

## PROPOSALS TO AMEND THE CODE

Edited by Nicholas J. Turland & John H. Wiersema

### (152–189) Thirty-odd proposals to amend the *Code*

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#### (152) In Art. 6.3 and 12.1, add 14.9 to the “but see Art. 14.15”.

Art. 14.15 provides for a name of a family that “otherwise [...] would not be validly published [...]”. However, such an exception (including names at some other ranks) is also dealt with in Art. 14.9: when a later usage of a name is conserved this creates a new name that otherwise was not validly published.

#### (153) Rephrase Art. 6 Note 2, so that it reads:

“*Note 2.* Any one name, with one particular spelling (but see Art. 6l) and one particular type, can be validly published only once. Any later attempt to re-publish a name (with the same spelling and the same type), an “isonym”, has no nomenclatural status. The name is always to be cited from its place of valid publication; isonyms are disregarded (but see Art. 14.15).”

This attempts to avoid internal inconsistencies. Strictly speaking, the same name is not published independently at different times, and it seems better to avoid suggesting that this may be so.

#### (154) Add an Example to Art. 6 Note 2:

“*Ex. 2bis.* When published, *Dalbergia brownei* (Jacq.) Schinz (1898) was nomenclaturally superfluous because Schinz cited the legitimate *Hedysarum ecastaphyllum* L. (1759) as a synonym; as it has a basionym (*Amerimnon brownei* Jacq.), it is nevertheless legitimate (Art. 52.3). The later attempt at correction “*Amerimnon Brownii* Jacq. [...] = *D. Brownei* Urb.” (1905) is an isonym that has no nomenclatural status.”

To make the point that the phenomenon of the “isonym” is not restricted to names of new taxa, but also occurs with new combinations. Also, that it need not be accidental, or unaware of the earlier publication.

#### (155) Delete Art. 6 Ex. 13 and the second clause of Art. 6 Note 4.

The term “combination” is defined in Art. 6.7, a definition that is quite uncontroversial; the provision has not been changed for as long as it exists, some sixty years. Any name meeting that definition and being new (per Art. 6.10) is a “new combination”. As *Centaurea jacea* var. *weldeniana* (Rchb.) Briq. meets that definition, at valid publication it was a new combination. Equally, as *Centaurea jacea* subsp. *weldeniana* (Rchb.) Greuter meets that definition, at valid publication it was a new combination. In this respect, the fact that both these names have the same spelling is as relevant as that both have the same basionym (and the same type), that is, not at all. Examples and Notes should not be counter to Rules.

#### (156) In Art. 9.3, 9.5, and throughout the *Code*, reserve “designate as type” for cases where it concerns a nomenclatural type, and use “assign as type” when it concerns a paratype or syntype.

The word “designate” has gained weight over time and Art. 7.10 gives formal status to the phrase “designated here”. Paratypes and

syntypes are not nomenclatural types (are not the type of a name), and it would help readability to restrict “designate as type” to those acts that result in a nomenclatural type (or an epitype).

#### (157) In Art. 14.9 rephrase the third sentence, so that it reads:

“In the latter case the name as conserved is treated as validly published in the later publication, whether or not the name as conserved was accompanied by a description or diagnosis of the taxon named; the original name and the name as conserved are treated as homonyms (see Art. 14.10).”

The third sentence in Art. 14.9 deals with the conservation of a later use of a name, resulting in two names with the same spelling (but with different types), of which the later is conserved. The reference to Art. 53 is not helpful, as Art. 53 deals with later homonyms (which are illegitimate), while what this provision produces is an earlier homonym (which is not illegitimate). Earlier homonyms of conserved names and their status are described in Art. 14.10, so that should be referred to. Also, it seems useful to make explicit that this conservation has established (retroactively) a name treated as validly published, as otherwise the status of the conserved name under Art. 6.3 and 12 might appear uncertain. Perhaps also adjust Art. 32.1.

#### (158) Add a Note to Art. 14.10:

“*Note 2bis.* Any combination with a rejected earlier homonym is also unavailable for use unless such a combination is accepted as a correct name in the taxon that bears the corresponding conserved or sanctioned name (see Art. 55.3).”

This will usually concern an earlier homonym of a conserved or sanctioned generic name, but earlier homonyms of conserved species names are not excluded. If this is accepted the “(see also Art. 55.3)” in Art. 14.10 will have become redundant. See also Prop. 177 and 189.

