

“*Chaetocarpeae*”) even though Webster cited only the name and its bibliographic reference.”

**(260) In Art. 41.3 add “(direct or indirect; see Art. 32.5–6)” after the word “reference” in clauses (b) and (c).**

We recommend citation of the appropriate Articles of the *Code* that define the terms “direct and indirect” be added to Art. 41.1 and 41.2. Likewise, we recommend that the word “reference”, as used in Art. 41.3, be explained more fully by stating that the reference may be direct or indirect. In many respects this is a minor editorial matter and may be so recommended by the Rapporteurs.

**(261) Add a new Example following Art. 53.1:**

“*Ex. 3bis. Moreae* Britton & Rose (in *N. Amer. Fl.* 23: 201, 217. 1930), based on *Mora* Benth. (1839), is not a later homonym of *Moreae* Dumort. (*Anal. Fam. Pl.*: 17. 1829), based on *Morus* L. (1754), as the provision of homonymy does not apply to subdivisions of families.

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## (262–275) Proposals on Article 33 and other Articles concerning new combinations, status novi, and nomina nova

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The following proposals aim to define more clearly the terms “name of a new taxon”, “new combination”, “status novus”, “nomen novum”, “basionym”, and “replaced synonym” by adding them to the status definitions in Art. 6. An addition to Art. 32.1(d) makes it explicit that the present requirements of that clause for valid publication of a name (to be accompanied by a description or diagnosis or by a reference to a previously and effectively published description or diagnosis) do not apply to new combinations, status novi, and nomina nova, which must instead meet the requirements of Art. 33. A new rule is added to Art. 33 so that the restrictions of Art. 41 (on permitted ranges of ranks of a basionym or replaced synonym) will remain in effect for new combinations, status novi, and nomina nova. The phrase “new generic name with a basionym”, editorially introduced into the *Vienna Code* (McNeill & al. in *Regnum Veg.* 146. 2006), implicitly excludes status novi above the rank of genus, which are not forbidden by the *Code*, so the phrase is changed to “status novus”. Simplified wording is suggested in Art. 33 and other Articles where the above terms are used. It is argued that Art. 33.8 causes more problems than it was intended to prevent and should therefore be deleted.

**(262) Add three new Articles to Art. 6, and adjust the Glossary as appropriate:**

“6.9. The name of a new taxon is a name validly published in its own right, i.e. one not based on a previously validly published name; it is not a new combination, a status novus, or a nomen novum.”

“6.10. A nomen novum (nom. nov., avowed substitute, replacement name) is a new name based on but not formed from a previously published legitimate or illegitimate name, which is its replaced synonym. The replaced synonym does not provide the final epithet, name, or stem of the nomen novum (but see Art. 58.1).”

“6.11. A new combination (combinatio nova, comb. nov.) or a status novus (stat. nov., new status, i.e. new rank) is a new name based on and formed from a previously published legitimate name, which is its basionym. The basionym provides the final epithet, name, or stem of the new combination or status novus.”

Nomen novum, new combination, and status novus are established here as the preferred terms. Suitable Examples could be

included by the Editorial Committee, especially to illustrate how a basionym provides the final epithet, name, or stem of a new combination or status novus, and how a replaced synonym does not do so for a nomen novum.

**(263) Reword Art. 7.3 and 7.4 as follows:**

“7.3. A nomen novum (Art. 6.10) is typified by the type of its replaced synonym, even though it may have been applied erroneously to a taxon now considered not to include that type (but see Art. 33 Note 2 and 48.1).”

“7.4. A new combination or status novus (Art. 6.11) is typified by the type of its basionym, even though it may have been applied erroneously to a taxon now considered not to include that type (but see Art. 48.1 and 59.6).”

The wording is simplified, the term definitions having been added to Art. 6. The current second clause of Art. 7.4 could also apply to Art. 7.3 (except for the reference to Art. 59.6), so the relevant text is duplicated as an addition to Art. 7.3; see also Prop. 273, below. The redundant reference to Art. 33.4 in Art. 7.3 and unnecessary phrase “in all circumstances” in Art. 7.4 are removed.

