

(319) Proposal to allow current practice on rank interpretation to continue

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There is often great uncertainty on how to convert Greek and Latin letters and numbers to ranks currently recognized in the *Code* (Turland & al. in Regnum Veg. 159. 2018). Not only can it be difficult to agree on which rank is intended but also disagreements exist on whether indication of rank in one place can be extrapolated throughout a work. Article 37.4 allows for a rank to be considered to be variety if only one rank is used throughout. In our experience, however, very few works published in the late eighteenth and nineteenth centuries contain only one rank. Often, especially in early publications, one rank is seemingly used. However, if the work is meticulously scrutinized, at least one or more instances can be detected where a different rank indication is used. If currently we would follow the *Code* to the letter, a large number of infraspecific names would need to change to being unranked. Another controversial issue that is currently not explicitly addressed in the *Code* is whether, if a letter or number is used as a rank indication and said to be a particular rank, that rank indication can then be used throughout the work or

solely for that particular name. We therefore propose a new Article to retain current practice.

(319) Add a new Article after Art. 37.4 to clarify infraspecific ranks:

“37.4bis. If in one whole publication (Art. 37.5) no general statement is made by the author on the different infraspecific ranks used in that publication, statements on ranks associated with individual infraspecific names can be used instead to assign rank throughout the publication as long as they do not result in misplaced terms contrary to Art. 5 (see Art. 37.6). If no statement is made or the words “variety” or “form” or their linguistic equivalents are merely used informally rather than as formal rank-denoting terms, upper-case Latin letters must be interpreted as denoting subspecies, lower-case Greek letters as varieties, and lower-case Latin letters as forms as long as they do not result in misplaced terms or contradict any general statement made in the whole publication.”

(320–324) Proposals to clarify the term “description”, define “validating description” and clarify two Examples (Article 38)

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It is well known that a description is required to publish the name of a new taxon under Art. 38.1 of the *Shenzhen Code* (Turland & al. in Regnum Veg. 159. 2018). These proposals offer a revised definition of “description” to address nomina subnuda, i.e. names whose protologues include descriptive statements that are not adequate to validly publish the name, and propose changes to Art. 38 Ex. 3 and 7 involving nomina subnuda.

Perry (in Taxon 53: 1102–1105. 2004) published 11 proposals to address nomina subnuda, about half of which were accepted. Her proposal 302 defined description as “any statement describing a feature or features of a taxon” and added a new requirement that after 2006 the statement had to include a diagnosis. Although this proposal

was rejected (McNeill & al. in Taxon 54: 1061 [Art. 32 Prop. B]. 2005), the *Vienna Code* (McNeill in Regnum Veg. 146. 2006) included a similar but subtly different definition of description that omitted the word “describing” in Perry’s proposed definition; the current definition in the Glossary of the *Shenzhen Code* states “*description*. [Not defined] – a published statement of a feature or features of an individual taxon; [...]” (The Glossary in the *Vienna Code* had stated “a written statement of a feature or features of a taxon required for valid publication of its name [...]”)

Perry’s proposal 305, adding what is now Art. 38.3 and Art. 38 Ex. 7, was accepted (McNeill & al., l.c. 2005 [Art. 32 Prop. E]). Example 7 involves *Musa basjoo*, which was published by Siebold

(in Verh. Bat. Genootsch. Kunsten 12: 18. 1830) including numerous statements involving properties specified in Art. 38.3 (“purely aesthetic features, economic, medicinal or culinary use, cultural significance, cultivation techniques, geographical origin, or geological age”) that are not acceptable as a description or diagnosis. Example 7 quotes Siebold as stating “Ex foliis linteum [...] conficitur” (linen is made from the leaves) and concluded that “because there is no descriptive information on the “leaves”, the only character mentioned, it does not satisfy the requirement of Art. 38.1(a)”.

In our view, Perry implicitly treated a leaf as a feature, but the Example was correct based on the language of her proposal because Siebold did not “describe” the leaf as required by her proposed definition. However, the definition of “description” in the *Code* merely requires a statement of a feature, not a description of the feature.

To support this Ex. 7, we suggest that the definition of description be revised to reflect Perry’s original proposal without the requirement of a diagnostic statement.

