

(313–314) Proposals on neotypes, to add a new clause to Article 9.19 and a new paragraph to Recommendation 9B

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In situations where the protologue is ambiguous, Art. 9.13 of the *Melbourne Code* (McNeill & al. in *Regnum Veg.* 154. 2012) provides no limitations on the selection of a neotype:

“9.13. If no original material is extant or as long as it is missing, a neotype may be selected. [...]”

The only guidance is in Rec. 9B.1, which fails to mention the possibility that one may refrain from selecting a neotype:

“9B.1. In selecting a neotype, particular care and critical knowledge should be exercised because the reviewer usually has no guide except personal judgment as to what best fits the protologue; if this selection proves to be faulty it may result in further change.”

These rules are problematic for some older names. Names published before 1958 could be validly published without a type (Art. 40.1). Many such names were published with only a very brief and sometimes ambiguous description or diagnosis, sometimes as little as one sentence. As a result, the name might be applied to two (or more) different taxa. In other cases, the name might be applied to one taxon even though its description or diagnosis seems more applicable to another taxon. A new Recommendation is desirable, to urge that authors refrain from selecting a neotype if it is not clear which taxon is described in the protologue.

More problematic is that, if a neotype has been selected for such an ambiguously described taxon, it cannot generally be superseded, even if later evidence shows that the selection was incorrect:

“9.19. The author who first designates [...] a neotype in conformity with Art. 9.11–9.13 must be followed, but that choice is superseded if [...] it is in serious conflict with the protologue and another element is available that is not in conflict with the protologue [...]”

A neotype selected for a taxon with an ambiguous description or diagnosis will rarely be “in serious conflict” with the description or diagnosis. This is true even if other post-protologue evidence (such as correspondence, records, or other publications) makes it very unlikely that the neotype selected represents the correct taxon. Contrast these standards with a neotype selected pursuant to Art. 9.16 to replace a lost or destroyed holotype or lectotype if the remaining original material differs taxonomically from the lost or destroyed type. In that case, Art. 9.18 provides:

“9.18. A neotype selected under Art. 9.16 may be superseded if it can be shown to differ taxonomically from the holotype or lectotype that it replaced.”

Consistent with Art. 9.18, Art. 9.19 should permit a neotype to be superseded if it differs taxonomically from the taxon represented by the protologue. Accordingly, the following addition to Art. 9.19 and a new Recommendation are proposed.

(313) Add a new clause at the end of Art. 9.19 (new text in bold):

“9.19. The author who first designates (Art. 7.9 and 7.10) a lectotype or a neotype in conformity with Art. 9.11–9.13 must be

followed, but that choice is superseded if (a) the holotype or, in the case of a neotype, any of the original material is rediscovered; the choice may also be superseded if one can show that (b) it is in serious conflict with the protologue and another element is available that is not in conflict with the protologue, or that (c) it is contrary to Art. 9.14, **or that (d) in the case of a neotype it differs taxonomically from the taxon described in the protologue**

(taking into account all available evidence to determine such taxon)."

(314) Add a new paragraph to Rec. 9B:

"9B.2. Authors should refrain from designating a neotype if all available evidence cannot determine with reasonable certainty which taxon is described in the protologue."
