

(370–382) Various proposals to amend the *Code*

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(370) Add a Note following Art. 9.4:

Note 4bis. The term isotype is also used for the type of the conserved name of a species, as, under Art. 14.8, such a type, like a holotype, may only be changed by the procedure of conservation.”

In Appendices III and IV the type of a conserved name is listed simply as “Typus”, whereas the nature of the type of a rejected name is always indicated. The latter is done for a generic name without an

original type and for a species name without a holotype by detailing the person and place of type selection. In addition, the nature of the type of a rejected name of a species or infraspecific taxon is specified (e.g., Holotypus, Lectotypus, etc.).

It is mainly because of Art. 14.8 that the type of a conserved name is listed just as “Typus” – even if the type of a conserved species name was originally a lectotype (or even a neotype); once the

species name is conserved the type is, itself, *de facto* conserved and can no longer be changed except by the procedure of conservation. In this respect it is like a holotype and the use of “Isotypi” for duplicates of the “Typus” of a conserved species name is logical and has been used in the Appendices to the *Code* since the second Appendix of conserved species names appeared in the *Tokyo Code* (Greuter & al. in *Regnum Veg.* 131. 1994).

Recognizing this usage in the text of the *Code* seems desirable.

(371) Delete Art. 10.5(a).

This portion of the Article currently states that a type selection may be superseded if “(a) it can be shown that it is in serious conflict with the protologue (or with the sanctioning treatment in the case of names typified from the sanctioning work, Art. 10.2(b))”. However, as any type selected under the first sentence of Art. 10.2 – the usual situation – is an element of the protologue or else of the sanctioning treatment, it cannot be in conflict with either, and so the provision for superseding a type under Art. 10.5(a) can only apply to an element “otherwise chosen” under the second sentence of Art. 10.2, a rather uncommon situation. However the last part of Art. 10.2 dealing with such a selection already provides that “the choice is to be superseded if it can be demonstrated that the selected type is not conspecific with any of the material associated with either the protologue or the sanctioning treatment”, clearly making Art. 10.5(a) redundant. Moreover, given that the great preponderance of types of names of genera and subdivisions of genera are components of the protologue or of the sanctioning treatment, retaining this clause might mislead some into thinking that such selections are supersedable under this provision.

(372) Insert the words “as approved” in the third line of Art. 14.16 so that it reads (new text in bold):

“14.16. When a proposal for the conservation of a name has been approved by the General Committee after study by the Committee for the taxonomic group concerned, retention of that name **as approved** is authorized subject to the decision of a later International Botanical Congress (see also Art. 34.2 and 56.4).”

The current wording of Art. 14.16 is a bit outdated, failing to reflect the provision introduced at the Berlin Congress in 1987 by which a name may be conserved with a different type from that designated by the author or determined by application of the *Code* (Art. 14.9). The proposed addition will make clear that it is not just the name that should be retained but the application of the name that is the intent of the conservation proposal.

(373) Split Art. 36.1 into two and reword it to read (new text in bold, deleted text in strikethrough):

“36.1. A name is not validly published ~~(a)~~ when it is not accepted by the author in the original publication, **for example; (b) (a)** when it is merely proposed in anticipation of the future acceptance of the taxon concerned, or of a particular circumscription, position, or rank of the taxon (so-called provisional name); ~~(c) or (b)~~ when it is merely cited as a synonym; or ~~(d) by the mere mention of the subordinate taxa included in the taxon concerned.~~ **Art. 36.1(a) does. These provisions do not apply to names published with a question mark or other indication of taxonomic doubt, yet accepted by their author.**”

“36.1bis. **A name is not validly published by the mere mention of the subordinate taxa included in the taxon concerned.**”

Determining the application of Art. 36.1, particularly the current 36.1(b), can often be problematic. I believe that a contributory factor to this is the current structure of the Article, in which its fundamental

basis and the fundamental reason for a name not being validly published under it – whether or not the name is accepted by the author – is merged with criteria for assessing this. The suggested rewording will make clearer that regardless of how hedged with subjunctives the publication of a new name might be – often obligatory for politeness particularly in the 19th century and particularly on the part of amateurs and very junior scientists – the fundamental criterion is whether or not the name is being accepted by its author. This is particularly important today, as it is easy to forget, or not even be aware of, the obligatory hesitation that can look like anticipation of future recognition of the taxon. The test can then more clearly be that of whether or not the author actually accepted the name in that publication, by typography, by discussing it as an accepted new name, etc.

