

A point of view on Article 30.5. of the *Vienna Code* concerning effective publication of theses

Herwig Teppner

Institut für Pflanzenwissenschaften, Universität Graz, Holteigasse 6, 8010 Graz, Austria; herwig.teppner@uni-graz.at

Abstract The retroactive Art. 30.5 in the *Vienna Code* published in 2006 is discussed with respect to “internal evidence” for the intention of achieving effective publication. In the case of retroactive application of this article, the consideration of “external evidence” is also proposed.

Keywords Code Art. 30.5.; effective publication; external evidence; internal evidence; theses

In 1968 I finished my thesis on *Waldsteinia* (Teppner, 1968), which contained three new combinations and one new subspecies. My intention was that this be an effectively published work; thus I produced ca. 50 copies and dispersed these to botanical libraries and botanists over the world. According to the edition of the *ICBN* then in force, the *Edinburgh Code* (Lanjouw & al., 1966), the thesis, being a printed book (holographed, i.e., printed on a wax stencil and multiplied with printer’s ink), was an effective publication. However, at the bottom of the title page I only had “Graz, 1968” printed. The *Vienna Code* (McNeill & al., 2006) brings a complete new situation in this respect by the retroactive Article 30.5.

Article 30.5.: “Publication on or after 1 January 1953 of an independent non-serial work stated to be a thesis submitted to a university or other institute of education for the purpose of obtaining a degree is not effectively published unless it includes an explicit statement (referring to the requirements of the *Code* for effective publication) or other internal evidence that it is regarded as an effective publication by its author or publisher.”

Note 2. gives specific examples of what can be regarded as internal evidence: “The presence of an International Standard Book Number (ISBN) or a statement of the name of the printer, publisher, or distributor in the original printed version is regarded as internal evidence that the work was intended to be effectively published.”

It seems that, in practice, some authors regard these examples as exclusive, but this is contradictory to “or other internal evidence” in Art. 30.5. In my opinion, the declaration of names as “comb. nova”, “subsp. nova”, etc. by the author and the lack of an announcement of publication of the new names at another place is also an internal evidence. Thus, also in my opinion, the rejection of the effective publication of the name *Waldsteinia fragarioides* subsp. *doniana* (Tratt.) Teppner (1968) in IPNI and in Weakley & Gandhi (2008) is not correct. The new names concerning *Viola tricolor* s.l. in Nauenburg (1986: 81, 92, 98) are accepted in IPNI without any restriction. If Art. 30.5. would be applied in the same manner, this also would not be an effectively published work because the title page shows the indication “Göttingen 1986” only. Probably more such examples do exist, thus there is some doubt if a retroactive application in the mentioned manner can retain stability

of names. The highly problematic consequences of retroactive application of Art. 30.5. were already pointed out by Weigend (2006). All new names based on thesis-names are also involved.

Apparently, if I had just also written “Im Selbstverlag” or “Im Eigenverlag” [= self-publisher] on the title page of my thesis, there would be no discussion about the effectiveness of publication. Such an indication would have been contrary to the practice in our faculty. One cannot demand prophetic talents from authors. Thus, in the case of a retroactive application of Art. 30.5. external evidence should also be permitted and this should be provided for in the *Code*:

(1) Why does the distribution of 30, 40 or more copies not qualify as a proof for the intention of an effective publication when in Recommendation 30.A.2. the required minimal number of copies is ten?

(2) As long as new names given in a thesis in the meantime (up to 2006) are not published elsewhere, this should be regarded also as an external evidence for the intention of the author to make an effective publication.

(3) If the new names in the thesis are later used by the same author as normal names, without any indication that they are new, this would also be a proof of the intention that the thesis be considered an effective publication.

The ISBN is mentioned at the first place in Art. 30 *Note 2.* According to <http://de.wikipedia.org/wiki/ISBN>, the International Organization for Standardization first considered book numbers for the book trade in 1968 and issued the first international standard in 1972. In order to avoid misunderstandings, this should be mentioned in the *Code* in some way (e.g., in brackets in *Note 2.*).

Furthermore, it is worthy of mention in this discussion, that there is no obligation for the use of an ISBN. Therefore, because of the costs, small publishing-houses or self-publishers sometimes avoid the registration of an ISBN.

In my opinion, Art. 30.5. of the *Vienna Code* is suboptimal, especially in the case of a retroactive article with far-reaching consequences more prudence and care would be necessary in the creation of new paragraphs.

Back to my thesis. In spite of Smedmark (2006) and her forerunner papers (inclusion of *Waldsteinia* and *Coluria* in *Geum*), I have some doubts about the generic limits and I believe

that specific or subspecific names under *Waldsteinia* still will be needed. The separation of the two North American taxa with tripartite leaves is not sufficiently sharp (Teppner, 1968: 39, 42, 49; Teppner & al., 2009: 234–237), thus the rank of subspecies seems to be adequate. So, in a recent paper I needed a name and, therefore, I was obligated under the actual interpretations of the *Code* to make the “new” combination *Waldsteinia fragarioides* (Michx.) Tratt. subsp. *doniana* (Tratt.) Teppner once more in Teppner & al. (2009: 231). The Old World taxa are mentioned in Teppner (1974) (synonymy included) and thus should be effectively published at least at this date (overlooked in IPNI).

It is to be hoped that this note will inspire a discussion leading to an emendation of Art. 30.5. of the *Code*.

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