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PROPOSALS TO AMEND THE CODE

Edited by Dan H. Nicolson

(64-73) Ten proposals to amend the Code, and report of the Special Committee on Binary Combinations

This Committee was authorized by the XIV International Botanical Congress at Berlin to study Art. 23 of the Code with particular reference to polynomials in post-1753 literature (Taxon 37: 442. 1988). The membership of the Committee is: Ib Friis (Copenhagen, convener), A. Borhidi (Pécs), C. Jeffrey (Kew), L. A. S. Johnson (Sydney), B. Jonsell (Stockholm), and H.-W. Lack (Berlin).

The immediate background for the work of the Committee was a proposal to the nomenclature session of the Berlin Congress to change Art. 23 in such a way that no traditionally accepted source of species names would be rejected because of the wording of this Article. The problems in the Sydney Code (Voss & al., 1983) of non-binary species names in traditionally accepted works published after 1753 was first pointed out by Burdet & Perret (1983) who demonstrated that such well established sources of binary species names as Aublet's Histoire des plantes de la Guiane française (1775) and Forsskål's Flora aegyptiaco-arabica (1775), among others, might have to be rejected under the wording of Art. 23 in the Sydney Code. The special problems in Forsskål's work was the subject of an analysis by Jeffrey (1985) who pointed out how it was possible to distinguish proper binary species names in that work.

The whole problem was analysed in the original proposal by Friis & Jeffrey (1986) in which a summary of how it had been approached in the past was also given. Their summary contains more references to the literature; only an outline is given here: A proposal by Hayek (1904: 342, 347) suggested that works in which anything but binary nomenclature for species was used should not be taken into consideration as sources of names. Because of concern for the consequences for early generic names, the proposal was not carried (Briquet, 1906: 101-102). Wilmott (1929) made a very similar proposal, which was summarized: “Names proposed by non-binarist authors should be rejected.” The proposal was not accepted (Briquet, 1931: 567-570), again apparently because of the concern for the status of certain generic names. Wilmott (in Sprague, 1935: 66, 90-92) prepared a new proposal with an actual list of works to be rejected. The general reception of this proposal was positive, and at the Amsterdam Congress a special committee chaired by Wilmott was set up (Sprague, 1936: 338-341). The work of this Special Committee was never completed because of World War II and the death of Wilmott.

The well prepared proposal of a list of rejected works by Wilmott seems to have been forgotten, because Ross (1958) did not refer to it when he presented a series of proposals dealing with “the status of names of improper form”. Since the Montreal Code (Lanjouw & al., 1961) these proposals have been incorporated in the Code. In Ross's proposals it was stated that works which can be said not to employ the Linnaean system of binary nomenclature are automatically to be rejected as sources of species names. Among the consequences of this rule, which is also incorporated in the

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Berlin Code (Greuter & al., 1988), are the undesirable ones pointed out by Burdet & Perret (1983). Objections were raised by Greuter (1984) and Friis & al. (1984).

In the proposal of Friis & Jeffrey (1986) the following points were central: First, basically all species names proposed after 1753 which are not descriptive phrase names should be acceptable, unless (1) they are contrary to a clear set of rules, or (2) are published in works with ambiguous species nomenclature (these works to be listed in the Code as not acceptable as sources of species names); secondly, it was considered important that Art. 23.6 should be structured in such a way as to be clearly parallel to Art. 20.4 which deals with generic names.

The proposal by Friis & Jeffrey was included in the synopsis of proposals (Greuter & McNeill 1987: 208-210), as Art. 23 Prop. A, with comments from the Rapporteurs. In their summary, they agreed that Art. 23.6 was currently unsatisfactory and, moreover, in evident conflict with Art. 23.1 if taken literally. However, the Rapporteurs criticized the proposal for having placed Linnaean examples of polynomials under three different sections of the proposed new Art. 23.6, as they found the rationale behind this far from evident. They further pointed out that one of the Examples was taken from a work rejected elsewhere in the Article, and that not clear enough guidance was given on how to treat epithets in Forsskål's work. They found the establishment of a list of "rejected works" to be preferable to the present situation, with individual treatment of a few works in "voted examples". The proposal was referred to a special committee (McNeill, 1987: 858; Greuter & al., 1989: 74).