In this context what is currently Art. 36.1(d) does not really fit. Its application is clearly limited. Indeed it is hard to envisage a situation in which its provisions would not be covered by Art. 38.1 (cf. Art. 36 Ex. 9 and 10) – or, in the case of a possible new combination, those of Art. 41. Although the Editorial Committee may conclude that the provision is better treated as a Note, I prefer to leave it as it stands but separate it from Art. 32.1.

(374) Add a Note following Art. 38.2 to clarify the status of a description relative to a diagnosis:

“Note 2. Whereas a diagnosis must comprise one or more descriptive statements (Art. 38.2 and 38.3), a validating description (Art. 38.1) need not be diagnostic.”

Although a good taxonomic description will include details of all those features that characterize a taxon and distinguish it from related taxa, the *Code* does not, in Art. 38.1 or anywhere else, specify that, for purposes of valid publication of the name of a new taxon, a description must be diagnostic, even at the time that it was published. The requirement of the *Code* is always just for “a description or diagnosis.” It seems useful to make this clear in a Note.

(375) Add a new paragraph to Art. 40 to read:

“40.8. For the name of a new species or infraspecific taxon published on or after 1 January 2019 of which the type is a culture, the protologue must, in addition, include a statement that it is preserved in a metabolically inactive state.”

and add at the end of Art. 8.4: “(see also Art. 40.8)”

and add to the parenthesis at the end of Art. 40 Note 3:

“and Art. 40.8”.

After some back-door sanctioning through an example included in the *Tokyo Code*, the Saint Louis Congress accepted as an addition to Art. 8.4 the sentence “However, cultures of fungi and algae, if preserved in a metabolically inactive state (e.g. by lyophilization or deep-freezing), are acceptable as types.”

There is, however, currently no means of knowing with certainty whether or not a culture included in the type citation of a new fungal or algal species has in fact been preserved in a metabolically inactive state. Under the present rules, in the absence of indication in the protologue to the contrary, a culture cited as type must be assumed to have been preserved as required by Art. 8.4, which seems to remove any sanction from the supposed requirement.

That, in itself, seems good reason to accept the proposed amendment, but there is also a kind of converse benefit in that some workers cite a preserved specimen as holotype but also include reference to the “type culture” that is not being preserved in a metabolically inactive state and is not intended as the nomenclatural type but could be so interpreted, leading to doubts as to whether a single element had been

cited as type. This amendment would make clear that such a “type culture” could not be the type unless its permanently inactive state was specified in the protologue.

(376) Clarify Art. 41.8(a) by adding new text (in bold):

“(a) when the name cited as the basionym or replaced synonym was validly published earlier than in the cited publication, but in that cited publication, in which all conditions for valid publication are again fulfilled, there is no reference, **in association with the name, to the actual place of valid publication.**”

In Art. 41.8(a), the intent of the final clause “there is no reference to the actual place of valid publication” is clearly that there is no reference associated with “the name cited as the basionym or replaced synonym”. However, if taken literally, “no reference” could mean that provision of *any* reference to the place of valid publication of the basionym or replaced synonym, even if not associated with the name cited as such, would preclude valid publication of the new combination or replacement name. For example *Viola* subsect. *Boreali-Americanae* (W. Becker) Gil-ad, stat. nov., published in Boissiera 53: 42. 1997, was based on “*Viola* section *Nomimum* Ging. “N.” *Boreali-Americanae* W. Becker in Engler & Prantl, Nat. Pflanzenfam. ed. 2, 21: 369. 1925.” Becker gave no indication in his *Pflanzenfamilien* treatment of any previous publication of this unranked subdivision of *Viola*, but he had previously validly published *Viola* [unranked] *Boreali-americanae* in Repert. Spec. Nov. Regni Veg. 19: 364. 1924. This would seem clearly a situation in which Art. 41.8(a) should apply, except that “in that cited publication” (Becker in Engler & Prantl, Nat. Pflanzenfam., ed. 2, 21: 363–376. 1925), under “Wichtigste Literatur” (p. 364), the work containing “the actual place of publication” (“Becker W. 1924. *Violae Mexicanae et Centrali-Americanae*. I et II, in Fedde Repert. XIX. (1924) 392–400, l.c. XX. (1924) 1–12.”) was cited.

