To: RDA Steering Committee

From: Kathy Glennan, ALA Representative

Subject: Expanding RDA 6.29.1.3, *Laws Governing More Than One Jurisdiction*

Abstract

Add instructions to RDA 6.29.1.3, *Laws Governing More Than One Jurisdiction*, to address creating an authorized access point for a single law that governs multiple jurisdictions. Allow for naming the work by the enacting jurisdiction when known, and by title when the enacting jurisdiction is unknown or uncertain. Add examples to support the new paragraphs.

Justification

RDA 6.29.1.3 provides instructions for creating authorized access points (AAPs) for laws governing more than one jurisdiction, but it only applies to compilations of laws. Single laws that govern multiple jurisdictions also exist. These are relatively rare (most often enacted by a colonial power to govern multiple colonies, etc.), and RDA has no instructions for creating AAPs for them. Past practice in dealing with single laws governing multiple jurisdictions has been inconsistent due to the lack of an instruction. These laws present a particular problem in constructing AAPs that requires its own treatment.

Consider the following examples:

- "Ley hipotecaria para las provincias de ultramar". This was a single law enacted by Spain in 1893 that governed Cuba, Puerto Rico, and the Philippines when they were Spanish colonies, but it did not govern Spain itself.
- "Le coustumier d'Aniou et du Maine." This is a *coutume* (codified French customary law) that governed the provinces of Anjou and Maine; however, which entity enacted it is unknown.

ALA believes that in these cases, the authorized access point should be created naming the enacting jurisdiction (when known) followed by the preferred title. Variant access points could be provided by naming the jurisdiction governed followed by the preferred title. Our goal is to make the resulting authorized access points as meaningful as possible, and to avoid creating AAPs that are misleading.

We wish to stress that this proposal only applies to single laws governing multiple jurisdictions, and is not applicable for an enacting jurisdiction imposing laws for a single separate jurisdiction governed.

Issues to be resolved

Form of authorized access point

Expansion of this instruction requires determining the best solution for the creation of authorized access points for single laws governing multiple jurisdictions. ALA considered four possibilities:

1. *Construct the AAP using the first-named jurisdiction governed plus the preferred title.*
   In relation to both examples above, this option renders AAPs that are misleading.

2. *Construct an AAP for each jurisdiction governed by the law plus the preferred title.*
   This option would result in multiple AAPs for a single work, which is not in keeping with RDA.

3. *Construct the AAP using only the preferred title of the law.*
   This option works well for the coutume example, but is not helpful for the Spanish mortgage law example.

4. *Construct the AAP using the enacting jurisdiction plus the preferred title.*
   This option is sensible for the Spanish mortgage law example, but cannot be applied to the coutume example.

As a result of this analysis, ALA recommends using option 3 when the enacting jurisdiction is unknown and option 4 when the enacting jurisdiction is known.

Specific provision for variant access points

Because RDA 6.29.3 *(Variant Access Point Representing a Legal Work or Expression)* already contains the blanket statement to construct additional variant access points if considered important for access, ALA believes that no further instructions need to be provided for creating variant access points in this situation. Although we would not object to adding an example for a single law governing multiple jurisdictions, it might be better to rely on specialist communities to create local application profiles or best practices to provide additional guidance.

Impact

The creation of additional instructions in 6.29.1.3 to specify how to create an authorized access point for a single law governing more than one jurisdiction will provide guidance to catalogers who are confronted with this situation. A more consistent approach to this situation will assist users in properly identifying the law in question. This proposal has no impact on the RDA Registry.

Proposal

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6.29.1.3 Laws Governing More Than One Jurisdiction

For a compilation of laws governing more than one jurisdiction, apply the instructions at 6.27.1.4.

> **EXAMPLE**
> The narcotic laws of Mexico and the United States of America

For a single law governing more than one jurisdiction for which the enacting jurisdiction is known, construct the authorized access point representing the work by combining (in this order):

a) the authorized access point representing the jurisdiction enacting the law (see 11.13.1)
b) the preferred title for the law (see 6.19.2).

> **EXAMPLE**
> Spain. Ley hipotecaria para las provincias de ultramar
> Resource described: Ley hipotecaria para las provincias de ultramar. A single law enacted by Spain in 1893 that governed Cuba, Puerto Rico, and the Philippines when they were Spanish colonies

For a single law governing more than one jurisdiction for which the enacting jurisdiction is unknown or uncertain, construct the authorized access point by using the preferred title for the law (see 6.19.2) on its own.

> **EXAMPLE**
> Le coustumier d'Aniou et du Maine
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