The work of the Committee started with the circulation of all previous evidence and opinions with a call for all members to react to five specific questions thought to be of crucial importance. The reactions can be summarized as follows.

(1) The purpose of a change in Art. 23 must be to maintain validity of the species names traditionally accepted from works like those of Aublet and Forsskål, while names from works traditionally rejected have to be excluded from the possibility of being taken up. The new wording of Art. 23.1 accepted at Berlin means that it is now more clearly specified in the Code that descriptive phrase names in the ablative case cannot be considered epithets. This removed some of the conflict between Art. 23.1 and Art. 23.6, but it does not solve the main problems addressed by the original proposal by Friis & Jeffrey (1986).

(2) The non-binary species designations of Linnaeus published after 1753 are best dealt with under various headings in the Article because of their different linguistic structure, and because of differences in the conclusions reached about the acceptability of these names; moreover, the Linnaean examples are comparable to similarly structured non-binary designations used by other post-1753 authors, e.g., the younger Burman. Hence it is better to structure the examples according to general principles than by author.

(3) The "interim designations" used in Forsskål's work should be defined in such a way that they can be distinguished unambiguously from true epithets (including those used in "provisional names" as defined in Art. 34.1(b)); traditional usage should be secured with respect to these names and designations.

(4) The proposed list of rejected works is a key point in the proposal; it should replace the individual "voted examples" as far as possible.

(5) The Committee should propose only one carefully worked out set of proposals to amend Art. 23, without alternative "parcels". The chief reason for this is that all parts of the proposals are closely interrelated and that separate voting on alternatives might produce an inconsistent set.
These five points have been generally supported by the members of the Committee, and a number of suggestions to improve the wording of the original Friis & Jeffrey (1986) proposal have been incorporated in the course of the Committee's work. It has also been felt wise, in spite of the point made under (5) above, to present the conclusion of the Committee as a package of proposals each of which could be voted on separately, so that aspects felt undesirable or in need of amendment could be rejected without adverse effect on others deemed worthy of acceptance.

However, one additional point entered the discussion. The list of rejected works proposed by Wilmott (in Sprague, 1935) was longer than the current list of works to be rejected under Art. 23. The reason for this is that Wilmott's list also contained works which use phrase names only, as well as works which only deal with genera. The former category is covered by the new proposed Art. 23.6(a), while members of the Committee have found that it would be advisable to propose a list of works rejected as sources of generic names because of a non-Linnaean definition of genera used in these works. At the same time, it has been found advisable to propose a list of works rejected as sources of any names because these works are traditionally considered to be published before the 1st of May 1753, in spite of their exact date of publication being unknown. These two additional proposals are made separately in an Appendix to the Committee's report.

The question of how complete are the present lists of works to be rejected has been raised in the Committee correspondence. It has been addressed through a study of the works listed in Wilmott's proposal and, as far as possible, these mentioned by Dandy (1967: 7-9). A search for works stated in TL-2 (Stafleu & Cowan, 1976-1988) to be non-binary was also carried out, and some additions were made to the list originally proposed by Friis & Jeffrey (1986). The lists seem at the moment to be adequate, but it is strongly felt that they should be open for future additions.

