

Education for Human Rights Enforcement: A Functionalist Perspective

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Abstract

This paper captioned “Education for Human Rights Enforcement: a Functionalist Perspective”, attempts to examine the factors responsible for the violation of fundamental human rights across the globe. It further attempts to locate the propellants of rights violation, examining the place of absence of functional education in the entire process. The paper argues that the failure of society to provide functional education to its citizens is the primary reason why people violate the rights of their fellow human beings. Using functionalism as the theoretical framework, the study observes that humanity has committed huge philosophical, institutional, financial and manpower resources to the defense of human rights. However the outcome has not justified this huge investments, as the world presently witnesses human rights violation more than ever before. The study therefore concludes that the provision of functional education is the panacea to rights abuses, as the educational system will help impart positive values for the defense of human rights.

INTRODUCTION

One of Political Science classic and most outstanding scholars, Jean-Jacques Rousseau, starts his work, *The Social Contract*, by noting that “*Man was born free, and he is everywhere in chains. Those who think themselves the masters of others are indeed greater slaves than they,*” (Rousseau, 1968:49). This paradox throws up certain basic assertions by Rousseau. The first is that man’s creator intended to make man free – free from all forms of encumbrances, fetters and deprivations. The second is that as a member of society man finds it almost impossible to enjoy the freedoms bestowed on him by his maker. The third is that the inability of man to appropriate his inborn liberties is the result of the emergence of a class of men who perceive themselves as masters, and the rest of mankind as slaves. As Shakespeare (1959) notes graphically: “*Why, man, he both bestride the narrow world like a colossus, and we petty men walk under his huge legs, and peep about to find ourselves dishonourable graves.*” Some people have become colossus with huge legs – power and might – which they use to intimidate and coerce others into doing their whims and caprices. Man has evolved measures to cow his fellow man into *submission*.

The pursuit of human rights has become one of the primary vocations of man. He has fought wars in defense of his rights; he has entered into alliances to protect his rights; he has adopted conventions and treaties to safeguard his God given inalienable rights. Mankind has formed leagues and organizations, including the defunct League of Nations and the United Nations Organization with the objective of working together for the promotion of human rights. Human literature is replete with well written, well thought out works on human rights from the dawn of writing to the present time. Religious teachers and writers have also underscored the centrality of human rights to the actualization of the full potentials of man. In addition, most modern national constitutions and political declarations have sections on human rights. In spite of man’s best efforts the world wakes up everyday to incredible stories of human rights violations, and these violations exist at the family level, national and sub-national levels, and even across national borders. Violators include government officials, parents, care givers, wealthy individuals in the society; in a word-everybody; victims also come from every stratum of society-children, adults, old and young, the educated and illiterate, and so on. One wonders if the perpetrators of human rights breaches are enlightened and educated. It is inconceivable that hearts and minds exposed to the liberating power of education can engage in human rights violation.

In the light of the above, this paper intends to examine the reasons responsible for the violation of human rights in human society. Put differently the paper will attempt to answer the following questions: What propels an individual into human rights violation? What shall society do to transcend, or at least reduce the intensity and scope of human rights breaches? Can functional education help reduce the degree of human rights abuses in the world? The Objective of the paper is to expose the philosophical basis for human rights in society; and also to locate the positive relationship between functional education and human rights protection. The paper argues that an absence of education is the primary engine that drives men to violate the rights of other members of the human race. It argues further that liberative education is the primary panacea for human rights breaches. The paper adopts a functionalist approach as the theoretical framework for its study; it also generates data from secondary sources. A descriptive approach to data analysis was equally adopted.

