

To: Joint Steering Committee for Development of RDA

From: Bill Leonard, CCC representative

Subject: Court and Jurisdiction in RDA

CCC discussed this proposal at its meeting September 19, 2014. CCC is generally supportive of the intention but not supportive of some of the proposed changes. RDA should reserve the use of the word “jurisdiction” for the usual legal sense of the term and in other cases prefer “authority.”

Recommendation 1

CCC prefers replacing “political jurisdiction” with “government” instead of with “political body.” Political bodies might not have the unilateral authority to create and enact legislation, i.e., a political body such as a senate or house of representatives, might only be one operative in the multi-stage process of creating legislation. “Government” is the more commonly-used, accepted and understood term. We also prefer that phrases such as “political body” not be shortened to simply “body.” Use of the precise term eases the task of translation.

CCC sees the replacement of “religious jurisdiction” with “religious body” as somewhat more problematic as seen in the proposed changes to 11.2.2.27.

We prefer “religious authority” be used instead of “ecclesiastical jurisdiction,” “ecclesiastical body” or “religious body.”

Recommendation 2

CCC agrees that it is preferable to disentangle some of the usages of the word jurisdiction but we do not agree with all of the replacements. CCC does not agree with the use of the word “place” when speaking specifically about territories governed by a political jurisdiction. The word “place” has several meanings and while the intended meaning in these instructions and designators might be understood from the context, a more precise term is preferable.

Recommendations 3,4,5,6,7

Agree with the definitions and the scope notes.

Recommendation 8, Amend the Relationship Designators

CCC offers these comments on the proposed definitions of Appellant and Appellee. Mentioning the higher court seems unnecessary because appeals are always heard in a higher court, and if the decision was not recorded and published, we would have no need to use a relationship designator. We appreciate that the working group has given consideration to the definitions in the MARC Relator Codes list, but we see those as being much more straightforward.

Appellant

A person or organization who appeals a lower court's decision

Appellee

A person or organization against whom an appeal is taken

CCC notes that the existing relationship designators in I.2.2 for defendant, judge, participant in a treaty and plaintiff were not mentioned in this paper, suggesting that those definitions require no revision in the

context of this proposal. CCC has also noticed several terms from the MARC Relator list which are absent from I.2 and would be willing to submit those through the fast track process.

Comments on specific changes in Table 1:

11.4.3.3 Recording Date of Establishment

During the translation of RDA into French, it was realized that the addition “as appropriate” is superfluous to the instruction. All governments discussed in this instruction have been established at some point in time, so it is always appropriate to record the year. If the intention was to record the applicable year with the appropriate name of the government, the wording could be:

If two or more governments claim authority over the same area, e.g. as with occupying powers and insurgent governments, record the applicable year of establishment of the government ~~as appropriate~~.

11.4.4.3 Recording Date of Termination

During the translation of RDA into French, it was realized that “as appropriate” does not always apply. Some of the governments covered by this instruction have not terminated. We suggest saying “if applicable.”

If two or more governments claim authority over the same area, e.g. as with occupying powers and insurgent governments, record the year of termination of the government ~~as appropriate~~ if applicable.

While 11.7.1.5 was not mentioned in the proposal from the Technical Working Group, there is a similar usage of “as appropriate” that could be deleted.