic resources. Similarly, laws created to end vices such as Child labour, will be more effective in economic conditions that allow families to live off the incomes of parents, and legal rights are better pursued in better court systems (World Bank, 1998:2). This points out that the force of the state is required at some point for the individual's right to development to become a reality. If economic needs of the people are not taken care of, the violations of children rights follow. We will

6. <http://www.odi.org>

in the next chapter show how the Kenyan economic and political situation have affected the realization of children's right to development.

4. 6. NURTURE AS THE BEDROCK FOR THE RIGHT TO INDIVIDUAL DEVELOPMENT.

Chapter two of this study discussed nurture and its instruments at length. With that in mind, we realize that nurture has a special place in the realization of the right to development, which is an inalienable human right. This qualifies it to be an inalienable right. At the same time the right to development ought to lead to self realization of the individual and nurture is a process and condition central to this realization. In this study, children's physical and spiritual development can only be actualized if they are provided with basic necessities such as love, food, shelter, medication, and quality education. By spiritual development we mean the actualization of immaterial human characteristics such as rationality, criticality, individuality (refer to chapter three). Provision of the basic necessities is a delivery of nurture.

Articles 6(2), 18 and 19 of the Convention on the Rights of the Child highlight the instruments on nurture's responsibility in enhancing the development of children's evolving capacities. They also point out their responsibility in supporting each other in raising up children and protecting them from every form of abuse and neglect. We think that the above articles and others that touch on issues of nurture such as education allude to the realization that nurture is in itself every child's right, and can enable or disable the enjoyment of the right to development. We think that the instruments of nurture have a

moral obligation to give proper nurture to children. It is a responsibility that falls on them once a child is conceived. Morality entitles the children to proper nurture, regardless of the circumstances in which they were conceived.

4.7 CONCLUSION.

This chapter has attempted to give an understanding of human rights within the Natural Law tradition. It has appreciated the natural law basis for human rights and agreed on their universality regardless of differing views of the positivists and Marxist positions. We have realized that development is an inalienable human right but whose achievement is dependent upon proper nurture. This qualifies nurture to be a basic human right since it is the process that leads to progressive actualization of individual development. We have seen that there is a corresponding duty on the part of the state and other instruments of nurture to ensure protection and promotion of children rights in order to attain individual and societal development. Regardless of the challenges that face the instruments of nurture from fulfilling their moral and legal obligation of protecting children rights, we think that harmony among the instruments of nurture is a possible solution. This study, therefore, hold that children are entitled to proper nurture, which will enable them to actualize their human potential.

CHAPTER FIVE

5. 0 CHILDREN RIGHTS IN KENYA.

5.1 INTRODUCTION.

We have shown in the previous chapter that the instruments of nurture have a big role to play in the realization of development of children. This encompasses both the facilitation and provision of their basic human needs, and an enabling environment for the actualization of human capacities that exist in children. The instruments of nurture can as well disable the realization of children's potential through abuse and neglect since it is detrimental to their physical, mental, moral and social development. The present chapter examines the exact situation of children in Kenya in terms of the achievements and failures of the instruments of nurture on their responsibility of respecting and promoting children rights.

5. 2. ATTENTION TO CHILDREN RIGHTS IN KENYA.

The people and the government of Kenya have paid some attention to the position, welfare of children and protection of their rights. This we draw from the way a number of children's social issues have been handled. For example, the government of Kenya took the initiative of getting children out of the streets to rehabilitation centers such as the Pumwani community in the year 2004 and some were trained in the national youth service. Other non-governmental organizations such as The Undugu society of Kenya take care of former street children (Wamalwa, A. 2004:27). Sisters of the Catholic Justice and Peace Commission have also campaigned against abortion and female circumcision. Additionally, since the year 2003, Kenyan children enjoy the right to free primary

education. This is advantageous to most children especially those from economically challenged families who could not access education in the past. All these are good gestures to the promotion of children's rights but we realize that much still needs to be done. The presence of children on the streets is according to this study, a creation of the instruments of nurture therefore getting them from the street is obviously the right thing to be done. Further, the access to free primary education is a right that ought to have been implemented way back since the time it was done, many children were already disadvantaged.

