Jurisdictions, Governments, and Courts in RDA

Prepared by the Places Working Group for the May 2023 meeting of the RDA Steering Committee

Abstract

This proposal examines the treatment of jurisdiction as 'a place that is governed by a law, regulation, constitution, court rule, or other legislation enacted by a corporate body that is a government' in RDA and proposes changes RDA to harmonize this concept with elements related to corporate bodies that are governments and courts.

Background

6JSC/TechnicalWG/4 concerning court and jurisdiction in RDA was submitted to the RSC in August 2014 and was accepted in principle at the November 2014 RSC meeting. The current iteration of the Places Working Group has reviewed the recommendations in 6JSC/TechnicalWG/4 in the context of the post-3R Toolkit in order to determine if the recommendations have been implemented and where further revision of RDA is required.

This proposal is organized by the 2014 recommendations.

Recommendations

2014 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.

Status: Implemented.

The March 2023 release of RDA Toolkit defines *jurisdiction* as 'A place that is governed by a law, regulation, constitution, court rule, or other legislation enacted by a corporate body that is a government.' The term *government* is defined as 'A totality of executive, legislative, and judicial corporate bodies exercising power over a jurisdiction.'

All instances of 'religious jurisdiction' in base RDA have been replaced with 'religious body.'

Other instances of the term 'religious jurisdiction' are found in the Community refinements area of Community resources. Revisions to Community resources are out of scope.

Based on the above, the Places Working Group has concluded that 2014 Recommendation 1 has been implemented in RDA.

2014 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.

Status: Partially implemented.

In most areas of RDA, the terms of *jurisdiction* and *government* are used as they are defined in the Glossary. However there are a few places in RDA that still have confusing usage.

2023 Recommendation 1: Revise element definitions and instructions across RDA to clarify the distinction between a *jurisdiction* and a *government*.

For ease, each change is presented on a separate page.

2023 Recommendation 1A

date of establishment. Recording an unstructured description. [Condition/Option 1](#)

Marked-up version

CONDITION

A corporate body is a joint administration by two or more governments who claim ~~jurisdiction~~ <u>governance</u> over the same place.

Clean version

CONDITION

A corporate body is a joint administration by two or more governments who claim governance over the same place.

2023 Recommendation 1B

date of termination. Recording an unstructured description. Condition/Option 1

Marked-up version

CONDITION

A corporate body is a joint administration by two or more governments who claim ~~jurisdiction~~ <u>governance</u> over the same place.

Clean version

CONDITION

A corporate body is a joint administration by two or more governments who claim governance over the same place.

2023 Recommendation 1C

field of activity of corporate body

Definition and scope

Marked-up version

A field of endeavor, area of competence, <u>or</u> responsibility~~, jurisdiction, etc.,~~ in which a corporate body is engaged.

Clean version

A field of endeavor, area of competence, or responsibility in which a corporate body is engaged.

2023 Recommendation 1D

preferred name of corporate body. Different names or forms of name for the same corporate body. Conventional name. Governments. [Condition/Option 1](#)

Marked-up version

CONDITION

A corporate body is a government.

A corporate body has an official name and a name of a place over which it exercises ~~jurisdiction~~ <u>governance</u>.

A value of Corporate Body: [name of corporate body](#) is an official name of a government that is not in common use.

CONDITION OPTION

Record a value of Place: [name of place](#) of a jurisdiction.

Clean version

CONDITION

A corporate body is a government.

A corporate body has an official name and a name of a place over which it exercises governance.

A value of Corporate Body: [name of corporate body](#) is an official name of a government that is not in common use.

CONDITION OPTION

Record a value of Place: [name of place](#) of a jurisdiction.

2023 Recommendation 1E

preferred name of corporate body. Different names or forms of name for the same corporate body. Conventional name. Governments. [Condition/Option 2](#)

Marked-up version

CONDITION

A corporate body is a government.

A corporate body has an official name and a name of a place over which it exercises ~~jurisdiction~~ <u>governance</u>.

A value of Corporate Body: <u>name of corporate body</u> is an official name of a government that is in common use.

CONDITION OPTION

Record an official name

Clean version

CONDITION

A corporate body is a government.

A corporate body has an official name and a name of a place over which it exercises governance.

A value of Corporate Body: <u>name of corporate body</u> is an official name of a government that is in common use.

CONDITION OPTION

Record an official name.

2023 Recommendation 1F

preferred name of place. Recording an unstructured description. Different names for the same place. Two or more names appear in sources. Condition/Option 1

Marked-up version

CONDITION

Two or more names of place appear in sources of information.

CONDITION OPTION

Record a *preferred name of place* from (in this order of preference):

1. the form of the name found in a gazetteer or another source of information in a language preferred by the agent who creates the metadata
2. the form of the name found in a gazetteer or another source of information issued in the jurisdiction in which the place is located in the official language or languages of that jurisdiction of the government of the jurisdiction.