#### (159) In Art. 16.1 replace “the name of an included genus” by “a generic name”.

In the Melbourne Synopsis of Proposals (in Taxon 60: 258, 2011), the Rapporteurs pointed out that Art. 18.1 uses “[...] “a name of an included genus” (and not “the name of ...”). This means any name applicable to an included genus, not necessarily the correct name.” Curiously, the newly rephrased Art 16.1 does use this infamous phrase “the name of an included genus”, and as, say, *Caryophyllus* Mill. non L. is not “the name of an included genus” (but rather “a name of an included genus”), names such as *Caryophyllales*, *Caryophyllidae*, etc., are not validly published (Art. 32.1(c)) under the letter of the *Melbourne Code*. The fact that this distinction between “a name” and “the name” proved too subtle for even the Editorial Committee (even when forewarned) just goes to show how hard to read this phrase “a name of an included genus” is.

**(160) Add a Recommendation to Art. 18:**

“*Rec. 18A.1.* In forming a new family name, preferably a generic name should be selected that is well-known, and is accepted as correct by the author.”

As laid down in Art. 18.1, the name of a family may be based on any synonym that applies to any genus included in the family (see Art. 18 Note 2). However, obviously it is advisable to exercise some care, so as to have a recognizable, and hopefully stable, name.

**(161) In Art. 20 Ex. 9, add a reference:**

“(see Sprague in Bull. Misc. Inform. Kew 7: 318–319, 331–334. 1939)”

**(162) Split Art. 21 Ex. 1: an Example to follow Art. 21.2 and an Example to follow 21.3:**

“*Ex. 0. Euphorbia* sect. *Tithymalus*, *Ricinocarpos* sect. *Anomalous*; *Pleione* subg. *Scopulorum*; *Arenaria* ser. *Anomalous*, *Euphorbia* subsect. *Tenellae*, *Sapium* subsect. *Patentinervia*.”

“*Ex. 1. Costus* subg. *Metacostus* and *Valeriana* sect. *Valerianopsis* are permitted, but not “*Carex* sect. *Eucares*”.”

In its present form, Ex. 1 mostly illustrates Art. 21.2, so it would help readability to move the relevant cases to follow that paragraph. This would leave a short Example to illustrate Art. 21.3: the *Valeriana* sect. *Valerianopsis* case was included to illustrate something that had been disallowed from the 1952 *Stockholm Code* up to, and including, the 1978 *Leningrad Code*, to be allowed again later, but it is not a desirable form.

**(163) Add an Example to Art. 21.2:**

“*Ex. Obis.* In “*Vaccinium* sect. *Vitis idaea*” (Koch, Syn. Fl. Germ. Helv.: 474. 1837), the intended epithet consisted of two separate words unconnected by a hyphen, and this is therefore not a validly published name (Art. 20.3; “*Vitis idaea*” is a pre-Linnaean, binary generic name). The name is correctly attributed to Gray (1846) as *Vaccinium* sect. *Vitis-idaea* (hyphenated when published).”

Like “*Uva ursi*”, “*Vitis idaea*” is a pre-Linnaean binary generic name. If used as a specific epithet “*Vitis idaea*” is to be accepted and hyphenated (Art. 23.1), as in *Vaccinium vitis-idaea* L. (1753) (see also Art. 23 Ex. 16). If intended as a generic name, the unhyphenated “*Vitis idaea*” is not to be accepted (Art. 20.3). The situation is similar for a subdivisional epithet, which needs to have “the same form as a generic name” (“or a noun in the genitive plural, or a plural adjective ...” neither of which applies here) and thus “may not consist of two words, unless these words are joined by a hyphen”. Anyway, the only provisions on hyphens are Art. 60.9 (dealing with hyphens in epithets, present when published), Art. 23.1 (on using hyphens to join two or more words in specific epithets), and Art. 24.2 (in analogy with Art. 23.1, for epithets of infraspecific taxa); none of these apply here. If this is accepted, delete from Art. 60 Ex. 26.

**(164) Rephrase Art. 21.4, so that it reads:**

“*21.4.* A name with a binary combination instead of a subdivisional epithet, but otherwise in accordance with this *Code*, is regarded as validly published in the form prescribed by Art. 21.1 (without change of author citation or date).”

The readability of Art. 21.4 could be significantly improved by just deleting “Art. 32.1(c) notwithstanding,” but the proposed phrasing, inspired by Art 32.2, seems more straightforward.

