Two Proposals on Art. 15, and Report of the Standing Committee on Lists of Names in Current Use

Author(s): Werner Greuter

Reviewed work(s):


Published by: International Association for Plant Taxonomy (IAPT)


Accessed: 01/06/2012 14:07
(86-87) Two proposals on Art. 15, and report of the Standing Committee on Lists of Names in Current Use

Werner Greuter, Secretary

The set-up of an NCU Standing Committee was approved by the Nomenclature Section in Yokohama (Taxon 42: 919. 1993), "to initiate, assist, co-ordinate and vet production of further lists and of updatings of existing lists of NCU". Naturally the Committee was also to consider whether provisions governing the status of NCU lists should again be proposed for inclusion in the *Code*. The aim of this report is to present and explain the Committee’s recommendations in that respect. A survey of the ongoing efforts to update and produce NCU lists will be given separately.

The Committee’s initial membership, as approved by the General Committee, is given in Taxon 43: 283-284. 1994. Of the original 13 members 4 were lost along the way and 3 were added, so that the voting membership, for the purposes of this report, is 12: T. Ahti (H, Finland), B. G. Briggs (NSW, Australia), R. K. Brummitt (K, U.K.), E. R. Farr (US, U.S.A.), W. Greuter (B, Germany, Secretary), K. Iwatsuki (TI, Japan), C. E. Jarvis (BM, U.K.), P. M. Kirk (IMI, U.K.), D. H. Nicolson (US, U.S.A.), P. C. Silva (UC, U.S.A.), J. E. Skog (GMUF, U.S.A.), and G. Zijlstra (U, Netherlands). The report is based on the Committee members’ response to 4 circulars distributed, mostly by e-mail, between December 1996 and December 1997.

There was consensus among the Committee members that the proposals concerning NCU should be put forward as a single block, perhaps with alternatives (which were not however favoured by the vote; see below), except for the fact that the proposed new Recommendation should be treated as a separate item. The alternatives considered concerned coverage of the provisions with relation to ranks, in which respect the three following options were discussed: NCU protection to be permitted at the ranks of family and genus only; at all three principal ranks (family, genus, and species); or at any rank. Whereas the intermediate option was favoured, there was insufficient support for either the restrictive or generalised option, both defeated by a two-thirds majority (4:8). Neither of the two latter variants will therefore be proposed. The Committee vote was 9:3 in favour on proposal (86), 9:2 (1 abstaining) on proposal (87). Of the 3 members opposing proposal (86), one thought it to be too narrow in scope (voting for the more general option), whereas two were unconvinced as to the usefulness of the principle of NCU protection.

(86) In Art. 15, add six paragraphs (those numbered below as 15.1-4, 15.9, 15.12); provide for the protection of names in current use, in addition to sanctioning, in the extant provisions; and renumber the paragraphs; so that Art. 15 will read as follows (new or modified text italicised):

"15.1. In order to protect names in current use from being threatened or displaced by names that are no longer in use, and in order to eliminate uncertainties regarding their application, spelling, gender, and date and place of valid publication, published lists of names of families, genera, or species can, upon recommendation by

1 Botanischer Garten & Botanisches Museum Berlin-Dahlem, Königin-Luise-Str. 6-8, D-14919 Berlin, Germany.
the General Committee, be approved by an International Botanical Congress. Such lists, once approved, are enumerated in Appendix VI.

"15.2. Subject to specified restrictions and exceptions (Art. 15.3), all names on lists enumerated in Appendix VI, together with their autonyms, are protected. (a) A protected name (nomen protectum) is treated as if conserved against earlier homonyms and unlisted competing synonyms; (b) it is accepted as validly published in the place and on the date cited in the list; (c) its type, when listed, is treated as if conserved under Art. 14.3; (d) its adopted spelling and, when specified, its gender is treated as if conserved under Art. 14.11.

"15.3. Protection can, for individual lists, be restricted with respect to the options (a) to (d) mentioned in Art. 15.2, and individual entries on a list can be excepted from protection. Such restrictions and exceptions are to be specified in Appendix VI.

