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Cooperative Preservation – The Regional Legal Deposit Copy as a Basis for a Mass Deacidification Strategy

Abstract: The German National Library and the state and regional libraries each collect, catalogue and archive a legal deposit copy of all media published within their respective territorial jurisdiction. In its *National Recommendations for Action* the Coordination Office for the Preservation of Written Cultural Heritage (KEK) recommends that the legal deposit libraries be tasked with safeguarding written matter printed since 1851 in accordance with their current responsibilities in the German states. Regardless of the deposit regulations that were in place historically, these libraries should assume a duty of preservation for printed matter published in the territory for which they are responsible today. Because in many cases multiple copies have survived the deposit copies must first be identified in the libraries' catalogue systems and be designated as the archival copies to be preserved in all circumstances. These legal deposit copies should then be given priority for deacidification.

The discussion about the permanent archiving or the discarding of printed literature has gained momentum in recent years, both internationally and in Germany.¹ The main models discussed are those that aim for 'systematic, rule- and data-based cooperation'² and follow the tradition of 'cooperative or division of labour solutions' in the German library system.³ A model of this kind was implemented at the Baden State Library in 2020–2021 as part of the bwLastCopies project in Baden-Württemberg which has created a reference for a cooperative preservation and mass deacidification strategy based on the regional legal deposit copy.

¹ Overview in: Altenhöner et al. 2020; Schüller-Zwierlein 2021.

² Altenhöner et al. 2020, 1.

³ Altenhöner et al. 2020, 1.

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1 The Legal Deposit Copy: Legal Basis and Stakeholders in Germany

The (printed) national cultural heritage in Germany is collected, catalogued and archived within the framework of a mutually complementary overall system of libraries. In addition to the German National Library and the state and regional libraries this is based on central specialised libraries, large research libraries and university libraries. The library networks and the journal database (ZDB) are also important stakeholders.⁴

The national and regional legal deposit copy collected by the German National Library and the state and regional libraries can serve as a ‘first point of reference’⁵ for cooperative preservation measures. Two copies (at least) of each published media work must be deposited in the responsible deposit libraries: one in the German National Library at federal level and one in the relevant state or regional library at local level.

At federal level this legal deposit is regulated in the German National Library Act (DNBG) and with it the collection, cataloguing, bibliographic indexing, permanent safeguarding and making available for use of all media works published in Germany since 1913.

There are legal deposit regulations also at federal state level which are implemented by the respective state and regional libraries. In Baden-Württemberg, one copy must be deposited in the Baden State Library for the Baden part of the state and one copy in the Württemberg State Library for the Württemberg part of the state on the basis of the 1976 Act on the Deposit of Legal Copies [Gesetz über die Ablieferung von Pflichtexemplaren].⁶ The state libraries are responsible for the permanent archiving and preservation of the legal deposit copies submitted, while in the other federal states the state or regional libraries fulfil the legal deposit regulations of the respective federal state. For example, the Saxon State and University Library Dresden (SLUB) collects, catalogues and archives the Saxon legal deposit copy and the Mecklenburg-West Pomerania State Library Günther Uecker in Schwerin does so for the Mecklenburg-West Pomerania legal deposit copy.

Based on the regional deposit copy, the state and regional libraries are the central stakeholders responsible for a holdings preservation strategy and measures for mass deacidification within Germany. They preserve the written cultural herit-

⁴ Koordinierungsstelle für die Erhaltung des schriftlichen Kulturguts 2015, 13–15.

⁵ Altenhöner et al. 2020, 2.

⁶ The Baden State Library is responsible for the administrative districts of Freiburg and Karlsruhe, the Württemberg State Library for the administrative districts of Stuttgart and Tübingen.



