(272) Proposal to Eliminate Redundant Provisions from the Code
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(272) Proposal to eliminate redundant provisions from the Code

Werner Greuter[1]

Much of Chapter V of the *Code* originated in times when the type concept had not yet made its way into international botanical nomenclature. This set of provisions, still using circumscription language, has become largely obsolete now, since it at best duplicates what is written elsewhere in the *Code* and at worst if taken literally may induce the inexperienced user into error.

The nomenclatural community has paid little attention recently to these rules, as witnessed by the very small number of proposals aiming at their amendment: 17 in total for the last four Congresses taken together, of which 10 were defeated, 6 were purely editorial (mostly concerning cross references or the wording of examples), and but a single one was accepted (Art. 61 Prop. C, at the Sydney Congress). For each of the 10 Articles concerned (Art. 51-58 and 60-61), the average number of proposals per Congress is 0.4, as compared to an average rate of over 3 for the other Articles!

Does this mean that these provisions are particularly unproblematic and clear? I should rather say that experts in nomenclature have tended to keep at large and avoid getting involved with them, realizing that they are hopelessly out of date. The Editorial Committee has made an effort to modernize the language of some of the examples, but the provisions themselves were left untouched. They have remained virtually identical since 1952 (Stockholm *Code*: Art. 61-67, 70), little changed since 1935 (Cambridge *Rules*: Art. 50-56, 58), and retain much of the phraseology of the Vienna *Rules* of 1906 (Art. 44-49) and even of the original Candollean *Lois* of 1867 (Art. 53-58).

There was no dual coverage of the same ground by the Chapter V provisions and the priority rule as long as the latter was just a general statement of principle (Art. 15 of the Candollean *Lois*, hardly modified in substance up to 1935 when it became Art. 16 of the Cambridge *Rules*). At Stockholm the situation changed, when two paragraphs where added to Art. 16 which in short plain words stated what was verbosely explained again in the later Articles. It is easy to conceive that botanists trained for a lifetime to use circumscription criteria still needed the old provisions for their guidance when trying to apply the type method. Few plant taxonomists active today will need such crutches any more. From teaching experience I know that students tend to be irritated and confused when faced with the Chapter V provisions. In correspondence I had repeatedly to discourage people from reading into these provisions meanings that they never had (and certainly must not have). In short, these Articles are not only redundant and confusing, but may be a nuisance when taken too literally. They include only a few paragraphs that are really needed – and those few are placed more logically elswhere in the *Code*.

The following proposal, to delete no less than 10 Articles of the *Code* on a single stroke, may at first sight seem to imply a sweeping change of the rules, but in fact it

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is essentially editorial. Those who support it might wish to refer it to the Editorial Committee for appropriate action, on the understanding that no change in the meaning of the rules must result from its implementation.

(272a) Transfer the last portion of Art. 55.2 and 56.2, together with Art. 55 Ex. 9, to the end of Art. 7.12, i.e., replace the final parenthesis in Art. 7.12 by: ", even though it may have been applied erroneously to a taxon now considered not to include that type (but see Arts. 48.1 and 59.6)."

(272b) Delete Chapter V, Sections 1-3 and 5 (i.e. Art. 51-58 and 60-61); upgrade the two remaining Sections to become independent Chapters; transfer Art. 60.1 to Art. 11 as Art. 11.1bis, Art. 57.2-3 to Art. 11 [as by Prop. (166) by Perry & al.], and Art. 58.1 to the end of Art. 11, reworded to read:

"*11.6.* When applied to extant plant taxa, algae excepted, names based on a non-fossil type are treated as having priority over names of the same rank based on a fossil (or subfossil) type."

Furthermore, instruct the Editorial Committee to transfer a representative selection of examples from Chapter V to Art. 11.