UNITED STATES GOVERNMENT

Memorandum

LIBRARY OF CONGRESS

5JSC/Chair/5/LC follow-up

TO: Joint Steering Committee for Revision of AACR DATE: July 25, 2005

FROM: Barbara B. Tillett, LC Representative

SUBJECT: Call for proposals to simplify AACR2 Ch. 21 special rules

LC appreciates the opportunity to make comments on the special rules in AACR2 Chapter 21 for the purpose of simplification. The comments below reflect discussions by LC's catalogers for bibliographic resources represented by those rules.

Art works

21.16/21.17. Art works (General)

LC's art catalogers agreed with the statement from ARLIS/NA in its July 11, 2005 memo to CC:DA that "supports the deletion of special rules 21.16 and 21.17 ...." Integrating the art rules into the general rules has an advantage in that it provides for all the variations of number of artists and number of authors that are currently not covered by AACR2 21.17B (two artists, one author; one artist, two authors, etc.). We recommend that other art-related rules (e.g., 21.11B1, 21.24A) also be eliminated. See under specific rules below.

21.11B1. Illustrations published separately and ***21.17A Reproductions …without text*** can both be included in a rule for compilations of works by a single person.

21.16. Adaptations of art works.

21.16A. This rule can be included in general rules for adaptations.

21.16B. Because a "reproduction" of a single work of art is not inherently different from a photocopy or facsimile of a literary manuscript and so should be covered by 21.4A1, we suggest an example for that rule of the original work of art followed by the reproduction would be helpful.

21.24A. Collaboration between artist and writer. This rule can be incorporated into rules for works by two or more persons.

21.30F. Other related persons or bodies. It would be helpful if rules for other access points included rules or examples for access for artists when there are two or three (and therefore the primary access point is not artist). It is an area where there is no consistency now; libraries complain about inconsistency. (See also 21.16/21.17 above.)

Other art topics:

(1) The inclusion of catalogs with reproductions of works by one artist held by and emanating from one museum in 21.4B1 (the "Rembrandt in the National Gallery" example) has not been followed by those applying LCRI 21.1B2 (Art catalogs). The question is if the art library community is still committed to keeping the works of one artist together even if they are owned by one museum from which the catalog emanates. A possible parallel from the literary world is:

The collected essays and poems of John Doe
a facsimile of Doe's manuscripts in the Library of Congress
Published by the Library of Congress.

Wouldn't this go under the heading for Doe? If so, why shouldn't "Rembrandt in the National Gallery" be entered under Rembrandt (21.4A1)?

(2) An example to show primary access point for works of two or three artists when neither museum nor author is appropriate (e.g., Van Gogh and Gauguin in Arles : an exhibition at A and B / edited by Jane Doe) would be helpful. (See also under 21.30F).

Musical works

LC's policy specialist for music and LC's music catalogers discussed the overall treatment of music by AACR2 as well as specific rules. They agreed that the rules 21.18-21.23 are not needed as separate rules; the situations can be covered by general rules. Below are general comments, rationale for eliminating rules, explanations of some existing problems, questions to be considered, and suggestions.

Music is not taken up with any visibility in this chapter until 21.18, midway in the discussion of several categories of "Works That Are Modifications of Other Works." The only earlier music examples are under 21.4B (Works emanating from a single corporate body), where two examples are for sound recordings. Add music examples beginning with the future equivalent of 21.1 and forward, as applicable.

Although the music rules and sound recordings rules, 21.18-21.22 and 21.23, are subsets of Works That Are Modifications of Other Works, they can now be used in isolation from the rest. The rules themselves even encourage this, such as in the first sentence of 21.23A1, which simply ignores the categorization of all sound recordings as modifications of other works ("Enter a sound recording of one work (music, text, etc.) under the heading appropriate to that work."). Avoid this inconsistency by integrating music examples more thoroughly into the general rules.

For dealing with the principal access point for various types of "adaptations," we recommend simplification:

• Do not specify names of types of compositions in the rules which, as done now, is misleadingly biased toward Western art and popular music anyway.

• Incorporate music in the general rules, along with other fields where similar ambiguities also occur and comparable cataloger judgement is necessary.

• Rely on the provision of additional access points to assure a manifestation has the right ones, even though the citation access point may differ.