Fig. 1: Legal deposit libraries in Germany. Image: NordNordWest, CC-BY-SA 3.0

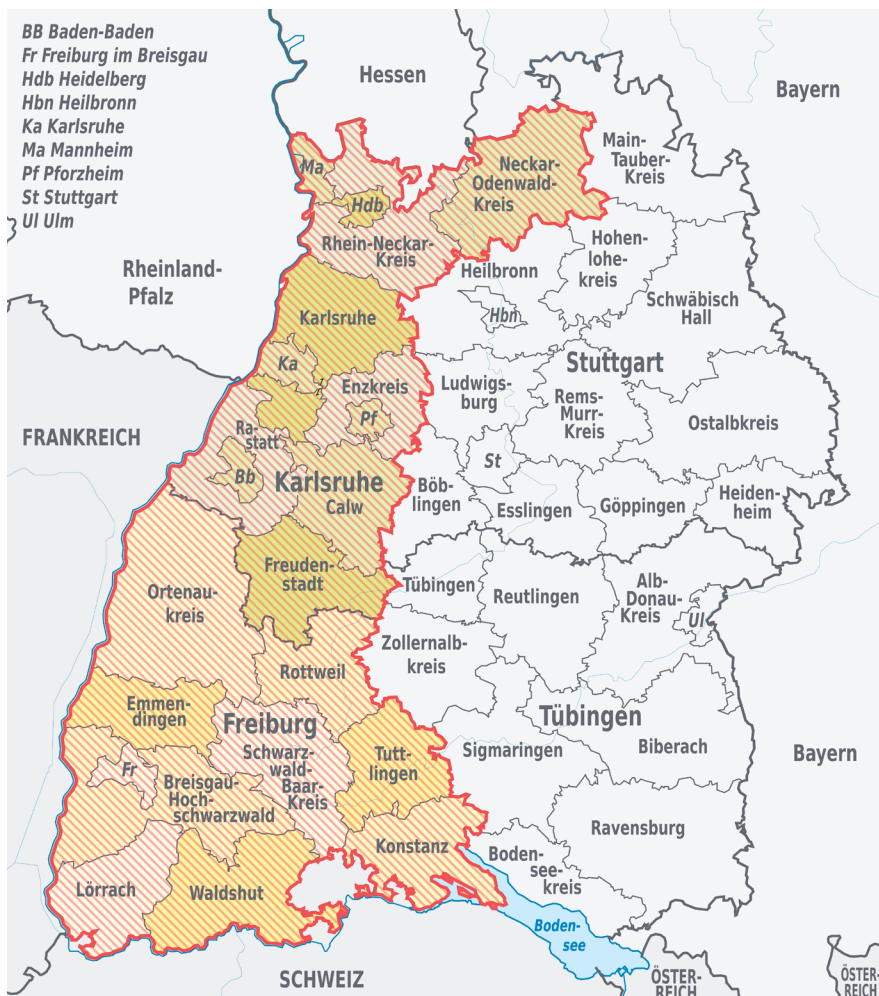


Fig. 2: Territorial responsibility of the Baden State Library for the Baden-Württemberg legal deposit copy. Image: Baden State Library, CC-BY-SA 3.0

age of their respective regions and collect all publications whose content deals with the respective region as well as all titles that are published in the respective region – the regional deposit copies mentioned above. The Baden State Library accordingly collects, catalogues and archives all media works published in the Baden region of Baden-Württemberg, irrespective of whether they are published by a publishing house or self-published by an authority, an association, an organisation, a company or a private individual. In this way, the entire media production

of a state is collected in one place and is securely archived in public ownership as cultural heritage and as a research source for posterity. The proportion of total acquisitions of (here: printed) media is considerable; in 2021, the proportion of total acquisitions added to the holdings of the Baden State Library via the legal deposit copy was around 53%.⁷ The Württemberg State Library fulfils this task for the Württemberg region.

2 Prioritisation and Coordination of Conservation Measures

In 2015, the KEK published *National Recommendations for Action for the Preservation of the Written Cultural Heritage*. In this document, the KEK prioritised the library holdings to be treated as part of the preservation measures and made recommendations for coordinating the measures.

Unique library holdings, e. g. manuscripts, autographs, bequests or prints of intrinsic value, no matter what must be ‘preserved in their entirety in the original for future generations’⁸ and must generally be safeguarded with suitable preservation measures. However, since the invention of printing, written material is generally available in libraries in multiple locations so that its preservation in libraries must be prioritised according to the respective central responsibility; based on the recommendations of the Alliance for the Preservation of Written Cultural Heritage [Allianz Schriftliches Kulturgut Erhalten] from 2009, the KEK states that every ‘surviving copy’ of books printed up to 1850 ‘regardless of their language, place of printing or storage’ should be preserved, as each volume has an ‘intrinsic value’ due to individual production or traces of collection and use.⁹ All unique library holdings as well as all printed books published before 1850 are therefore subject to the ‘overall responsibility of all institutions and funding bodies’.¹⁰

From around 1851, however, books were produced by mass production and in ever larger editions so that from this point onwards a ‘permanent preservation of the complete multiple transmission [...] is unrealistic for cost reasons’,¹¹ which is

7 Baden State Library 2022. Statistic, <https://www.blb-karlsruhe.de/files/user_upload/PDF/1_Die_%20BLB/2021_Statistik_fuer_Website_mit_Logo.pdf> (last accessed 26. July 2024).