CONCEPTIONAL CLARIFICATIONS

- i. Education: this is one of the most discussed concepts in the modern world. Hogan (2006:135) sees education as the “*transmission of knowledge by either formal or informal method*”. He stresses further that the “*main function of the educative process is to pass down knowledge from generation to generation a process that is essential to the development of culture.*” The process of knowledge transmission therefore becomes pivotal to the survival of any society. This role is so crucial that Fafunwa (1995:1) explains that every society, regardless of its degree of sophistication, “*has its own system for training and educating its youth, and education for the good life has been one of the most persistent concerns of men throughout history.*” Society makes it a primary concern to engage in the training and retraining of its members. Some scholars see education as a change agent. George and Jones (1996:620) posit that “*through education and communication, internal and external agents of change can provide organizational members with information about the change and how it will affect them*”. Education therefore acts as a change agent – agent of positive change that will enhance the development of society. Todaro and Smith (2011:381) show that “*basic education... has made great contributions to development, broadly conceived... creating a class of educated leaders to fill vacancies left by departing expatriates or otherwise vacant or prospective positions in governmental services...*” Given the above contributions to the concept of education, this paper conceives of the concept as the perpetual transmission of values, norms, orientations, skills and knowledge from one generation to another. The aim of education generally is to exterminate negative values in a society while encouraging the internalization of positive values by the individual.
- ii Human Rights: according to Donnelly (2003:7) “*are literally, the rights that one has because he is human.*” In other words they are the things that make man what or who he is, and man ceases to be man the moment his rights are taken away from him. The Universal Declaration of Human Rights insists that “*all human beings are born free and equal in dignity and rights.*” Each individual is therefore expected to enjoy these rights without discrimination, and regardless of his economic, social or political place in society. For the purposes of this paper human rights shall be operationalized as the inborn potentials, preservatives, protective mechanisms and defensive devices in man that enable him to achieve his full potentials and utmost happiness in society.

THEORETICAL FRAMEWORK

The paper adopts functionalism as theoretical framework. Functionalism conceives society as “*a social system made up of interdependent parts, all of which must fulfill certain functions for society to operate properly*” (Thomson and Hickey, 1996:24). The evolution and development of functionalism is associated with the likes of Herbert Spencer, one of the founding fathers of Sociology, Emile Durkheim, and Talcott Parsons, amongst others. For this group of scholars there is always a search or lookout for structures in society since such structures discharge roles that are crucial to the survival and well being of the entire society. The functionalist holds that “*society is held together through consensus. In other words, most people agree on what is best for society and work together to ensure that the social system runs smoothly.*” (Thomas, 1995:13). The worth of an institution or process lies in its contributions to the overall well being of society. Education, for instance, “*serves to integrate societal members and contribute to the smooth operation of society*”. (Thomas, 1995:348). The intellectual roots of functionalism are located in the biological sciences. As Haralambos and Holborn (2008:8) observe, just as a biologist examines an organ of the human body in relation to its contribution to the well being of the whole body, so will the functionalist “*examine a part of society, such as the family, in terms of its contribution to the maintenance of the social system.*” Following from that, societies must meet functional prerequisites- “*basic needs or requirements that must be met if they are to survive*”.

The choice of functionalism in this study merits some explanations. The modern world, as shall be shown later, places a high premium on human rights. Besides receiving an indepth intellectual attention, societies the world over have put in place conventions, treaties, organizations and even constitutions to put in place human rights and safeguard them. This paper intends to examine the extent to which these structures have discharged their historical mandates. In addition the paper shall examine the role of education in the promotion of human rights. Finally, given that human rights have to be examined within the overall context of society, the study wishes to highlight how the breach or promotion of human rights have impacted the society as a whole.

PHILOSOPHICAL BASIS FOR HUMAN RIGHTS

The subject of human rights has attracted a plethora of philosophical attention from the earliest times. Philosophers of various cast and mould have produced treaties of various degrees to justify the sanctity of human rights in human society.

Hobbes (1968:189) justifies human rights on the grounds that such rights are natural: “*THE RIGHT OF NATURE, which writers commonly call jus Naturale, is the liberty each man hath, to use his own power, as he*

will himself, for the preservation of his own Nature; that is to say, of his own Life". Hobbes therefore sees in nature a law for each individual to preserve himself, nature confers liberty on all individuals. For him liberty means *"the absence of externall (sic) impediments: which impediments, may often take away part of a mans power to do what hee (sic) would..."* Hobbes position is that this was the perception of man in the state of nature, before man entered into society. He explains his concept of liberty further: *"A law of Nature, (sic) (Lex Naturalis) is a precept, or generall rule, found out by reason, by which a man is forbidden to do, that which is destructive to his life, or taketh away the means of preserving the same; and to omit, that, by which he thinketh it may be best preserved..."* Reason teaches man that he has rights, and that he needs to act to promote and protect those rights. For Hobbes therefore man's primary preoccupation is the preservation of his rights, and each man defending his rights produces chaos. Therefore, reason taught man to enter into society in order to better protect rights of man. The primary obligation of civil society or the state is the defense of human rights.

