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EFFECTIVE PUBLICATION UNDER THE CODE OF BOTANICAL NOMENCLATURE

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Summary

The problems of defining "printed matter" for the purposes of effective publication under the *Code of Botanical Nomenclature* are discussed. Modern techniques have blurred the distinction between traditional printing and reproduction from typescript. It is concluded, however, that the precise method of reproduction is less important than the accessibility of the printed matter to the botanical community. The present rules imply that publication is effected by distributing a copy of almost any non-autographic material to each of only two botanical institutions. Some further restrictions seem desirable and, with increasing use of modern methods of reproduction, a decision on this has become urgent. A proposal is made to restrict effective publication, in future, to established journals and to such other works as explicitly claim to be media for such publication and also indicate that specified minimal distributional requirements have been met. Two further proposals are made: one dealing with an editoral matter and the other establishing a committee to review those problems of effective publication that are not dealt with in the first proposal.

Introduction

One of the prerequisites for any name to be considered under the *Code of Botanical Nomenclature* is that it must "be effectively published" (Stafleu et al., 1978: Articles 32.1 and 6.6). Articles 29–31 of the *Code* deal with effective publication; within them two separable criteria can be distinguished. One is the nature of the material in which the name appears and the other is the distribution of this material. These criteria have always proved difficult to define, but technological developments in printing and publishing have accentuated the problem, particularly in the definition of printed matter and in determining the nature and level of distribution that is adequate to make a publication accessible to botanists.

Definition of Printed Matter

According to Article 29.1 of the *International Code of Botanical Nomenclature* (Stafleu et al., 1978), "publication is effected . . . only by distribution of printed matter (through sale, exchange, or gift) to the general public or at least to botanical institutions with libraries accessible to botanists generally."

What is meant by "printed matter" has been under discussion since this version of the Article was introduced into the *Paris Code* (Lanjouw et al., 1956). Morton (1960) raised the question of xerox reproductions of microfilmed theses, noting the difficulty of dating "the issuance of the first bound copy" which, he felt, should satisfy the *Code's* requirements for effective publication. But Thomas (1960) suggested that, although the agreement between a doctoral candidate and University Microfilms, for example, specifies that "one positive copy of each dissertation will be deposited in

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the Library of Congress" (presumably a datable event), the "intent and purpose of University Microfilms is to make unpublished dissertations more available, not to publish them." Indeed, Thomas emphasized the point by titling his note "Xerox certainly does not constitute effective publication." Hauke (1962), although he hoped that no one would buy a xerox copy of his doctoral thesis before he could "publish the results of his research in regular channels," nevertheless believed that his thesis would be "published when a xerox copy is made." Fosberg (1962) asserted that "the sentence reading, 'Offer for sale of printed matter that does not exist does not constitute effective publication' " was "inserted in Article 29 . . . specifically to deal with this type of cases."

So the matter apparently stands. The comments referred to above have all emanated from the United States where most University theses are available in book form as reduced facsimiles produced through microfilm-xerography, but it is a wider issue.

It would appear that botanists have generally taken Thomas's (1960) view that new names appearing in the xerographic reproductions of theses are not effectively published; certainly most doctoral graduates have gone on to publish their work in other media as though for the first time. Probably they do so more on the basis of Fosberg's (1962) assertion quoted above, than on Thomas's argument that such a thesis is not effectively published because it "is simply a mechanically reproduced copy of typescript," for accepting the latter would also disqualify periodicals such as *Phytologia, Mycotaxon* and the forthcoming *Systematic Botany Monographs*, which most, if not all, botanists consider media for effective publication.

Accessibility to Botanists

The crux of the matter is surely not whether or not a paper is presented in typescript, but whether it is accessible to "botanists generally." Article 36 of the 'Cambridge Rules' (Rendle, 1934; Briquet et al., 1935) attempted to set a minimum requirement of distribution to "specified representative botanical institutions." The preparation of a list of these institutions was referred to the Executive Committee, which approved one based on a draft by T. A. Sprague and M. L. Green that included 46 institutions in 20 "geographical areas" (Sprague, 1935a: 75–77; 1935b: 24). The intent was that, for effective publication, a minimum of 20 copies be distributed, with at least one copy going to one of the specified institutes in each "geographical area." It is symptomatic of the times (or perhaps of the compilers) that whereas Europe was divided into 11 "geographical areas," the rest of the world comprised only 9! The Nomenclature Section of the Amsterdam Congress did not like the list very much and the addition of other institutions was suggested, a move which Sprague felt would nullify the whole object of the list (Sirks, 1936: 361–362). The matter was referred back to the Executive Committee and there the matter rested until after the war (Camp et al., 1947) when the Utrecht Conference abandoned the idea (Lanjouw, 1950: 32–33).