8 Koordinierungsstelle für die Erhaltung des schriftlichen Kulturguts 2015, 49.

9 Koordinierungsstelle für die Erhaltung des schriftlichen Kulturguts 2015, 51.

10 Koordinierungsstelle für die Erhaltung des schriftlichen Kulturguts 2015, 50.

11 Koordinierungsstelle für die Erhaltung des schriftlichen Kulturguts 2015, 50–51.

why the KEK proposes a ‘shared responsibility’¹² for all printed books published from 1851 onwards:

| | |
|---|---|
| German prints from 1851 | State and regional libraries of the federal states and academic municipal libraries |
| German and German-language prints 1851–1912 | University Library Johann Christian Senckenberg Frankfurt a.M. (Collection of German Prints 1850–1870) Berlin State Library – Prussian Cultural Heritage (Collection of German Prints 1871–1912) |
| German and German-language prints from 1913 onwards | German National Library |
| International prints 1850–1949 | Bavarian State Library Berlin State Library – Prussian Cultural Heritage |
| International prints 1950–2013 | [former] Special Subject Libraries of the German Research Foundation |
| Rare and valuable prints from 1851 onwards of intrinsic value and/or collection relevance | Owning institutions, e. g. academic municipal libraries |

The state and regional libraries are responsible for safeguarding the respective regional legal deposit copies published from the year 1851 onwards, according to the present territorial responsibility of the respective library.¹³ Nationwide (relevant for mass deacidification for the period 1851–1990), this affects a total of around 3.7 million regional legal deposit copies in the holdings of German state and regional libraries.¹⁴ At the Baden State Library this includes approximately 210,000 legal deposit copies from Baden, multiple copies that would have to be deacidified en masse as part of the preservation measures.

In order to be able to identify the regional legal deposit copies they must first be labelled in the library reference systems, however; this task is made more difficult by the structure of library reference systems in Germany; unlike in Switzerland, for example, there is no standardised reference system at national level but rather a total of six library networks, each with its own network databases,¹⁵ although since 2019 the library holdings of ten federal states have been searchable in a joint

¹² Koordinierungsstelle für die Erhaltung des schriftlichen Kulturguts 2015, 50.

¹³ Koordinierungsstelle für die Erhaltung des schriftlichen Kulturguts 2015, 23.

¹⁴ Koordinierungsstelle für die Erhaltung des schriftlichen Kulturguts 2015, 28. In addition, there are around 5.2 million volumes in the holdings of the federal institutions.

¹⁵ The six library networks are: Bibliotheksverbund Bayern (BVB), Südwestdeutscher Bibliotheksverbund (SWB), Gemeinsamer Bibliotheksverbund (GBV), Hessisches Bibliotheksinformationssystem