Jean -Jacques Rousseau, like Hobbes, accepts the fact that man's rights were discovered in a state of nature, a state prior to the emergence of the state. Both scholars also agree that self-preservation was the primary task undertaken by man in the state of nature - viz: defense of lives and property. Each individual became a law unto himself, being both an arbiter and executor in the pursuit of his rights. This state of affairs, according to Rousseau (1968:59) reached *"a point where the obstacles to their preservation in a state of nature prove greater than the strength that each man has to preserve himself in that state. Beyond this point, the primitive condition cannot endure, for then the human race will perish if it does not change its mode of existence."* The way forward was for men to enter into a social pact. Rousseau gives the product of the social pact as one based on the equality of members: *"Thus, in the first place, as every individual gives himself absolutely, the conditions are the same for all, and precisely because they are the same for all; it is no one's interest to make the condition onerous for others"*(Rousseau, 1968:60). He sees a state in which an individual's right to self preservation is recognized and accorded respect by all. Human rights violation is therefore out of the question; this ensures the perpetuation of the human race as it removes all perils in the way of humanity.

John Locke is seen by many as the most influential of all the state of nature theorists, as his thoughts have formed the philosophical basis of many revolutions of the liberal extraction. Like the other social contract philosophers, Locke argues that man had rights in a pre-state existence and he willingly surrendered them to an authority that would guarantee them. For Locke, unlike Hobbes who had a chagrin and disdain for revolutions, the pursuit and defense of these rights entitles citizens to revolt against a state that fails to protect their rights. *"Locke maintained that natural law dictated that the ultimate source of political sovereignty was with the individual, and a state could come into existence only when a group of sovereign individuals agreed to enter into a contract to relinquish some of their individual rights to a common ruler"*(Vaughn,1980:78). Locke's position is that the rights of man are so sacred that man can only relinquish some of it. Man retains the enforcement of his rights and this warrants the *"removal from office and replacement with more congenial ruler"* (Vaughn, 1980:78), if the ruler fails to protect the interests and rights of the citizen. Locke's postulations fascinated the English revolutionaries who toppled Charles I; they also captivated the Americans in their war of independence. The United States of America, on July 4, 1776, declared its independence from Great Britain. In doing so, the thirteen colonies asserted that *"We hold these truths to be self-evident; that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed"*.(The Unanimous Declaration of the Thirteen United States of America, 1776). The authorship of this document is usually credited to Thomas Jefferson, an individual who later became the third President of the United States (1801-1809).One does not need to go far into the declaration to see that Jefferson was a good student of John Locke. It is however important to note that the voice behind the pen was Locke. It is equally note worthy that the Declaration was equally a treatise on human rights, and as long as the Declaration was concerned, equality of men and endowment with 'unalienable' rights are self-evident truths that need not be questioned. The end of government is principally to protect, defend and guarantee these rights - life, liberty, and the pursuit of happiness. These principles of government are so dear and vital to the American spirit that they were reiterated and encased in the Constitution of the United States, a document that was drawn up in 1787, eleven years after the Declaration of Independence. The Constitution, in its preamble, states thus: *WE THE PEOPLE (sic) of the United States, in order to form a more perfect Union, establish the general welfare, and secure the blessings of Liberty to ourselves and our Posterity..."*The spirit behind the enactment of the constitution clearly indicates that the defense of the inalienable rights of man is the primary reason for the declaration of independence and the drawing up of the constitution. In typical Lockean fashion, the revolt against the government of George III of Great Britain was precipitated by the failure of the Monarch to adequately service the God given rights of the people of the thirteen colonies. It needs to be added that the successful revolt against the British Monarch by the American colonies marks a watershed in human revolt against rights violation. The United Nations Organization is generally seen as an international organization committed to the promotion of international peace and peaceful coexistence among nations. Beyond this however the organization is

