PROPOSALS TO AMEND THE CODE

Edited by John McNeill & Nicholas J. Turland

A suggested compromise on the nomenclature of *Acacia*

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There is no doubt that the dispute over the type of *Acacia* Mill. (see, e.g., Moore & al. in Taxon 60: [this issue.] 2011, this issue) will be among the most controversial topics discussed at the Nomenclature Section of the XVIII International Botanical Congress in Melbourne. I fear that this issue will not be resolved whether the current type of *Acacia* (*A. penninervis* Sieber ex DC.), as listed in the *Vienna Code* (McNeill & al. in Regnum Veg. 146. 2006), is confirmed or whether the first designated type (*A. scorpioides* (L.) W.F. Wight) is restored. Either result would be a victory for one side and a defeat for the other. If that were to happen, especially if a vote deciding the issue were passed by only a narrow margin, negative feelings could result, potentially lasting for years, damaging relationships within our botanical community and projecting a poor image of us to the wider world. Such a situation could be avoided if an unusual solution could be found to the seemingly intractable *Acacia* problem, as requested by Linder & Crisp (in Taxon 60: 570–571. 2011); a solution that could attract support from both sides of the dispute as well as from those who have no strong opinion on the issue but wish to see the matter resolved. Some might regard the proposal by Brummitt (in Taxon 59: 1925–1926. 2010 [Art. 51 Prop. A]) as one such solution, while others might not; its pros and cons have been discussed by the Rapporteurs in the Synopsis of Proposals (McNeill & Turland in Taxon 60: 273–274. 2011). The present proposal is offered as an additional option for the Nomenclature Section in Melbourne to debate.

The potential solution proposed here is suggested as a compromise. It would permit the name *Acacia* to be used only for the genus in its broad sense, i.e., including species from Africa, the Americas, Asia, and Australasia. When more narrow genera are defined, what is currently called *Vachellia* Wight & Arn. (*Acacia* before the Vienna Congress) would be called *Protoacacia* Mill., while the genus currently called *Acacia* (*Racosperma* Mart. before the Vienna Congress) would be called *Austroacacia* Mill., thereby allowing continued use of the widely used and highly valued name *Acacia*—albeit with a prefix—in both its pre-Vienna and post-Vienna applications.

Insert a new Article and Note in Art. 14, a new Recommendation 14B, and make adjustments to Art. 32.1, 33.1 and 34.2:

"*14.n*. The name *Acacia* Mill. (1754) is treated as having been simultaneously published as three names: *Acacia* Mill., *Austroacacia* Mill., and *Protoacacia* Mill., each of which is conserved with a conserved type (see App. III). A combination (autonyms excepted) published under *Acacia* before 1 January 2011 is treated as having been simultaneously published under all three generic names. *Austroacacia* and *Protoacacia* both have priority over *Acacia*, except when a genus is circumscribed to include the types of all three names, in which case *Acacia* has priority over the other two names."

"*Note n*. Combinations established automatically under Art. 14.*n* may in turn establish autonyms under Art. 22.3 and 26.3. A combination published under *Austroacacia* or *Protoacacia* after 1 January 2011 is not established automatically under Art. 14.*n* and must therefore meet the requirements of Art. 32.1 for valid publication."

"*14B.1.* When a combination published under *Acacia* before 1 January 2011 is treated as a synonym together with the two corresponding combinations automatically established under *Austroacacia* and *Protoacacia* (see Art. 14.*n*), only the combination under *Acacia* should be cited."

In Art. 32.1 and 33.1 change "(autonyms excepted)" to "(autonyms and names established under Art. 14.*n* excepted)".

In Art. 34.2 insert "(but see Art. 14.*n*)" after "validly published" at the end of the first sentence.

Include associated entries in App. III:

Acacia Mill., Gard. Dict. Abr., ed. 4: [25]. 28 Jan 1754 [*Legum*.].
Typus: *Acacia penninervis* Sieber ex DC. (typ. cons.).

Austroacacia Mill., Gard. Dict. Abr., ed. 4: [25]. 28 Jan 1754 *('Acacia')* (orth. cons.) [*Legum*.].
Typus: *Austroacacia penninervis* Sieber ex DC. (*Acacia penninervis* Sieber ex DC.) (typ. cons.).

Protoacacia Mill., Gard. Dict. Abr., ed. 4: [25]. 28 Jan 1754 *('Acacia')* (orth. cons.) [*Legum*.].
Typus: *Protoacacia nilotica* (L.) Delile (*Mimosa nilotica* L., *Acacia nilotica* (L.) Delile) (typ. cons.).

The proposed new rule for Art. 14 creates the generic names *Austroacacia* and *Protoacacia* by treating *Acacia* as having been simultaneously published as all three names. Almost all the needed combinations are already validly published under *Acacia*, so these are similarly treated as having been published under all three generic names so as to avoid the need individually to publish some 1400 new combinations under *Austroacacia* and *Protoacacia*. The date threshold of 1 January 2011 is included to separate clearly the periods during which combinations are established automatically under *Austroacacia* and *Protoacacia* (before 1 January 2011) and individually published (after that date, or in practice after the Melbourne Congress). Without this clear threshold, confusion as to the status of the names could occur in years to come.