**(165) Rephrase Art. 23.1, so that it starts (addition in bold):**

“*23.1.* The name of a species is a binary combination consisting of the name of the genus followed by a single specific epithet. **The epithet is written with an initial lower-case letter and has the form [...].**”

This concerns an issue that has been hotly debated for over a century. Allowing an initial capital letter provides an opportunity to make it clear that a specific epithet is a noun; for example, writing *Myrrhis Odorata* emphasizes that *Odorata* is a pre-Linnaean generic name, not an adjective. On the other hand, these days there should be other ways to provide this information and most everybody uses an initial lower-case letter: this helps readability and reinforces the idea that the whole name is a unit. Decapitalization mostly recently failed at Saint Louis (achieving 59.25 %, with 60% being required). Rec. 60F was adjusted in this direction at Vienna on the proposal of Brummitt (in Taxon 53: 1094. 2004) and should be entirely deleted if this is accepted.

**(166) Add an Example to Art. 23.1:**

“*Ex. 0.* Upon publication, the epithet in “*Æsculus Pavia*” was written with an initial capital letter to indicate a pre-Linnaean generic name. Similarly, in *Gundelia* “*Tournefortii*” to indicate that it was derived from a personal name and in *Zea* “*Mays*” to indicate a vernacular name. These names are correctly cited as *Aesculus pavia* L. (1753), *Gundelia tournefortii* L. (1753), and *Zea mays* L. (1753).”

An Example to show the tradition as it once existed, adding perspective.

**(167) Rephrase Art. 24.4, so that it reads:**

“*24.4.* A name with a binary combination instead of an infraspecific epithet, but otherwise in accordance with this *Code*, is regarded as validly published in the form prescribed by Art. 24.1 (without change of author citation or date).”

The readability of Art. 24.4 could be significantly improved by just deleting “Art. 32.1(c) notwithstanding,” but the proposed phrasing, inspired by Art 32.2, seems more straightforward.

**(168) Bring Art. 28 Note 4 into accord with the ICNCP, so that it reads:**

“*Note 4.* An epithet in a name published in conformity with this *Code* may be retained in a name for that taxon under the rules of the *ICNCP* when it is considered appropriate to treat the taxon concerned under that *Code*.”

Under the *ICNCP* (these days online at [http://www.actahort.org/chronica/pdf/sh\\_10.pdf](http://www.actahort.org/chronica/pdf/sh_10.pdf)) epithets published under the *Code* for algae, fungi, and plants may be retained as, or in, cultivar epithets (*ICNCP* Art. 21.5), in Group epithets (*ICNCP* Art. 22.4), or in grex epithets (*ICNCP* Art. 23.3); in Group and grex epithets, the word “Group”, respectively “grex”, is part of the epithet (*ICNCP* Art. 22.5, 23.2–4, Rec. 23A.1). There is no requirement to retain an epithet in all cases; as in when two taxa are joined, in which case only one epithet can be retained. An Example directly derived from the *ICNCP* was offered to the Melbourne Congress in Proposal 144 (in Taxon 59: 985. 2010), but the *ICNCP* offers more Examples.

**(169) Add an extra Example to Art. 28 Note 4:**

“*Ex. Ibis.* If *Cedrus atlantica* ‘Aurea’ is judged to be part of *Cedrus libani*, it may be renamed *Cedrus libani* ‘Atlantica Aurea’.”

Another form in which a ‘botanical’ epithet may be retained in a name under the *ICNCP* (Art. 29 Ex. 3).

**(170) In Rec. 30A.3 replace “taxonomic articles” by “taxonomic papers”.**

In most of the *Code* the word “paper” is used to indicate an article in a journal (i.e. in Rec. 31C.1 and two dozen Examples). Also, in Art. 46.9 delete “or article” (from “publication or article”).

**(171) In Art. 36.1(a) replace “in the original publication” by “in the publication itself”.**

Throughout the *Code*, “original” is used in connection with the valid publication of a name. However, Art. 36.1 does not deal with names that are validly published, but with designations, which fail to be validly published. Thus, the word “original” gives the wrong impression.

**(172) Delete Art. 38.1(b).**

The new Art. 38.1(b) is the continuation of what was Art. 32.1(e) in the 2006, *Vienna Code*. For valid publication a new name has to have a form conforming to Art. 16–27 (Art. 32.1(e)), and also has to meet the requirements of Art. 32–45, where relevant. However, in contrast to Art. 16–27 the provisions in Art. 32–45 consistently stipulate “in order to be validly published ...” (or “is not validly published unless ...”) for each and every provision. Thus, there is no need to have an extra, general rule to require what has already been made a requirement in each of the specified provisions. Another option would be to maintain Art. 38.1(b) and to strip out the phrase “in order to be validly published ...” (and “is not validly published unless ...”) in all the rules throughout Art. 32–45, but this would be a much bigger change.