Caveat: For music, taking the wording of the source of information chosen for the title of an item in hand (21.9) is often misleading because title information alone doesn't necessarily represent adequately what the manifestation is. In many cases you have to look further, not just beyond the source of the title, but beyond the item in hand itself.

21.18A. Scope. The first two sentences of 21.9A. General rule (for works that are modifications) apply to music. Paragraphs a)-d): Some of these paragraphs are too specific for an introductory rule.

21.18B1. Arrangements, transcriptions, etc. The problem is how to distinguish between minor modifications (where the work is entered under the original composer) from more extensive modifications (where the work is entered under the composer of the modified version). Though the rule appears to be framed in the context of notated music, this need applies not only there but also to performed works.

The "suite" example is very bad. There is no indication of what the pieces assembled into the suite are or of how close to the originals the arrangement is. This example stands as a warning that examples have to be chosen with care so that they answer questions rather than raise them. One way to handle this potential problem is to include more explanations under examples and not just what the access points should be.

21.18C1. Adaptations. Assuring consistency in choice of principal access point is unresolvable here, too. However, if no effort is made to do it, manifestations have to be entered under the original composer (not a recommended alternative). Providing additional access points is necessary.

Paragraph a) defines this type entirely. Omit b) and c). (Paragraph c), variations on a theme/passacaglia/cantus firmus, belongs with related works and not here.) Subsume this rule under the general rule, now 21.9, and adjust examples accordingly.

21.19. Musical Works That Include Words. Music with words is not inherently a modification of anything. Other possibilities could be:

1) Work of mixed responsibility (newly created music and newly created words)

2) When the words are pre-existing, the words are a related work, whether or not their author is known

3) Work of shared responsibility (more than one creator, all doing the same thing; also

applies when there are no words)

It isn't always possible to tell if the text is pre-existing, particularly with regard to contemporary works, though these may be accompanied by the text's own copyright notice.

21.19B. Pasticcios, ballad operas, etc. A separate rule for pasticcios, etc. is not appropriate. This one confusingly combines the issues of mixed (21.19B1) and shared (21.19B2) responsibility, which can occur regardless of the form of a musical work. Instead, the references should appear under the respective general rules about works of shared or mixed responsibility.

21.19C. Writer's works set by several composers. Include musical examples of a writer's works set by several composers in the general rule about adaptations.

21.20. Musical Settings for Ballets, etc. Music for staged dances and similar works is not a modification of anything. The principle of entering the music for a choreographed dance under the composer could be taken care of in the general rule for works of mixed responsibility and by well-chosen examples of works where the information on the title page could be confusing (e.g., Stravinsky's *Histoire du Soldat*, works by Henze, Stockhausen, Roger Reynolds).

21.21. Added Accompaniments, etc. The concept governing added accompaniments is that of modification. Include in general rules for adaptations (now 21.9).

21.22. Liturgical Music. See comment under 21.39 below.

21.23. Sound Recordings. Sound recordings of music are not modifications of other works.

The unwritten context for Chapter 21's approach to extemporaneous or improvisational music is solely that of Western music, and particularly Western popular music. That context then affects the decision on primary access point in performed musical works, especially those that might be modified by the performer. Many other musics are improvisational and libraries are filled with recordings (and videos) of them.

The rules in 21.23 were considered exceptions to the rules that would ordinarily apply because it was thought people would be likely to look under the performer of an album. The extent to which the performer might have modified the works performed was not a consideration. A factor that apparently entered into the decision to use performer as main entry was that, even if the performer had not "improvised" a sufficient portion of a recording to have principal responsibility, end users were likely to look for the manifestation under the principal performer, so it was a convenience to use that name as main entry. Consequently, the rule is pragmatic, not principle-based.

Some share the opinion that it is wrong to continue to apply a Western art music model when considering Western popular music, where different principles of responsibility may apply.

The composer is not necessarily the dominant creator.

- There are different types of pop albums. Those where the performers are a corporate body the corporate body should be given credit as the primary creator of the work as long as the concept of primary intellectual responsibility continues in RDA (e.g., Beatles for Abbey Road = Shakespeare for Hamlet)
- Though there are manifestation of popular albums in which the composer is the primary creator, a popular music group may have corporate responsibility for an album even if an individual member of the group composed all the songs on it.
- In some cases a record producer or engineer who has a major reputation in the field should be given credit for being a major creative contributor to the work (e.g., George Martin's work with the Beatles). In such cases, would the sound recording be a work of mixed responsibility?