One change in the list deserves special mentioning as it involves the text of the Berlin Code. Art. 23 Ex. 9 in the Berlin Code concerns two ambiguous cases of species designations in Hill (1756) who is said to use descriptive phrase names; this example has been in all editions of the Code since the Montreal Congress. A closer study of Hill's works has shown that the nomenclature is ambiguous in Hill's Useful family herbal (1754), with numerous subsequent editions, and in Hill's British herbal (1756). In the latter work, a designation consisting of the generic name followed by the word vulgaris is very frequently used for one of the species in each genus, and designations referring to place of origin or habitat are also frequently used, e.g. (p. 29) “Thora valdensis” (epithet derived from the name of a Swiss canton), (p. 34) “Caltha palustris”, (p. 79) “Glaux maritima”, and (p. 97) “Cortusa alpina”. Some of these are Linnaean species names, others are original; beside this, Hill used generic names followed by short, descriptive phrases as designations for his species. For this reason, it is concluded that the two abovementioned works by Hill do not only contain descriptive phrase names, as it is stated in the example in the Berlin Code, but in fact contain ambiguous nomenclature for species; they have therefore to be added to the list of rejected works, and the example has to be deleted.

A final question has been addressed: a mechanism for adding to the proposed lists of rejected works. It seems clear that additions to the list may be proposed and submitted to the Nomenclature Section of an International Botanical Congress in the way normal for any proposal to change the Code.

As a consequence of these discussions, the Committee makes the following proposals to amend the Code. All proposals were unanimously favored (vote 6:0:0).
(64) Amend Art. 23.1, as follows:

Replace “but not a phrase in the ablative (see Art. 23.6(c))” with “or several words, but not a phrase name of one or more descriptive substantives and associated adjectives in the ablative (see Art. 23.6(a)), or certain other irregularly formed designations (see Art. 23.6(c))”

This proposal would bring the wording of Art. 23.1 into line with that proposed for the restructured Art. 23.6. Acceptance of this and some following proposals may lead to an editorial amendment of Art. 23.1, as follows: Replace “(see Art. 73.9)” with “(see Examples 14-15 to Art. 23.6(c), Examples 17-18 to Art. 23.8, and Art. 73.9)”

(65) In Art. 23.6, replace the introductory clause with:

“23.6. The following designations are not to be regarded as specific names:”.

This proposal would enable the restructuring of Art. 23.6 in parallel to Art. 20.4.

(66) In Art. 23.6, add a new section:

“(a) Descriptive designations consisting of a generic name followed by a phrase name (Linnaean nomen specificum legitimum) of one or more descriptive substantives and associated adjectives in the ablative.

“Ex. 5. The works of Miller (Gard. Dict. Abr. ed. 4. 1754), Gérard (Fl. Gallo-Prov. 1761) and Kramer (Elench. Veg. 1756) are examples of works in which names are such descriptive designations and therefore to be rejected.”

This proposal would establish that phrase-names, as opposed to nomina trivialia, are not of a form acceptable as a criterion of valid publication.

(67) In Art. 23.6, delete sections (a) and (b) and replace them with:

“(b) Other designations of species consisting of a generic name followed by one or more words not intended as specific epithets.

“Ex. 7. Viola "qualis" Krocker (Fl. Siles. 2: 512, 517. 1790); Urtica "dubia?" Forsskål (Fl. Aegypt.-Arab. cxxi. 1775), the word "dubia?" being repeatedly used in that work for species which could not be reliably identified.

“Ex. 8. Boletus vicesimus sextus, and Agaricus octogesimus nonus are ordinal adjectives used for enumeration.

“Ex. 9. Atriplex "nova" Winterl (Index Horti Bot. Univ. Pest. fol. A. 8, recto et verso. 1788), the word "nova" being here used in connection with four different species of Atriplex.

“Ex. 10. However, in Artemisia nova A. Nelson (Bull. Torrey Bot. Club 27: 274. 1900), "nova" was intended as a specific epithet, the species having been newly distinguished from others.

“Ex. 11. Cornus "gharaf" Forsskål (Fl. Aegypt.-Arab. xci, xcvi. 1775) is an interim designation not intended as a species name. An interim designation in Forsskål’s work is an original designation (for an accepted taxon and thus not a “provisional name” as defined in Art. 34.1(b)) with an epithet-like vernacular which is not used as an epithet in the Centuriae part of the work. Elcaja "roka" (Fl. Aegypt.-Arab. xcvi. 1775) is
another example of such an interim designation; in other parts of the work (p. c, cxvi, and 127), this species is not named.

