

(302–312) Proposals on “*Nomina subnuda*”

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The proposals presented below address the problem, featured by Brummitt (in *Taxon* 51: 171 2002), of how to deal with names that first appeared accompanied by either a few descriptive words or a non-technical descriptive statement, often referred to as *nomina subnuda*. Crucial to establishing whether such names are validly published or not is establishing what satisfies the requirement of Art. 32.1 (c) for a “description or diagnosis”. The *Code* defines diagnosis (Art. 32.2) but not description. It is not true, however, to say that the *Code* does not give any advice on what is to be accepted as a validating description. Firstly, Rec. 32B.1 by stating “The description or diagnosis of any new taxon should mention the points in which the taxon differs from its allies”, clearly indicates that there is no requirement for a description to be diagnostic. Also despite the Edinburgh Congress accepting a proposal that would have made a diagnosis (whether presented separately or included in a description) the minimum requirement for valid publication, the Editorial Committee instead replaced all occurrences in the *Code* of “description” or of “diagnosis” with “description or diagnosis”, thus endorsing the views, held by many, that there was a difference between a description and a diagnosis, and that a description did not necessarily have to include a diagnosis. Clearly if the reverse were true there would have been no need to refer to description at all. The Seattle Congress, by adopting the *Edinburgh Code*, ratified the action of the Edinburgh Editorial Committee and so accepted the view that a description does not have to include a diagnosis.

Proposals 302 and 303 are offered as alternatives. Acceptance of either would make it clear that (with certain exceptions outlined below), prior to 1 January 2007 the requirement of Art. 32.1 (c) is satisfied by any statement describing a feature or features of a taxon, even if it is not evidently diagnostic, but that on or after 1 January 2007 a diagnosis (either presented separately or included within a description) would be mandatory. Proposal 302 would confirm that a so called *nomen subnudum* published prior to 1 January 2007 is validly published, if at least one feature is described, unless the provision of Art. 32 Ex. 3 applies (but see Proposal 306), whereas Proposal 303 would, in addition to the above, rule that names with descriptive statements identical to others in the same publication are not validly published (see below).

Under the present *Code* the only exception to the general principle that any statement that describes at least one feature validates a name is found in Art. 32. [voted] *Ex. 3. This provision was introduced into the *Code* at Berlin to deal with one particular group of *nomina subnuda*, names presented in a list with the features described given in tabular form. It rules that if the expression of the features is the same for many of the taxa in a group, the descriptive information could not have been intended as a validating description or diagnosis and so none of the names in the work is validly published on the basis of that descriptive information. Proposal 307 would embody this example in an Article.

Two additional exceptions to the general principle are proposed here. Proposal 303 would extend the concept already

expounded by Art. 31 *Ex. 3 that when identical descriptive information is given for more than one taxon the new names concerned should not be considered validly published. This proposal would make not validly published only those new names in a work accompanied by the identical descriptive information and then, only if no other distinguishing features are indicated. This proposal may be more acceptable than Proposal 302 to those who consider that if there is internal evidence in the work itself that the descriptive information could not be considered diagnostic, the names involved should not be considered validly published. Although Proposal 303 would be applicable to some *nomina subnuda* (see *Ex. n3* from Steudel’s *Nomenclator* below), it would also affect names in works where the intent would appear to have been diagnostic, but a mistake has resulted in more than one taxon having the same descriptive information (see *Ex. n2* from Forsskål’s *Flora aegyptiaco-arabica* below).