involved in the defense of fundamental human rights, as an examination of its original Charter shows: “*We the peoples of the United Nations determined to save succeeding generations from the scourge of war... and to reaffirm faith in fundamental human rights, in the dignity and worth, of the human person, in the equal rights of men and woman...*” (The Charter of the United Nations). For the UN therefore the promotion and defense of fundamental human rights is an imperative and a pre-requisite for global peace. The violation of rights naturally breeds violence and conflicts as the victims of such violations attempt to extricate themselves from the yoke of oppression and suppression. The Charter even attempts an itemization of the most basic rights of man – dignity of man; recognition of the worth of the human person; and equality of men and women. The observance of these rights enhances peaceful co-existence between nations and among individuals. The breach of the rights of man by Adolf Hitler not only began World War II, but also escalated the conflict into a global inferno that consumed all parts of the world. Therefore the observance of rights will enhance global peace, cooperation and understanding. The United Nations was not content with merely stating this in its Charter. It went ahead to evolve principles and practices of human rights: “*Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind...*”(Universal Declaration of Human Rights, 1948). The Universal Declaration of Human Rights, like the Constitution of the United States, and the American Declaration of Independence, is heavily indebted to Locke. This latter document believes that the rights of man are inherent in him, he was born with them and they are inalienable. Taking these rights away from him reduces him to a sub-human existence, and the act of rights denial can bring out the beast in man as countless historical instances show. Further, the document contends that the pursuit of freedom, justice and peace, the major preoccupation of the United Nations, has to be built on a foundation of recognition and respect for fundamental human rights. This position is very instructive, the attempt at peace engineering at global, national and sub-national levels must be grounded in the recognition and promotion of human rights. This commitment to human rights needs to transcend lip service and ensure the evolution of structures and processes—courts, constitutions, legal framework, education, penal code and universal application of the rule of law – that will sustain human rights.

Going through these historical documents shows the use of the word “We”. The use of the word is obviously deliberate. It puts the tasks of human rights defense and protection on the laps of humanity. It places collective action over individual initiative; it expects every individual to be part of the process of acting to prevent breaches of rights. Nobody is expected to look the other way while neighbours’ rights are trampled upon. These historical documents, especially the Universal Declaration of Human Rights, have impacted the conscience of humanity everywhere, and have become the foundation on which many national constitutions are constructed. The commitment to the Universal Declaration of Human Rights has great potentials for the improvement in human rights observances. Unfortunately such commitment is low even in the most liberal and self-styled democratic states. This is the dilemma of the human rights project.

POST-INDEPENDENCE CONSTITUTIONS AND HUMAN RIGHTS ENGINEERING IN NIGERIA

The Universal Declaration of Human rights has influenced most post 1948 constitutions across the world. The paper here explores post independence constitutions in Nigeria in order to find out their stance on fundamental human rights; and show how they conform to the standards of the Declaration. Nigeria has had four post-independence constitutions: 1963 Republican Constitution; 1979 Presidential Constitution; 1989 Third Republic Constitution; and 1999 Fourth Republic Constitution. Each of these has a section on human rights.

The 1963 Republican Constitution, guarantees what it calls fundamental rights in chapter three. That Constitution, in sections 18-33, laid down the fundamental *human rights it expects Nigerians to enjoy*, and these include: freedom from forced labour; rights to peaceful assembly and association; freedom of movement; freedom from discrimination; freedom of conscience; freedom of expression; and so on. The Constitution also made elaborate provisions for the defense of these rights. The demise of the First Republic in January 1966 led to the abrogation of the 1963 Constitution.

The decision of the military junta to return the administration of the country to civilians in 1979 led to the enactment of the Constitution of the Federal Republic of Nigeria, 1979. Like the previous one before it, the 1979 Constitution tackled the issue of fundamental rights in chapter four. In sections 30-42 it stated the rights of Nigerians as recognized and enforceable by it. It went ahead to make judicial provisions for their defense. The rights include: right to life; right to dignity of human person; right to personal liberty; right to fair hearing; right to private and family life; right to freedom of thought; right to peaceful religion; right to freedom of expression and the press; and right to freedom from discrimination. The same rights were also enshrined in the 1989 Constitution, a Constitution that attempted unsuccessfully to return the country to civil rule after a second period of military incursion into politics.

Military rule continued uninterrupted until 1999; that year the military authorities returned the country to civil rule after several false starts and after a chain of dramatic events. Preparatory to that transition and handover, the

1999 Constitution was decreed into being. In chapter four, sections 33-46, the fundamental human rights of Nigerian citizens were laid out. They were basically a rewriting and restatement of the provisions of previous Constitutions on the subject-matter. All post-colonial Constitutions made provisions for the enforcement of citizens' rights, even where an individual lacks the resources needed to seek redress in the event of breaches. The 1999 Constitution in particular states in section 46 (4,b(i) and (ii) that it "*shall make provisions for the rendering of financial assistance to any indigent citizen of Nigeria where his right under this Chapter has been infringed or with a view to enabling him to engage the services of a legal practitioner to prosecute his claims; and for ensuring that allegations of infringement of such rights are substantial and the requirement or need for financial or legal aid is real.*"

