

P. squalidum (tab. 76). This was clearly demonstrated by Weatherby (l.c.), who pointed out that the attachment of the scales on the lamina (appressed or somewhat spreading), scale margins, and their position on the laminar surfaces are the essential characters for distinguishing this taxon from the related ones (*Polypodium polypodioides* var. *michauxianum* Weath. and *P. polypodioides* var. *aciculare* Weath.) and by the venation pattern differs from *Polypodium ecklonii* Kunze (anastomosing veins in *P. polypodioides* var. *minus* vs. free veins in *P. ecklonii*).

Because it has not always been clear how many figures or what details are needed on an illustration, or whether these details are sufficiently diagnostic to validate a name, some nomenclaturally incorrect decisions have been taken. For example, based on Burkart's (l.c.) arguments cited above, Sota (l.c.) choose *Polypodium squalidum* as the basionym for the combination to *Pleopeltis squalida* (Vell.) de la Sota. Sota also failed to consider an older name, *Marginaria minima* Bory, also cited by Burkart (l.c.), for the same species. This situation became more problematic because recent authors followed Sota's concept and have used the combination proposed by him in recent floras and checklists, such as: Pensiero & Gutiérrez (in Pensiero & al., Fl. Vasc. Prov. Santa Fe: 194. 2005), Schwartsburd & Labiak (in Hoehnea 34: 193. 2007), Labiak & al. (in Monogr. Syst. Bot. Missouri Bot. Gard. 107: 108. 2008), Prado & Labiak (in Lopes & al., Patr. Reserva Biol. Alto da Serra de Paranapiacaba: 277. 2009), Assis & Labiak (in Revista Brasil. Bot. 32: 245. 2009), and Salino & Almeida (in Stehmann & al., Pl. Floresta Atlântica: 102. 2010).

To remedy this problem, we (in Amer. Fern J. 100. in press), have provided a new combination in *Pleopeltis* for this species, based on the oldest legitimate basionym (*Marginaria minima* Bory).

To avoid future nomenclatural problems related to the correct interpretation of Art. 42.4 we propose a new wording for this Article, plus a new explanatory Note, as follows:

(194) Amend Art. 42.4 to read (additions in bold, deletions in strikethrough):

“42.4. For the purpose of Art. 42, an analysis is, **for vascular plants, an figure illustration containing at least one additional figure**, or group of figures; **showing details aiding identification**, commonly separate from the main ~~figure illustration~~ of the plant (though usually on the same ~~illustration or page or plate~~), ~~showing details aiding identification~~, with or without a separate caption.”

(195) Add the following Note after Art. 42.4:

“*Note 1.* For the purpose of Art. 42.4, a caption is the name of the taxon itself and/or any additional attached word on the illustration.”

Also, to help understanding why some published illustrations or plates do not validate publication, according to Art. 42.4, a new example could be included in the *Code*, as presented below:

(196) Add the following Example after Art. 42.4:

“*Ex. 1.* When Vellozo (in Fl. Flumin. Icon. 11: ad t. 76. 1827) published *Polypodium squalidum*, two figures were presented for this species (the plant habit plus a detail of a segment, neither diagnostic) on the same plate and page; consequently this name is not validly published. But this name was validated when Vellozo's species descriptions appeared in 1881 (Vellozo in Arch. Mus. Nac. Rio de Janeiro 5: 449. 1881).”

The example in the current *Code* (Art. 42 Ex. 5, McNeill & al., l.c.: 77) concerns an illustration with analysis that fulfils all provisions of Art. 42.2, but to explain better the interpretation of this rule it would be nice to have another example showing the opposite situation.

Acknowledgement

The authors thank Alan Smith (UC) for his comments on the manuscript.

(197–198) Two proposals on the illustration with analysis

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An encounter with an illustration with analysis revealed that in such cases authorship may be problematical, because of the extreme paucity of written text. Under the *Code*, as it now stands, ascription of a name to an author is insufficient by itself (Art. 46.4); it takes ascription of both the name and the validating description or diagnosis to the same author (Art. 46.2) to settle authorship, otherwise authorship is to be attributed to the author of the publication (which is also the case if ascription of the name is the same as the authorship of the publication). In the case of an illustration with analysis there is no validating description or diagnosis, and there may well be difficulty in determining “the author of the illustration”. All the more so, since only internal evidence may be used (Art. 46.7) and each part of the publication (which may come down to just the illustration) is to be evaluated separately (Art. 46.5). Article 42.3 rules that, for the purposes of Art. 42, the illustration with analysis (which, for non-vascular plants, may mean the single figure showing details aiding identification, Art. 44.2), is acceptable in place of a written description or diagnosis. It appears safe to assume that the author to

whom the name is ascribed on the illustration is the person whose taxonomic judgement is expressed in the illustration, in the “details aiding identification”; the same taxonomic judgement that otherwise would have been expressed in a description or diagnosis. It would make sense to treat him as acceptable in place of an author of a written description or diagnosis.