A second point related to Ex. 7 is less apparent. Siebold implicitly stated that the leaves are strong enough to make linen. Users may disagree whether a protologue implicitly stating that the plant has strong leaves is sufficient to validly publish the name. However, the Example can be supported by requiring a description to contain some explicit information about the plant’s features, excluding those addressed in Art. 38.3.

(320) Add a new Article in Art. 38, incorporating and amending the definition of “description” from the Glossary, and amend Art. 38 Ex. 7 as follows (new text in bold, deleted text in strikethrough):

“38.n. A description is a statement explicitly describing one or more features of an individual taxon. A description need not be diagnostic.”

“Ex. 7. “*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), hardiness in cultivation (scarcely survives the winter), and geographical origin (introduced from the Ryukyu Islands). ~~but~~ Because there is no **explicit** descriptive information (e.g. **shape or texture**) on the “leaves”; (the only ~~character~~ **feature** mentioned), it does not satisfy the requirement of Art. 38.1(a) for a “description or diagnosis”. *Musa basjoo* Siebold & Zucc. ex Iinuma was later validly published by Iinuma (Sintei Somoku Dzusetsu [Illustrated Flora of Japan], ed. 2, 3: ad t. 1. 1874) with floral details and **other descriptive material**—a description in Japanese.”

If the above proposal is rejected, we recommend that the Editorial Committee either delete Art. 38 Ex. 7 or modify the definition of description in the Glossary to better support the Example.

Another interesting point not addressed in the previous proposal is that the name of a taxon itself may convey descriptive information (e.g. “*viridiflora*”). Article 38 Ex. 3 implies that a description that is simply a translation of the specific epithet is not sufficient to achieve valid publication of the name of a new taxon. We wonder if many would consider such a description to be adequate if different from the name itself (which might not even be descriptive). In other words, contrast a nomen nudum, “*Echinocereus viridiflorus*”, with a protologue that simply states “*Echinocereus smithii*. Green flowers.”

A proposal that the latter either is or is not sufficient to validly publish the name is likely to be destabilizing. For that reason, we merely propose that a name by itself is not sufficient to validly publish the name of a new taxon.

(321) Add a new sentence to the definition of “description” in the Glossary (new text in bold):

“*description*. [Not defined] – a published statement of a feature or features of an individual taxon; a description (or a diagnosis) is required for valid publication of a name of a new taxon (Art. 38.1(a) and 38.3); a validating description need not be diagnostic (Art. 38 Note 2). **A name, by itself, may convey some descriptive information about the taxon to which it is applied but is not, by itself, sufficient to serve as a description.**”

Hassemer & al. (in Taxon 69: 1–4. 2020) addressed many kinds of features that are adequate to describe a taxon. We draw upon their definition to offer the following proposal.

(322) Amend the definition of “description” in the Glossary as follows (new text in bold, deleted text in strikethrough):

“*description* [in boldface]. ~~[Not defined]~~ — a published ~~A~~ statement of a feature or features of an individual taxon; **which may include morphological, anatomical, biochemical, karyological, molecular, or similar features of the taxon, but cannot be limited to those properties noted in Art. 38.3.** ~~A~~ a description (or a diagnosis) is required for valid publication of a name of a new taxon (Art. 38.1(a) and 38.3); a validating description need not be diagnostic (Art. 38 Note 2).”

Article 38 Ex. 3 states “In Don, *Sweet’s Hortus britannicus*, ed. 3 (1839), for each listed species the flower colour, the duration of the plant, and a translation into English of the specific epithet are given in tabular form. In many genera the flower colour and duration may be identical for all species and clearly their mention is not intended as a validating description or diagnosis. Names of new taxa appearing in that work are not therefore validly published, except in some cases where reference is made to earlier descriptions or diagnoses.” (Note that Ex. 3 does not state that Don included an identical description for two or more species in the same genus but instead states that, in many unspecified genera, the flower colour and duration may be identical for all species.) Perry’s (l.c.) proposal 307 would have added a new rule that “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.” However, that proposal was withdrawn (McNeill & al., l.c. 2005 [Art. 32 Prop. G]). We are concerned that there are other validly published names that could be considered not validly published by analogy with Art. 38 Ex. 3; a brief description provided in the protologues of these other names might also apply to other taxa. A review of *Sweet’s Hortus britannicus* reveals important information that should be included in the Example to limit its application.