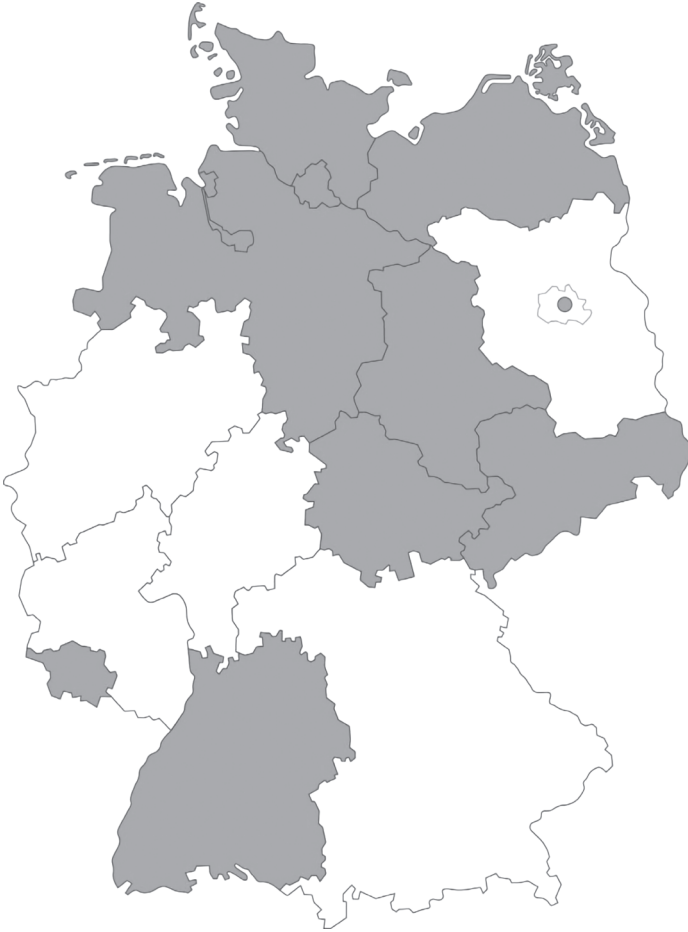


Fig. 3: K10plus federal states. Image: BSZ-GBV-Wiki zu K10plus, URL: <<https://wiki.k10plus.de/>>, last accessed 9 November 2023

reference system with the K10plus database. K10plus was the technical data basis for the project presented here.

The steps that would have to be taken to implement a mass deacidification strategy based on the regional legal deposit copy are explained below using the Baden model.

tem (hebis), Kooperativer Bibliotheksverbund Berlin-Brandenburg (kobv) and Hochschulbibliothekszentrum des Landes Nordrhein-Westfalen (hbz).

3 Data Model for Preservation Measures and (Long-Term) Archiving

Since the topics of cooperative preservation and removal from circulation have increasingly found their way into the specialist library discussion, it quickly became apparent that an important element for supra-regional and cross-institutional coordination was missing, namely the possibility of a centralised record of archiving obligations and preservation measures in the library network systems.

On the initiative of the Speicherverbund Nord,¹⁶ a regional association of seven northern German libraries for the joint archiving of printed journal holdings, the KEK in 2016–2018 supported the Einheitlicher Nachweis [Standardised Proof] project as part of which a data model for the standardised exchange of information on preservation measures and archiving agreements was developed and which is now firmly established in the German network systems and in the Zeitschriftendatenbank (ZDB).¹⁷

As PICA field 4233 for ‘Holdings Protection Measures and (long-term) Archiving’, this data model corresponds to MARC field 583 and thus complies with the international standard. The sub-field structure for use in the German network systems is as follows:

| PICA 4233 | PICA+ 046X | Repeatable | Contents | MARC 583 |
|-----------|------------|------------|---|------------|
| \$3 | \$3 | no | Holdings information Form: according to the local information in the holding area | \$3 |
| \$a | \$a | no | Code for the measure | \$a \$2 |
| \$c | \$c | no | (planned) date of action Form: YYYYMMDD, YYYYMM, YYYY | \$c |
| \$f | \$f | yes | Context/legal basis Form: (standardised) text or ISIL | \$f |
| \$h | \$h | no | Legal responsibility Form: ISIL | \$h |
| \$i | \$i | no | Method Form: Code for procedure | \$i |

¹⁶ Der Speicherverbund Nord, <<https://fachwelt.sub.uni-hamburg.de/archivierung/der-speicher-verbund-nord.html>> (last accessed 6 March 2023).

¹⁷ See Geisler et al. 2020.

| PICA 4233 | PICA+ 046X | Repeatable | Contents | MARC 583 |
|-----------|------------|------------|-----------------------------------|----------|
| \$k | \$k | yes | Executing agent Form: ISIL | \$k |
| \$l | \$l | yes | Damage images Form: Text | \$l |
| \$z | \$z | no | Comment Form: Text | \$z |
| \$5 | \$5 | no | Library/Institution Form: ISIL | \$5 |

At title data level, the following kind of information can now be entered in PICA field 4233:

- A code that defines the action and its status, e. g. whether a title is permanently archived ('aa'), already mass deacidified ('ba') or whether digitisation is planned ('cb').
- The respective context or legal basis of the action, e. g. whether the title is labelled as permanently archived as part of a legal deposit copy regulation, a special collection or as part of a FID collection. The code for the Baden-Württemberg legal deposit copy, e. g., is 'PEBW'.
- If a title has been marked as mass deacidified the method used for deacidification can be entered in another subfield, e. g. 'METE' for 'magnesium ethanolate' and 'titanium ethanolate' or 'MgO' for 'magnesium oxide'.
- In a further subfield the library responsible for the respective action is entered with its call number, e. g. 'DE-31' for the Baden State Library.