Clean version

CONDITION

Two or more names of place appear in sources of information.

CONDITION OPTION

Record (in this order of preference):

1. the form of the name found in a gazetteer or another source of information in a language preferred by the agent who creates the metadata
2. the form of the name found in a gazetteer or another source of information issued in the jurisdiction in which the place is located in the official language or languages of the government of the jurisdiction.

2023 Recommendation 1G

preferred name of place. Recording an unstructured description. Different names for the same place. Language. [Condition/Option 1](#)

Marked-up version

CONDITION

A name of place is in two or more languages.

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 official language of the ~~jurisdiction~~ government of the jurisdiction in which the place is located.

Clean version

CONDITION

A name of place is in two or more languages.

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 official language of the government of the jurisdiction in which the place is located.

2023 Recommendation 1H

preferred name of place. Recording an unstructured description. Different names for the same place. Language. [Condition/Option 3](#)

Marked-up version

CONDITION

A value of a name is in a language that is preferred by an agent who creates the metadata.

A name of place is the name of a government ~~that has jurisdiction over the place~~ <u>of the jurisdiction</u>.

CONDITION OPTION

Record that form of name.

Clean version

CONDITION

A value of a name is in a language that is preferred by an agent who creates the metadata.

A name of place is the name of a government of the jurisdiction.

CONDITION OPTION

Record that form of name.

2023 Recommendation 1J

preferred name of place. Recording an unstructured description. Different names for the same place. Language. [Condition/Option 4](#)

Marked-up version

CONDITION

No form of a name of place that is in general use is in a language preferred by the agent creating the data.

A <u>government of a</u> jurisdiction has one official language.

CONDITION OPTION

Record the form of name in the official language <u>of the government</u> of the jurisdiction in which the place is located.

Clean version

CONDITION

No form of a name of place that is in general use is in a language preferred by the agent creating the data.

A government of a jurisdiction has one official language.

CONDITION OPTION

Record the form of name in the official language of the government of the jurisdiction in which the place is located.

2023 Recommendation 1K

preferred name of place. Recording an unstructured description. Different names for the same place. Language. Condition/Option 5

Marked-up version

CONDITION

No form of a name of place that is in general use is in a language preferred by the agent creating the data.

A government of a jurisdiction has two or more official languages.

CONDITION OPTION

Record the form of name that appears most frequently in sources in a language preferred by the agent who creates the data.

Clean version

CONDITION

No form of a name of place that is in general use is in a language preferred by the agent creating the data.

A government of a jurisdiction has two or more official languages.

CONDITION OPTION

Record the form of name that appears most frequently in sources in a language preferred by the agent who creates the data.

2014 Recommendations 3 and 4

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

AND

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.

Status: Partially implemented

The post-3R Toolkit has the element Corporate Body: category of corporate body with the definition 'A type to which a corporate body belongs.' The instructions for the element allow for the use of a VES, but a scheme is not specified, as was recommended in 2014 recommendation 3.

No scope note is present, contrary to the 2014 recommendation. However no other 'category' element in RDA includes a scope note; the Places Working Group believes that in the context of jurisdictions and governments a scope note is not needed.

2014 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.

Status: Partially implemented, but with substantial modification.

This recommendation was implemented in 3R as Corporate Body: category of corporate body. It should be noted that the original analysis for 'type of jurisdiction' indicate that this would be a categorization element for the Place entity. However discussion at the meeting where the proposal was discussed indicated that this element was actually applicable to the type of government that governs a jurisdiction, not as a further refinement of a jurisdiction as a place.

The recommendation for the scope note is no longer applicable.

2014 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.

Status: Implemented.

2014 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.

Status: Not implemented.

2023 Recommendation 2: Propose a glossary term and definition for the concept 'court.'

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

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

2014 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.

Status: Partially implemented.

The definitions for Work: appellant person, Work: appellant corporate body, and their inverses have been revised in accordance with the 2014 recommendation.

The definitions for Work: appellee person, Work: appellee corporate body, and their inverses have been revised in accordance with the 2014 recommendation.

The recommendations for revising the element name Work: enacting jurisdiction and its inverse has not been implemented in RDA.

2023 Recommendation 3: Revise the element name for Work: enacting jurisdiction to 'enacting government' and Corporate Body: enacting jurisdiction of to 'enacting government of.'

Marked-up version

enacting ~~jurisdiction~~ government

Definition and Scope

A corporate body who is a government enacting a work that is a law, regulation, constitution, court rule, or other legislation.

enacting ~~jurisdiction~~ government of

Definition and Scope

A work that is a law, regulation, constitution, court rule, or other legislation enacted by a corporate body who is a government.