5.3 VIOLATIONS OF CHILDREN'S RIGHTS IN KENYA.

Despite Kenya being a signatory to the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child together with a Constitution that ought to address human rights concerns, children rights in Kenya are still violated. This poses a moral challenge to the set laws with regard to their implementation. The Kenyan situation is such that what is given in theory is not pursued in practice. This is evidenced by the continued reports of cases of raping of minors, battering of children by their parents and guardians, prevalence of children on the streets, death of children due to hunger and ethnic conflicts, child labour and so forth.

Cases of child abuse which have recently been prominently highlighted in the Kenyan media include the following: "man who defiled ten-year old daughter jailed", rape case against priest summed up", "the menace of street children", "woman accused of dumping her baby in a bush", "child bride rescued," etc. Similar cases continue to occur today. In

the year 2004, there were 715 reported cases of child abuse and neglect in Kenya. This study notes that the instruments of nurture have failed in their function and responsibility towards children. We concur with the comment made by Leny, A. (1999: 11) that, "Innocent children have fallen victim to assault and other forms of violence at the hands of their parents and those entrusted with the responsibility of their care and protection. It is appalling and shocking that children, some as young as 24 months, have been victims of sexual abuse at the hands of able-bodied adults."

A Quarterly Human Rights report of 2003 gives a survey conducted by the Christian Aid Mission the main sexual abusers of girls in Kajiado primary schools are school workers, teacher and peers. (KHRC. 2003: 25). Differences and antagonisms between parents have also culminated in battering or killing of children. For example, a 34-year old man was reported to have killed his seven-year old twins before hanging himself following a domestic quarrel with his wife.⁷

Whereas some children in Kenya are being forced to the streets due to abuse and neglect, those in the rehabilitation centers are not safe either. A man is accused to have sodomized "at least 12 former street children at a rehabilitation center" in his house (KHRC, *Ibid.*). Such accusations have many times been proven correct.

7. Daily Nation, 14th April 2003

Before the implementation of the Compulsory Free Primary Education Act in Kenya, a number of children had abandoned education in order to work for wages, which contribute, to the maintenance of their parents, brothers and sisters. There are encouraging reports from organizations working on children's rights that with the introduction of free, compulsory primary education by the present government, an estimated one million "child labourers" joined school.⁸ According to Wambui Njuguna, the Director of African Network for the Prevention and Protection of Children, the above numbers comprise the majority of children who were not in school due to poverty. We realize however that poverty may not be the only cause for child labor, as a girl child may drop out of school and engage in prostitution after a rape ordeal by her male teacher because she feels hopeless and wasted yet need money to survive. Some parents have as well just neglected the responsibility of taking their children to school because they do not appreciate the need for education, which pushes the children into money-generating activities.

According to the International Labour Organization, the minimum age for employment is between 14 and 16 years. However, we agree with Onyango's observation that there are children as young as 6-14 years employed as domestic workers in Kenya (Onyango, 1990: 17). There are some children involved e.g. in sugar cane harvesting and fishing who are being paid meager wages.

8. East African Standard 10th April 2003, Kenya Times, 13th March 2003

The availability of child abuse cases exhibit moral and social problems in Kenya. We think this is an indication of lack of nurture and failure of the instruments of nurture to fulfil their moral and legal duty towards children. The fact that some parents and guardians cannot be counted on to perform their duty (that is, care, protection, provision and education) towards children out of respect for their rights threatens the actualization of the children's potential- development.

5. 4 CHILDREN'S RIGHTS IN THE AU CHARTER.

Kenya is a member of the Organization of African Unity that facilitated the development of an African Charter on the Rights of the Child. The Charter has been an attempt to instill some elements of 'African' characteristics into the international standards created by the UN Convention on the Rights of the Child (Murray, 2004: 163). The Charter was intended to pay attention to special issues prevailing in Africa and complement the UN Convention in enhancing the promotion and protection of the rights and welfare of children in Africa.

This study observes that apart from the paper evidence of the above documents, no serious attention is paid to the development position of children and protection of their rights in Kenya, and Africa in general. As noted by Murray (*Ibid.* 174), most issues of children in Africa are seen from the perspective of the continent's development rather than the rights of the child leading to their development *per se*. Consider the following articles on Resolutions on Universal Immunization in Africa;

1. Mindful of the fact that in order to ensure the future development of the continent, African countries should provide the necessary resources to promote equitable growth of the African child. (Res. 163 xxiii).

