

“*Note 1.* Names published at the rank of family (see also Art. 18.2) but with a non-traditional or inappropriate Latin or latinized termination are to be considered validly published providing all other conditions for valid publication are fulfilled.

Ex. 7bis. “*Lauri*” (Jussieu, *Gen. Pl.*: 80. 1789) was validly published as Lauraceae even though a non-traditional Latin termination was used. “*Beslerides*” (Rafinesque, *Sylva Tellur.*: 70. 1838) was validly published as *Besleriaceae* even though an inappropriate latinized termination was used. However, “*Carpantheous*” (Rafinesque, *Med. Repos.*, ser. 2, 5: 357. 1808) was not validly published as the termination “-ous” is in English, not Latin.”

Art. 41 (proposed by Moore, Rabeler, Silva, Turland & Wilson)

This proposal is the third option discussed above under Art. 41 Prop. A from Saint Louis. The Committee voted 5 : 2 : 2.

(256) Amend Art. 41.1 as follows and add an Example:

“*Art. 41.1.* In order to be validly published, the name of a taxon above the rank of genus must be accompanied (a) by a description or diagnosis of the taxon, or (b) by a reference (direct or indirect) to a previously and effectively published description or diagnosis of a taxon above the rank of genus.

Ex. 0. The superorder *Myrtales* (Bartl.) Takht. (*Sist. Filog. Cvetk. Rast.*: 295. 1967) was validly published (as a stat. nov.) by reference to a basionym, the class *Myrtopsida* Bartl. (*Ord. Nat. Pl.*: 225, 326. 1830, “*Myrti*”).”

Art. 41 (proposed by Rabeler, Reveal, Stevens, Turland, Watson & Wilson)

This proposal is a modified version of Art. 41 Prop. B from Saint Louis, discussed above. The Committee voted 6 : 2 : 2.

(016) Add an Example after Art. 41.1:

“*Ex. 1bis.* *Peganaceae* (Engl.) Tiegh. ex Takht. (*Sist. Magnoliif.*: 178. 1987) was validly published (as a stat. nov.) by reference to the basionym *Peganoideae* Engl. (in Engler & Prantl, *Nat. Pflanzenfam.* 3(4): 90. 1890).”

(258–260) Proposals to adopt more explicit terms in the Code to indicate the publication and nomenclatural status of names

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The *Code* is an intimidating document even to those whose native tongue is English. It is therefore important that wherever it is possible, the simplest unambiguous terminology should be used. Further, in a time when biology is increasingly taught as a single subject, the use of different terms for identical concepts in the different internationally mandated *Codes* dealing with biological nomenclature is unfortunate. Indeed, the continued use of different and not always unequivocally translatable terms hinders the teaching, understanding, and communication of biological nomenclature. This matter was considered by representatives of the five current *Codes* prior to the St. Louis Congress, and a series of 11 proposals to simplify and harmonize the terminology used in the different *Codes* was put before that Congress (Hawksworth in *Taxon* 47: 949–950. 1998). Three of the proposals were adopted in an amended form in St. Louis and included in the *St. Louis Code*.

There was a reluctance to approve changes in the other eight terms, partly because the issue became confused with the *Draft BioCode* (Greuter & al. in *Taxon* 47: 127–150. 1998), which was not then and is not now being put to the Congress. There were extensive discussions on the issue of terms (cf. Greuter & al. in *Englera* 20: 18–32. 2000), the key point to emerge being that changes should be made where they represented an improvement in the *International Code of Botanical Nomenclature (ICBN)*. With this background, and recognizing that the new terms have now already been employed in two successive issues of the *International Code of Nomenclature for Cultivated Plants (ICNCP)* (Brickell & al. in *Acta Hort.* 647 [Regnum Veg. 144]: i–xxi, 1–23. 2004) and the Italian translation of the *ICBN* (Mazzola in *Inform. Bot. Ital.* 29: 1–132. 1998), it seems appropriate for the Vienna Congress to revisit the matter with respect to three of the previously unapproved proposals.

It has to be stressed that these three proposals are made here with the aim of improving the clarity of the botanical *Code*.

(258) Proposal to replace the term “effective publication” by “publication”.

Throughout the *Code*, substitute “publication” for “effective publication”, and “published” for “effectively published”.

This proposal restricts the term “publication” to the physical act of publication (i.e., printing and distribution), the normal meaning of the word in English and one which has unambiguous equivalents in most written languages. The term is already used in this restricted sense in both *International Code of Zoological Nomenclature (ICZN)* (Ride & al., *Internat. Code Zool. Nomencl.*, 4th edn. 1999) and the *ICNCP*.

(259) Proposal to replace the term “valid publication” by “establishment”.

Throughout the *Code*, substitute “established” for “validly published”, and “establishment” for “valid publication”.

The term “validly published” in the *Code* is a particular source of confusion as it relates to the content of what is published and not the act of publication (i.e., printing and distribution). The use of a completely different word, “established”, for names which meet all the pertinent requirements of “valid publication” under the *Code* clearly separates the two concepts. By eliminating the use of “published”, the possibility of confusions with “effective publication” in translations and in discussions is immediately removed. The term is already used in this restricted sense in the *ICNCP*, and the *ICZN* refers to “establish” in its Glossary as meaning “available”, the equivalent term in the zoological *Code* for “validly published”.

(260) Proposal to replace the terms “legitimate” and “illegitimate” by “acceptable” and “unacceptable”.