Also to be considered:

- Advertising emphasizes the performer. The prominence of the name of a principal performer of an album is not necessarily an indication of the extent of creative responsibility.
- Reissues: regarding contents of manifestations, what are the characteristics of reissues of sound recordings and how do they compare to reissues of other works?

Types of recorded collections of Western popular music where principal responsibility needs further scrutiny:

- Collections with a principal performer/creator where some of the works are arrangements and some are original.
- Similar collections where most of the works are original and some are not.

21.23A. One work. A rule addressing a sound recording of one work is out of place here.

21.23B. Two or more works by the same person(s) or body(ies). The distinctions (inadequately made here) can be made in general rules:

- Corporate body as composer of a single work that constitutes the manifestation (not limited to sound recordings)
- Corporate body as composer of two or more works in a collection (not limited to sound recordings)
- Corporate body with responsibility in a collection of works by two or more other persons or bodies. Where corporate body is the performer(s), this situation occurs most often in performances on sound recordings (also in moving image and in print that contains a performer attribution).

Add examples from 21.23A (sound recording containing one work) and 21.23B (two or more works) to general rule 21.4A.

In 21.4B make corporate composership more visible (text of rule; examples from print, sound, moving image).

21.23C. Works by different persons or bodies. Collective title. The concept of principal performer as contributor to the creation of a work is a subset of adaptations (21.9). More basically, see above for general guidance, which should be given early on, about what to do when performers are involved in manifestations that could be taken to be works of mixed responsibility.

21.23D. Works by different persons or bodies. No collective title. Absence of collective title is not the only situation in which a performer could have principal responsibility. This rule is the only rule that addresses modifications of the works performed. Recorded music is, for the most part, cataloged according to the same rules as notated music. So to the extent this principle will be covered by the general rules, appropriate recorded sound examples should be included.

21.28. Related Works. The types of works from the list in this rule commented on below are those that are related to musical works.

Librettos

Librettos are not notated music, but a rule requiring them always to be entered under the librettist would not likely be acceptable.

For both new and pre-existing librettos, added access points for the author of the libretto should be name/title formulations (i.e., citations of "works") and not just the name of the author. (The same is true for any comparable text set to music, such as a poem or speech.)

Librettos need to be addressed in two places (see below). For both sources of librettos, footnote 7 (all of it), p. 21-44, should be the rule and the rule should be completely stated in both places.

(1) When the composer and librettist work together so that the libretto is newly created along with the music, the musical work is one of mixed responsibility.

(2) When the composer uses a pre-existing text, the libretto is a related work.

Note: the general rule would have to be modified if our recommendation that the alternative rule for librettos become the main rule. In that case, it would no longer be appropriate to say as 21.28B1 now does, "Enter a related work under its own heading ... Make an added entry ... for the work to which it is related." Also, in 5JSC/AACR3/I/LC response, LC recommended redefining *Libretto* as follows: "The text of a dramatic musical work (opera, oratorio, etc.) and *Text* 2. as follows: "The words of a non-dramatic musical work (e.g., song, cantata).

Cadenzas

The principal access point of a separately published cadenza is its composer. The concerto or concerto-like work of which the cadenza is meant to be a part is a related work.

Incidental music

Separately published incidental music should be entered under its composer. The dramatic work for which the incidental music was written is a related work.

21.39. Liturgical Works. We suggest that a scope note be added at beginning of rule that combines information from 21.22, footnote 11 of 21.39A1, and 21.39A3.

Certain academic works

21.27. Academic disputations. LC agrees with the ALA proposal of July 11.2005 for academic disputations (cf. CC:DA/TF/Early Printed Monographs/6).

Certain legal works

Note: Twelve of the Chapter 21 rules for certain legal works (21.31-21.36) have instructions to apply the Chapter 25 rules for "Laws, Treaties, Etc." (25.15-25.16). These explicit links between the Chapter 21 and Chapter 25 rules for legal works indicate that the primary access point for a legal work includes not only a name heading but also a consideration of its title. Therefore, the Chapter 25 rules for legal works have been included below.

21.31/25.15. Laws, etc.

21.31A1. Scope: Retain the concept of having a scope note at the beginning of the section.

