

(383–389) Proposals to clarify Article 46 (author citations)

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The purpose of these proposals is to provide a simpler Art. 46, which addresses the correct citation for the author of a name of a taxon. Some of the rules in Art. 46 of the *Shenzhen Code* (Turland & al. in Regnum Veg. 159. 2018) are repetitive and overlapping, others too fragmented and the terminology is difficult. The sheer length of Art. 46 of (10 pages with 55 Examples) suggests it is a complex subject.

In most cases, the author of the name is obvious – it is the author of that part of the publication in which the name is validly published unless that author ascribes the name to another person. However, the rules never make this statement. Article 46 Note 1 comes somewhat close when it states “A name of a taxon is attributed to the author(s) of the publication in which it appears (see Art. 46.5) unless one or more of the provisions of Art. 46 rules otherwise.” However, this may be overlooked because it is a Note that lacks prominence, and it is not particularly helpful because it does not specify what other rules have an exception.

The following proposal would convert Note 1 into a new Article, and clarify and expand it so that in most cases readers would not need to look at any other rule in Art. 46. These changes to Art. 46 Note 1 include:

(1) While Art. 46.1 states that the rules apply for purposes of citing the “author(s) of the name”, the two most important Articles (Art. 46.2 and 46.5) do not use that phrase. Instead, Art. 46.2 and 46.5 both use “attributed”, “ascribed” and “associated”, and it is not immediately clear that the author of the name is the person to whom the name is attributed.

(2) Art. 46 Note 3 refers to the publication in which “the name is first validly published”, while Art. 46 Note 1 and Art. 46.6 use the phrases “in which it appears” and “a name appears”, respectively. It is a rare name that does not appear in a later publication. The phrasing in Note 3 is preferable.

(3) The term “publishing author” is not defined, even though it is used in Art. 46.5 and Art. 46 Ex. 39, as well as in Art. 36 Ex. 3.

(4) The phrase “unless one or more of the provisions of Art. 46 rules otherwise” in Art. 46 Note 1 requires readers to review Art. 46 in its entirety. One important exception is Art. 46.6, which provides that the author of the publication is the author of that part of the publication in which the name appears. Because this rule is relevant for a huge number of names, it would be useful to include this statement at the beginning of Art. 46.

(5) Art. 46.2 provides the only other exception to the general rule that the name is attributed to the publishing author. Article 46 implies, but does not explicitly state, that *only* publishing authors can ascribe the name or description to another person. The fact that the name may have been used before (for example, a nomen nudum), or other authors note the name was previously used by other parties, is not rel-

evant under Art. 46 if the publishing author does not note these earlier uses. In addition, Art. 46.2 applies only if the name is ascribed (which is defined as “directly associated”) or unequivocally associated with a different person. Making these points explicit in the new Article would make it clear in most cases that the publishing author is the author of the name without reviewing other rules in Art. 46.

(6) Article 13.1 states that the valid publication of names begins on certain starting-point dates. However, Art. 46.2 would appear to allow a post-starting-point author of a publication to ascribe the name and description to a pre-starting-point author, in which case that party would be the author of the name. While Art. 46.7 implies otherwise (by virtue of allowing an optional citation method to acknowledge that author), nothing explicitly states that the name cannot be attributed to a pre-starting-point author.

For ease of reading, the singular (rather than plural) is generally used in this proposal and the others below.

(383) Combine Art. 46 Note 1 and Art. 46.6 into a new Article as follows (new text not appearing in either provision in bold, deleted text in strikethrough):

“46.n1. Note 1. (a) The author of a name of a taxon is attributed to the publishing author(s) of the publication in which it appears (see Art. 46.5) unless this author directly or unequivocally associates the name with another person and one or more of the provisions of Art. 46.2 rules otherwise. If the name of a taxon is “attributed” to a person, that person is the author of the name.

(b) 46.6. For the purposes of Art. 46, the authorship of a publication is the authorship of The publishing author is the author of that part of a publication in which a name is first validly published, appears regardless of the authorship or editorship of the publication as a whole.

(c) The author of a name cannot be a pre-starting-point author.”

Editorially number it as Art. 46.2 and renumber Art. 46.2–46.5. In addition, the Editorial Committee may wish to replace “author of the publication” or similar phrases with “publishing author” as it sees fit throughout Art. 46.

A clean version of how this new Article would appear is as follows:

“46.n1. (a) The author of a name of a taxon is the publishing author unless this author directly or unequivocally associates the name with another person and Art. 46.2 rules otherwise. If the name of a taxon is “attributed” to a person, that person is the author of the name.

(b) The publishing author is the author of that part of a publication in which a name is first validly published, regardless of the authorship or editorship of the publication as a whole.

(c) The author of a name cannot be a pre-starting-point author.”

The first two sentences of Art. 46.5 attribute the name to the publishing author even though the name is ascribed to a different person. If Art. 46 Note 1 is converted into an Article, Art. 46.5 is not needed other than to provide the alternative citation method noted in the third sentence.