The provisions made for financial and legal aid and assistance to indigent citizens show how much the authors of the Constitution place on human rights. The question therefore arises: Why the huge violations of human rights in Nigeria in spite of the elaborate constitutional and judicial arrangements put in place to protect human rights? The same question can be asked across the globe. This paper has shown the existence of conventions, organizations, treaties and even judicial processes for the defense of human rights across the world. It is also true that all known national constitutions have chapters on human rights. Yet there are daily reports of rights violations across the world, at all levels of human existence. Governments, government officials, leaders of religion and ethnic / racial groups, the young, the old, men and women are all guilty of rights breaches. The hierarchy of international organizations have looked the other way while rights of people are violated. What is the reason behind all this? The answer to us is simple-lack of functional education. The solution? The provision of functional education.

FUNCTIONAL EDUCATION FOR HUMAN RIGHTS PROTECTION

The challenges and dangers arising from human rights violations in any society are enormous and they threaten the stability and survival of society. Observations show that violators of human rights come in various shapes and sizes, cutting across all religious, philosophical, ethnic, racial, and intellectual strata of society. Thus human rights violation, when so conceived, becomes so frightening. However it is not without remedy. In his work the Republic Plato argues that the role of education is to identify the natural inclinations of various individuals in the state and then give each individual the training they require to tackle future role assignments. This is the functional perspective on education. Elaborating further on this approach, Plato (2006:16) argues "*that education makes good men, and that good men act nobly, and conquer their enemies in battle, because they are good*". To make men good education has to purge men of all character impurities that make them to act like beasts and brutes. Out competing a fellow individual therefore becomes predicated on fair practices. Plato goes ahead to state that functional education has to begin at an early age, insisting that the young of society should be exposed to it as soon as possible.

Platonic functional education is predicated on pleasure and pain. According to Plato (2006:25), "*Now I mean by education that training which is given by suitable habits to the first instincts of virtue in children-when pleasure, and friendship, and pain, and hatred, are rightly implanted in souls not yet capable of understanding the nature of them, and who find them, after they have attained reason to be harmony with hers.*" This kind of education will obviously implant in the individual positive values, such as the protection and defense of human rights. It will further inculcate in the minds of individuals that cruel treatment of fellow humans will subject victims to pain and create in them a lasting feeling of hatred.

Such functional education will also make the individual realize, as Jean-Jacques Rousseau did years ago, that "*Those who think themselves the masters of others are indeed greater slaves than they.*" The implication is that those who violate rights of others are worse than their victims. Haralambos and Holborn (2008:600) say that functional education attempts to question the functions of education on the society. According to them, "*Given the functionalist view of the needs of the social system, this question leads, for example, to an assessment of the contribution made by education to the maintenance of value consensus and social solidarity.*" If any state can build a consensus needed for the maintenance of social solidarity such a process will include respect for human rights. The school system has to transmit positive developmental values from one generation to the other. As Thomas (1995:349) observes, the survival of society over time depends on its ability to successfully engage in transmission of culture. "*After families, schools are perhaps the most important and obvious means through which children learn their societal norms, values and belief.*" Given what is known by national constitutions, as exemplified by post independence constitutions in Nigeria, as well as international conventions and charters of international organizations, humanity is generally favourably predisposed to the respect and protection of human rights. This is a universal value worth preserving and transmitting, especially if society wishes to perpetuate its existence. As Weingartner (1969:207, cited in Thompson and Hickey, 1996:339) notes "*The basic function of all education even in the most traditional sense, is to increase the survival prospects of the group.*" The violation of human rights has caused great chaos and crisis where ever it occurs, it has led to the disintegration of societies, and it also accounts for the generation of hate and hate crimes, racial discriminations and inter ethnic feuds in

many instances. This trend obviously is dangerous to the common survival of humanity. The educational system has to note this trend and transmit same to the children. Unfortunately the system seems not to appreciate this fact.

The school system needs to appreciate the dangers posed by rights violation and teach the children the virtue of rights respect, rights protection, and rights expansion. It should also discourage them from using their positions, influence and wealth later in life to disrespect and erode the rights of their not so fortunate fellow citizens. The education here advocated is one that transmits the virtue of respect for human rights, and one that teaches mankind to abhor participation in violation of people's rights. Individuals should be encouraged to see any position they occupy, their wealth and influence as avenues for the promotion of human rights. The ability of the educational system to discharge this humanitarian obligation will enhance the common survival of humanity.

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