Many names in use first appeared in published letters, diaries and travel reports. Most of these are accompanied by a descriptive statement that clearly describes or diagnoses a new taxon, and there is no suggestion that these names should not be accepted as valid. There are, however, other names that are only accompanied by a very short and/or non-technical descriptive statement, and these are an important category of *nomina subnuda*. It is often evident that there was no real intent to describe or diagnose a new taxon. In some cases, for example, it would appear that the statement is little more than a field observation (see *Ex. n9* on “*Lawrencella lanceolata*” below), and in other cases it would appear that it is the landscape rather than a plant that is being described (see *Ex. n8* on “*Eucalyptus dumosa*” below). In the past it would appear that many botanists interpreted this lack of intent to describe or diagnose a taxon as implying no intent to introduce a name and so considered such names as not validly published, especially under the former provision of “incidental mention”. Incidental mention was deleted from the *Code* at Berlin and although it would be difficult to prove that this is the only reason it is true, that since that time some names accompanied only by short or non-technical descriptive statements, which were previously ignored, have come into use. There are many names like this buried in the literature. In some cases acceptance of *nomina subnuda* of this sort would result in a name in common use having to be recognised from an earlier publication, but in other cases it would mean the loss of a name in current use. Hence, unless a way can be found to treat such names as not validly published, much time will be spent identifying the taxon concerned, typifying the name, and then if the name threatens a name in current use preparing a proposal to conserve or reject. In order to deal with *nomina subnuda* appearing in a published letter, diary, or report of travels, Proposal 306 would introduce into the *Code* another exception to the general principle that any statement that describes at least one feature validates a name. For valid publication of a name appearing in such works, it would also have to be clear that it was the author’s intent to describe or diagnose a new taxon.

Names accompanied only by notes referring to such properties of a taxon as cultivation techniques, economic use, medicinal use and geographical origin are considered by some to be *nomina nuda*, while others argue that they are validly published. Proposal 305 would rule that such properties are not to be considered features for the purpose of describing or diagnosing a taxon, and so names accompanied only by this type of information would clearly be *nomina nuda*.

Proposal 311 suggests another way to deal with *nomina subnuda*, which could complement the other proposals. It would put in place a system for Committee recommendations leading to a binding decision by an International Botanical Congress on whether or not a statement that accompanies a name satisfies the requirement of Art. 32.1 (c) for a “description or diagnosis”. There is no precedent in the Code for Committee “interpretation” of Articles, and for this reason there may be opposition to this proposal. However, this may be considered, by some, to be the only way to resolve whether or not a so called *nomen subnudum* is validly published, and it is for this reason that Proposal 311 is presented for the Section’s consideration. It is also recognised that there is the problem of maintaining records of Committee decisions, and should this proposal be accepted, it is suggested that either another Appendix be added to the Code or an online facility be established.

Proposal 312 would introduce a new Recommendation into the Code to remind botanists that when a work contains only names accompanied by very short and/or non-technical descriptive statements, that have not been adopted, the best way to deal with such *nomina subnuda* might be to propose that the work concerned be included on the list of suppressed works (App. V) established under Art. 32.7.

(302) Add a new paragraph and an example after Art. 32.1:

32.1 bis. Except as provided in Art. 32.1 quater and Art. 32.1 quinquies, prior to 1 January 2007 any statement describing a feature or features of a taxon satisfies the requirement of Art. 32.1 (c) for a “description or diagnosis”. On or after 1 January 2007 such a statement must include a diagnosis.

Ex. n1. Agaricus cossus Sowerby (Coloured figures of English Fungi or Mushrooms (London) 2: tab. 121, 1798) first appeared with the statement “The pileus is covered with a gluten, which constantly gives a strong goat-like, odour exactly resembling the wounded larva of Phoel. Cossus. In colour and shape this Agaric varies but little from the figure here given”. This statement refers to four features of the fructification, but the only ones actually described are the surface of the pileus and the odour of the gluten. Nevertheless *Agaricus cossus* is validly published.

(303) Add a new paragraph and two examples after Art. 32.1 (303 is offered as an alternative to 302)

32.1 bis. Except as provided in Art. 32.1 quater and Art. 32.1 quinquies, prior to 1 January 2007, any statement describing a feature or features of a taxon satisfies the requirement of Art. 32.1 (c) for a “description or diagnosis”, except for any taxa for which the descriptive statement reports the features as identical to those given by the same author for another taxon appearing simultaneously in the same work, and for which there are no other distinguishing features indicated. On or after 1 January 2007 such a statement must include a diagnosis.

Ex. n2. On p. 63 of Forsskål (*Flora aegyptiaco-arabica* 1775) the designation “*Catha*” appears with the descriptive statement “*Monogynia, 5-petala infera*,” followed by two species descriptions and then on p. 64 *Melhania* appears accompanied by “*Monogynia, pentapetala infera*,” but with a description of a single species, *M. velutina*. Since the descriptive information given for “*Catha*” is identical to the diagnosis given for *Melhania*, “*Catha*” is not validly published. *Melhania* is, however, validly published under Art. 42.1.