"15.4. Once a list has been approved under Art. 15.1, entries can be added to, modified in or removed from that list only by a process analogous to conservation (see Art. 14.12 and 14.14). Stated restrictions and exceptions (Art. 15.3) can be waived or modified only by the decision of an International Botanical Congress.

"15.5. Names sanctioned under Art. 13.1(d) are treated as if conserved against earlier homonyms and competing synonyms. Such names, once sanctioned, remain sanctioned even if elsewhere in the sanctioning works the sanctioning author does not recognize them.

"15.6. An earlier homonym of a protected or sanctioned name is not made illegitimate by that protection or sanctioning but is unavailable for use; if legitimate, it may serve as a basionym of another name or combination based on the same type (see also Art. 55.3).

"15.7. When, for a taxon from family to genus inclusive, two or more protected or sanctioned names compete, Art. 11.3 governs the choice of the correct name (see also Art. 15.10-11).

"15.8. When, for a taxon below the rank of genus, two or more protected or sanctioned names and/or two or more names with the same final epithet and type as a protected or sanctioned name compete, Art. 11.4 governs the choice of the correct name (see also Art. 15.10-11).

"Note 1. The date of protection or sanctioning does not affect the priority (Art. 11) of a protected or sanctioned name, which is determined only on the basis of valid publication. In particular, when two or more homonyms are sanctioned only the earliest of them can be used, the later being illegitimate under Art. 53.2.

"15.9. When, under Art. 15.7-8, two or more protected names of equal priority compete, a choice between them may be entered in the appropriate list. Once approved, such listed choices supersede any other choices that may have been made under Art. 11.5.

"15.10. A name which is neither protected nor sanctioned nor has the same type and epithet as a protected or sanctioned name in the same rank may not be applied to a taxon which includes the type of a protected or sanctioned name in that rank the final epithet of which is available for the required combination (see Art. 11.4(b)).

"15.11. Conservation (Art. 14) and explicit rejection (Art. 56.1) override protection or sanctioning. Protection overrides sanctioning.

"15.12. When a list of names has been submitted for approval, and when approval has been recommended by the General Committee, names on that list may be treated
as if protected, subject to stated limitations, pending the decision of a later International Botanical Congress."

Adoption of this proposal will entail a number of editorial changes which are not being proposed separately here but are mentioned for the benefit of the Editorial Committee. These changes were already detailed in a couple of editorial proposals (38, 40) that had been submitted to the Tokyo Congress (Taxon 40: 676. 1991).

In several places in the Code, explicit mention of NCU protection, or cross-reference to relevant paragraphs of Art. 15, will have to be included, in particular in Art. 6.4, 18.3, 19.5, 45.4, 52.1, 53.1, 55.3, and 61.1. Furthermore, as Appendix IIB by its particular nature is already essentially a list of protected NCU, the Editorial Committee will want to consider treating it accordingly. This will mean (1) listing the present App. IIB in the new App. VI, leaving only the cases of "super-conservation" (now dealt with by means of "notes", see e.g. Abietaceae) in the then unified App. II; (2) transferring the third sentence from the preface material to App. IIB to the body of the Code, e.g. to Art. 18.6 (adding reference to the latter to the stated exceptions to Art. 11.3); and (3) deleting the remainder of App. IIB, the final clause of Art. 14.5, and the footnote to Art. 14 Note 1.

(87) Add a Recommendation after Art. 15:

"15A.I. When a draft list of names has been prepared and is being studied in advance of being submitted to an International Botanical Congress for approval, authors using these names should follow existing usage as far as possible pending the General Committee's recommendation."

The idea of granting protection to those names that are currently used so as to avoid the risk of their being displaced by other, unused names has been debated widely and sometimes passionately before and during the Tokyo Congress. There can be no question of repeating here all that was then said and written on the subject. Since the issue is of considerable importance, many will want to inform themselves on details of the pros and cons. They should read the full rationale given with the proposal submitted to the Tokyo Congress (in Taxon 40: 669-677. 1991), looking up the publications cited there, and also the detailed proceedings of the debates at Yokohama (in Englera 14: 13-31, 104-125. 1994). For convenience, I shall try and sum up the main arguments which make the Committee believe that the NCU idea is still of relevance, perhaps even more so now than before.

