

To: **Renate Behrens**, Chair, RDA Steering Committee

CC: Anne Welsh, RSC Secretary

From: Robert L. Maxwell, NARDAC representative to RDA Steering Committee

Subject: Response to RSC/PlacesWG/2023/1 - [Proposal on] Jurisdictions, Governments, and Courts in RDA, prepared by the Places Working Group.

NARDAC generally supports this proposal but has a few questions, particularly about Recommendation 7, as well as some editorial suggestions. Because of the short turnaround time given for this response NARDAC is unable to formulate a position on some of the comments reproduced below, including the general comments at the end from LC.

Before speaking to specific recommendations, NARDAC passes along the following concerns from LC Law Cataloging and LC Law Library for consideration by RSC and the WG.

“The proposal appears to assume that [RDA is] working exclusively with modern governments for whom all laws are enacted by a formal legislative process, and ignores systems (historic and contemporary) in which governance involves customary law. This is problematic even in discussing modern English-speaking countries whose legal systems include elements of customary law, and breaks down totally when considering jurisdictions based on customary structures and laws, which also includes most religious jurisdictions. Even if RDA was limited to collections of Euro-centric and USA-centric resources this would be a problem, but the Law Library of Congress intensively collects materials from all countries, cultures, and time periods, and as such the definition would be seriously flawed.”

NARDAC agrees that the proposal may have ignored its effect on customary law and recommends that the WG examine this issue more carefully.

2023 Recommendation 1A

Approve

2023 Recommendation 1B

Approve

2023 Recommendation 1C

Approve

2023 Recommendation 1D

Approve

2023 Recommendation 1E

Approve

2023 Recommendation 1F

Approve

2023 Recommendation 1G

Approve with comment/suggestion

Editorial note based on RDA language elsewhere:

CONDITION OPTION

Record (in this order of preference):

1. the form of the name in a language preferred by the agent who creates the metadata, if there is one in general use.
2. the form of the name in the *an* official language of the government of the jurisdiction in which the place is located.

2023 Recommendation 1H

Approve

2023 Recommendation 1J

Approve

2023 Recommendation 1K

Approve

2023 Recommendation 2 (definition of court)

Approve in principle with comment/suggestion

Normally, in element definitions and scope notes, the singular is used in enumerations. When the enumeration lists examples of what the element can be, the verb "may" is not used, even when the enumeration is not intended to be comprehensive.

For consistency, the definition should read:

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

A court includes a tribunal, a court of first instance, a court of last resort, a court of limited jurisdiction, an appellate, civil, constitutional, criminal, district, juvenile, international, military, or religious court.

If RSC is amenable to the above change, another NARDAC member also suggests that rather than listing the most important courts at the end, the second paragraph could read instead:

A court includes an appellate, civil, constitutional, criminal, district, juvenile, international, military, or religious court, a tribunal, a court of first instance, a court of last resort, a court of limited jurisdiction.

The LC Law Library suggests adding “wellness” and “traditional” to the list of types of courts.

2023 Recommendation 3

Approve with comment

LC Law Library points out that changing “enacting jurisdiction” to “enacting government” may make the relationship element unsuitable for customary law.

2023 Recommendation 4

Approve

2023 Recommendation 5

Approve

2023 Recommendation 6

Approve

2023 Recommendation 7

Approve in principle with comments/questions

Add elements for Corporate Body: governing jurisdiction and Place: governing jurisdiction of, in order to relate a corporate body that is a government to the place that it governs.

Clean version only

governing jurisdiction: A place that is governed by a government.

governing jurisdiction of: A corporate body that is a government that governs a jurisdiction.

Comment/Question: Does this mean that we need to start creating two descriptions (authority records) for (e.g.) United States? Since they have the same preferred name, will authorized access points for one or both have to be qualified to distinguish them? If there is to be a relationship recorded between a “governing jurisdiction” and a place, there need to be two entities to relate (i.e., two descriptions). The implication of the proposal is that every jurisdiction (to use original RDA’s language) will need two descriptions, one for the governing jurisdiction (e.g., King County, Washington; Seattle, Washington) and one for the place it governs (King County, Washington; Seattle, Washington).

NARDAC is not necessarily opposed to this, but it seems a major change; one which, however, may be necessary, perhaps even overdue.

Comment on the name of the elements proposed in Recommendation 7: a NARDAC member suggests that the new element names may be clearer as:

Corporate Body: jurisdiction of government

and

Place: government of jurisdiction

Rather than

Corporate Body: governing jurisdiction

and

Place: governing jurisdiction of

The suggested naming is similar to the first pair (Recommendation 5), which points to a jurisdiction as a place (with the phrase "jurisdiction governed"). The phrase "governing jurisdiction" feels like it is the place that is doing the governing.

General comments from LC that pertain to more than one recommendation

LC RDA project team points out a minor issue that RDA Glossary definitions seem to usually prefer "A corporate body who ..." rather than "A corporate body that ...". Yet the proposal favors "A corporate body that ..." in the definitions for its new glossary term on p. 14 ("court: A corporate body that has legal authority to adjudicate disputes and administer justice ...") and its two new elements on p. 16 ("applicable government: A corporate body that is a government that is governed by a law, regulation, constitution, court rule, or other legislation" and "governing jurisdiction of: A corporate body that is a government that governs a jurisdiction"). The LC commenter personally favors using that, but to make it more consistent with the rest of RDA, the proposal may need to consider changing "that" to "who".

The LC Law Library comments: It would be more efficient to keep the current term "jurisdiction" and we suggest modifying the definition of jurisdiction: "a place that is governed by a law, regulation, constitution, court rule, or other legislation enacted by a corporate body **that is a government**", either deleting "that is a government" or adding the phrase, "or traditional community body".