A proposal to clarify effective publication of theses

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Add a paragraph at the end of Art. 30:

"Art. 30.5. Publication on or after 1 January 2000 of an independent publication stated to be a thesis, and presented to a university or other institute of education with the objective of obtaining a degree, is not effectively published unless it bears an International Standard Book Number (ISBN number)."

The Tokyo Code deals with the question of effective publication in Art. 29-31. Discussing these with colleagues at Kew, I found that there are situations in which it can be difficult to judge whether or not a certain publication is effectively published in the sense of the Code. A major source of doubt arises from the production of theses.

In order to be effective under Art. 29.1 a publication must be subjected to "distribution ... to the general public or at least to botanical institutions with libraries accessible to botanists generally".

Distribution to the general public is usually effected through sale by the retailing bookstores or other distributing organisations. If publications are produced through a professional publisher, or any organisation acting as a publisher, that publisher normally has a need to recover the costs through sales of the publication. Under most circumstances, this would guarantee sufficient distribution to be effective. In most countries, the majority of 'independent publications' (books etc., as opposed to periodicals) have ISBN numbers; a section of this registration number denotes the publisher in a particular language area and/or country. Such a number is therefore an indication of "distribution to the general public", but there are certainly countries where many books are not registered under the ISBN system. There may be other registration systems in operation, such as those of National Libraries, which will usually be indicated on the imprint.

Proof of sufficient distribution to the general public of privately produced (independent) publications is more difficult to give. An author may fail to distribute his product, for instance, by not depositing further copies in libraries, or may never have produced more than one in the first place. There is at present no way of disproving suspected one-offs other than by making enquiries to the author or to other libraries. Theses are most often in this category, but there are exceptions: a Ph.D. thesis in the Netherlands is usually distributed in 250-400 copies, often professionally printed, issued with an ISBN and deposited in many libraries domestically and abroad. There are other countries with similar well distributed theses; nevertheless theses were seen in our discussion as a major part of the doubtful cases where the distributional aspects of effective publication are concerned.

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The limited number of copies customarily produced of a Ph.D. or D.Phil. thesis in most countries may lead their writers to believe new names or combinations of taxa published therein are not ‘official’, while they intend to follow suit with e.g. a paper in a journal. However, under the present wording of Art. 29.1 even a very few copies deposited in libraries somewhere constitute effective publication. This scenario has led to problems with dates and places of publication, as the later ‘official’ publication is more likely to be cited, e.g. in the supplements of *Index kewensis*, while the thesis is being overlooked.

Problems with dates may similarly arise when print-offs from microfiches, or nowadays more likely from diskettes, are made ‘available on request’ and, naturally, the number of distributed copies as well as their whereabouts are in such cases very uncertain. All such cases would be excluded from consideration for effective publication as they would not be registered with an ISBN. The proposed addition to Art. 30 would provide an instant answer to the question of the validity, under the *Code*, of new names published in them.

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