Ex. n3. Steudel (Nomencl. bot., ed. 2, 1: 213 1840) in a list of *Boerhavia* species gives the symbol for perennial for many of the species, including two new species designated “*B. rubicunda*” and “*B. sessiliflora*”. Since the symbol is the only descriptive information given for each of them, this does not satisfy the requirement of Art 32.1 (c) for either of them and so neither “*B. rubicunda*” nor “*B. sessiliflora*” is validly published.

Proposals 302 and 303 are offered as alternatives. Either would establish that, except for certain exceptions (that currently expressed in Art. 32 *Ex. 3, and those proposed in Proposals 306 and 307, below), prior to 1 January 2007 a descriptive statement does not need to be evidently diagnostic to satisfy the requirement of Art. 32.1 (c) for a “description or diagnosis”, but that after that date a diagnostic component would be mandatory. Proposal 303 would also make not validly published those new names in a work accompanied by identical descriptive information, but only if there are no other distinguishing features, e.g., by inclusion in different higher taxa, such as two formae placed in different varieties or higher taxa.

(304) Add the following example after Art. 32.1 (or after Art. 32.1 bis if either Proposal 302 or 303 is accepted).

Ex. n4. “*Crepis praemorsa* subsp. *tatrensis*” (Dvorák & Dadáková in Biológia (Bratislava) 32: 755. 1977) appeared with “a subsp. praemorsa karyotipo achaeniorumque longitudine praecipue differt”. This statement specifies the features by which the two taxa differ but not how these features differ, and so it does not satisfy the requirement of Art. 32.1(c) for a “description or diagnosis”.

The above example would establish that a diagnosis must not only specify the feature or features by which the two taxa differ but also how the feature or features differ. It exemplifies the current wording of Art. 32.1 (c) and is independent of any of the other proposals being made.

(305) Add a new paragraph and an example after Art 32.1 bis if Proposal 302 or Proposal 303 is accepted.

32.1 ter. For the purpose of Art. 32.1 bis, properties such as economic, medicinal or culinary usage, cultural properties, cultivation techniques, and geographical origin are not to be considered features of a taxon.

Ex. n5. “*Musa basjoo*” (Siebold in Verh. Bat. Genootsch. Kunsten 12: 18. 1830) appeared with “Ex insulis *Luikiu* introducta, vix asperitati hiemis resistens. Ex foliis linteum, praesertim in insulis *Luikiu* ac quibusdam insulis provinciae *Satzuma* conficitur. Est haud dubie linteum, quod Philippinis incolis audit *Nippis*”. This statement gives information about the economic use (linen is made from the leaves), horticulture attribute (scarcely survives the winter) and on its origin (introduced from the Ryukyu Islands), but since there is no descriptive information given for the “leaves”, the only feature men-

tioned, the statement does not satisfy the requirement of Art. 32.1(c) for a “description or diagnosis”.

The above proposal indicates some of the properties of a taxon that are not to be considered as features for the purpose of describing or diagnosing a taxon. Even if Proposal 305 were not accepted, this example should be considered as a voted example clarifying “description or diagnosis” in Art. 32.1 (c)

(306) Add a new paragraph after Art. 32.1 and four examples

32.1 quater. A descriptive statement appearing in a published letter, diary, or record of travels does not satisfy the requirement of Art. 32.1 (c) for a “description or diagnosis” unless it is clear that it was the intent of the author to describe or diagnose a new taxon.