A permanently archived Baden legal deposit copy title in the holdings of the Baden State Library is labelled as follows and can be searched for as:

\$aaa\$fPEBW\$5DE-31

The PICA field 4233 can be used multiple times, i. e. several archiving obligations or inventory protection measures can be recorded here. The establishment of PICA field 4233 in the network databases makes it possible to label the regional legal deposit copies at title data level as described above and thus in turn creates the basis for a mass deacidification strategy based on the regional legal deposit copy.

| | | | | |
|--|------------|-------------|----------------|----------|
| Set 1 | Setgröße 1 | Datensatz 1 | PPN 1433012189 | Format D |
| Eingabe: KALB 02-04-12 Änderung: BSZ 30-05-22 14:31:08 Status: KALB:21-02-14 | | | | |
| 0100 1433012189 | | | | |
| 0110 363012184 | | | | |
| 0500 Au | | | | |
| 0501 Text\$bbt | | | | |
| 0502 ohne Hilfsmittel zu benutzen\$bn | | | | |
| 0503 Band\$bnc | | | | |
| 1100 1966 | | | | |
| 1500 ger | | | | |
| 2098 #OCoLC#796932801 | | | | |
| 2240 GBV: 221540482 | | | | |
| 3000 Taine, Paul | | | | |
| 4000 Lazarus, komm heraus!\$ddie Geschichte eines jüdischen Mannes, der zur Ehre Gottes vom Tode auferweckt wurde\$hvon Paul Taine | | | | |
| 4020 3. Aufl. | | | | |
| 4030 Baden-Baden\$bnFeigenbaum-Verl. | | | | |
| 4060 108 S. | | | | |
| 4061 Ill. | | | | |
| 4233 \$aph\$e20200910\$#DE-640\$z1 | | | | |
| 4233 \$aaa\$PEBW\$5DE-31 | | | | |

Fig. 4: PICA title data record for: Taine, Paul: *Lazarus, komm heraus! Die Geschichte eines jüdischen Mannes, der zur Ehre Gottes vom Tode auferweckt wurde*, Baden-Baden: Feigenbaum-Verlag 1966. Image: Baden State Library

4 Identification and Labelling of the Baden Legal Deposit Copies as Part of bwLastCopies

The Baden State Library has put this into practice as part of the Baden-Württemberg state project bwLastCopies; all Baden legal deposit copies have been labelled as permanently archived in PICA field 4233,¹⁸ which happened following the KEK's proposals of 2015, retrospectively from the year of publication 1851 and on the basis of today's (and not historical) territorial jurisdiction. The 2019–2021 bwLastCopies project at the Baden-Württemberg Library Service Centre (BSZ) aimed to set up and commission a holdings management system to enable cooperative removal from circulation and preservation; among other things, (potentially) rare titles were flagged in PICA field 4233 and the Baden and Württemberg legal deposit copies were labelled as such a part of this project which is limited to academic libraries in the state of Baden-Württemberg.¹⁹

The legal copies in Baden from 1851 onwards could only be identified in the K10plus network database by their place of publication. In so doing, every title from 1851 onwards with a place of publication in Baden was considered a legal Baden copy regardless of any historical legal regulations that may have existed in the past. To do this, a list of as many Baden-Württemberg towns as possible had to be compiled from various source systems in a laborious process, with the list of places that

¹⁸ Fischer et al. 2021.

¹⁹ Potentially rare titles in this context are titles that are still to be found in one, two or three libraries under the auspices of Baden-Württemberg. For bwLastCopies, see Gerland 2021.

was then used containing more than 10,000 place names including many reference forms and differing spellings. The BSZ used this list to search the entire holdings in the K10plus network database and to compile a list of all monograph titles published between 1851 and the present with a place of publication in Baden-Württemberg.²⁰

In reality, however, only around 80% of the titles identified in this way are actual legal deposit copies in the holdings of the legally responsible library, i. e. the Baden State Library. These titles were labelled Baden legal deposit copies in PICA field 4233 as described above.