Although one might argue that citing the entire work is not citing the precise “place” of publication, this is not explicit in the wording. Hence, the suggested addition would ensure that the intended meaning will be maintained even in these circumstances.

(377) Add a Note following Art. 46.1 to read:

“*Note 0*. A name of a taxon is attributed to the author of the publication in which it appears (see Art. 46.5) when none of the following provisions rules otherwise.”

The second sentence of Art. 46.2 (“A new combination, name at new rank, or replacement name is attributed to the author(s) to whom it was ascribed when, in the publication in which it appears, it is explicitly stated that the same author(s) contributed in some way to that publication.”) clearly implies that, regardless of the ascription of the description or diagnosis, if a name is ascribed to the actual author of the publication, it must be attributed to that author. However, this is not spelled out anywhere in Art. 46, and some have questioned this. The proposed Note will make this explicit.

The following Example might follow Art. 46.2 and be cross-referenced to the new Note:

“*Ex. n.* Wallich (Pl. Asiat. Rar. 3: 66. 15 Aug 1832) ascribed *Aikinia brunonis* to “Wall.” and although he ascribed both the diagnosis and description to “Brown”, the correct attribution is *Aikinia brunonis* Wall., as Wallich is the author of the publication, and the name is not ascribed to anyone else (cf. Art. 46 Note 0).”

In his account in *Plantae Asiaticae Rariores*, Wallich wrote regarding *Aikinia brunonis*: “For the preceding account of this plant, as well as for the beautiful drawing of the late Mr. Ferdinand Bauer, from which the accompanying Plate has been engraved, I am indebted

to Dr. Brown, to whom I offer my warmest thanks.” Wallich opted to recognize Brown’s contribution by this choice of epithet (“*brunonis*”) rather than by ascribing a different epithet to Brown. Consequently, under Art. 46, the name is attributed to Wallich alone.

(378) Amend Art. 46.3 to read (new text in bold, deleted text in strikethrough):

“46.3. For the purposes of Art. 46, ascription is the direct association of the name of a person or persons with a new name or description or diagnosis of a taxon. An author citation ~~appearing in a list of synonyms associated with a synonym~~ does not constitute ascription of the accepted name, nor does reference to a basionym or a replaced synonym (regardless of bibliographic accuracy) or reference to a homonym, or a formal error.”

It is not uncommon, particularly in 19th century publications, for the accepted name to appear in the same list as the synonyms, often following the species heading. The species heading may lack any author ascription, in which case this is to be found in the citation of the name along with the synonyms. The current wording of Art. 46.3 has been interpreted as meaning that such author association with an accepted name does not qualify as ascription under Art. 46.3. This was clearly not the intent of the provision; the suggested change will make this explicit.

(379) Add a Note following Art. 56.1:

“*Note 1*. A name rejected under Art. 56.1 does not become illegitimate on account of its rejection and can continue to indicate the type of a name at higher rank. Similarly, a combination under a rejected name, although unavailable for use because of the inclusion of the rejected name, may be legitimate, and may serve as basionym for another combination.”

Although it is logically the case from the wording of Art. 56.1, the *Code* does not spell out the fact that a name rejected under Art. 56 does not change its status other than simply becoming not available for use. Rejected names will normally be legitimate – otherwise why reject them – and rejection does not change this. Likewise if a rejected name has a type, that remains the type and, although it will be an uncommon occurrence, that type can continue to serve as the type of a name at higher rank. Authors have been known to be reluctant to propose a species name for rejection under Art. 56 because the name had been previously designated as the type of a generic name in continuing use.

Species names published under a rejected generic name, and infraspecific names published under a rejected species name are also unaffected, except that they cannot themselves be correct names. Their use and priority in other combinations is unaffected.

