

(411–413) Proposals to clarify exclusion of a type for purposes of Article 52.2(e) and Note 1

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Article 52.1 of the *Shenzhen Code* (Turland & al. in Regnum Veg. 159. 2018) provides that certain names are superfluous if the author “included the type” of another name that would have priority. Article 52.2(a)–(d) define “inclusion of the type” as the citation of the holotype, original type under Art. 10, previously designated or conserved type, all syntypes, all elements eligible as types under Art. 10.2, or illustrations of these. Article 52.2 adds that inclusion is “also effected (*e*) by citation of the name itself [...], unless the type is at the same time excluded either explicitly or by implication”. However, Art. 52 does not define exclusion of the type.

This proposal borrows from Prop. 172 (Rijckevorsel in Taxon 71: 1329–1330. 2022), which would define exclusion of the type in accordance with Art. 48.2. This would essentially define type for this purpose as the type in Art. 52.2(a)–(c). However, certain refinements are desirable to reflect the difference between an inclusion and exclusion. In particular, Art. 52 Note 1 hints that this definition is too limited: it states that a new name is not nomenclaturally superfluous if a name with priority is cited “with an expression of doubt, [...] in a sense that excludes one or more of its *potential type elements*” (emphasis added). Potential type elements are not defined.

Article 52.2(a) correctly states that inclusion of the type is effected by citation of “*all* syntypes under Art. 9.6 or all elements eligible as types under Art. 10.2” (emphasis added). However, if an author of a new name cites a synonym with priority, but excludes *any* one of its syntypes, the author has not necessarily included the type of the name – that excluded syntype may later be designated as the type of the cited name.

To address this concern and to support Art. 52 Note 1, the term potential type element should be used in Art. 52.2(e) and defined as the type within the meaning of 52.2(a)–(c) modified to include any (as opposed to all) syntypes or any element eligible as a type under Art. 10.2. Because any species name may be chosen as type under the last sentence of Art. 10.2 (the generic equivalent of a neotype), only elements in the first sentence of Art. 10.2 (excluding Art. 10.2 (a)) should be considered.

Finally, Art. 52.2(e) should apply only if the same author who publishes the new name excludes the type.

(411) Amend Art. 52.2 as follows (new text in bold, deleted text in strikethrough):

“52.2. [...]. It is also effected (*e*) by citation of the name itself or any name homotypic at that time, unless ~~the~~ **a potential type element of that name** is at the same time excluded **by the same author** either explicitly or by implication. **A potential type element is the holotype under Art. 9.1, the original type under Art. 10, or a previously designated or conserved type as qualified in Art. 52.2(b)–(c), or if none of the foregoing exists, any syntype or any element**

eligible as a type in the first sentence of Art. 10.2 (excluding Art. 10.2(a)).”

If Prop. 411 is rejected, the Editorial Committee may wish to consider amending Art. 52 Ex. 12 as follows (new text in bold, deleted text in strikethrough):

“Ex. 12. *Leccinum* Gray (Nat. Arr. Brit. Pl. 1: 646. 1821) does not include all **the species names included in the protologue** ~~potential types (in fact, none)~~ **of the then untypified** *Boletus* L. (Sp. Pl.: 1176. 1753) : Fr. **(in fact, none)** and is not therefore illegitimate even though it included, as *L. edule* (Bull. : Fr.) Gray, the subsequently conserved type of *Boletus*, *B. edulis* Bull. : Fr.”

To further address the meaning of potential type element, consider the likely thousands of names published by Linnaeus with two or more cited illustrations and no syntypes. Due to the broad species concepts of Linnaeus, the illustrations may depict different taxa in modern usage. If a later author publishes a new name, and cites an untypified Linnaean name explicitly excluding one of the illustrations, the name should not be treated as superfluous – it may be the publication of the name of a new taxon that is only a pro parte synonym of the Linnaean name.

(412) If Prop. 411 is accepted, amend the definition of “potential type element” in the amended Art. 52.2(e) as follows (new text in bold):

“52.2. [...]. A potential type element is the holotype under Art. 9.1, the original type under Art. 10, or a previously designated or conserved type as qualified in Art. 52.2(b)–(c), or if none of the foregoing exists, any syntype **or illustration cited in the protologue** or any element eligible as a type in the first sentence of Art. 10.2 (excluding Art. 10.2(a)).”

Article 52.2(e) states that the type can be excluded either explicitly or by implication. Article 52 Ex. 6, the only Example addressing exclusion by implication, states: “Exclusion of type by implication. *Tmesipteris elongata* [...] was published as a new species but *Psilotum truncatum* R. Br. was cited as a synonym. However, on the following page, *T. truncata* (R. Br.) Desv. is recognized as a different species [...], thus showing that the meaning of the cited synonym was either “*P. truncatum* R. Br. pro parte” or “*P. truncatum* auct. non R. Br.”” While this Ex. 6 is correct, it is not fully supported by Art. 52.2(e) in my view. A third possibility is that *T. truncata* should be treated as auct. non. Desv. More importantly, because it is not clear if the author included the type in *P. truncatum* or *T. truncata*, he may not have excluded the type at all. In fact, if there is no type within the meaning of Art. 52.2, it appears impossible to exclude the type explicitly or by implication.