While this alternative citation method appears to apply in all cases in which the publishing author differs from the person to whom the name is ascribed, that is not accurate. This is because the last sentence of Art. 46.2 states “Art. 46.5 notwithstanding, authorship of a nomenclatural novelty is always accepted as ascribed, even when it differs from authorship of the publication, when at least one author is common to both.” The phrasing in the proposal below takes that rule into account.

(384) If Prop. 383 is accepted, amend Art. 46.5 as follows (new text in bold, deleted text in strikethrough):

“46.5. ~~A name of a new taxon is attributed to the author(s) of the publication in which it appears when the name was ascribed to a different author or different authors but the validating description or diagnosis was neither ascribed to nor unequivocally associated with that author or those authors. A new combination, name at new rank, or replacement~~ **If the author of a name is attributed to the publishing author(s) of the publication in which it appears, although it but the name was ascribed to a different author person or different authors persons (none of whom is a publishing author), when no separate statement was made that one or more of those authors contributed in some way to that publication. However, in both cases the following citation may be used:** authorship as ascribed, followed by “ex”, ~~may be~~ inserted before the name(s) of the publishing author(s).”

A clean version of this proposed amendment to current Art. 46.5 is as follows:

“46.5. If the author of a name is the publishing author but the name was ascribed to a different person or different persons (none of whom is a publishing author), the following citation may be used: authorship as ascribed, followed by “ex”, inserted before the name(s) of the publishing author(s).”

If the previous proposal is rejected, certain refinements are desirable in Art. 46.5 to conform to the language in Art. 46.2. The second sentence of Art. 46.2 states that a “new combination [...] is attributed to the author(s) to whom it was ascribed when [...] it is explicitly stated that the same author(s) contributed in some way to that publication” (emphasis added). The second sentence of Art. 46.5 uses different wording: “A new combination [...] is attributed to the author(s) of the publication [...] although it was ascribed to a different author or different authors, when *no separate statement was made* that one or more of those authors contributed in some way to that publication” (emphasis added). There is also a minor inconsistency between the first sentences of Art. 46.2 and 46.5.

Article 46.5 may provide the wrong answer because the last sentence of Art. 46.2 overrides it but is not mentioned in Art. 46.5.

(385) If Prop. 384 is rejected, amend Art. 46.5 as follows (new text in bold, deleted text in strikethrough):

“46.5. ~~Except as provided by the last sentence of Art. 46.2, the author of the name is~~ **A name of a new taxon is attributed to the author(s) of the publication in which it is first validly published appears if (a) when in the case of the name of new taxon, the name was ascribed to a different author or different authors but the validating description or diagnosis was not simultaneously** ~~neither~~ ascribed to nor unequivocally associated with that author or those same

authors- **or (b) in the case of a** ~~A~~ new combination, name at new rank, or replacement name ~~is attributed to the author(s) of the publication in which it appears, although it the name~~ was ascribed to a different author or different authors, ~~when no separate statement was made but it was not explicitly stated~~ that one or more of those same authors contributed in some way to that publication. [...]”

A clean version of this proposed alternative amendment to Art. 46.5 is as follows:

“46.5. Except as provided by the last sentence of Art. 46.2, the author of the name is the author of the publication in which it is first validly published if (a) in the case of the name of new taxon, the name was ascribed to a different author or different authors but the validating description or diagnosis was not simultaneously ascribed to or unequivocally associated with that author or those same authors or (b) in the case of a new combination, name at new rank, or replacement name, the name was ascribed to a different author or different authors but it was not explicitly stated that one or more of those same authors contributed in some way to that publication. [...]”

Article 46.2 contains the three exceptions to the general rule that the publishing author is the author of the name. It would be helpful to make it clear at the outset that the author of the name is the person to whom the name is ascribed in each case.

The exceptions also partially overlap with the general rule that the author of the name is the author of the publication. This seems to require the reader to parse both provisions to determine the author of the name.

The last sentence of Art. 46.2 states “Art. 46.5 notwithstanding, authorship of a nomenclatural novelty is always accepted as ascribed, even when it differs from authorship of the publication, when at least one author is common to both.” This appears to permit authors to use any form of citation (using terms other than “ex” or “in” if they wish) if one author is common to both. It should be revised to prevent that reading.

While Art. 46.3 defines ascription in terms of the association of the name of a “person or persons” with the name of a taxon, Art. 46.2 refers to the “author(s)” to whom the name of the taxon is ascribed. To minimize confusion, it would be desirable to use “person” when referring to ascription.

While Art. 46.2 permits attribution to a person who is “unequivocally associated with” a description or diagnosis, it does not appear to permit attribution to an author who is unequivocally associated with the name. Article 46 Note 5 indicates otherwise; it states “A name or its validating description or diagnosis is treated as though ascribed to the author(s) of the publication (as defined in Art. 46.6) when there is no ascription to or unequivocal association with a different author or different authors.” Example 25 provides an example where both the name and description are unequivocally associated with the author.