2. Convinced of the need to ensure the welfare of mothers and children through effective and less expensive actions, with long lasting effects, so as to guarantee their active participation in the economic development efforts of African States (CM/ Res. 114 xlviii).

The above resolutions in the AU human (children) rights documents are interpreted in this study as an urge on the African State parties to promote the welfare and situation of children on the basis of present/future socio-economic development needs of the particular states or the continent. However, respect and promotion of children rights should not be effected merely because the prevalence of abuse cases is a negative development indicator for a country/continent or they should grow up well and eventually contribute to the development processes. Such thinking and action culminate into what Kant calls 'a hypothetical imperative' in which a given rule or action engendered is conditional on the foreseen end result.

Instead, we think that the effort of the various instruments of nurture should have the mind of respecting and promoting children rights *per se*. This would be in line with Kant's categorical imperative in which reason or action dictates without reference to ones

interest or benefit in the long run, but on duty's sake. In this case the instruments of nurture will respect and promote children rights on the basis both moral and legal duty.

Kant's hypothetical and categorical imperative contention comes out more clearly as follows:

Now all imperatives command either hypothetically or categorically. The former represent the practical necessity of a possible action as means to something else that is willed (or at least which one might possibly will).

The categorical imperative would be that which represented an action as necessary of itself without reference to another end, i.e. as objectively necessary...if now the action is good only as a means to something else, then the imperative is hypothetical; if it is conceived as good in itself and consequently as being necessarily the principle of a will which of itself conforms to reason, then it is categorical (Kant, I.1909: 189).

Whenever the instruments of nurture promote children's rights with a sole motive of achieving some personal good or interest they are working on the hypothetical imperative. We therefore think that Kant's categorical imperative is the relevant working principle for the elimination of all forms of child abuse in Kenya and Africa in general, and for the promotion of the welfare and development of children. Children or their rights should be respected due to their worth and in accordance with duty according to Kant's categorical imperative. Once individual development is realized then we think that socio-economic development of people and peoples will necessarily follow. This is because an individual whose rationality, sociality, morality, individuality, criticality and creativity

are realized should be able to make use of it in the society. This leads to societal development.

5. 5 KENYAN INSTRUMENTS ON CHILDREN RIGHTS AND PROTECTION.

The constitution of Kenya and the Children and Young Person's Act (CAP 114) are the existing documented instruments that address issues of children rights and protection.

5. 5.1. THE KENYAN CONSTITUTION.

A constitution is the Supreme Law of the land from which all other laws draw their basis. The Kenyan constitution contains the Bill of Rights that guarantees fundamental rights and freedoms to all subjects.

Chapter five of the current constitution recognizes civil and political rights only.

According to it, all persons including children are equal before the law. This study observes that this constitution has not taken group rights into consideration. By group rights we mean individuals who have something in common or in special circumstances although they are still human beings. For our case, the current constitution is silent on children, yet they are the most vulnerable to abuses. Whereas the Penal Code Cap 63 of the Laws of Kenya makes it a crime to commit an offence such as rape and incest, there are no clear prescriptions in the Constitution to provide for redress in such instances. Additionally, while it is recognized that early childhood marriages are detrimental to the development of girls, the Matrimonial Causes Act, Cap 152 has a loophole for childhood marriages. This is because it defines children to mean "...in the case of Africans... males

who have not attained the age of thirteen years, and in the case of other persons, unmarried children who have not attained maturity.” In case a marriage breaks down, the above Act provides for orders to ensure that the interests of children in the marriage are taken care of. Since childhood marriages are forced in some communities in Kenya, we observe that such parent’s interests are here left out the Act yet they fall in the bracket of children.

Due to the ineffectiveness of the current constitution to address human rights in general, the ongoing process of writing a new constitution could offer more. This is because so far, it contains an elaborate bill of human rights hoped to usher a new era of consolidating the principles and practice of human. The drafted constitution has specific provisions for promotion of human rights. It particularly strengthens the rights of groups that have fallen victim of violations of rights, such as, women, children, and persons with disabilities, old members of society, refugees, and asylum seekers (Draft Constitution, Chapter 6 (35-46)

Of interest to us is if successfully completed, then Kenya will have a Constitution that recognizes the special place children hold in society. In this regard, it will make it obligatory for the instruments of nurture (such as parents, wider family, society and the state) to nurture them in a safe and stable environment for them to actualize their full potential in all respects for the benefit of themselves and the society as a whole. The study views this as an anticipated achievement only if the specific provisions which entitle children inherent dignity and the right to have that dignity respected and pursued in practical moral terms.