Throughout the *Code*, substitute “acceptable” for “legitimate”, and “unacceptable” for “illegitimate”.

The concepts behind “legitimacy” and “illegitimacy” are complex enough in themselves, without compounding their comprehension by the use of terms which are generally used to relate to laws enacted by governments or whether children are born inside or out of wedlock. Indeed, only the most comprehensive English dictionaries include an alternate definition on the lines of recognition (or not) by some authority or constitution, the sense in which the terms are used in the *Code*. In contrast, the terms proposed here are unambiguous and immediately both intelligible and

translatable. Although much the same concept exists in the *ICZN* (where it is termed “objectively invalid”), the “legitimate/illegitimate” terminology is confined to the *International Code of Nomenclature of Bacteria* (Lapage & al., *Internat. Code Bact. Nomencl.*, 1990 rev. 1992) and the *ICBN*, though it is anticipated that it will be replaced by “unacceptable” in the next published revision of the bacteriological *Code*.

Acknowledgements

I am grateful to Professor John McNeill for his assistance in refining the three proposals made here. This contribution was prepared while I was in receipt of an award from the Programa Ramón y Cajal of the Ministerio de Ciencia y Tecnología of Spain held at the Universidad Complutense de Madrid.

(261–275) Assorted proposals to clarify the *Code*

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(261) In Art. 7.5, replace “designated or definitely indicated” by “cited” in the last phrase of the first sentence (the portion beginning “or by a different type” and following the third comma of the sentence).

(262) In Art. 7.5, replace the last phrase of the first sentence (the portion beginning “or by a different type” and following the third comma of the sentence) by: “unless the author of the illegitimate name designated or definitely indicated [or cited if Prop. 001 is accepted] a different type or placed the earlier name in an atypical taxon subordinate to the illegitimate name”.

Under Art. 7.5, the type of a superfluous name most commonly has to be the type of the name which ought to have been adopted, but the later part of the wording of the first sentence of the Article allows some exceptions. The wording is somewhat obscure to readers and could with advantage be clarified, as is proposed in Prop. 2611 above.

Furthermore, instances occur where the type of the two names cannot be the same but no different type is actually cited for the superfluous name. When the name *Gilia splendens* was validated by H. L. Mason & A. D. Grant in *Madroño* 9: 212 (1948), they included in this species a subsp. *grinnellii* based on *Gilia grinnellii* Brand, *Pflanzenr.* IV, 250 (Heft 27) : 101 (1907). The name *G. splendens* was thus superfluous and illegitimate, since the name *G. grinnellii* should have been taken up for the species. But it is illogical to argue that the type of *G. splendens* must be the same as that of *G. grinnellii* since they were placed in different subspecies. Prop. 262 above would clarify the situation, and can be accepted independently of the decision on Prop. 261.

(263) In Art. 9.10, insert after the first sentence: “An extant syntype takes precedence over an isosyntype (not cited by the author of the name)”.

At present, it is not clearly stated in Art. 9.10 how syntypes and isosyntypes (the latter not cited by the author of the name) are to be viewed in choice of lectotypes. Several cases have come to light recently in which this could be significant. In the proposal to reject the name *Gilia grinnellii* by Grant & Wendt in *Taxon* 52: 145–146 (2003), the name concerned had three syntypes, for

which the relevant herbaria were cited, which were referable to two different species. The question arose as to whether an uncited isosyntype (if it existed) would take precedence over an extant syntype (cited) if the former had been designated first as lectotype of a name. The name *Cedrela longiflora* C. DC. in *Ann. Cons. Jard. Bot. Genève* 10: 174 (1907) had two syntypes, in the de Candolle and Delessert herbaria at Geneva, respectively. In T. D. Pennington & al., *Flora Neotropica* 28 (*Meliaceae*): 363 (1981) Styles chose a duplicate of the first of these at New York as the lectotype, and the question arises as to whether this was allowable when extant syntypes were available. Similarly, when 100 new species of *Erica* were described by F. Guthrie & H. Bolus in *Flora Capensis* in 1905, they cited many syntypes, usually detailing the herbaria in which these had been seen. In a revision of the genus by Dulfer in 1965, lectotypes were chosen that were duplicates of these syntypes in European herbaria, which had not been seen by Guthrie & Bolus.

In the old Guide to the Determination of Types up to and including the 1983 *Sydney Code*, paragraph T4(c) clearly stated “if no syntypes are extant, the lectotype should be chosen from among the duplicates of the syntypes (isosyntypes) if such exist”. In the 1988 *Berlin Code* this became Recommendation 7B.1 and had essentially the same wording. In the 1993 *Tokyo Code* this was promoted to a paragraph of Art. 9.10, so becoming mandatory. However, although the first sentence stated clearly that if there are no isotypes, syntypes must be chosen if they exist, this sentence did not refer to isosyntypes, although these were mentioned in the next sentence as taking precedence over paratypes. At the same time, some doubt about the relative status of syntypes and isosyntypes was introduced in the footnote under Art. 9.7 which defined ‘original material’, referring to “isotypes or isosyntypes of the name *irrespective of whether such specimens were seen either by the author of the validating description or by the author of the name*”. Do unseen specimens (such as isosyntypes) always have the same status as the duplicates of them (such as syntypes) seen by the author? The matter needs to be clarified, and the above proposal would bring us clearly back to the intentions of the *Codes* right up to 1993. The present author is grateful to T. Wendt, T. D. Pennington and E. G. H. Oliver for examples quoted above.