Ex. n6. Podocarpus cunninghamii Colenso (In Memoriam: An account of visits to, and crossing over, the Ruahine Mountain Range, Hawke’s Bay, New Zealand; and of the natural history of that region performed in 1845–1847: 58. 1884) published with: “I discovered a plant which I believed to be a new species of *Podocarpus*, and therefore named it *P. Cunninghamii*, ... – its leaves and male amentae with the squamulae at their bases were very much larger than those of *P. Totara*, and the amentae were also on long peduncles; its bark, too, was semi-papery, more like that of some large species of *Fuchsia excorticata*, and not at all resembling the bark of *P. Totara*. ... I have little doubt of its being a distinct species.”. Colenso indicates how the leaves, male amentae and bark of his new species differ from those of *P. totara* and so the statement was clearly intended to be a diagnosis and so the requirement of Art. 32.1 quater is satisfied and *Podocarpus cunninghamii* was validly published by Colenso.

Ex. n7. “Capparis gibbosa” (A.Cunn. in J. Bot. (Hooker) 4:261. 1841), appeared in a biographical sketch of Alan Cunningham by R. Heward. He states quoting verbatim from Cunningham’s diary, “Two species of *Capparis* abound in the brushes, of the same kind as those seen at Vansittart Bay last year; the arborescent gouty species of this genus (*Capparis gibbosa*, A.Cunn.) which was first observed on the shores of Cambridge Gulf, is frequent here, growing to an enormous size, and laden with large fruit. I measured the stem of one very remarkable tree of the species, and found it near twenty-eight feet in circumference, and scarcely twenty-five feet high. Some of the trees were in the earlier stage of veneration, the extremities of the naked branches appearing green and one that I opened exhibited the character of *folia quinata*”. Clearly Cunningham’s initial reference to “the arborescent gouty species ...” was simply a reminder that this was the species that he first saw in the Cambridge Gulf. The rest are notes on the particular trees growing in the area through which he travelled. There is no evidence that the author intended the statement to be the description of a new taxon, and so the statement does not satisfy the requirement of Art. 32.1 quater and so “*Capparis gibbosa*” is not validly published.

Ex. n8. “Eucalyptus Dumosa” (A. Cunn. ex Oxley, Journals of Two Expeditions into the Interior of New South Wales: 63. 1820) appeared with “Mr Cunningham named those thick brushes of eucalyptus that spread in every direction around us *eucalyptus dumosa* or the dwarf gum, as they never exceed twenty feet in height, and are generally from twelve to fifteen, spreading out into a bushy circle from their roots in such a manner that it is impossible to see further than from one

bush to the other; and these are very often united by a species of vine (cassyta), and the intermediate space covered with prickly wire-grass, rendering a passage through them equally painful and tedious”. Clearly Oxley was simply describing the vegetation around him, and there is no evidence that the features described for the taxon Cunningham designated “*Eucalyptus Dumosa*” were intended as characters to describe a new taxon, and so the statement does not satisfy the requirement of Art. 32.1 quater and “*Eucalyptus dumosa*” is not validly published.

Ex. n9. “Lawrencella lanceolata J. Drumm.” (in Hooker’s J. Bot. & Kew Gard. Misc. 5: 312 (1853) and *Templetonia regina* J. Drumm. (in Hookers J. Bot. & Kew Gard. Misc. 5: 312 (1853) both appeared in a published letter of Drummond’s to Hooker. Drummond wrote “... rich grassy country which ... was gay with flowers of my *Lawrencella lanceolata*, one of the loveliest of plants. Its large seeds afford food to the *Euphonia splendens* Gould, which I found breeding in the district ... we discovered a charming Leguminous shrub, 3 or 4 feet high, and bearing scarlet flowers, nearly two inches long, varying to yellow, and which resembles those of *Templetonia* more than any Australian genus I know. At present I have called it *T. regina*, ... Its seed-vessels are like those of *Jacksonia*”. Drummond clearly gave “Its seed-vessels are like those of *Jacksonia*” as a feature to distinguish *T. regina* from other species of *Templetonia*; the statement was clearly intended as a diagnosis and so the requirement of Art 32.1 quater is satisfied, and the name is validly published. On the other hand, it is obvious that the reference to “large seeds” being eaten by a species of *Euphonia* was not intended to be a description or diagnosis of the taxon given the designation *Lawrencella lanceolata* and so the above statement does not satisfy the requirement of Art. 32.1 quater and “*Lawrencella lanceolata*” is not validly published.