5. 5. 2. Children's Act 2001.

This has put together three Acts of Parliament namely the Children and Young Persons Act, the Adoption Act and the Guardianship of infants Act (DARAJA, 2004: 132). The Adoption and the Guardianship of Children Acts have clear provisions concerning parental responsibility, fostering, adoption, custody, maintenance, guardianship, care and protection of children.

With the above instruments in place, one expects the rights of children in Kenya to be respected and promoted, and those who abuse their rights to face the relevant legal charges. Unfortunately, this is not the case. This study partly locates the reason for this to be lack of moral insistence on obligation on the part of the instruments of nurture and failure to practically acknowledge and appreciate the worth in children. If this were so, continued cases of physical and psychological terror on the innocent and helpless children in Kenya could be curbed. The silence of the instruments responsible for the care and protection of children is for this study evidence that;

1. Nurture is lacking.
2. The moral net that requires everybody to be responsible and mindful of the other human being's welfare has been cut. This is because some of the very instruments of nurture have contradicted their duty by abusing children or failing to expose and prosecute the violators.

Regardless of the fact that the instruments of nurture have failed in their responsibility of helping children enjoy their rights and realize development, we hold that they have no

option but to mend their past and begin a fresh in providing care and protection to children. This begins with the appreciation of the worth and dignity embedded in the children's humanity, and understanding that the children's encounter with the social environment will have an impact (positive or negative) on the realization of their potential capacities and future survival. This cannot be accomplished in isolation. It will take the effort of the government and non-governmental institutions, parent and all adult individuals working together in harmony.

5. 6. CONCLUSION.

This chapter has attempted to give the prevailing condition of children in Kenya. It has recognized the efforts done by some instruments of nurture to curb cases of child abuse, provide them with care and protection, but also observed that some of the instruments of nurture have contradicted their moral and legal responsibility by participating in violation of their rights. We have appreciated the availability of documented instruments for care and protection but realized that the contents in them more often exist on paper than in practice. However it is realized in this study that the instruments of nurture are still capable of helping children attain development. This will be through appreciating their worth, and working together in harmony in providing for their basic needs and eliminating all forms of abuses.

CHAPTER SIX

6.0 CONCLUSION AND RECOMMENDATIONS

The aim of this study was to clarify nurture, examine and determine the extent to which it influences the realization of individual development and how nurture and individual development fit in the human rights discourse. This was prompted by the realization of a misconception of nurture and the inconsistency of the ideal objective of nurture that was evidenced by the availability of child abuse and neglect cases in Kenya. We thought that any child who is for instance subjected to hard labor, lives on the streets, is denied education and healthcare, is battered etc, couldn't fully actualize their potential. This led us to the assumption that nurture determines individual development; lack of harmony between the instruments of nurture leads to disablement of individuals in society and that proper nurture is indispensable for the enhancement of children rights.

The study evaluated the historical debate on nurture versus nature in Chapter Two. Amidst the debate we resolved that every human being has some innate characteristics that play a part in what they become in future, but the realization of those human characteristics (e.g. rationality, creativity, individuality etc) largely depends on ones social and physical environment. Nurture stood out to be very fundamental in attaining development especially with regard to children. This is because any conceived or born child has a moral right to receive proper nurture in order to rightfully attain development.

We have also clarified the concept of nurture in this study, understood as the process of facilitating the actualization of human capacities and potential in children. We agreed that

nurture should begin pre-natally since in our view, the life a child begins at conception and therefore should be nurtured until birth and further until adulthood. We found out that nurture has a central position in attainment of individual development. For this reason, we established that the instruments of nurture have the capacity either to enable or disable children in realizing development.