Dandy (1954) presented a proposal that attempted to guard against undesirable looseness of publication by phrasing the Article so as to require "adequate distribution . . . among botanical institutions," putting his trust in a "common sense" interpretation of the meaning of the word "adequate." Apparently the discussion on this proposal tried to put adequacy in more concrete terms, for Stafleu (1954: 222) reported that "It was considered impossible to fix a minimum number of copies that would have to be distributed . . ." The resulting article omitted the word "adequate" and substituted "distribution . . . at least to botanical institutions with libraries accessible to botanists generally," implying, according to Stafleu (ibid.) "at least two copies."

Thomas (1974) proposed that the International Association for Plant Taxonomy publish a single journal that would be the sole agent for effective publication of names

in accordance with the *Code*; but his proposal received no support from the rapporteurs (Stafleu and Voss, 1975: 236), was turned down in the mail vote (Voss, 1976: 173) and withdrawn. Mycologists have attempted to deal with the problem separately. The Nomenclatural Secretariat of the International Mycological Congress established a Subcommittee C to consider the matter of a registry for new names, but no more was achieved than a recommendation "that new names of fungi (including lichens) be reported to the Commonwealth Mycological Institute for inclusion in the *Index of Fungi*" (van Warmelo, 1979: 428).

Requirements for Effective Publication

It seems, therefore, that all we have regulating effective publication is the requirement that at least two institutions (is there a legal definition of an 'institution'?), having both some unspecified connection with botany and what may be considered a library, must receive a copy of what may be considered a publication (Articles 29.3, 29.4, 29.5, 31: since 1953 not by indelible autograph, not a tradesman's catalogue or nonscientific newspaper, not printed matter accompanying exsiccata; since 1973 not a seed-exchange list). But the Article does not, apparently, rule out "ephemeral publications, . . . popular periodicals, any publication unlikely to reach the general botanical public, those produced by such methods that their permanence is unlikely, . . . abstracting journals," for Recommendation 29A urges authors "to avoid publishing new names or descriptions" in these. It seems to us that Dandy's (1954) horror-laden scenario ("any botanist could purchase a child's printing outfit, print a few copies of anything he liked to say, give these away to anyone at random, and by doing this secure effective publication") is not outlawed except that the author of the publication would have to "give these away" not "to anyone at random" but to at least two "botanical institutions with libraries accessible to botanists generally." But perhaps there is no good reason to rule out this scenario; perhaps it is the horror that is misplaced.

Certainly what must be avoided is any procedure likely to result in any form of censorship or any significant increase in the "responsibility of the editor" (see Thomas, 1974) of publishing journals. Modern methods of reproduction cannot be disallowed, for they are becoming more prevalent as the expense of traditional printing methods rises. Nor can the botanical public afford to prevent authors from publishing in any reasonable way (and here we depend on a common-sense interpretation of the word "reasonable").

Perhaps the time has come for the botanical public to place a slight additional burden of responsibility on authors and publishers and implicitly on the botanical institutions and indexing journals that serve it. At present the *Code* requires that a publication be distributed to an unspecified number of undesignated botanical institutions. In future let the *Code* make additional demands in the following circumstances: (i) if publication is private; (ii) if it is in a newly issued journal (i.e. one in its first two years of publication or yet to publish five issues, whichever is the longer period), and (iii) if it is, or if it is in, a separately issued work, whether a conventionally printed book, a xerographed copy of a microfilm or any other medium satisfying the other requirements of Articles 29 and 31. In these circumstances we suggest the following additional demands: the author or publisher must in each issue (i) explicitly state that publication is intended to be effective in terms of the *International Code of Botanical Nomenclature*, (ii) list at least three botanical institutions in three different continents to which copies of the publication have been sent; and (iii) indicate the date of distribution of the copies to the named botanical institutions.

Objections may be raised to the inclusion of most printed books (i.e. all except those published as part of a journal series) in this category. Our answer to this is that we are not aware of any satisfactory criterion for dividing the continuum between widely available, traditionally printed works such as *Flora Europaea* or Dennis's

British Ascomycetes and theses or preprints that may be xerographically reproduced and very selectively distributed. If there is one, we would certainly consider it, but in any case we question the desirability of publishing taxonomic novelties in Floras or general botanical works, and for individually published taxonomic revisions and monographs, the requirements that we propose are not difficult to meet. We would envisage that in time abstracting journals such as *The Kew Record* would list each year in their bibliography "publications during ——— that are known to have met the requirements of effective publication under the *International Code of Botanical Nomenclature*."