(323) Amend Art. 38 voted Ex. 3 as follows (new text in bold, deleted text in strikethrough):

“*Ex. 3. ~~In~~ Don, *Sweet’s Hortus britannicus*, ed. 3 (1839); **is a catalogue of plants in tabular form.** ~~for each listed~~ **Each** species

appears on a single line with one of various abbreviations for its habit, the flower colour, and the duration of the flowers plant, and a translation into the English name of the specific epithet are given in tabular form. In many cases, the same abbreviations are listed for more than one species in a genus—genera the flower colour and duration may be identical for all species and clearly their mention is not intended as a validating description or diagnosis. Names of new taxa appearing in that work are not therefore validly published, except in some those cases where reference is made to an earlier validating descriptions or diagnoses description or diagnosis. This voted Example is limited to Don's publication and other similar catalogues."

The *Shenzhen Code* uses the term "validating description" in numerous places without defining it. See, e.g., Art. 38 Note 1, Art. 7.8 and 46.2. A review of these provisions makes it clear that the validating description is either the description in the protologue or the previously and effectively published description referenced in the

protologue. We propose the following amendment to Art. 38 to define it.

(324) Add a new sentence to Art. 38.1 (new text in bold):

"38.1. In order to be validly published, a name of a new taxon (see Art. 6.9) must (a) be accompanied by a description or diagnosis of the taxon (see also Art. 38.7 and 38.8) or, if none is provided in the protologue, by a reference (see Art. 38.13) to a previously and effectively published description or diagnosis (except as provided in Art. 13.4 and H.9; see also Art. 14.9 and 14.14); and (b) comply with the relevant provisions of Art. 32–45 and F.4–F.5. **The description or diagnosis in the protologue (or referenced in the protologue) is the validating description or diagnosis.**"

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(325) Proposal to amend Article 38.4, to extend its application to a reference to a previously and effectively published description or diagnosis

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Article 38 of *Shenzhen Code* ("Code"; Turland & al. in Regnum Veg. 159. 2018) outlines the requirements for the valid publication of names of new taxa. Article 38.1 specifies two options for providing a validating descriptive statement for a name of a new taxon: "In order to be validly published, a name of a new taxon (see Art. 6.9) must (a) be accompanied by a description or diagnosis of the taxon (see also Art. 38.7 and 38.8) or, if none is provided in the protologue, by a reference (see Art. 38.13) to a previously and effectively published description or diagnosis (except as provided in Art. 13.4 and H.9; see also Art. 14.9 and 14.14) [...]" Articles 38.2 and 38.3 further specify the requirements for a diagnosis or a description. However, no minimal requirements for a description are specified in the *Code*, and certain descriptive statements have been a matter of debate of taxonomists and nomenclaturists for a long time. Since the *Melbourne Code* (McNeill & al. in Regnum Veg. 154. 2012), there has been a possibility of submitting requests for rulings on whether or not a descriptive statement satisfies the requirement for a "description or diagnosis" for valid publication of the name of a new taxon, as outlined in Art. 38.4. This option allows resolution of longstanding nomenclatural conflicts and contributes to the stability of botanical nomenclature. Over 60 such requests have been submitted since this option became available. A proposal was made to extend the application of

Art. 38.4 to decisions on illustrations with analysis (Pastore & al. in Taxon 70: 456. 2021), further emphasizing the demand for this kind of ruling in the botanical community.

Article 38.4 provides an option for requests to be made on descriptive statements included in a potential protologue of a new taxon. However, the current redaction of the *Code* does not provide the option for ruling on whether a reference to a previously published description satisfies the requirements for a valid publication. Requirements for reference to a previously and effectively published description are specified in Art. 38.13 and 38.14. They are well defined for names published on or after 1 January 1953. However, for names published before that date, both direct and indirect references are acceptable and the only formal requirement for an indirect reference is for it to be "clear" as specified in Art. 38.14: "An indirect reference is a clear (if cryptic) indication, by an author citation or in some other way, that a previously and effectively published description or diagnosis applies." It allows for various interpretations of the same reference by different authors, potentially leading to different opinions on the validity of a given name. It is therefore proposed to amend Art. 38.4 to extend its application to a reference to a previously and effectively published description or diagnosis.