21.31B. Laws of modern jurisdictions: Delete the term "modern" from the caption so that rule 21.31B1 below can become applicable to the law of any jurisdiction, including the fundamental law of a jurisdiction.

21.31B1. Laws governing one jurisdiction: Retain the basic concept of entering a law under the heading for the jurisdiction governed by the law, including a law that is enacted by a jurisdiction other than the jurisdiction governed by it. Expand the rule to include the fundamental law of a jurisdiction.

25.15A2. Single laws, etc.: Simplify the provisions for the title of single law governing one jurisdiction: use the title of the law on the resource.

25.15A1. Collections: Simplify the provisions for the title of a collection of laws governing one jurisdiction: use the title proper of the collection.

21.31B2. Laws governing more than one jurisdiction: Retain the current rule.

21.31B3. Bills and drafts of legislation: Retain the current rule.

21.31C. Ancient laws, certain medieval laws, customary laws, etc.: Revise the rule to apply only to laws for which there is no jurisdiction that the laws govern.

25.15B. Ancient laws, certain medieval laws, customary laws, etc.: Revise the rule to apply only to collections covered by proposed rule 21.31C.

21.32. Administrative regulations, etc.: The current rules require that the cataloger determine if the regulations are also laws in order to know which rules are to be applied. Such determination is often difficult to determine when faced with cataloging legal materials from all over the world. Consider entering administrative regulations under the promulgating agency when the agency is named on the resource.

21.33. Constitutions, charters, and other fundamental laws: Consider deleting the rule; covered by proposed rule 21.31B1. (The provisions in the current rule for international intergovernmental bodies should be covered by the general rules.)

21.34. Court rules: Retain the current rule.

21.35/25.16. Treaties, intergovernmental agreements, etc.

21.35A/25.16B1/25.16B2. International treaties, etc.: Consider entering all treaties under title. Consider expanding the scope of the rule to include agreements covered by current rules 21.35B, 21.35C, 21.35D2, and 21.35D3.

21.35B. Agreements contracted by international intergovernmental bodies: Consider deleting the rule; covered by proposed rule 21.35A.

21.35C. Agreements contacted by the Holy See: Consider deleting the rule; covered by proposed rule 21.35A.

21.35D. Other agreements involving jurisdictions
21.35D1: Retain the current rule.
21.35D2: Consider deleting the rule; covered by proposed rule 21.35A.
21.35D3: Consider deleting the rule; covered by proposed rule 21.35A.
21.35D4: Retain the current rule.

21.35E/25.16B3. Protocols, amendments, etc.: Consider entering protocols, amendments, etc., under their own titles.

21.35F/25.16A. Collections: Consider entering all collections of treaties, etc., under title.

21.36 Court decisions, cases, etc.

21.36A. Law reports: Consider simplifying the rule by entering all law reports under the heading for the court.

21.36B. Citations, digests, etc.: Retain the current rule.

21.36C. Particular cases: Retain the current rule.

Religious works

Note: The three Chapter 21 rules for certain religious publications (21.37-21.39) have instructions to apply the Chapter 25 rules for "Sacred Scriptures" (25.17-25.18) and "Liturgical Works, Theological Creeds, Confessions of Faith, Etc." (25.19-25.23). These explicit links between the Chapter 21 and Chapter 25 rules for religious works indicate that the primary access point for a religious work includes not only a name heading or a title but also a consideration of the choice and structure of a title. Therefore, the Chapter 25 rules for religious works have been included below.

21.37/25.17. Sacred Scriptures

Consider modifying the phrase "Sacred Scriptures" to "Sacred Works" in 21.37, 21.39A2, 25.17, and 25.18 in order to accommodate religious works that are not strictly "scripture" (e.g., the Talmud).

21.37A: (a) Retain the concept of entering under title a work that is accepted as sacred by a religious group. (b) Add a provision for entering under a personal name heading a sacred work that is identified as a work of personal authorship in reference sources dealing with the religious group to which the sacred work belongs (e.g., works of the Bahai Faith).

21.37B: Consider treating harmonies of different scriptural passages under the general rules for modifications of a text.