**(264) Amend clause (d) of Art. 32.1 as follows (new text in bold):**

“32.1. In order to be validly published, a name of a taxon (autonyms excepted) must: [...] (d) be accompanied by a description or diagnosis or by a reference to a previously and effectively published description or diagnosis (except as provided in Art. 42.3, 44.1, and H.9) **or meet the requirements of Art. 33 for valid publication of a new combination, status novus, or nomen novum;** [...]”

This addition addresses a fundamental dichotomy in the *Code*, whereby a new name may be published either as the name of a new taxon in its own right or as a new combination, status novus, or nomen novum based on an existing name. In the latter case, Art. 32.1(d), requiring a reference to a previously and effectively published description or diagnosis, cannot be a requirement for valid publication, or at least the second sentence of Art. 32.5, requiring a *direct* reference on or after 1 January 1953, cannot apply. For example, a new combination

could be validly published today based on a basionym that was itself validly published by reference to a previously and effectively published description or diagnosis. In that case, there would be no direct reference from the new combination to the description or diagnosis. However, new combinations, status novi, and nomina nova are exempt from this requirement by the rules of Art. 33. For such names published on or after 1 January 1953, Art. 33.4 implicitly rules that they are validly published if the basionym or replaced synonym “is clearly indicated and a full and direct reference given to its author and place of valid publication, with page or plate reference and date”, overriding Art. 32.5. The inserted words in Art. 32.1(d) make this mechanism explicit.

There is, however, the matter of Art. 41 limiting the groups of ranks of taxa to which a previously and effectively published validating description or diagnosis may belong. For example, the name of a species or infraspecific taxon may be validly published by reference to a previous description of a species or infraspecific taxon but not a taxon of higher rank (Art. 41.3(b)). These rules also apply, in universal practice if not explicitly stated in the *Code*, to new combinations, status novi, and nomina nova, which would not only be exempt by Prop. 264 from the current requirements of Art. 32.1(d) but also, logically, from those of Art. 41. I therefore propose to add the relevant tenets of Art. 41 to Art. 33, as follows.

**(265) Add a new Article following Art. 33.1:**

“33.1*bis*. For the purpose of valid publication of a new combination, status novus, or nomen novum, the basionym or replaced synonym is restricted as follows: (a) for the name of a family or subdivision of a family, the basionym or replaced synonym must be the name of a family or subdivision of a family; (b) for the name of a genus or subdivision of a genus, the basionym or replaced synonym must be the name of a genus or subdivision of a genus; and (c) for a name of a species or infraspecific taxon, the basionym or replaced synonym must be the name of a species or infraspecific taxon.”

Note that Prop. 265 stands independently of Prop. 288 by Rijk-evorsel (in *Taxon* 59: 1924. 2010 – this issue), which would create a parallel rule for inclusion in Art. 32. I will support Rijkevorsel’s proposal because to have both rules seems quite logical and, in my opinion, preferable to the current Art. 41.

**(266) Editorially change “replacement name” to “nomen novum” in Art. 7 Ex. 3 and 4, Art. 20 Ex. 5, Art. 33 Ex. 10, and Art. 52 Ex. 9 and 10.**

This is editorial, nomen novum having been established as the preferred term in the *Code*.

**(267) In Art. 33.2, 33.5, and 33.7 change the phrase “new generic name with a basionym” to “status novus”.**

Although the phrase “new generic name with a basionym” is currently used in the *Code*, the term “status novus” (new status) is preferable so as not to imply that a status novus cannot exist above the rank of genus. Indeed the *Code* includes no such rule limiting the rank of a status novus. The current wording was added editorially to the *Vienna Code*, and was not mandated by any proposal passed at the Vienna Congress.

Taking an example from Appendix IIB, the names *Illiciaceae* A.C. Sm. (1947) and *Irvingiaceae* Exell & Mendonça (1951) are status novi based on *Illicieae* DC. (1824) and *Irvingioideae* Engl. (1915), respectively. Obviously they are not new combinations, because such names must be below the rank of genus (Art. 6.7). Neither are they

nomina nova because, in each case, both the family name and the subdivisional name can be simultaneously adopted in a classification. They could be treated as names of new taxa, but in that case neither would be validly published because there is no validating Latin description or diagnosis (required on or after 1 January 1935; Art. 36.1) accompanying either the family names or referred to under the earlier subdivisional names. Insisting that suprageneric names must always be the names of new taxa would cause problems by invalidating an unknown number of currently accepted names.