For that reason, the following proposal revises Art. 52.2(e) and Art. 52 Note 1 to support Ex. 6. Similarly, because it is not clear in the Example that the “type” of the synonym is excluded, as required by Art. 52.2(e), the Note appears to introduce a new concept and is more appropriately treated as an Article.

(413) Amend Art. 52.2 and convert Art. 52 Note 1 into a new Article, as follows (new text in bold, deleted text in strikethrough):

“52.2. For the purpose of Art. 52.1, definite inclusion of the type of a name is effected by **the unqualified** citation of (a) [...]. It is also effected (e) by **the unqualified** citation of the name itself or any name homotypic at that time, unless the type is at the same time excluded either explicitly, **definitely** or by implication (e.g. **inclusion of the type in another taxon**).”

~~“Note 1–52n. The inclusion, For purposes of Art. 52.2, a citation of a name or element is not unqualified if (a) it is cited with an expression of doubt, of an element in a new taxon, (e.g. the citation of a name or element with a question mark), or in a sense that excludes one or more of its potential type elements, does not make the name of the new taxon nomenclaturally superfluous (e.g. the citation of a name pro parte, either explicitly or by exclusion of a homotypic name) or (b) the name itself or any name homotypic at that time is also simultaneously cited as a different taxon (or as a synonym of a different taxon) by the same author.”~~

If Prop. 413 is accepted, certain changes are desirable for Art. 52 Ex. 5 and 6. In the former Example, Dandy cited *Galium tricornute*

and also excluded *Valantia aparine*, its replaced synonym. Because a name is not the same as a type, Dandy did not explicitly exclude the type. In fact, *V. aparine* was not typified until 2000. The Editorial Committee may wish to consider amending the Examples as follows (new text in bold, deleted text in strikethrough):

“Ex. 5. ~~Explicit exclusion of type~~ **Unqualified citation**. When publishing the name *Galium tricornutum*, Dandy (in Watsonia 4: 47. 1957) cited *G. tricornute* Stokes (Bot. Arr. Brit. Pl., ed. 2, 1: 153. 1787) pro parte as a synonym while explicitly excluding ~~its type~~ ***Valantia aparine* L., its replaced synonym, which was not typified until 2000. *Galium tricornutum* is not superfluous for two reasons: the pro parte citation of *G. tricornute* and the exclusion of the homotypic name *V. aparine*.**”

“Ex. 6. ~~Exclusion of type by implication~~ **Unqualified citation**. *Tmesipteris elongata* P. A. Dang. (in Botaniste 2: 213. 1891) was published as a new species but *Psilotum truncatum* R. Br. was cited as a synonym. However, on the following page, *T. truncata* (R. Br.) Desv. is recognized as a different species and two pages later both are distinguished in a key, thus showing that the meaning of the cited synonym was either “*P. truncatum* R. Br. pro parte” or “*P. truncatum* auct. non R. Br.” Because Dang’s citation was qualified, *Tmesipteris elongata* is not nomenclaturally superfluous.”

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(414–425) Proposals on orthographical errors and orthographical variants

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Chapter VIII (“Orthography and Gender of Names”) of the *Shenzhen Code* (Turland & al. in Regnum Veg. 159. 2018) has always been contentious, some persons considering that it asks for too much attention to grammatical correctness, others that there is a limit to the tolerance of unusual, unjustified original spellings. A family environment that facilitated my access to advice in philology encouraged me to attempt to clarify this section of the *Code*, first alone for the 1981 Sydney Congress (Demoulin in Taxon 30: 233–248. 1981) and later by animating, together with Dan Nicolson, a Special Committee for Orthography for the 1987 Berlin Congress (Demoulin & Nicolson in Taxon 35: 794–803. 1986). In each case, few proposals reached a sufficient majority for acceptance by Congresses and, discouraged and convinced that orthography committees are hopeless enterprises, I did not involve myself much anymore in the issue.

Discussions in the General Committee for nomenclature made me consider some progress could be made by freely discussing issues with a limited number of persons, and I felt encouraged to publish a detailed analysis of the case of *Brachycome* Cass., which helped me devise proposals on correctable errors (Demoulin in Lejeunia 200. 2019). Those proposals were not published in Taxon in order to leave time for additional comments, and indeed I now believe they could be ameliorated.

The question of correctability under Art. 60 led me to a reflexion on orthographical variants (Art. 61, which implies there are correct and incorrect variants, while strictly speaking an orthographical variant is an admissible one). Two years ago I prepared a manuscript on that issue for distribution to the General Committee, but having been left aside until recently it did not attract many comments. Some, however, drew my attention to enough important points