25.17A: (a) Retain the list of specific sacred works to be entered under title that are given in current rule 25.17A but consider expanding the list to include other texts (e.g., Sikhism works, additional Hindu texts, Book of Mormon). (b) Retain the current provisions for the selection of the title, but consider changing "English-language reference sources" to "reference sources in the language of the cataloguing agency."

25.18. Parts of sacred scriptures and additions

25.18A. Bible

25.18A1: Because of the impact on the current catalog, there is a consensus for retaining the current scheme for parts of the Bible that reflect the Catholic and Protestant canons.

25.18A2: Retain the current subdivisions "Old Testament" and "New Testament. But we wish to point out that naming the Hebrew scriptures as the "Old Testament" may eventually need to reexamined.

25.18A3-25.18A8: Retain the current rules.

25.18A9: Retain the current rule. The provision to include the date is discussed in rule 25.18A13 below.

25.18A10-25.18A12: Retain the current rules.

25.18A13: There is a consensus to retain the requirement that the publication date must always be present in a Bible heading in order to manage the large number of catalog records for the Bible. But we wish to point out there is no such requirement for the texts covered by 25.18B-25.18M.

25.18A14: Retain the current rule.

25.18B. Talmud: Retain the current rule.

25.18C. Mishnah and Tosefta: Retain the current rule.

25.18D. References for the Talmud, Mishnah, and Tosefta: Delete the rule; the provisions for references should be covered in the general provisions for references for uniform titles.

25.18E. Midrashim: Retain the current rule.

25.18F. Buddhist scriptures
25.18F1-25.18F2: Retain the current rules.

25.18F3: Delete the rule; the provisions for references should be covered in the general provisions for references for uniform titles.

25.18F4: Retain the current rule.

25.18G. Vedas: Retain the current rule.

25.18H. Aranyakas, Brahmanas, Upanishads: Retain the current rule.

25.18J. Jaina Agama: Retain the current rule.

25.18K. Avesta: Retain the current rule.

25.18L. References for Vedas, etc.: Delete the rule; the provisions for references should be covered in the general provisions for references for uniform titles.

25.18M. Koran: Retain the current rule. But we wish to point out that the form "Koran" may eventually be changed to "Qur'an."

21.38/25.19B. Theological Creeds, Confessions of Faith, etc.

21.38A: (a) Retain the concept of entering under title a theological creed, etc., accept by two or more bodies. (b) Add a provision for entering a theological creed, etc., accepted by one body under the body. (c) Add a provision for entering a theological creed, etc., under a personal name heading when the theological creed, etc., may not be officially accepted by any particular religious body.

25.19B: (a) For a theological creed, etc., accepted by two or more bodies, consider changing the instruction for the language to "use a title that is well-established in the language of the cataloguing agency; otherwise, a title in the original language." (b) Add a provision for a theological creed, etc., accepted by one body: use a title that is well-established in the language of the cataloguing agency; otherwise, a title in the original language.

21.39/25.19. Liturgical works

21.39A1: (a) Retain the concept of entering a liturgical work under the heading for the body to which it pertains. But the wording "under the heading for the church or denominational body to which it pertains" needs to be changed to "under the heading for the body to which it pertains"; the current wording presupposes that the rules for liturgical works are applicable only to Christian bodies. (b) Add a provision for entering under title a liturgical work that pertains to two or more bodies.

21.39A2-21.39A3: Retain the current rules.

21.39B. Liturgical works of the Orthodox Eastern Church: Delete the rule; covered by proposed rule 21.39A1.

21.39C. Jewish liturgical works: Retain the current rule.

25.19A: (a) Consider changing the instruction for the language to "use a title that is well-established in the language of the cataloguing agency; otherwise, a title in the language of the liturgy. " (b) Remove from the rule the provision for bodies established in their English form of name.

25.20. Catholic liturgical works: Delete the rule; covered by proposed rule 25.19A.

25.21. Jewish liturgical works: Retain the current rule.

25.22. Variant and special texts: Retain the current rule but remove from the "e.g." statement "a rite other than the unmodified Ashkenazic rite for Jewish work" in order to eliminate the cultural bias of treating the Ashkenazic rite as normative.

25.23. Parts of liturgical works: The rule should be revised to state that the subordinate units of a liturgical work should be entered subordinately to the larger work.

25.24. Official communications of the Pope and the Roman Curia: Delete the rule; the title for the works of the Pope and the Roman Curia should be covered by the general rules.