If this proposal is passed, the words “new generic name” in the third sentence of Art. 33 Ex. 9 should be editorially changed to “status novus”, ideally followed by the relevant name and its authors, i.e. *Brachiolejeunea* (Spruce) Stephani & Spruce.

The phrase “new generic name with a basionym” also occurs in Art. 33.4 and 33.8 but see Prop. 269 and 275, below.

**(268) Reword Art. 33.3 as follows:**

“33.3. Before 1 January 1953, if, for a presumed new combination or status novus at the rank of genus or below, no reference to a basionym is given but a previously and validly published name, or its final epithet, that applies to the same taxon is adopted, that adoption is treated as indication of the earlier name as basionym, but only if the new combination or status novus would otherwise be a validly published name.”

This is an attempt to create an improved wording for Art. 33.3, accounting for a status novus that is a combination that was previously published in a different rank. The current phrase “in any way” seems too strong: in the case of a name of a subdivision of a genus based on a generic name, where no reference to a basionym was given, it could not be said that “that name is neither cited nor indicated in any way” because the very generic name would be adopted (and thereby cited) as the divisional epithet! Moreover, some might argue that merely adopting the epithet of a basionym is a (very) cryptic indication of that basionym. The alternative wording “that adoption is treated as indication of the earlier name as basionym” is therefore proposed instead.

Note also the explicit limitation of status novus in this Article to the rank of genus or below. This is for safety. We would certainly not want Art. 33.3 to permit, even implicitly, an automatically typified suprageneric name to be validly published as a status novus when no reference to a basionym is given but the stem is necessarily that of a previously and validly published name. This would render an unknown number of suprageneric nomina nuda as validly published status novi, some of which would be earlier isonyms of currently accepted names.

**(269) Reword Art. 33.4 as follows:**

“33.4. On or after 1 January 1953, a new combination, status novus, or nomen novum is not validly published unless its basionym or replaced synonym is clearly indicated and a full and direct reference given to its author and place of valid publication, with page or plate reference and date (but see Art. 33.5 and 33.7). On or after 1 January 2007, a new combination, status novus, or nomen novum is not validly published unless its basionym or replaced synonym is cited.”

This is an editorial simplification, the term definitions having been added to Art. 6.

**(270) Reword Art. 33 Note 2 as follows:**

“Note 2. A new name published for a taxon previously known under a misapplied name must always be the name of a new taxon and must therefore meet the requirements of Art. 32–45 for valid

publication of such names. This procedure is not the same as publishing a nomen novum for a validly published but illegitimate name (Art. 58.1), the type of which is necessarily the same as the replaced synonym (Art. 7.3)."

This is editorial, suggesting a more precise wording.

**(271) In Rec. 33A.1, Art. 46.2 and Art. 46.4, after "new combination", insert ", status novus, or".**

It is obviously the intent of the phrase "new combination or [a] nomen novum" to include status novus in these situations, which were presumably overlooked when "new generic name with a basionym" was added editorially to the *Vienna Code*.

**(272) In the first sentence of Art. 35.3 replace "A new name or combination" with "A name" and reword the second sentence as follows:**

"35.3. [...] If it is the name of a new taxon, it may serve as a basionym or replaced synonym for subsequent new combinations, status novi, or nomina nova in definite ranks."

This is editorial, the term definitions having been added to Art. 6, and suggests a more precise wording.

**(273) Reword the second sentence of Art. 48.1 and Art. 48 Note 1 as follows:**

"48.1. [...] Similarly, when an author who adopts a name refers to an apparent basionym or replaced synonym but explicitly excludes its type, the name of a new taxon is considered to have been published that must be attributed solely to that author. [...]"

"Note 1. Misapplication of a new combination, status novus, or nomen novum to a different taxon, but without explicit exclusion of the type of the basionym or replaced synonym, is dealt with under Art. 7.3–4."

This acknowledges that the situation described in Art. 48.1 (an apparent new combination but with the type excluded) could also be an apparent status novus or nomen novum with the type excluded. Also, "new name" in this context can only mean "name of a new taxon", so this more precise wording is proposed. See also Prop. 263, above.