The Editorial Committee may wish to consider including an Example under the new Note:

“*Aloe perfoliata* L. was designated as the type of *Aloe* L. by Britton & Millspaugh (Bahama Fl.: 69. 1920) and confirmed as such by Hitchcock & Green (in Sprague, Nom. Prop. Brit. Bot.: 146–147. 1929). Its status as type will be unaffected if the recommendation to reject *A. perfoliata* under Art. 56.1 (Klopper & al. in Taxon 65: 1173–1174. 2016) is accepted.”

(380) Add a new paragraph in Art. 60 to read:

“*60.5bis*. When the original publication of a name adopted a use of the letters *u*, *v* or *i*, *j* in any way incompatible with modern practices, those letters are to be transcribed in conformity with modern nomenclatural usage.”

The current wording of Art. 60.5 reads “When a name has been published in a work where the letters *u*, *v* or *i*, *j* are used interchangeably or in any other way incompatible with modern practices (e.g. one letter of a pair not being used in capitals, or not at all), those letters are to be transcribed in conformity with modern nomenclatural usage” – my emphasis. The provision originated as Art. 73.5 in the Leningrad Code (Stafleu & al. in Regnum Veg. 97. 1978) and, except for some very early names, dealt entirely with typography. The provision was revised at the Sydney Congress and, although still intended by its proposers to address only outdated typography, the addition of the words set out in bold above broadened its scope enormously. For this reason the Nomenclature Committee for Vascular Plants (NCVP) concluded that a proposal to conserve *Mezoneuron* with that spelling (because it was published originally as *Mezonevron*) was unnecessary as the spelling “-nevron” was incompatible with modern practice (Applequist in Taxon 62: 1315–1326. 2013). In considering this case, the General Committee found itself divided: those who emphasized the original intent of the Article took the view that applying it to “*Mezonevron*” was an unjustifiable extension of the meaning, whereas others agreed with the NCVP in that, whatever the original intent, the current wording (“in any other way”) clearly covered this situation.

In light of this, Greuter & Gandhi (Prop. 344–345 in Taxon 65: 914–915. 2016) have proposed to make clear that the current provision applies only to “modern **typographical** practices” but also to establish that for names or epithets derived from Greek words that include the diphthong *ev* (ευ), its transcription as *ev* is treated as an error correctable to *eu*. They have also proposed that if the letter *i* is used as a semi-vowel (followed by another vowel to form a diphthong) in a name or epithet of Latin but not Greek origin, this use of *i* is to be treated as an error correctable to *j*.

These proposals are to be welcomed in general, but they do not cover the use of *i* as a “semi-vowel” in names of Greek origin. For example Linnaeus published *Arundo epigejos* (Sp. Pl.: 81. 1753) and this spelling of the epithet was maintained by Roth (Tent. Fl. Germ. 1: 34. 1788) in publishing the new combination *Calamogrostis epigejos*. However, classically, Greek iota (ι), even when placed before a vowel, was transcribed as *i* and this has prompted some to suggest “correcting” Linnaeus’s spelling to “*epigeios*”. Whereas the Greuter & Gandhi proposal on replacing the Latin “semi-vowel” *i* by *j* reflects well most current usage, transcription of the Greek ι is less consistent: the neo-Latin usage of transcribing it as *j* is widespread in addition to the classical usage already referred to that transcribes it as *i*. The present Art. 60.5, when interpreted to cover all *i* or *j* spellings incompatible with modern practice, covers this situation, but the Greuter & Gandhi proposed amendment would not. This is one reason for the current proposal, but, regardless of the success or otherwise of the Greuter & Gandhi proposals, it seems desirable that provision for general conformity with modern nomenclatural usage be retained (or included) in the Code.

If all three proposals are accepted, the Editorial Committee will be able to integrate them appropriately.

