

## (327–328) Proposals to clarify certain aspects of the rules on alternative names

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Recent analysis (Mosyakin in *Phytotaxa* 258: 164–170. 2016) of the status of the name *Erysimum talijevii* published by Klokov (presumably as an alternative name, but in fact merely as a previously

unpublished provisional name or synonym) simultaneously with the explicitly accepted name *Syrenia talijevii* Klokov (in *Trudy Inst. Bot. Kharkivs'k. Derzhavn. Univ.* 1: 107. 1936), as well as our analysis of

selected similar cases, indicated that the articles covering (directly or indirectly) the concept of alternative names are among the most ambiguous provisions of the *JCN*. There are logical contradictions in some Articles of the *Code* (McNeill & al in *Regnum Veg.* 154. 2012) applicable to alternative names, and these discrepancies often lead to situations in which nomenclaturally identical cases of alternative (or presumably alternative) names are treated differently.

According to Art. 33.1, "... the name must always be explicitly accepted in the place of its valid publication"; however, that sentence was most probably intended to apply specifically to situations in which the various conditions for valid publication were not simultaneously fulfilled – and not generally (general cases are covered by Art. 36.1), but that is not made at all clear. Rewording the sentence in Art. 33.1 to "explicitly accepted in **this** place of valid publication" might make this clearer and should be considered by the Editorial Committee. By contrast with Art. 33.1, Art. 36.1 turns the requirement around and makes it much less demanding in stating that "A name is not validly published (*a*) when it is not accepted by the author in the original publication".

Even the Examples in Art. 36.1 and Art. 36.2 are somewhat contradictory and misleading. In particular, Art. 36 Ex. 11 (Ducke's alternative names in *Brosimum* Sw. and *Piratinera* Aubl.) is a good example to analyse in this context. There is nothing in Ducke's publication (in *Arch. Jard. Bot. Rio de Janeiro* 3: 23–29. 1922) indicating that he does not accept the names in *Piratinera*; on the other hand, it seems perfectly clear from the text that he was not explicitly accepting them either – rather he explicitly accepted the names in *Brosimum* but provided the alternative names in *Piratinera* for those legalistic followers of the *American Code* who preferred to follow the principle of strict priority. Thus, Ducke's names in *Piratinera* were only conditionally (with an "if-statement") accepted by the publishing author and thus, with some imagination, can be also treated as provisional names ("... merely proposed in anticipation of the future acceptance of the taxon concerned, or of a particular circumscription, position, or rank of the taxon" – Art. 36.1(b)), and nevertheless they are considered validly published alternative names.

On the other hand, if we consider Art. 36 Ex. 4 (the provisional name *Conophyton* proposed by Haworth), it can be argued that that case is nomenclaturally very similar to (if not identical with) the one described in Art. 36 Ex. 11: when proposing *Mesembryanthemum* sect. *Minima* Haw. (*Rev. Pl. Succ.*: 81. 1821) Haworth mentioned that "If this section proves to be a genus, the name of *Conophyton* would be apt" (Haworth in *Rev. Pl. Succ.*: 82. 1821), which can be also viewed as some form of conditional acceptance (with an "if-statement") of the provisional generic name by the publishing author. However, this is not considered a validly published generic name, in contrast to Ducke's names in *Piratinera* (also conditionally accepted and proposed with an "if-statement"). However, there is one important difference: Ducke (l.c.) in the footnote clearly indicated the **acceptability** of his names proposed in *Piratinera* under the **already existing** and competing (in fact, alternative) *American Code*: "Selon la priorité absolue appliquée aux États Unis, ce nom devrait être substitué par *Piratinera* Aubl.; les noms des espèces observées dans L'État de Pará

seraient alors: [list of species]" (translation: "According to the absolute priority applied in the United States, the name [*Brosimum*] should be substituted by *Piratinera* Aubl.; the names of species observed in the State of Pará would then be: [list of species following].")

Alternative names are currently defined in the *Code* (Art. 36.2 and Glossary) as "two or more different names based on the same type ... proposed simultaneously for the same taxon by the same author". However, since Art. 36.2 in fact regulates **exceptions** to Art. 36.1, that wording can be interpreted as "proposed simultaneously but not necessarily accepted simultaneously". Various situations are possible: (1) two (or more) names proposed and all accepted, (2) two (or more) names proposed and neither one explicitly accepted; (3) two (or more) names proposed and one of them accepted, (4) two (or more) names proposed and one of them conditionally accepted, etc.

In our opinion, this situation requires clarification and the provisions to be made less ambiguous, which can be effected by the proposed amendments to Art. 36.2, Art. 36 Ex. 11, and the Glossary.

#### **(327) Amend Art. 36.2 with Ex. 11 as follows (new text in bold):**

"36.2. When, on or after 1 January 1953, two or more different names based on the same type are proposed simultaneously for the same taxon by the same author **and accepted as alternatives by that author in the same publication** (so-called alternative names), none of them is validly published. This rule does not apply in those cases where the same combination is simultaneously used at different ranks, either for infraspecific taxa within a species or for subdivisions of a genus within a genus (see Rec. 22A.1–2 and 26A.1–3), nor to names provided for in Art. 59.1."

"*Ex.11.* The species of *Brosimum* Sw. described by Ducke (in *Arch. Jard. Bot. Rio de Janeiro* 3: 23–29. 1922) were published with alternative names under *Piratinera* Aubl. added in a footnote (pp. 23–24), **in which Ducke indicated acceptability of these names under the competing (alternative) American Code.** The publication of both sets of names, being effected before 1 January 1953, is valid."

#### **(328) Amend Glossary (entry *alternative name*) as follows (new text in bold):**

"***alternative names.*** Two or more different names based on the same type proposed simultaneously for the same taxon by the same author **and accepted as alternatives by that author in the same publication** (Art. 36.2)."

The proposed amendments will better regulate the application of the concept of alternative names and will minimize the cases of occasional recognition as alternative names of the names not accepted by the publishing author (e.g., published as synonyms or provisional names).

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