The remaining approximately 20% are held as virtual legal deposit copies in the holdings of other libraries in Baden-Württemberg. There are two reasons for this:

1. Between 1868 and 1936 the legal regulations on the legal deposit copy in Baden were suspended, which is why a large part of the Baden written heritage did not even find its way into the holdings of the Baden State Library.
2. Even printed works that were added to the holdings of the Baden State Library during this period are no longer preserved because the library suffered a total loss of its holdings of printed works during a bombing raid in September 1942.

These virtual legal deposit copies also had to be labelled as Baden legal deposit copies which involved coordinating the assumption of archiving duties with the owning libraries. An obligation algorithm was developed in order to determine which library under the auspices of the state of Baden-Württemberg should logically assume a preservation obligation for one of these virtual legal deposit copies. Whenever a legal deposit title from Baden was not in the holdings of the Baden State Library, the latter checked whether the title was available in the nearest library in the following order:

- Württemberg State Library
- University Library Heidelberg
- University Library Freiburg
- University Library Mannheim
- KIT Library Karlsruhe
- KIM Konstanz
- University Library Tübingen
- University Library Stuttgart
- KIM Hohenheim
- KIZ Ulm

²⁰ Only printed works and no parent bibliographic records, magazines or newspapers were included in the search.

The order of the libraries resulted from the historical and current legal responsibilities for the Baden or/and Baden-Württemberg legal deposit copy; the legal deposit copies of the present-day state of Baden-Württemberg have always been collected by the Württemberg State Library and the Baden State Library on a complementary basis. Periodically, the university libraries in Freiburg and Heidelberg exercised their own legal deposit copyright for the Grand Duchy of Baden, and from 1945 to 1964, Freiburg University Library had the legal deposit copyright for South Baden which was founded in the French occupation zone with Freiburg as its capital.²¹ The university libraries were followed by all other libraries under the auspices of Baden-Württemberg in the order of the list of call numbers. This complex obligation algorithm comprised almost 100 library call numbers and analysed data spanning a period of approximately 170 years.

In January 2021, the directorates of the participating academic libraries in Baden-Württemberg agreed to the automated entry of the archiving obligation in accordance with the obligation algorithm outlined above for the Baden legal deposit copies held in their libraries' holdings by means of a *Draft Resolution of the BLB on the Cooperative Recording of a Preservation Obligation for the Virtual bwlegal Deposit Copy 1851 ff in K10plus*.²² In the event of a removal from circulation the title in question must be offered to one of the responsible state libraries for acceptance. The virtual Baden legal deposit copies were subsequently labelled in PICA field 4233 as:

\$aaa\$fPEBW\$hDE-31\$5< ISIL of the owning library >

As part of bwLastCopies a total of approximately 441,000 physical legal deposit copies from Baden and approximately 109,000 virtual legal deposit copies from Baden were labelled. Since then the Baden legal deposit copies have been labelled in PICA field 4233 in the current acquisitions of the Baden State Library.

Titles that have a place of publication in Baden but are not subject to legal deposit, namely all 'genuine' dissertations and other university publications, were not labelled legal deposit copies from Baden. According to a resolution of the Standing Conference of the Ministers of Education and Cultural Affairs [Kultusministerkonferenz (KMK)] also in Baden-Württemberg, the university at which the dissertation was submitted is obliged to archive dissertations. The university libraries in Baden-Württemberg are currently labelling 'their' dissertations in PICA field 4233; at present, 190,211 dissertations at Baden-Württemberg university libraries are already labelled in the K10plus network database.²³

²¹ For the history of the legal deposit law in Baden, see Hiller von Gaertringen 2021a.

²² Hiller von Gaertringen 2021b.

²³ As of 30 October 2023.