**(173) In Rec. 40A.2 and 46B.2 replace “Roman script” and “Roman letters” by “Latin script”.**

Names of taxa are written in the Latin alphabet (Art. 32.1), but names of authors should be written in Roman letters (Rec. 46B.2), while type specimens should be published in Roman script (Rec. 40A.2). A “Roman letter” can have three meanings “a letter from (or to) Rome”, “upright, not bold and not italic”, and “a letter in Roman script”. Standardizing on “Latin script” seems preferable.

**(174) In Art. 45 footnote 1, add “(when applied to a name)”, so that it reads:**

“The word “available” (when applied to a name) in the *International Code of Zoological Nomenclature* is equivalent to “validly published” in this *Code*.”

Although this footnote has been part of the *Code* for a considerable time (in this form since the 1961, *Montreal Code*), it is not particularly accurate. The word “available” in the zoological *Code* has three meanings, or rather applications, and roughly corresponds to “effectively published” and “validly published” lumped together (an “available work” corresponds to an “effectively published work”). The proposed phrasing is considerably more accurate, although it remains debatable how closely an “available name” corresponds to a “validly published name”, as the zoological *Code* recognizes species-group names (a specific name and subspecific name, that is, the second part of a binomen, respectively third part of a trinomen) as names in their own right, instead of as just being part of names.

**(175) Instruct the Editorial Committee to bring the citation of autonyms throughout the *Code* in accordance with Art. 22.1 and 26.1.**

Autonyms are automatically created names, and do not have an author; Art. 22.1 and 26.1 prescribe “not followed by an author

citation”. Nevertheless, the *Code* consistently cites autonyms including an author citation, not for the name itself, but for the genus or species it belongs to (for example, “*Rosa gallica* L. var. *gallica*”). This is the only case where the *Code* includes such author citations of other names (not “*Rosa gallica* L. var. *eristyla* R. Keller”: see Art. 46 Ex. 1). Such an author citation is really superfluous: although there may be more than one name spelled *Rosa gallica*, there can be only one name with the form *Rosa gallica* var. *gallica* (Art. 27.2, see also Art. 22.5): an author citation for the species (or genus) adds no information. Alternatively, change the *Code* so as to provide for this way of citing autonyms, which is not all that uncommon in taxonomic literature.

**(176) In Art. 55.1 and 55.2 replace “epithet was originally placed under an illegitimate” by “epithet is combined with an illegitimate”.**

The Examples (Art. 55 Ex. 1–3) show what the intent is; and this is less complicated than Art. 55.1–2 themselves make it appear to be. The word “original” serves no function here; these epithets were not only originally placed so, but have remained so ever since: the implied dichotomy does not exist.

**(177) In Art. 55 add a Note:**

“*Note 1.* A name as indicated in Art. 55.1 and 55.2 is unavailable for use, but, if not otherwise illegitimate, may serve as basionym of another name or combination based on the same type.”

Copied from Art. 14.10, which already deals with this situation of names that are legitimate but that nevertheless may not be used as the correct name of a taxon. Alternatively, replace 55.1 and 55.2 by “A combination with an illegitimate name is unavailable for use, but is not thereby illegitimate (see also Art. 22.5 and 27.2), and, if not otherwise illegitimate, may serve as basionym of another name or combination based on the same type.”

**(178) Rephrase Art. 55 Ex. 4, so that it reads:**

“*Ex. 4.* Upon publication, *Alpinia languas* J. F. Gmel. (1791) and *A. galanga* (L.) Willd. (1797) were assigned to *Alpinia* L. (1753). When the name *Alpinia* was conserved from a later publication (Art. 14.9), as *Alpinia* Roxb. (1810), these two species were included in the newly named genus and their names are to be accepted without any change in status under this *Code*.”

Art. 55.3 is not all that easily readable, so it would help to have it supported by a more easily readable Example (see also the original proposal, in *Taxon* 15: 307. 1966)

**(179) Split Art. 60, while promoting Rec. 60C.1 and Rec. 60G to Rules: one Article on original spelling (Art. 60.1–3, the first half of 60.7, 60.13), one on allowable characters (Art. 60.4–6, 60.9–11), one on personal names (the second half of Art. 60.7, Art. 60.12, Rec. 60C.1), and one on compounds (Art. 60.8 and Rec. 60G).**

Art. 60 is very long, running to over ten pages, almost half of which are devoted to provisions on personal names, which, however, have to be searched for in three separate places. It would help readability to split Art. 60, and to promote the “backdoor rules” of Rec. 60C.1 and Rec. 60G to full rules. The Melbourne Congress has eliminated the “backdoor rule” in Art. 16, and it would be nice if Art. 60 could have the same treatment. The remaining Recommendations to be rearranged accordingly.