"Ex. 12. Smilax "caule inermi" Aublet (Hist. Pl. Guiane 2, Table: 27. 1775) is an abbreviated descriptive reference to an imperfectly known species which is not given a binomial in the text but referred to merely by a phrase name cited from Burman."

This proposal would establish this section as a replacement for the present sections (a) and (b) and amplify them in a way that would clarify what are words not intended as specific epithets in the works of Forsskål and others.

(68) In Art. 23.6, delete section (c) and replace it with:

"(c) Designations of species consisting of a generic name followed by two or more adjectival words in the nominative case, or, without any typographic distinction, by one or more such words and a substantive (or a substantive and one or more adjectives) not in the nominative case.

"Ex. 13. Salvia "africana coerulea" L. (Sp. Pl. 26. 1753); Gnaphalium "fruticosum flavum" Forsskål (Fl. Aegypt.-Arab. cxix. 1775) are generic names followed by two adjectival words in the nominative case. They are not to be regarded as species names.

"Ex. 14. "Sida parva, flore albo" Forsskål (Fl. Aegypt.-Arab. cxvi. 1775) is a generic name followed by an adjective in the nominative case and (without any typographic distinction) a substantive and an adjective in the ablative case. It is not therefore to be regarded, despite the comma, as a species name (feminine binomial, followed by an ablative diagnosis).

"Ex. 15. However, Rhamnus vitis idaea Burm. f. (Fl. Ind. 61. 1768) is to be regarded as a species name, since the generic name is followed by a substantive and an adjective, both in the nominative case; these words are to be hyphenated (R. vitis-idaea Burm. f.) under the provisions of Art. 23.1 and Art. 73.9. In Anthyllis Barba jovis L. (Sp. Pl. 720. 1753) the generic name is followed by substantives in the nominative and in the genitive case respectively, and they are to be hyphenated (A. barba-jovis L.). Likewise, Hyacinthus non scriptus L. (Sp. Pl. 316. 1753), where the generic name is followed by a negative particle and a past participle used as an adjective, is corrected to H. non-scriptus L., and Impatiens noli tangere L. (Sp. Pl. 938. 1753), where the generic name is followed by two verbs, is corrected to I. noli-tangere L.

"Ex. 16. Similarly, in Narcissus Pseudo Narcissus L. (Sp. Pl. 289. 1753) the generic name is followed by an independent prefix and a substantive in the nominative case, and the name is to be corrected to N. pseudonarcissus L. under the provisions of Art. 23.1 and Art. 73.9."

This proposal would clarify the kinds of names which must and must not be treated as containing "an epithet consisting of two or more words" and therefore to be hyphenated or united under Art. 23.1. The example from the younger Burman has been inserted to show that not all examples are Linnaean.

(69) Add a new Art. 23.7:

"23.7. Phrase names used by Linnaeus as specific epithets (nomina trivialia) are to be treated as orthographic errors to be corrected in accordance with later usage by Linnaeus himself.

This proposal would establish two exceptions to the general ruling that phrase-names are not correctable errors but a form of designation not meeting the criteria of valid publication. In the format of the Species plantarum they appear in the place normally occupied by nomina trivialia and it would seem reasonable in these cases to treat them as orthographic errors to be corrected. The Apocynum case is used at present in Art. 23.6(c) to exemplify “exceptions” to the consistent use by Linnaeus of binary nomenclature from 1753 onwards, but to treat it as proposed here would allow, under Article 10.2, the maintenance of A. androsaemifolium L. as the lectotype of Androsaemum L., since it would be one of the names from among the types of which the type of the generic name must be chosen.

Acceptance of this proposal would lead to an editorial change in Art. 75.1: After “(conserved spellings)” insert: “Art. 23.6 (phrase names used by Linnaeus as specific epithets).”

(70) Add a new Art. 23.8:

“23.8. Where the status of a designation of a species is uncertain under Art. 23.6, established custom is to be followed (Preamble 9).