The automatically established combinations under *Austroacacia* and *Protoacacia* are available for use as adopted names, and are operative in questions of homonymy, but, as the new Recommendation advises, only the corresponding combinations under *Acacia* should be cited as synonyms. For example, the combination *Acacia farnesiana* (L.) Willd. (1806) is treated as having been published together with both *Austroacacia farnesiana* (L.) Willd. and *Protoacacia*

farnesiana (L.) Willd. When the name *Protoacacia farnesiana* is adopted, *Mimosa farnesiana* L. is the basionym, *Acacia farnesiana* and *Austroacacia farnesiana* are both homotypic synonyms, of which only the former should be cited. A hypothetical *Austroacacia farnesiana* published as a new name based on a different type would be a later homonym and therefore illegitimate under Art. 53.1 (just as would a heterotypic *Protoacacia farnesiana* or *Acacia farnesiana*). In another example, if the name *Senegalia senegal* (L.) Britton is adopted, *Acacia senegal* (L.) Willd., *Austroacacia senegal* (L.) Willd., and *Protoacacia senegal* (L.) Willd. are all homotypic synonyms, but only the first of these should be cited.

A combination published under *Austroacacia* or *Protoacacia* after 1 January 2011 is not established automatically under Art. 14.*n*. This means that, after this date, corresponding combinations under *Acacia*, *Austroacacia*, and *Protoacacia* must be separate nomenclatural acts each meeting the requirements of Art. 32.1 for valid publication.

Priority is determined according to Art. 11, with a special exception included in the new Art. 14.*n* to establish priority between the three conserved generic names. When a genus is circumscribed to include the type of either *Austroacacia* or *Protoacacia*, but not the types of both, the correct names of all subordinate taxa in that genus are combinations under either *Austroacacia* or *Protoacacia*, respectively, which is the earliest name for such a genus and has priority over *Acacia*. When a genus is circumscribed to include the types of all three generic names, the correct names of all subordinate taxa in that genus may be combinations under *Acacia*, because only then does *Acacia* have priority over the other two names. Note the wording, "may" be combinations under *Acacia*; theoretically, if the genus were circumscribed to include the type of a still earlier name, e.g., *Mimosa* L. (1753), the correct names would be combinations under that generic name. Priority below the rank of genus would not be complicated by the new rule because each trio of combinations has identical priority and therefore operates like a single name.

The automatically established names are ruled as validly published even though they were never actually published in printed matter, which means they were not effectively published. In this respect, they behave like autonyms. Because valid publication requires effective publication, it is necessary to expand "(autonyms excepted)" in Art. 32.1 and 33.1 to "(autonyms and names established under Art. 14.*n* excepted)".

An exception is also required in Art. 34.2, which precludes valid publication of so-called alternative names on or after 1 January 1953 (two or more different names based on the same type proposed simultaneously for the same taxon by the same author), hence inserting the reference "(but see Art. 14.*n*)" in Art. 34.2.

Acacia, *Austroacacia*, and *Protoacacia* are conserved with conserved types; the latter two names also have conserved orthography because they were originally published as *"Acacia"*. It is suggested here that the conserved type of *Acacia* be its type as determined by the *Code*, i.e., currently *A. penninervis*, but potentially *A. scorpioides* (a taxonomic synonym of *A. nilotica*) if actions of the Melbourne Congress should result in reversion to the type as determined by the rules, prior to the Vienna Congress. The proposed new rule functions just as well in either case; the type of *Acacia* has no practical effect in terms of Australasian vs. non-Australasian taxa because the name *Acacia* is correct only when applied to the genus sensu lato (which is anyway taxonomically untenable).

Obviously, if additional conserved generic names are to be added to App. III, their conservation will have to be recommended by the Nomenclature Committee for Vascular Plants and those recommendations will have to be approved by the General Committee [for Botanical Nomenclature]. They could then be provisionally included in App. III, marked with an asterisk, subject to final approval by the next International Botanical Congress (see Art. 14.12, Art. 14.14, and the Appendices of the *Berlin Code*: Greuter & al. in Regnum Veg. 118. 1988).

Some, e.g., Brummitt (in Taxon 60: [this issue]. 2011, this issue), might question if creating a large number of new—or at least orthographically modified—names is preferable to (1) enforcing the application of the name *Acacia* to more than one taxon (*Racosperma*, *Vachellia*, and possibly also *Senegalia* Raf.), the different senses to be indicated by the format (e.g.) *"Acacia (Vachellia) farnesiana"* (Brummitt, l.c. 2010); or (2) restricting the application of *Acacia* to a broadly circumscribed genus, as in the present proposal, but using the existing combinations in *Racosperma* and *Vachellia* instead of *Austroacacia* and *Protoacacia*, respectively, although in that case the *-acacia* element would no longer be part of the names; or (3) using either *Racosperma* or *Vachellia* for one segregate genus and *Acacia* for the other, i.e., the current, disputed situation. I believe that it would be better if a compromise could be reached in Melbourne that would allow both sides to go away with something, rather than having a 'winner takes all' situation that could result in further acrimony, continuing possibly for years. I submit this for the Nomenclature Section to debate.

Acknowledgements

I thank the following for constructive criticism and discussions: Wendy Applequist (MO), Fred Barrie (MO c/o F), Dick Brummitt (K), Vicki Funk (US), Werner Greuter (B & PAL), Sandy Knapp (BM), Brendan Lepschi (CANB), Gwil Lewis (K), Peter Linder (Z), Bruce Maslin (PERTH), John McNeill (E), Tony Orchard (CANB), Gill Perry (PERTH), Brian Schrire (K), and Paul Wilson (PERTH).