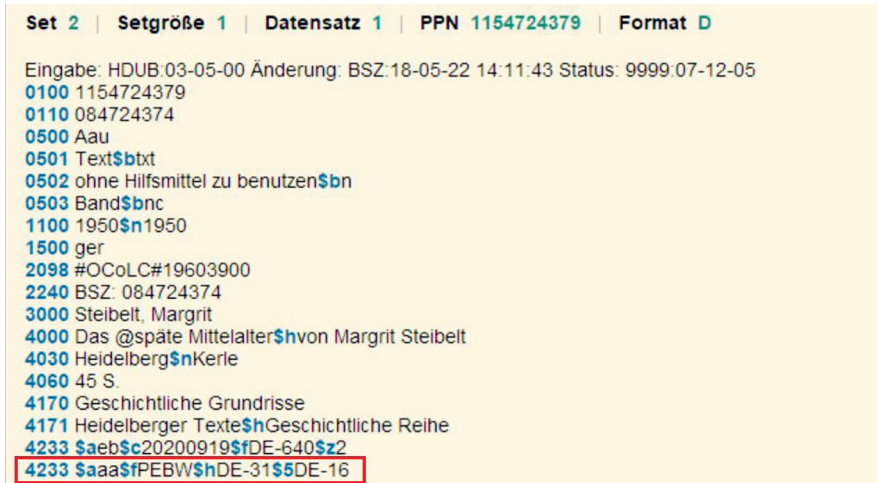


Fig. 5: Example of a virtual legal deposit copy from Baden in the holdings of Heidelberg University Library. PICA title data record for: Steibelt, Margrit: *Das späte Mittelalter*, Heidelberg: Kerle, 1950. Image: Badische Landesbibliothek

Since such extensive and complex mass labelling can result in incorrect labels, subsequently several automated clean-up operations were necessary. Among other things additional legal deposit copies were labelled (e. g. in the case of ecclesiastical university libraries that have voluntarily entered into a preservation obligation) and corrections entered (e. g. the cancellation of the preservation obligation in the case of loss of holdings or legal deposit titles still to be acquired). Another problem is dealing with homonymous places of publication that exist both within and outside Baden-Württemberg, e. g. Brühl (NRW), Lichtenau (NRW) or Neuried (Bavaria). In the context of the place list search, titles with such places of publication were identified as legal deposit copies from Baden even when these places were not located in Baden-Württemberg. The title records in question were corrected as far as possible.

The Württemberg legal deposit copies in the area of responsibility of the Württemberg State Library – with a reverse obligation algorithm – could also be labelled within the framework of bwLastCopies as described here.

5 Conclusion: What Was Accomplished by the Pilot Project at the Baden State Library?

First, the labelling in PICA field 4233 provides a reliable indication of the number of Baden legal deposit copies that have to be mass deacidified as part of preservation measures, namely a total of approximately 210,000 for the relevant period 1851–1990.

Second, there is a precise, title-specific classification for the Baden legal deposit copies to be treated as part of a mass deacidification measure. The logistical basis for such a programme must be created at the Baden State Library and applications then formulated for the KEK and other possible funding bodies.²⁴

Third, the pilot project can be the starting point for a nationally-structured, complementary and cooperative general system of preservation. In order to be able to implement an effective preservation strategy based on the regional legal deposit copy the legal deposit copy titles in the holdings of the other state and regional libraries must also be labelled in the library reference systems in PICA field 4233 in the same way as in the Baden pilot project presented here. Supra-regional cooperative archiving commitments and agreements between the state and regional libraries of other federal states are now possible; with K10plus, they already have a common database in ten out of 16 federal states. Currently, for example, as part of the NI-LastCopies project in Lower Saxony, the legal deposit titles in Lower Saxony from 1850 onwards are being identified with archiving obligations coordinated and entered in PICA field 4233.

If this labelling were implemented by all eligible state and regional libraries for their regional legal deposit copies the basis would be created for a comprehensive and effective general cooperative preservation system that ensures that no title is removed without first being offered to the responsible regional legal deposit library for acquisition and that exactly one copy of each title, namely the regional legal deposit copy, can be mass deacidified.

Only time will tell whether preservation in the sense presented here will remain a voluntary obligation on the part of libraries or whether it will be formulated as a political mandate in the future. In any case, a general system of cooperative preservation will be able to rely essentially on the state and regional libraries.

²⁴ In the years 2017–2021, the Baden State Library has already had holdings from the Upper Rhine regional history collection area, which was managed separately until 1974, deacidified and received grants for this purpose from the KEK from special federal funds for the preservation of written cultural heritage in Germany and budget funds from the Baden-Württemberg state restoration programme.

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