(381) Add to the first sentence of Art. 60.10 (new text in bold):

“60.10. The use of an apostrophe or quotation mark in an epithet is treated as an error to be corrected by deletion of the apostrophe or quotation mark unless it follows ‘M’ to represent the patronymic prefix ‘Mc’ (or ‘M^c’) in which case it is replaced by the letter ‘c’. The use of a full stop (period) in an epithet that is derived from a personal or geographical name that contains this full stop is treated as an error to be corrected by deletion of the full stop.”

and include, as an Example, appropriate text from the second paragraph below:

During the centuries of letterpress printing, printers were commonly restricted by the metal fonts that were available to them. When, for example, a superscript letter “c” was needed, an apostrophe or quotation mark was commonly used as a substitute. This was particularly the case in the common abbreviation to “Mc” of the Scottish and Irish patronymic prefix “Mac” in which, interestingly, it was the “6-quote” (ˆ) that was regularly used rather than the apostrophe as in an elision such as L’Héritier. Moreover, it was common practice for persons spelling their patronymic prefix as “Mc”, rather than as “Mac”, to write the “c” in the superscript position and the “6-quote” was probably seen as a better approximation than a regular apostrophe. To reflect this usage a small addition is also proposed to the current wording of Art. 60.10.

For example Harvey (Fl. Cap. 3: 494. 1865) published a new species of *Stobaea* in the form “*S. M’Kenii*”. The name commemorates one of the collectors of the type specimen, Mark Johnston McKen (1823–1872), given as “M’K” in the protologue. This name appears as *Stobaea mkenii* in IPNI (<http://www.ipni.org>) – correctly so under the current wording of Art. 60.10, but quite absurd when it commemorates someone called “McKen”. The same collector is commemorated in a more appropriate form in the genus *Mackenia* Harv. (Gen. S. Afr. Pl., ed. 2: 233. 1868), which Harvey named “in honour of Mr. J. M’Ken, Esq., Curator of the Botanic Gardens, Natal, a very zealous and successful collector of the plants of the Natal colony”, and similarly in *Cephalandra mackennii* Naudin (in Ann. Sci. Nat., Bot., sér. 5, 5: 17. 1866), although in this case the collector’s surname was given as “Mac Ken”.

As there is a Recommendation (Rec. 60C.5(a)) that in the formation of new names, “Mac”, “Mc”, and “M’” should all be spelled “mac” and united with the rest of the name, it may be asked why a similar practice should not be adopted in the spelling of existing names. There are two reasons why this would be undesirable. The first is that whereas the number of names originally published with patronymic prefix as “m’” is relatively small – indeed most were published by Harvey commemorating M.J. McKen – there is a very large number of specific epithets published with the prefix as “mc”, and it would be unnecessarily disruptive to require that all these be changed. However, perhaps more importantly, in the past 100 or so years the alternative patronymic prefixes “Mac” and “Mc” have become fixed within families, and indeed in some parts of the world (e.g., North America) are treated as quite separate names, “Mc” no longer being alphabetized as “Mac” as is still the case in, for example, U.K. telephone directories. I imagine that many persons who use the “Mc” prefix would prefer to be commemorated with that spelling rather than with “mac”. For example, the late Bill Anderson chose to ignore Rec. 60C.5(a) in describing the genus *Mcvaughia* (in Taxon 28: 157. 27 Apr 1979), almost certainly because he knew that Rogers McVaugh, his long-time mentor, colleague, and collaborator, would much prefer that spelling.

Indeed, although only a Recommendation, it is probably now appropriate to modify slightly Rec. 60C.5(a), and this I propose separately below.

(382) Amend Rec. 60C.5(a) to read (new text in bold; deleted text in strikethrough):

“(a) The Scottish and Irish patronymic prefix “Mac”, “Mc”, “M^c”, or “M’”, meaning “son of”, should **either all** be spelled as “mac” or the latter three as “mc” and united with the rest of the name

(e.g. *macfadyenii* after Macfadyen, *macgillivrayi* after MacGillivray, *macnabii* or *mcnabii* after McNab, *mackenii macclellandii* or *mccllellandii* after M^cKen M^cClelland).”

The reasons for suggesting that the *Code* no longer recommends that Mc and its superscript variants be always transcribed as “mac” are given above. Whereas 18th and 19th century spelling of surnames was quite variable, with modern printing capabilities, the Scottish (and Irish) patronymic prefix has settled on either “Mac” or “Mc” and the previous wording of the Recommendation, although only applying to new names, was probably more appropriate when the various forms

of the patronymic prefix were often interchangeable. The suggested change from M^cKen to M^cClelland is just to introduce an alternative to the Example proposed in Prop. 381 to follow Art. 60.10.

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