“Ex. 17. In accordance with established custom, Linnaean species designations the epithets of which are compounded with Trichomanes and M. [Melilotus], e.g. Asplenium Trichomanes dentatum L. (Sp. Pl. 1080. 1753) and Trifolium M. indica L. (Sp. Pl. 765. 1753) are not to be regarded as species names (and are therefore not validly published under Art. 32.1(b)).

“Ex. 18. Polypodium F. mas L. (Sp. Pl. 1090. 1753), Polypodium F. femina L. (l.c. 1753) and Polypodium F. fragile L. (op. cit. 1091. 1753) are, in accordance with established custom, to be treated as P. filix-mas L., P. filix-femina L., and P. fragile L. respectively. Likewise, Cambogia G. gutta L. (Gen. Pl. unnumbered final page [522]. 1754) is to be treated as C. gummi-gutta L.”

Ex. 17 is a traditionally agreed exception to the proposed Art. 23 Ex. 15, and Ex. 18 illustrates a traditionally accepted way to spell out abbreviations. This proposal, as well as emphasizing what is normal practice in any case, would formalize and therefore stabilize what has been the usual practice among botanists with respect to the names exemplified.

(71) Add a new Art. 23.9:

“23.9. The following works, in addition to those works in which only descriptive designations are employed (see Art. 23.6(a)), are to be rejected as sources of validly published species names: Buchoz, Traité Hist. Pl. Lorraine. 1762-1770; Buchoz, Tournefortus Lothar. 1764; Buchoz, Dict. Univ. Pl. France, vol. 1, 2 & 3, first part (p. 1-528). 1770; Garsault, Fig. Pl. Méd. 1764; Garsault, Expl. Abr. Pl. 1765; Garsault, Descr. Vertus Pl. 1767; Gilibert, Fl. Lit. Inch. 1781; Gilibert, Exerc. Bot. 1782; Gilibert, Syst. Pl. Eur. 1785-87; Gilibert, Exerc. Phyt. 1792; Hill, Useful Fam. Herb.
1754, and all subsequent editions; Hill, Brit. Herb. 1756; Secretan, Mycogr. Suisse. 1833;"

This proposal would replace the present Art. 23.6(c) and its "voted examples" by a list of works to be rejected as sources of specific epithets, and thus remove the need to interpret what is meant by the "consistent employment" of binomial nomenclature which, as has been shown, has been and is still a source of serious and irresolvable controversy. Acceptance of this proposal would lead to the editorial addition of a new section (e) to Art. 23.6: "(e) All designations of species in the works listed under Art. 23.9;"

Appendix

During the work of the Committee, it was pointed out that the Code should also contain a list of works rejected as sources of generic names. Such works have already been informally rejected by Dandy (1967), and notes to this effect have in several cases been included in the accounts of the relevant works in TL-2 (Stafleu & Cowan, 1976-1988). However, this unofficial rejection has no formal status under the Code, and it was felt that reviving as a generic name any "name" from the works considered by Dandy for his Index and rejected by him would have undesirable consequences. Dandy's "rejected works" are of two kinds: those in which the nomenclature of genera is ambiguous, and those for which there is or has been uncertainty over the date of publication. Those in the first category should be listed in Art. 20 in a section analogous to the one proposed above for Art. 23. The proper place for formal rejection of the works in Dandy's second category would be under Art. 13. The following additional proposals are made.

(72) Add a new Art. 13.6:


This proposal would definitely exclude (as pre-starting-point publications) works over which, because of uncertainty as to their exact date of publication or for some other reason, there has been doubt as to their acceptability as sources of validly published names.

(73) Add a new Art. 20.5:


This proposal would definitely exclude works over which for some reason there has been doubt as to their acceptability as sources of validly published generic names.

Literature cited


Jeffrey, C. 1986. Proposal to revise ICBN (93). The problem of non-binary species names in works published after 1 May 1753, with a proposal to amend ICBN. Taxon 35: 397-400.

Greuter, W. 1984. Warning against misinterpreting the rule on “non-Linnean” works (Art. 23.6(c)). Taxon 33: 493-495.


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