(386) Amend Art. 46.2 and 46.3 as follows (new text in bold, deleted text in strikethrough):

“46.2. **If the author of the publication ascribes the name to another person and one of the following conditions is met, the other person is the author of the name:**

(a) in the case of a ~~A~~ name of a new taxon, ~~is attributed to the author(s) to whom the name was ascribed when if the validating description or diagnosis was simultaneously ascribed to or unequivocally associated with the same author(s) person, even when authorship of the publication is different; or~~

(b) in the case of a ~~A~~ new combination, name at new rank, or replacement name ~~is attributed to the author(s) to whom it was ascribed~~

when, in if the publication in which it appears, it is explicitly stated that the same author(s) person contributed in some way to that publication; or

(c) Art. 46.5 notwithstanding, authorship of a in the case of any nomenclatural novelty is always accepted as ascribed, even when it differs from authorship of the publication, when if at least one of those author person(s) is common to both also a publishing author.

In all other cases, the author of the name is the author of the publication.”

“46.3. For the purposes of Art. 46, ascription is the direct or unequivocal association (by the publishing author) of the name of a person or persons with a new name or with the description or diagnosis of a taxon. [...]”

In addition, in Art. 46, replace “author” with “person” when the rules refer to the author to whom the name is ascribed. In addition, make similar changes regarding the deletion of “unequivocal association” in Art. 46 Note 5 and Art. 46.5.

A clean version of the proposed amendment to the current Art. 46.2 is as follows:

“46.2. If the author of the publication ascribes the name to another person and one of the following conditions is met, the other person is the author of the name:

(a) in the case of a name of a new taxon, if the validating description or diagnosis was simultaneously ascribed to or unequivocally associated with the same person; or

(b) in the case of a new combination, name at new rank, or replacement name, if the publication explicitly stated that the same person contributed in some way to that publication; or

(c) in the case of any nomenclatural novelty, if at least one of those person(s) is also a publishing author.

In all other cases, the author of the name is the author of the publication.”

Article 46.10 is intended to permit publishing authors to use “ex” in the manner set forth in Art. 46.5 (see Brummitt in Taxon 42: 154. 1993). However, it is worded much more broadly: “Authors publishing nomenclatural novelties and wishing other persons’ names followed by “ex” to precede theirs in author citation may adopt the “ex” citation in the protologue.” This arguably permits publishing authors to credit any person as they deem appropriate, including those to whom the description, but not the name, is ascribed or persons to whom neither is ascribed. It seems best to state that publishing authors may use “ex” when permitted under the terms of Art. 46.5.

Article 46.7 provides an alternative author citation (using “ex”) if there is a pre-starting-point author.

Both Art. 46.7 and 46.10 could easily be combined with the last sentence of Art. 46.5 and thereby include these various alternative citations in one Article.

(387) Delete Art. 46.7 and 46.10 and amend the last sentence of Art. 46.5 as follows (new text in bold):

“46.5. [...]. However, in both cases, the following citation may (but need not) be used by the publishing author and/or later authors: authorship as ascribed, followed by “ex”, may be inserted before the name(s) of the publishing author(s). This same citation may be used if the name is ascribed to a pre-starting-point author. For groups with a starting-point later than 1753, when a taxon of a pre-starting-point author was changed in rank or taxonomic position upon valid publication of its name, that pre-starting-point author may be cited in parentheses, followed by “ex.”

Article 46.2 Note 2 provides an alternative citation if the author of the name is not the publishing author. Because this is a new concept, it should be stated as a new Article.

(388) Convert Art. 46 Note 2 into a new Article as follows (new text in bold, deleted text in strikethrough):

“46.n2. ~~Note 2.~~ When If the author authorship of a name differs from the publishing author, the following citation may (but need not) be used: “[author of the name] in [publishing author]” authorship of the publication in which it was validly published, both are sometimes cited, connected by the word “in”. In such a case, “in” and what follows are part of a bibliographic citation and are better omitted unless the place of publication is being cited.”

If Prop. 387 and 388 are both accepted, the Editorial Committee may wish to consider making this Art. 46.5(b) so that all alternative citation methods appear in a single Article.

Because there may be more than one author, some rules (e.g. Art. 46.1 and 46.2 use the term “author(s)”, while others (e.g. Art. 46.4 and 46.7) use “author” or “different author or authors” (Art. 46.5 and Note 5) or “person or persons” (Art. 46.3). These are not only inconsistent but also distracting. The author hopes that others will find the following proposal useful.

(389) Add a new Article to Art. 46 as follows:

“46.n3. For purposes of Art. 46, any reference to the author (or person) shall be deemed to include a reference to authors (or persons).”

In addition, make appropriate changes throughout Art. 46.

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