

To: Joint Steering Committee for Development of RDA
From: Kathy Glennan, ALA Representative
Subject: Court and Jurisdiction in RDA

ALA thanks the JSC Technical Working Group for their proposal to clarify the use of “court” and “jurisdiction” and related terms in RDA. We support parts of the proposal, as explained below.

General comments

While we agree that the terminology used in RDA currently shows a bias towards Anglo-American treatment of legal works, we are concerned that some of the proposed changes will complicate some aspects of cataloging beyond the issues they address.

ALA does not agree with limiting the meaning of “jurisdiction” to the context of place in RDA. We see a continuing need to conceive of “jurisdiction” as a geographic area that has its own government, which can serve as the author of a statute, constitution, or treaty. We believe that less radical changes are needed to distinguish between “jurisdiction” as a corporate body and as a place. However, we agree with the JSC Technical Working Group that changes are needed in RDA to bring greater clarity and consistency to the use of such terms.

Comments on the recommendations:

Recommendation 1: Replace the term “political jurisdiction” in RDA with “political body” or a similar term, and the term “religious jurisdiction” in RDA with “religious body” or a similar term.

Disagree. “Political body” has much broader connotations than “political jurisdiction”. For example, political parties (e.g., Social Democratic Alliance, Iceland; Movimiento Nueva República, Guatemala) are certainly “political bodies” but they are not jurisdictions. The same situation exists for the proposed change from “religious jurisdiction” to “religious body”. We believe these substitutions would lead to a great deal of confusion, and we recommend continuing to use “political jurisdiction”.

Recommendation 2: Replace references in the RDA instructions to the unqualified term “jurisdiction” with a specific term chosen from “political body”, “religious body”, “territorial jurisdiction”, “ecclesiastical jurisdiction”, or similar terms, or other general terms established in RDA such as “place”, as indicated in Table 1.

Specific comments on Table 1:

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|-----------------------------------------------------------------------|------------------------------------------------------|---------------------------|-----------------------------------------------------------------------------------------|
| Replace “jurisdiction” with “place” | 12 occurrences | 2.7.2.3 – 2.10.2.6.2 | Agree |
| Replace “territorial jurisdiction” with “place” | 1 occurrence | 6.5.1.1 | Agree |
| Replace “jurisdiction” with “political body” | 8 occurrences in the singular, 2 in the plural | Various instructions | Disagree |
| Replace “jurisdiction” with “body” | 1 occurrence in the singular, 1 in the plural | 6.29.1.1.2; 19.2.1.1.1 | Disagree. |
| Replace “jurisdiction” with “territorial jurisdiction” | 27 occurrences | Various instructions | Agree. |
| Replace “jurisdiction” with “district” | 1 occurrence | 11.2.2.25 | Agree. |
| Replace “[religious] jurisdiction” with “ecclesiastical jurisdiction” | 1 occurrence | 11.2.2.26.1 | Disagree. No change is needed; this instruction is not limited to the Christian Church. |
| Replace “jurisdiction” with “authority” | 10 occurrences | Various instructions | Agree. |

Although the proposal doesn’t make this specific recommendation, ALA suggests using “religious jurisdiction” throughout RDA instead of “ecclesiastical jurisdiction” unless an instruction is specifically about the Christian Church.

Recommendation 3: Encourage the use of a vocabulary encoding scheme for the RDA element *Type of Corporate Body* but do not specify a scheme.

Agree.

Recommendation 4: Add a definition for the RDA element *Type of Corporate Body*. A scope note should be added to clarify the inclusion of *political body*, *religious body*, and *court*.

ALA agrees with the proposed definition; however, the terms used in the scope note will need to reflect the JSC decision about terminology relating to the term “political bodies”.

Recommendation 5: Add a definition for the RDA element *Type of jurisdiction*. A scope note should be added to clarify the inclusion of *territorial jurisdiction* and *ecclesiastical jurisdiction*.

ALA agrees with the proposed definition; however, the terms used in the scope note will need to reflect the JSC decisions relating to suggested wording in other parts of this proposal.

Recommendation 6: Add a definition and scope note for the RDA term “jurisdiction” to the RDA Glossary. The definition should indicate that a jurisdiction is a place.

ALA supports adding a definition of “jurisdiction” to the RDA Glossary; however, we disagree with the proposed definition. “Jurisdiction” is a troublesome word, because English speakers use it to mean slightly different things. It isn’t just a place. It isn’t just a governing entity. It is a unique combination of the two, which makes it difficult to explain in a succinct definition. We suggest the following definition:

jurisdiction A place under the authority of a government.

Recommendation 7: Add a definition and scope note for the RDA term “court” to the RDA Glossary. The definition should indicate that a court is a corporate body.

ALA supports adding a definition of “court” to the RDA Glossary; however, we disagree with the proposed definition. Within the Anglo-American tradition, courts are usually established by governments, although some are established by government agencies, and still others are sponsored by private corporate bodies. There are also international courts that are not tied to a particular jurisdiction (including ad hoc tribunals and permanent bodies). A court does not have legal authority over a jurisdiction, but rather adjudicates matters on behalf of the government of that jurisdiction. We agree with the proposed scope note. We recommend the following:

court A corporate body that has legal authority to adjudicate disputes and administer justice.

Recommendation 8: Amend the definitions of the relationship designators *appellant*, *appellee*, *enacting jurisdiction* and *jurisdiction governed*. Amend the label of the relationship designator *enacting jurisdiction*.

ALA finds the proposed definitions for *appellant* and *appellee* difficult to parse. We suggest rephrasing below for greater clarity. We also wonder, outside of the Anglo-American context, if families can be appellants or appellees; however, we have not proposed adding “families” to these revised definitions below. We recommend the following changes:

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appellant A person or corporate body ~~who appeals~~ whose appeal of the decision of a lower court is recorded in a legal work of a higher court.

appellee A person or corporate body ~~against whom an appeal is taken on~~ whose defense of the decision of a lower court against an appeal is recorded in a legal work of a higher court.

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appellant A person or corporate body whose appeal of the decision of a lower court is recorded in a legal work of a higher court.

appellee A person or corporate body whose defense of the decision of a lower court against an appeal is recorded in a legal work of a higher court.

ALA does not support changing *enacting jurisdiction* to *enacting political body*. Instead, we recommend that the definition for *enacting jurisdiction* remain unchanged, and that the current definition for *jurisdiction governed* be simplified as follows:

jurisdiction governed A jurisdiction governed by a law, regulation, etc. ~~that was enacted by another jurisdiction.~~

Note: Working through ALA, the American Association of Law Libraries may explore proposing an RDA change proposal about these two relationship designators so that “jurisdiction governed” would be the default and “enacting jurisdiction” would be the exception (the reverse of current practice).