**(274) Reword the first sentence of Art. 58.1 as follows and delete "as new," in the second sentence:**

"58.1. The final epithet in an illegitimate name may be re-used, either in a different combination at the same or a different rank or, if the name is of a subdivision of a genus, as a generic name, and an illegitimate generic name may be re-used as the epithet of the name of a subdivision of a genus, provided that the resulting name is not itself illegitimate. [...]"

This acknowledges that the names concerned are not necessarily combinations but could include generic names. "If available" and "if no other epithet is available from a name that has priority at that rank" are replaced with "provided that the resulting name is not itself illegitimate". The addition of "final" and "re-" are to increase precision, and the superfluous "as new" is deleted.

**(275) Delete Art. 33.8 (quoted here for reference):**

"33.8. On or after 1 January 1953, if an author claims to be publishing a new combination, new generic name with a basionym, or avowed substitute, but fails to provide the full information required under Art. 33.4, as qualified by Art. 33.5 and 33.7, the name is not validly published even though the author may have at the same time

provided other information that would have resulted in valid publication as the name of a new taxon."

This rule was introduced into the *Code* when the Vienna Congress passed a proposal by Zijlstra & Brummitt (in Taxon 53: 855. 2004; Prop. 227). Zijlstra and Brummitt discussed apparently hypothetical situations without citing any actual examples. An unforeseen consequence of the new Art. 33.8 was that an intended new combination for which the supposed basionym was not validly published can no longer serve as a convenient validation of that earlier name (albeit in a different combination). For example, a name may have been published with a Latin diagnosis but also with some flaw that prevented valid publication, e.g., no indication of type, or assignment to a genus the name of which was not validly published. An attempted new combination based on that earlier name, with a full and direct reference to it together with an indication of type, would, prior to the *Vienna Code*, have been validly published as the name of a new taxon. However, if the supposed basionym was not validly published, an author claiming to make a new combination will inevitably fail to "provide the full information required under Art. 33.4", i.e., a full and direct reference to the place of valid publication of the basionym, because such does not exist. Three examples from the Chinese vascular flora are "*Brassaiopsis moumingensis*" (C.B. Shang in J. Nanjing Inst. Forest. 1985(2): 16. 1985), an intended new combination based on "*Euaraliopsis moumingensis*" (Y.R. Ling in Acta Phytotax. Sin. 15(2): 84. 1977), "*Chimonobambusa communis*" (K.M. Lan, Fl. Guizhou. 5: 308. 1988), an intended new combination based on "*Qiongzhueta communis*" (Hsueh & T.P. Yi in Acta Bot. Yunnan. 2: 96. 1980), and "*Croton xiaopadou*" (H.S. Kiu in J. Trop. Subtrop. Bot. 6: 103. 1998), an intended new combination and status novus based on "*Croton tigilium* var. *xiaopadou*" (Y.T. Chang & S.Z. Huang in Wuyi Sci. J. 2: 23. 1982).

I am aware of only two cases of what Art. 33.8 was actually meant to prevent: "*Bolbidium*" [sic!] (Brieger in Orchideen (Schlechter) 1(11–12): 721. 1981), an intended status novus based on *Dendrobium* sect. *Bolbodium* Lindl. (Paxt. Fl. Gard. 1: 134, 136. 1850), and "*Rhodanthemum*" (B.H. Wilcox & al. in Bull. Nat. Hist. Mus. London, Bot. 23: 141. 1993), an intended status novus based on *Leucanthemum* sect. *Rhodanthemum* Vogt (in Ruizia 10: 234. 1991). In each case the author of the status novus provided a Latin description or diagnosis and an indication of the type but failed to provide a full reference to the validly published basionym. Both intended status novi were therefore validly published as the names of new taxa prior to the *Vienna Code*, but were invalidated when Art. 33.8 came into effect. In the case of *Rhodanthemum*, there are also twelve new combinations in the same article by Wilcox & al. (l.c.) and two subsequent names of new species ("*R. laouense*" in 1994 and "*R. kesticum*" in 2001; see <http://www.ipni.org>). *Rhodanthemum* and all the combinations under it were validated (of course unintentionally, because they were validly published at the time!) by Vogt (in Taxon 54: 479–483. 2005).

To my mind, Art. 33.8 serves no useful purpose, but instead does harm, so that nomenclatural stability would be best served by deleting this Article from the *Code*.

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