(050–051) Proposals to add a new interpretative paragraph with new Examples to Article 36, dealing with certain designations published without explicit acceptance

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DOI http://dx.doi.org/10.12705/643.31

Acceptance of a name is the ultimate provision for valid publication of new names under the *International Code of Nomenclature for algae, fungi, and plants* (McNeill & al. in Regnum Veg. 154. 2012). This is stressed in Art. 33.1, which requires that, after fulfilling all the other conditions of valid publication (if fulfilled separately), a name must be explicitly accepted in the place of its valid publication.

However, evidence of such acceptance is not always obvious. An apparently problematic situation is presented by certain types of indices, bibliographic dictionaries and reviews whose purpose is to record botanical names and to deliver these names to the public. It may be stated in introductions to such works that they include accepted names or also synonyms, and certain records may be indicated as such. Nevertheless, a question remains: who is the author who accepted (as required in Art. 33.1 and 36.1) a particular name in such publications?

Most commonly, and explicitly, indices recorded names that were supposed to have been accepted by their original authors. If a name inadvertently happened to appear as new in an index, the recorded place of its stated (presumed) original publication may be considered a reference to its basionym or replaced synonym or to a designation that was not validly published. If a basionym or replaced synonym can be found in the original publication, under Art. 46.3 the citation of the original author is not considered ascription and under Art. 46.2 the author of the index is the author of the new combination or replacement name. If the name of a new taxon is validated by reference to a description or diagnosis associated with a designation that was not validly published (e.g., a provisional name), under Art. 46.2 and Note 2 the new name is attributed to the original authorship unless Art. 46.4 applies. But in both situations, acceptance of a name (Art. 36.1) or explicit acceptance (Art. 33.1) is required by the recorder in the index in order for the new name to be validly published. Such evidence of (explicit) acceptance is typically missing in indices except for those that do contain original taxonomic assessments, for instance, the main volumes and the three first supplements of the *Index Kewensis*.

The title and preface of the first volume of the *Index Kewensis* states that it provides "an enumeration of the genera and species of flowering plants […] together with […] their synonyms", thus being "an Index to the names and authorities of all known flowering plants". From these statements and the typesetting of the plant name list it is completely clear that the *Index Kewensis* was intended to provide accepted names of plant genera and species with their synonyms, in order to serve as a taxonomic and nomenclatural checklist of all plants known to date (actually phanerogams, as follows from the Latin title). From its fourth supplement onwards, the *Index Kewensis* had changed its style and policy, as explained in the introduction with the following statement: "Iterum nomina antea usitata sub nomina nunc utenda recitata sunt; nominibus nudis inter synonyma enumeratis nomina accepta addita sunt" (in English translation: Besides, the names used previously are cited under the names now to be used; accepted names are added to the nomina nuda that appeared in the synonymy). Greuter (in Candollea 40: 211–213. 1985), who translated this sentence, interpreted it as a statement of acceptance on the part of the compilers; however, we can see nothing in these words that goes beyond the mere recording of names accepted by the original authors: a name "now to be used" is a name proposed by a certain author as to be used and is accepted by that author, not necessarily by the compilers. No explicit statement or other evidence can be found concerning the acceptance of names specifically by the compilers of the *Index Kewensis*, and we agree with Meikle (in Biol. J. Linn. Soc. 3: 295–299. 1971), who also argued that in the later supplements "the editors [of the *Index Kewensis*] only included validly published names without passing judgement on them".

Another controversial case, in which explicit acceptance of names by the publishing author is absent, is an early dictionary of botanical terminology by Martinov (*Tekhno-Botanicheskiy Slovar*, published in 1820). Reveal (in Taxon 47: 851–856. 1998) concluded that botanical names that first appeared in Martinov (l.c.) were validly published in this book by the means of indirect references to descriptions in earlier works. However, Sennikov (in Komarovia 4: 138–154. 2006) disagreed, arguing that, as explained in the preface to Martinov's book, its only nomenclatural service was to bring together names in Latin for all the taxa at the ranks of "order" and "family", as well as for some taxa at other ranks, which were used in various, sometimes conflicting, botanical classifications. Plant names in that book were presented as part of botanical terminology, without giving an opinion about the corresponding taxa and thus without explicit acceptance of the listed names.