Clean version

enacting government

Definition and Scope

A corporate body who is a government enacting a work that is a law, regulation, constitution, court rule, or other legislation.

enacting government of

Definition and Scope

A work that is a law, regulation, constitution, court rule, or other legislation enacted by a corporate body who is a government.

[end]

The definition and element names for 'jurisdiction governed' present special problems and are discussed below.

Jurisdiction governed

Laws and regulations are enacted by governments, but those laws and regulations may only be applicable to the governance of certain jurisdictions. For example, a law passed by the United States Government might only be applicable to the governance of the jurisdiction Puerto Rico.

The pre-3R Toolkit attempted to provide a relationship that would describe the applicability of a law to a jurisdiction, named 'jurisdiction governed.' However its placement in appendix I.2.2, other agents associated with a work, suggested that the relationship was between the law (a work) and the government of the jurisdiction. The definition of **jurisdiction governed** 'A jurisdiction governed by a law, regulation, etc., that was enacted by another jurisdiction,' in the context of how *jurisdiction* and *government* are defined in official RDA, it should be read as 'A corporate body that is a government that is governed by a law, regulation, etc., that was enacted by another government.'

We believe that part of the confusion with the applicability of a law is because of the naming conventions for governments that are provided for in RDA. A government may have a conventional name that is the name of a place. However, while a government and a place may share name values that are identical in their language and script, the two entities themselves are disjoint: one is a government and the other is a place:

Corporate Body A has appellation of corporate body "United States" .
Place A has appellation of place "United States" .

In our examination of the official Toolkit, the semantics of either of the scenarios (A law applicable to a place or A law applicable to a government of a place) are not present. Instead the relationship has been redefined so that it is relating a government to a jurisdiction (a place) that is governed by a different government. There is currently not a specific relationship between a law and the place that the law is applicable to or between a law and the government to which the law is applicable.

To sum up, three sets of relationships are needed in RDA:

1. between a law and the place that it is applicable to.
2. between a law and the government that it is applicable to.
3. between a government and the place it governs.

Because the relationship designator in original Toolkit **jurisdiction governed** was between a law and a government identified using a place name as a conventional name, we believe that current RDA element Corporate Body: jurisdiction governed and its inverse should be redefined to cover set 1. Because this

re-definition would involve a change of domain, it will be necessary to deprecate the current elements and re-establish them with domains of Work and Place.

In order to cover sets 2 and 3, new elements and inverses will need to be proposed.

2024 Recommendation 4: Deprecate the elements Corporate Body: jurisdiction governed and Place: jurisdiction governed of.

2023 Recommendation 5: Add elements for Work: jurisdiction governed and Place: jurisdiction governed of, in order to relate a work that is a law to the place it is applicable to.

Clean version only

jurisdiction governed: A place that is a jurisdiction that is governed by a law, regulation, constitution, court rule, or other legislation.

jurisdiction governed of: A work that is law, regulation, constitution, court rule, or other legislation, that governs a jurisdiction.

2023 Recommendation 6: Add elements for Work: applicable government and Corporate Body: applicable government of, in order to relate a work that is a law to the government that it is applicable to.

Clean version only

applicable government: A corporate body that is a government that is governed by a law, regulation, constitution, court rule, or other legislation.

applicable government of: A work that is law, regulation, constitution, court rule, or other legislation that governs a government.

2023 Recommendation 7: 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.

Impact

2023 Recommendations 1-2 are minor changes that are proposed for the sake of clarity and will have little to no impact on current cataloging practices.

2023 Recommendation 3, while only a change in label name, may require a significant amount of changes in library catalogs. A search of the Library of Congress online catalog on April 21, 2023 for 'enacting jurisdiction' reveals it has been used over 6,000 times.

2023 Recommendation 4-7 will have an impact as well, but only with regards to how the legacy Toolkit relationship designator of 'jurisdiction governed' was applied. A search of the Library of Congress online catalog on April 21, 2023, reveals 13 instances of the legacy Toolkit designator being used, and in all cases it is relating a law to a corporate body that is a government. In these cases, the proposed element 'applicable government' would be the appropriate replacement.

Summary of Recommendations

2023 Recommendation 1: Revise element definitions and instructions across RDA to clarify the distinction between a *jurisdiction* and a *government*.

2023 Recommendation 2: Propose a glossary term and definition for the concept 'court.'

2023 Recommendation 3: Revise the element name for Work: enacting jurisdiction to 'enacting government' and Corporate Body: enacting jurisdiction of to 'enacting government of.'

2024 Recommendation 4: Deprecate the elements Corporate Body: jurisdiction governed and Place: jurisdiction governed of.

2023 Recommendation 5: Add elements for Work: jurisdiction governed and Place: jurisdiction governed of, in order to relate a work that is a law to the place it is applicable to.

2023 Recommendation 6: Add elements for Work: applicable government and Corporate Body: applicable government of, in order to relate a work that is a law to the government that it is applicable to.

2023 Recommendation 7: 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.