In our proposal we place newly issued journals, which may prove ephemeral, in the same category as separately issued works. The choice of five issues or two years, whichever represents the longer period, is arbitrary. It would seem possible, eventually, to produce a list of journals currently publishing papers in plant taxonomy and in which publication would automatically be effective. (The "Periodical Abbreviations" appendix to the *The Kew Record* goes some way toward providing such a list for vascular plant taxonomy). Whether or not some control or even curtailment of this list should take place is debatable, and this is a topic that might be considered in the future.

For the proposals that we make to achieve the desired aim of ensuring that "botanists generally" are made aware of a publication, it is incumbent on the receiving institutions to report the existence of the publication and make it available to one or more internationally distributed indexing journals or other media that list new taxa, new combinations and new names (e.g. *The Kew Record, Index of Fungi*). Likewise it is essential that these journals accept the extra task of indexing publications that are drawn to their attention in this way by the receiving botanical institutions. Important though these steps are in making the publication known to botanists generally, they are largely outside the control of the author or publisher and hence cannot reasonably be made legal requirements for effective publication, but instead should form the basis for recommendation.

A propoal is appended to incorporate in Article 29 the suggested new requirements for effective publication outlined above, and also to add a Recommendation regarding the distribution and availability of works subject to these new requirements.

Addendum (J. McNeill)

Dr. Luella Weresub was revising our draft of this paper in the hospital shortly before her death. Since then Dr. R. K. Brummitt (Kew) has let me know of his concern over questions of effective publication and has very kindly given me a copy of his paper and proposals (Brummitt, 1980) in advance of publication. I view his proposals and those contained in this paper as being fundamentally complementary rather than conflicting. If his proposal to clarify the definition of "printed matter" were accepted, it would make our "Note 1" (below) redundant but would not otherwise affect our proposals.

On the other hand we do feel very strongly that there must be no delay in settling the future status of multiple copies of theses and other separately distributed works; a further six years of publications of uncertain status would be intolerable. If our first proposal (60) were accepted for future publications, Brummitt's suggestion of a committee would be a wise approach for resolving the problems relating to existing works, and so a proposal (61) is included along these lines. In the course of reviewing Article 29, it appeared that the wording of 29.5 could be taken to mean that new taxa and new combinations could be effectively published in tradesmen's catalogues or seed-exchange lists whereas "new names" would not be. Alternative editorial changes that would make it clear that all taxonomic novelties are to be treated alike are presented in proposal 62.

Proposals on effective publication (J. McNeill)

Proposal (60): 1) Add new paragraphs to Article 29 to become *29.6* and *Note 1:*

"*29.6* On or after 1 Jan. 1982, publication in (i) a separately issued work (e.g. a book, thesis, pamphlet or separate from a periodical or other work), (ii) one of the first five issues of a new periodical or indefinitely continuing serial or one of the issues during its first two years of publication (whichever covers the longer period) or (iii) any privately published work, is only effective if each separately issued part contains (i) an explicit statement that it is intended to be effectively published under the International Code of Botanical Nomenclature, (ii) a list of at least three botanical institutions in at least three different continents to which copies of the publication have been distributed and (iii) the date on which this distribution was made.
"*Note 1* Art. 29.6 applies whether the work concerned is traditionally printed, xerographed from microfilm or produced in any other way that satisfies the other requirements of Arts. 29 and 31."

2) Add new paragraph to Recommendation 29A to become *29A.2:*

"*29A.2* For distribution of works covered by Art. 29.6, authors are urged to select botanical institutions likely to ensure that their publication is made known and available to botanists generally; the authorities of institutions receiving these works should ensure that new taxa, new names and new combinations included therein are made known to appropriate, internationally distributed, abstracting and indexing media."

3) Add at the end of Article 31, Note 1 the following:

"provided it meets the requirements of Art. 29.6."

Proposal (61): A special committee be set up to consider (i) the status of publications distributed prior to 1 Jan. 1982 either by exchange or gift or in a form other than that produced by traditional printing processes, (ii) the preparation and maintenance of a list of periodicals and serials that represent the normal media for effective publication and hence could be exempted from the specific requirements of the new Art. 29.6 and (iii) any other problems relating to effective publication.

Proposals (62): Amend Article 29.5, to ensure that it covers all taxonomic novelties, either: (i) by making the first line read: "*29.5* Publication on or after 1 Jan. 1953 of a new taxon, a new name or a new combination in tradesmen's catalogues. . ." or else: (ii) by deleting "of a new name" in line 1.

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