We found out that nurture is both material and spiritual. It's material dimension entails the act of providing children with needs that lead to development and maintenance of their physical bodies for example supply of food, health-care, and shelter. The spiritual dimension lies in the facilitation and creation of an environment that enable the actualization of essential human characteristics such as rationality, morality, individuality etc. discussed in Chapter Three. We realized that the two dimensions of nurture relate. A child will for instance not be able to actualize his/her human characteristics well if there is no food, shelter, good health, education etc. Here the instruments of nurture become handy because they have an obligation to supply the needs of children including love and protection in order for them to realize all-round development. However, no one instrument of nurture can achieve this goal. That is why we saw the need and possibility of harmony among the instruments of nurture. These instruments can facilitate the development of children if they work together in subsidiarity.

Although we found out that nurture is both material and spiritual; this study realized that that the spiritual aspect of it ought to be the driving force for the instrument of nurture in handling children. This begins by acknowledging the worth and dignity in the children's

innocent humanity followed by the facilitation of attainment of the spiritual human characteristics discussed in Chapter Three.

This study perceived nurture and individual development as human (children) rights. But we found out that nurture is the bedrock in determining attainment of individual development. This is because although development is an inalienable human right, its actualization is dependent on provision of certain goods by the instruments of nurture. This proved our assumption that proper nurture is indispensable for the enhancement of children rights-development.

The study's position is that a clarification of nurture and its place in individual development in the light of children rights has strength in the elimination of all forms of violence against children in Kenya. This is because the study's achievements;

1. Provide the instruments of nurture with knowledge of its centrality in human society.
2. Provide ground for evaluation of the performance of the instruments of nurture, in terms of their human responsibility, and the extent to which children exhibit results of nurture.
3. Give fulfillment to both the individual (child) and the instruments of nurture themselves when the human capacities are fully actualized.

In reality, this study found out that the realization of development by some children in Kenya is at stake. This is due to the continued reports of child abuse and neglect cases such as abortion, rape, and abandonment. We found this to be an indication of lack of nurture, and failure of the instruments of nurture to work together in harmony. We explored in Chapter Five a number of instances where children have fallen victim of abuse by the very instruments of nurture that should protect them. We, therefore, resolved that such a contradiction of duty can be worked out through proper understanding of nurture and its place in individual development, appreciating human worth and the instruments of nurture working together in harmony.

This study appreciated the availability of documented instruments on protection of children rights such as the UN Convention on The Rights of the Child, the African Charter on the Rights and Welfare of Children and the Kenyan Constitution. However, we found out that,

1. There is lack of adequate practical insistence in implementation of the contents in these documents.
2. Respect and promotion of children rights was not based, in the strict sense, on their development, but on the outside image of the instruments of nurture and the apparent future contribution the children will make to the socio-economic development of the society.

The findings and achievements of this study,

1. Enlighten every member of the public on nurture and its significance in human development.
2. Give an insight of human nature and the inherent human characteristics that if actualized are necessary for holistic development in society.
3. Provide ground for the children rights educators and activists to sensitize the public on the importance of child welfare and give means of their protection.

Due to the preceding research and findings, it is the conclusion of this study that proper nurture is every child's right, and determines to a greater extent the realization of individual development-an inalienable human right. The above function of nurture can only be maintained when the instruments of nurture appreciate the worth and dignity in children together with their important human characteristics, and choose to work in harmony to facilitate their actualization. We, therefore, see the need for the instruments of nurture to have good power of knowledge, conscience and insight to their duty because nurture is central to individual development.

Due to the findings and achievements of this study, we recommend that;

1. There be a positive practical commitment and determination of the instruments of nurture in according children proper nurture, both as their moral and legal right, in order for them to realize development.

2. Any form of nurture or respect and promotion of children rights should be taken seriously but not with a strict aim of gaining some interests in the long-run. Instead, it should be based on the deontological principle of duty for duty's sake. We thought that facilitating individual development through respect and promotion of rights should be an end in itself.

3. The ministry of education in Kenya gives consideration for issues of nurture and children development in the curriculum right from primary school. The ministry of health should also integrate education on nurture and its centrality in individual development in antenatal and postnatal clinics to equip potential and actual parents with knowledge of how to handle children.

4. All children be enlightened on their rights and build confidence in them in order to facilitate the elimination of all forms of immoral and anti-social acts directed to them by some adults.

This study realized that there are other emerging issues such HIV/AIDS that have left many children infected or orphaned. In the event of for instance sexual abuse of such children, they are left with a multiple of stigma whose curbing requires skill. We recommend that interested researchers investigate how the instruments of nurture can facilitate the development of such children in addition to protection from abuse and neglect.

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