Although *Podocarpus cunninghamii* is widely used (e.g., Farjon, Aljos. 1998. World Checklist and Bibliography of Conifers. Royal Botanical Gardens, Kew, Richmond) for Montane Totara many New Zealand botanists (e.g., Connor & Edgar, N. Z. J. Bot. 25: 120–121. 1987) still use *P. hallii* Kirk believing *P. cunninghamii* not to be validly published. Including this as an example in the Code would resolve this controversy. If considered validly published, *Capparis gibbosa* is an earlier synonym of *Adansonia gregorii* F. Muell. and the name *Adansonia gibbosa* (A. Cunn.) Guymer ex D. Baum. would have to be adopted for the Boab. A proposal to reject *Capparis gibbosa* under Art. 56.1 has been recommended for acceptance by the Committee for Spermatophyta (Taxon 53: 814. 2004). This proposal would be unnecessary if *Capparis gibbosa* were considered not validly published. In recent years some have accepted Oxley as the validating author of *Eucalyptus dumosa* rather than Schauer in Walpers, Repert. Bot. Syst. 2: 925 (1843). The name *Lawrencella lanceolata* is not in use. The species to which Drummond applied the name *T. regina* is not now considered to be a *Templetonia* but is referable to what today is called *Leptosema aphyllum* (Hook.) Crisp.

(307) Add a new paragraph after Art. 32.1 (and after Art. 32.1 bis if either Proposal 302 or 303 is accepted)

32.1 quinquies. When, in a list of taxa, one or more features of each taxon are given in tabular form and their expression is reported to be identical for two or more taxa within the

next higher group (e.g., species of a genus), the requirement of Art. 32.1 (c) for a “description or diagnosis” is not satisfied by this descriptive information for any of the listed taxa.

This proposal embodies in an Article of the *Code* what is currently a “voted example”, Art. 32. *Ex. 3. Its application is restricted to taxa in a list with the features described given in tabular form, and it makes all the names in works that fall under its provisions not validly published by virtue of these descriptors (although some may be validly published as *nomina nova* or as new combinations).

(308) Move the present voted example Art. 32. *Ex. 3 to after Art. 32.1 quinquies if Proposal 307 is accepted.

(309) Delete Rec. 32B.1 if Proposal 302 or 303 is accepted.

(310) Add a Note after Art. 32.2 to read:

“A diagnosis may appear as a separate statement or be incorporated within a description, with or without distinguishing typography.”

This is implicit in the wording of Art. 32.2; nevertheless because of the long-standing tradition of a diagnosis being presented as a statement separate from, and usually ahead of, a description, the new Note seems a desirable clarification, particularly in light of the new requirements proposed on and after 1 January 2007.

(311) Add a new paragraph after the last of the additions to Art. 32 proposed above:

“32.1 sexies. When it is doubtful whether or not a descriptive statement satisfies the requirement of Art. 32.1 (c) for a “description or diagnosis”, a request for a decision may be submitted to the General Committee, which will refer it for examination to the committee or committees for the appropriate taxonomic group or groups. A recommendation may then be put forward to an International Botanical Congress, and if ratified will become a binding decision”.

The above proposal would allow for Committee decision in cases where there is doubt whether or not a descriptive statement satisfies the requirement of Art. 32.1 (c) for a description or diagnosis.

(312) Add a new paragraph to Rec. 32F (ahead of the present Rec. 32F.1)

“32F.1 bis. Botanists should propose works for listing as *Opera utique oppressa* in App. V that contain only names accompanied by very short and/or non-technical descriptive statements, when acceptance of these names as validly published would be disadvantageous to nomenclatural stability”.

It is recommended that botanists take advantage of Art. 32.7 and propose works that contain many *nomina subnuda* that have not been adopted (and that lack accepted *nomina nova* or new combinations) for inclusion in App. V, the list of suppressed works. Two works that might be considered are: Glaziou, A.F.M., *Plantae Brasiliae centralis a Glaziou lectae*. Liste des plantes du Brésil Central recueillies en 1861–1895. Mem. Soc. bot. France 1(3): 1–661. 1905–1913. and Pickering, C. *Chronological history of plants: man’s record of his own existence illustrated through their names, uses and companionship* . . . Boston (Little, Brown and Company) 1879.

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