Reviews of published material such as books and articles may communicate botanical names as part of the contents in the same way as indices and dictionaries do. Even if they do so, unless the authors of such reviews express their personal opinion about them, the names they use cannot be treated as explicitly accepted in the reviews.

Since recorders and reviewers do not usually assess the taxonomy behind the names that are being recorded, such names, even if appearing to be inadvertently "new" because of one or another technical mistake or misunderstanding of the original source, cannot be validly published according to Art. 33.1 and 36.1. To articulate this conclusion

and to remove doubts, we propose a separate clarifying rule that is especially devoted to such cases. A number of Examples is provided to represent various cases in which names were not explicitly accepted by their recorders.

We believe that only minimal disturbance to current nomenclature will be caused by this proposal because the publications affected have only recently been interpreted as sources of validly published names; they can easily be replaced by the more traditional literature that was used before. Moreover, we aim at sparing the time and energy of taxonomists that otherwise will be wasted in fruitless assessments of obscure sources of non-taxonomic nature, and at bringing more clarity to the issue of acceptance of botanical names in general. Besides, we are not introducing a new provision; we are merely stating in a direct manner what is implied by the present Art. 33.1 and 36.1.

To examine the effect of our interpretation, we performed a study of names that had been recorded in IPNI (up until 24 Oct 2014) as validly published in supplements 4–16 of the *Index Kewensis* (we assume that many other such cases may still be found in the *Index Kewensis* by a thorough screening). Of the 126 discovered, only 10 names are currently accepted in major taxonomic sources; the others are treated as synonyms. Seven of these accepted names had previously been credited to later authors, with later places of valid publication being cited. For the three remaining accepted names, other places of valid publication are not available but they were added to *Index Kewensis* only after 2005. Their adoption led to displacement of the names that had formerly been used for the taxa concerned (similarly, recording of two names now placed in synonymy caused displacement of two other established names). Thus, our interpretation of the rules affects only 12 accepted names, returning the authorship of 7 names and resurrecting 5 names that were in use not more than 10 years ago.

The preceding analysis suggests that acceptance of our proposal will contribute to stability. Similarly, because the idea of crediting Martinov with the authorship of certain suprageneric names is only about 15 years old, reverting to the previous attributions of such names (except for those family names that are listed as conserved in App. IIB, whose authorship and date of publication is protected by Art. 14.15) will have minimal impact and would be a minor price to pay for the resulting gain in stability.

(050) Add a new paragraph with new Examples to Art. 36:

"*36.3.* Publication of a name in a dictionary, or a standalone index, or a review that solely purported to report nomenclature or taxonomic systems of previously published works does not constitute acceptance of the name by any author."

"*Ex. n1.* The *Index Kewensis* originally provided a list of names and their synonyms of all species and genera of phanerogams accepted in Kew. In its main volumes and first three supplements, certain species names were printed in Roman type to indicate their acceptance by the compilers, whereas synonyms were printed in Italic type. From its supplement 4 onwards the recording policy was revised and the use of Italic type was discontinued; in the absence of an explicit statement about acceptance of names by the compilers, no nomenclatural novelty may be treated as validly published in supplements 4–21 of this *Index* and in its annual supplements under the title *Kew Index*."

"*Ex. n2. "Micralsopsis"* was not validly published by Buck (in Mem. New York Bot. Gard. 45: 525. 1987) because it was proposed as a provisional name ("gen. nov. prov."). Although this name was included, with a full and direct reference to the presumed protologue, as "considered for all events and purposes to be legitimate" in the list of *Names in Current Use for Extant Plant Genera* (Greuter & al. in Regnum Veg. 129: 698. 1993), it was not validly published in that list because the listed names were not accepted by the compilers but only "declared to be available for use by those who need them"."

"*Ex. n3.* Reuter in *Index generalis Actorum 1–60 Societatis pro Fauna et Flora Fennica* (in Acta Soc. Fauna Fl. Fenn. 61: 164. 1939) registered *Hieracium* "*dodrantale* 12, 4: 23", which was reportedly described as a new species on the given page in *Acta Societatis pro Fauna et Flora Fennica*. By doing so he directly referred to the validly published name *Pilosella dodrantalis* Norrl. (in Acta Soc. Fauna Fl. Fenn. 12(4): 23. 1895). Reuter's citation does not constitute valid publication of *"Hieracium dodrantale"* because he recorded this name as if it were accepted by Norrlin but not necessarily in Reuter's register."

