

To: Mary L. Larsgaard, chair
ALA/ALCTS/CCS Committee on Cataloging: Description and Access

From: Laurel Jizba, ARSC Liaison
The Association for Recorded Sound Collections

RE: ARSC response to Chapter 21: Musical sound recordings that represent new works adapted or substantially re-composed from other works

For RDA, ARSC supports retaining some rules regarding entry for sound recordings and also supports additional new rules to address the concept of a specific type of performance-based sound recording “new work.” Such instruction need not be in Chapter 21 necessarily. This is in light of:

- ✓ missing instruction for sound recording entry in AACR,
- ✓ the possibilities for entry embraced by FRBR, and
- ✓ taking into account the report on the Task Force on Cataloging of Works Intended for Performance of 1997.

Following best practice to meet user needs, ARSC recommends that when the performer(s) for a sound recording has (have) adapted or substantially re-composed another work (regardless of the form in which the original work appeared), the performer as adapter/composer be considered the primary access point. This includes adapted or substantially re-composed sound recordings of aurally transmitted works.

To enter such works under title or under the name of the original work’s composer:

- ✓ does not do justice to such adaptations or substantial re-compositions,
- ✓ grossly oversimplifies the degree of recognition that such performer(s) bring into the re-composition or adaptation and
- ✓ does not assist knowledgeable users (particularly certain musicians or music fans) who seek an adapted or substantially re-composed sound recording work under the name of the performer(s) they recognize as the author(s) or creator(s) of original sound recording works.

If the terms “adaptation or substantial re-composition” are used in the rules with respect to this issue, we believe such terminology would limit or stop in advertent widespread use of such a rule by catalogers who may be tempted to simply give primary access to performers across the board, regardless of degree or responsibility, for example, in jazz, pop-rock, classical Western music, folk music or world music. We also suggest a “when in doubt, do not enter under the performer” clause.

Specifically, to this end, ARSC believes it is important to retain the content of the following AACR rules (they do not necessarily need to be in Chapter 21 of RDA), and to make the following additions to the rules. These are in AACR rule number order, selectively, from rule 21.1A1 to rule 21.23.

AACR 21.1A1. [Works of personal authorship]

Definition. A personal author is the person chiefly responsible for the creation of the intellectual or artistic content of a work.

- ARSC agrees with this statement at 21.1A1.

For particular applications of this definition see subsequent rules in this chapter.

- ARSC agrees that sound recordings need more explanation subsequent to the basic rule for works of personal authorship. ARSC does not care where in RDA this statement appears, but something like it needs to be there to explain particular applications of intellectual/artistic creation to sound recordings.

For persons who function solely as performers on sound recordings [see 21.23]].

- Again, ARSC does not care where in RDA this statement appears, but something like it needs to be there to explain particular applications of this “partial” concept of performers to sound recordings. In addition, ARSC recommends adding instruction where a performer has gone beyond mere performance. As such, ARSC would have RDA point out that while a) there are those persons and groups who are solely performers on sound recordings, there are also b) those persons and groups who go beyond performance to be chiefly responsible for the creation of intellectual or artistic content on sound recordings.

AACR 21.1A1

- To assist catalogers in making judgments, ARSC suggests additional new wording following the last statement at 21.1A1 or its equivalent number in RDA. This would, in particular, satisfy not only key jazz performances by recognized author/creators like John Coltrane, but also satisfy a lot of new age/sound art, whose music might never be published in score or sheet music form, but deserve access under their name. So the wording would continue after the existing text:

For persons who function solely as performers on sound recordings [do not enter under performer or however rule 21.23 is to be incorporated].

Then continue with the following sentence:

For persons who function as performers on sound recordings and who also function as authors for those sound recordings because they are chiefly responsible for the creation of intellectual or artistic content in the form of a substantial new work improvised during the course of the performance, and who may also be generally recognized for their performance-based adaptations or substantial re-compositions of another composers works during performance, consider such performer-authors as the person chiefly responsible for the creation of the intellectual content of a work. When it doubt, either enter under the composer of the original work or

under the title, as appropriate to instruction elsewhere [in RDA cite other rules for referral].

AACR 21.1B2. General rule

Enter a work emanating from one or more corporate bodies under the heading for the appropriate corporate body (see 21.4B, 21.5B) if it falls into one or more of the following categories ...:

- e) those that result from the collective activity of a performing group as a whole where the responsibility from the group goes beyond that of mere performance, execution, etc. Publications resulting from such activity include: sound recordings, film, videorecordings, and written records of performances. (For corporate bodies that function solely as performers on sound recordings, see 21.23).
- ARSC agrees with the above statements at 21.1B2 and notes that for some sound recordings of bands, the question of whether the responsibility goes beyond that of mere performance will always be a judgment call on the part of the cataloger since it may be unclear as to where the artistic responsibility lies.

AACR 21.1B2

- To assist catalogers in making judgments, ARSC suggests additional new wording following the last statement at 21.1B2 or its equivalent number in RDA (For corporate bodies that function solely as performers on sound recordings see [21.23]). Then add, as follows:

Corporate bodies, such as named bands, may or may not function as both performers on sound recordings and as authors for those sound recordings because they are chiefly responsible for the creation of intellectual or artistic content in the form of a substantial new work improvised during the course of the performance. If an improvisation was intended by the original composer or where there is not substantial improvisation, enter under the original composer or enter under the title, depending upon if there was one, two or more original works by the same original composer, if there were original works by differing composers or if the composer is unknown. When in doubt, enter under the composer of the original work if known. Consider that groups who merely interpret or improvise without strictly creating a new improvisatory composition to be performing an expression of the original work, as in the interpretation of a traditional folk ballad which may or may not have a named author.

Examples for Sound Recordings

- While on the whole, ARSC approves in general of the RDA draft rules, it would urge a more careful consideration and choice of sound recording examples, including the addition of the following examples. One example is for a genuine adaptation or substantial re-composition, and another for a performance of another author's work. Following that are examples that either have no original works and/or are strictly performances.

Example of a genuine adaptation or re-composition:

- A straight-through sound recording of a live performance of an aurally-transmitted work for which authentic performance practice dictates substantial improvisation:

Morgan Lewis' *How high the moon*; performed and adapted by Charlie Parker; renamed *Ornithology*
Main entry under Parker as a new work
 [per AACR Rule 21.1A1, and 6.1G4; if a group were involved it would follow AACR Rule 21.1B2 e)]

Example of a performance of another author's work:

- A straight-through sound recording of a live performance of an aurally-transmitted work for which authentic performance practice dictates some improvisation but there is substantial fidelity to the original work such that the performance cannot be considered an adaptation or re-composition:

Charlie Parker's *Ornithology*; performed by Dizzy Gillespie
Main entry under Parker
 [same work as in the previous example per AACR Rule 21.23A1 and Rule 6.1G4]

Examples of performances by one person for which there are no original works:

- A straight-through sound recording of a live performance of free improvisation (no pre-existing work):

Organ improvisations by Jean Langlais
 Main entry: Langlais [new work]

Solo guitar improvisations by Derek Bailey
 Main entry: Bailey [new work]

Example of performances by more than one person that are strictly performances:

Planet Sleeps [by multiple groups from 16 countries]
Main entry: title

Celtic Ragas [by Chinmaya Dunster and Vidroha Jaime]
Main entry: title

21.23. Sound recordings

- Here, wherever this is in RDA, ARSC would include appropriate examples for sound recordings, along with instruction on how to enter one work, two or more works, works by differing persons or bodies with and without a collective title as is currently found in AACR 21.23.