The principle of NCU protection and the ideas behind it are fairly simple. Take the names that are currently being used; check their basic parameters (place of valid publication, date, authorship, spelling, type, perhaps grammatical gender) for correctness; make the resulting data set widely available for critical comment; and once everybody seems happy, declare the data to be deemed correct as entered, not again to be changed except by the mechanisms of conservation. During the process of setting up an NCU list one will probably identify cases of divergent usage and will have to decide which usage is to be followed. In marginal cases (e.g. when different spellings are in use) one may have to resort to Committee advice. But what matters is that, at the end, one will have a clean list that no one will any longer dispute.

Relevant questions to be asked in order to assess the merits of the proposal will include: Who profits? How much work is involved, and by whom? Is the effort worth while? Are negative side-effects to be feared? I will try to briefly answer.
Who profits? – Taxonomy and taxonomists in the first place, I should say. Taxonomists, because once a list exists they will no longer have to worry over nomenclatural checking and consequent problems and uncertainties, which will be particularly beneficial for those working outside the large institutions with their well-stocked libraries. Taxonomy, because the stigma it presently bears of being a discipline partly devoted to sterile and endlessly repetitive paperwork may vanish. Nomenclatural stability, while a nice sounding argument, is not the main issue: First, as has been rightly stated, it is to a large part due to unstable taxonomy, which is the price we have to pay for keeping our science alive and allowing it to progress; second, because the new, extended mechanisms of conservation and rejection of names can cope with disruptive name changes due to nomenclatural reasons. The instrument of protected NCU lists promotes efficiency rather than mere stability.

The work involved. – Having done some of it myself, I can tell that the work is considerable. But perhaps this is not so decisive a criterion. The work, sooner or later, has to be done anyway. The NCU principle does not in itself put on a new time pressure; it just makes it more rewarding to have the task done, and well done, because it confers a premium on its fulfilment. Besides, we are not starting anew from zero. Much of what is needed already exists, and we can build on solid foundations in many respects. Also, as compared to six years ago, circulating draft information for comment in an unexpensive, up-to-date and even individually tailored way has become incredibly easy, thanks to the Internet. NCU-3 has already been so set up (www.bgbm.fu-berlin.de/iapt/ncu/genera), which makes it easy to elicit comments and corrections from a wide range of users.

Is the effort worthwhile? – Clearly, a majority in the Committee believes it is. Once they exist, NCU lists will be of great value to taxonomists, editors, and ultimately to any user of names in the fields of pure and applied plant sciences. They will provide a sound nomenclatural basis to species checklists and corresponding databases, such as the International Organisation of Plant Information (IOPI) is planning to produce, which are urgently needed by many for multiple purposes. In fact, it is very likely that NCU lists and IOPI checklist will stimulate each other and work in concert.

Are negative side-effects to be feared? – None that the Committee could think of, is the answer. Misgivings based on the alleged danger of taxonomic censorship through NCU lists are unfounded. NCU lists are meant to include the names used under any currently held taxonomic opinion, not merely under a majority-driven “consensus taxonomy” (this is indeed the major difference between a nomenclator such as any NCU list would be, and a checklist as planned by IOPI). A second concern often expressed is that protected lists might inadvertently enshrine errors. If these “errors” result in stability of usage (as is likely to be the general case), then they are welcome and will save the trouble of submitting a conservation or rejection proposal; if on the contrary they are disruptive, as might occasionally happen, then the option of conservation remains.

The NCU principle fell 5% short of adoption in Tokyo. It is the Committee’s hope that, with six years’ progress in technology and existence of lists; with the stumbling block of name protection at secondary ranks removed; and with the understanding that no lists will be “pushed through” for immediate adoption except the one already enshrined in App. IIB (and perhaps the Aspergillus-Penicillium list that was granted special status by the last Congress), the missing votes can be found this time.