This example of an index to botanical names that appeared in a periodical shows how surprising such sources (and exercises on such sources) may potentially be. The discovery of this particular "validly published name" does no practical harm, but as we have only touched the very tip of this iceberg here, it is difficult to predict the results of screening such sources. But what is the motivation to spend time for such "research", and what is the benefit of such "discoveries"?

"*Ex. n4.* The family designation *"Athanasiaceae"* was not validly published by Martinov (Tekhno-Bot. Slovar: 56. 1820) when he wrote (translated from Russian) that "*Athanasiae* … is the name of 16th family of 15th classis in the system of Augier", thus providing an indirect reference to the description of "Athanasies" in Augier (Essai Nouv. Classif. Vég.: 178. 1801). Martinov's indication of acceptance of this taxon by Augier does not constitute explicit acceptance of the name of this taxon by Martinov."

"*Ex. n5.* Huber (in Bot. Centralbl. 101: 108. 1906) in his review of Braun's article *Neue Formen und Standorte für die Bündner Flora* (in Jahresber. Naturf. Ges. Graubündens 47: 123–132. 1905) referred to the original entry of "*Hieracium squalidum* ssp. *Prinzii* Käser" by citing "*Hieracium Prinzii* Käser". In doing so, Huber had not accepted and thus had not validly published the combination *H. prinzii*."

Greuter (in Euro+Med PlantBase. 2006, published online at http://ww2.bgbm.org/EuroPlusMed/PTaxonDetail.asp?NameId=7706548&PTRefFk=7000000) decided that the name "*Hieracium erucophyllum*", never treated before at the rank of species in taxonomic publications, was inadvertently but validly published by Prain in *Index Kewensis* (Suppl. 4: 112. 1913). For this reason this name replaced the established combination *H. prinzii* (Zahn) Zahn 1921. Nevertheless, "*H. prinzii*" had also inadvertently appeared in print in a book review published in 1906. If such sources are acceptable as places of valid publication, *H. prinzii* still predates *H. erucophyllum* and should be returned to use, but instead of reviving this single name we strongly prefer to abandon this sort of literature and come back to the traditional pool of taxonomic and nomenclatural sources.

"*Ex. n6.* Tzvelev (in Bot. Zhurn. (Moscow & Leningrad) 80(6): 122. 1995) validly published the new generic name *Plastobrassica* (O. E. Schulz) Tzvel. in his critical review of *Atlas Florae Europaeae*, vol. 10. When doing so, Tzvelev explicitly accepted the new name and rejected the earlier position of this taxon."

This is a "positive" Example that may be added as a counterpart to a "negative" Ex. n5 above or the revised current Ex. 5 of proposal (051) below.

"*Ex. n7.* The unsigned text by Borbás & Fekete (in Oesterr. Bot. Z. 39: 223. 1889) was supposed to be a bibliographic review of Fekete's article (in Erdészeti Lapok 1889: 105–106. 1889) but went far beyond the purpose by proposing the species name *Sorbus perincisa* for an unnamed infraspecific variant of *S. torminalis* (L.) Crantz described in Fekete (l.c.) with a brief original description of the taxon and precise

indication of its provenance. The name *S. perincisa* Borbás & Fekete does not fall under Art. 36.3 and is validly published in this work."

This is another Example of a review that was communicating original information instead of reporting on the contents of a reviewed work.

(051) If Prop. (050) is accepted, revise the current Ex. 5 under Art. 46.2 as follows, and move it under the new Art. 36.3.

"*Ex.* [*5*]. In a review of Gay's *Flora chilena*, vol. 1 (l846), the otherwise unnamed author "W." wrote "p. 348. wird die Gattung *Eucryphia* als Typus einer neuen Familie, der *Eucryphiaceae*, angesehen", in this way reporting of the designation "Eucrifiaceas" that denoted a family in Gay (l.c.: 348). This family name was validly published later by Philippi (in Linnaea 30: 292. l859), who accepted it in his publication about statistical analysis of the flora of Chile, solely by an indirect reference to the description of "Eucrifiaceas" in Gay (l.c.)."

Alternatively, this Example may be deleted as competing with our proposed new Ex. n5.