**(180) Add an Example to Art. 60.3:**

“*Ex. 8bis.* When Franco made the combination *Pseudotsuga menziesii*, its basionym *Abies menziesii* (honouring “le naturaliste Menzies”) had not been used at all, and he was at liberty to correct.”

To make the point that usage of a name is a factor in considering whether or not to correct a spelling. In this case, the basionym is correctly formed by internal evidence, but not by external evidence, honouring Archibald Menzies (1754–1842).

**(181) Add an Example to Art. 60.6:**

“*Ex. 12bis.* Tilde to be suppressed: *Vochysia “kosñipatae”*, named after the valley of Kosñipata, is correctly cited as *Vochysia kosnipatae* Huamantupa (2005).”

**(182) In Art. 60 Ex. 26 replace “rolandii-principis (see Art. 60.12)” by “rolandi-principis”.**

In *rolandi-principis* the first part of the epithet is not correctable as (a) the *-i* is not a termination of an epithet (it is in the middle of an epithet; Rec. 60G is more likely to apply than 60C.1) and (b) this concerns a first name that possesses a well-established latinized form (Rolandus from Roland, Roeland, Rolando, Orlando) and Rec. 60C.2 would apply if *rolandi* were an epithet (or the final part of an epithet).

**(183) Add an Example to Art. 60.9:**

“*Ex. 26bis.* The insertion of a hyphen in *Loranthus “pseudo-odoratus”* (in *Flora of China* 5: 224. 2003) is an error not to be followed.”

Apparently Art. 60.9 keeps leading to confusion, so an Example seems called for illustrating that a hyphen is never to be inserted in epithets that were unhyphenated when published. Hyphens may be used to join up words that together make up an epithet (Art. 23.1, 24.2), but that is the limit of it.

**(184) Instruct the Editorial Committee to add an Example to Art. 60.11 of an 18th century name, not by Linnaeus, with an abbreviation in its epithet.**

Art. 60.11 was added based on a proposal from the floor, with no supporting evidence provided. As a result, it is rather nebulous what exactly it applies to, and what its effect is. It is well known that Linnaeus used abbreviations (and symbols), but he is provided for (or should be) in Art. 23. Given that Art. 60.11 is a retroactive rule, and thus has a potential to destabilize nomenclature, a solid, classic Example would surely help.

**(185) In Art. 60.12, rephrase the second sentence, so it reads:**

“However, epithets formed in accordance with Rec. 60C.2 are to be accepted as correct.”

If epithets are formed in accordance with Rec. 60C.2 they are thereby formed correctly. As they already are correct, they can not be “corrected”, but must be accepted as they are. Epithets formed in accordance with Rec. 60C.2 don’t really have terminations, as they are words already in Greek or Latin, or having a well-established latinized form; Latin grammar applies.

**(186) In Rec. 60E.1, replace “The epithet in a name of a new taxon or replacement name should be written [...]” by “A new epithet should be formed [...]”.**

This is shorter and more accurate.

**(187) Rephrase Rec. 60H.1, so that it reads:**

“*60H.1.* The etymology of new generic names should be given and also that of new epithets when the meaning of these is not obvious.”

The present wording does not take replacement names into account (compare Rec. 60E.1). The proposed wording is that of the 1952, *Stockholm Code*, which had it right already.

**(188) In Art. H.5 Ex. 2 replace “nothospecific designation” by “nothospecific name”.**

In recent editions of the *Code* the term “designation” has been increasingly used to indicate something that has not been validly published and that thus is not a name (in the sense of the *Code*). In Ex. 2 the intent is to indicate a name, not a designation.

**(189) In the Glossary add an entry:**

“*unavailable for use.* [Not defined] – not available for use as the correct name of a taxon, but in itself legitimate (and available to serve as a basionym); (1) a rejected earlier homonym of a conserved or sanctioned name (Art. 14.10, 15.2), (2) a homonym that was rejected in favour of a simultaneously published homonym (Art. 53.6), (3) a combination with a rejected homonym (but see Art. 55.3), or (4) a combination with an illegitimate name (Art. 55.1–2).”

This concerns an odd category of names (names that, although legitimate, may never be used as the correct name for a taxon, no matter what taxonomic viewpoint is adopted), not dealt with in Art. 6, and not particularly prominent, but of some significance. It is just the kind of concept that a non-expert user of the *Code* may well have difficulty with, turning to the Glossary expecting to find help.