(197) Add a new Rule to Art. 46 (as a second, or possibly fourth, sentence in Art 46.2 or as an independent paragraph):

“However, a name that is validly published by an illustration with analysis (Art. 42.3–4, 44.1–2) (in which case there is no validating description or diagnosis) must be attributed to the author or authors to whom the name was ascribed on the illustration.”

(198) In Art. 42.4 replace “For the purpose of Art. 42” by “for the purposes of this Code” or “For the purpose of Art. 42, 44 and 46”.

The definition of an analysis (in the context of “an illustration with analysis”) is not only relevant for Art. 42, but also for Art. 44 and, if Prop. 197 is accepted, for Art. 46. From the perspective of organization, it would appear that Art. 42.4 is somewhat out of place

in Art. 42 (on the simultaneous publication of a specific and a generic name) and would be more at home in Art. 44 (on publication by an illustration with analysis).

(199–202) Four proposals for Division III, Provisions for the Governance of the Code

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The Code is remarkably silent on certain aspects of governance. It does not say, for instance, what percentage of votes is necessary to approve or reject proposals or committee actions. These are unwritten rules and traditions, and sometimes there may be great disagreement after the fact as to what the rule was or should have been. The case of the *Acacia* vote in Vienna is an example. Was a 60% vote needed to approve the work of the committees or was a 60% vote needed to reject the work of the committees? Where is the level 60% in the Code? These are questions that arose after the vote. These first two proposals would make that clear.

(199) Insert a new paragraph under the first paragraph of Div.III.4:

“Changes in the Code will require a 60% or higher positive vote of the Nomenclature Section of the International Botanical Congress.”

(200) Insert a new paragraph under the paragraph of Prop. (199):

“Approval of actions by committees as recommended by the General Committee will require a 60% or higher positive vote of the Nomenclature Section of the International Botanical Congress.”

These two proposals would take care of some immediate problems, but there remains the basic non-democratic character of botanical nomenclatural decisions, no matter how well-meaning the participants, because of three basic reasons.

(1) Institutions are given 1–7 votes by the Bureau of Nomenclature of the International Botanical Congress. Only one member of the Bureau, the Rapporteur-général, is elected by a previous congress. The other three are appointed by the organizing committee of the International Botanical Congress in question. Participants in a Nomenclatural Section may accumulate up to 14 institutional votes, but can not accumulate personal votes; thus one person at a session of the Nomenclatural Section of an International Botanical Congress may have as many as 15 votes, his or her own plus 14 from institutions. Another attendee with no institutional votes would have only one vote. Such inequality is astounding. “One person one vote” is an uncontroversial way of deciding things.

(2) The mail vote is more nearly democratic, because any member of IAPT may participate. Authors of proposals and members of the Permanent Nomenclature Committees may also vote, but most would be members of IAPT already. The problem with the mail vote is the unwritten rule or tradition that the mail vote must be overwhelmingly negative (75%) to have any influence. Only proposals with 75% or more negative votes are not considered by the Nomenclature Section, and even that low support can be superseded if a few attendees choose to bring up the matter.

(3) The last problem with the governance of the Code is that only the relatively wealthy can attend. This tends to limit attendance from the developing world where, ironically, most taxonomic work still needs to be done.

Given these non-democratic aspects of governance of the Code I propose the following changes:

(201) Delete Div.III.4(b)(2) and rephrase the remaining text of Div.III.4(b) as follows:

“(b) The final vote at the sessions of the Nomenclature Section will be by all officially enrolled members of the Section with one vote per member and no accumulation or transfer of votes permitted.”
The effect would be to eliminate institutional votes.

(202) Rephrase Div.III.4(a), incorporating Note 1, to read as follows:

“(a) The preliminary mail vote will be conducted by the International Association for Plant Taxonomy with each IAPT member entitled to one vote. Non-members who are authors of proposals or members of the Permanent Nomenclature Committees will also have a vote. There will be no accumulation or transfer of votes permitted. Less than 50% support for a change in the Code in the mail vote will generally eliminate a proposal from consideration by the Nomenclature Section.”

This wording leaves open the possibility of consideration of a proposal rejected in the mail vote, but sets the bar higher than the traditional more than 25% support needed and makes it a part of the Code. It also requires, with few exceptions, that one be a member of IAPT in order to participate. It gives more weight to IAPT members who cannot attend the IBC.