Appendix C: PROPOSALS ON SUPERFLUOUS NAMES

Report of the Committee on Superfluous Names

C. V. Morton (Chairman)

Historical Background

The question of the legitimacy or illegitimacy of superfluous names and the question of what kind of names ought to be considered superfluous was brought up before the nomenclature session of the Tenth International Botanical Congress in Edinburgh in 1964. The Congress authorized the appointment of an international committee to investigate the matter and to report to the next Congress. Such a committee was subsequently appointed, consisting of R. C. Rollins (Chairman), G. C. A. Ainsworth (Secretary), J. Dostal, C. V. Morton, Y. Prokhanov, and P. C. Silva. Rollins, Ainsworth, and Prokhanov declined the appointments. Nothing further was done until late January, 1968, when I was appointed Chairman-Secretary of the committee by F. A. Staffleu, Rapporteur-Général of Botanical Nomenclature with the approval of Robert Ross, Secretary of the General Committee. Three new members were co-opted — B. L. Burtt, M. Jacobs, and Rolf Singer.

It is generally stated that the concept of superfluous names goes back to de Candolle, who prepared his “Lois de la Nomenclature Botanique” (1867) in response to a request from the Congrès International de Botanique de Paris (1866). The article in question is Art. 60: “Chacun doit se refuser à admettre un nom dans les cas suivants: l”Quand ce nom est appliqué dans le règne végétal à un groupe nommé antérieurement d’un nom valable.” This merely authorizes the rejection of names of taxa for which there exists a prior valid name. This is not really our present conception, which deals with “superfluous” names, with types, and with legitimacy and illegitimacy. This concept remained unchanged in the Vienna and Brussels Codes. At the Cambridge Congress of 1930 the concept of “superfluous names” came into existence by the rule that a name is superfluous when there is already a valid name in existence for the group to which it was applied, with its particular circumscription, position and rank. There was still no mention of types, which came as a result of the Amsterdam Congress of 1935; the rule then read that a name is illegitimate “if it was nomenclaturally superfluous when published, i.e., if the group to which it was applied, as circumscribed by the author, included the type of a name which the author ought to have adopted under one or more of the Rules.” For the benefit of those who do not have a copy of the current 1966 edition of the Code I give the present wording of Art. 63, on which the following discussions will be based:

“A name is illegitimate and must be rejected if it was nomenclaturally superfluous when published, i.e., if the taxon to which it was applied, as circumscribed by the author, included the type of a name or epithet which ought to have been adopted under the rules.

“Note. The inclusion of a type (see Art. 7) is here understood to mean the citation of a type specimen, the citation of the illustration of a type specimen, the citation of the type of a name, or the citation of the name itself unless the type is at the same time excluded.”

As may be seen, the present rule does not differ essentially from the rule as modified at Amsterdam except by the addition of the “Note,” which appears only in the latest edition.

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Closely connected with this rule is Art. 7, Note 4, Paragraph 3, which reads: "A name or epithet which was nomenclaturally superfluous when published (see Art. 63) is automatically typified by the type of the name or epithet which ought to have been adopted under the rules, unless the author of the superfluous name or epithet has indicated a definite type." This Note was adopted by the Montreal Congress of 1959. It was proposed by J. Lanjouw, then the Rapporteur-Général.

The first criticism of this concept of superfluous names came from C. X. Furtado (Gard. Bull. Str. Settl. 12: 327. 1939), a botanist who had many good ideas on nomenclature, along with some impractical ones, but whose method of expression was unclear and left much to be desired. For this reason his proposals received scant consideration. He proposed that Article 63 (then Art. 60) be deleted and replaced by a new Art. 51A: "If a new name (nomen novum) has been instated by citation of a valid synonym, and by a new description, and no holotype has been indicated, all the syntypes of the description shall be included in the typification of the new name. If no new description was given, then the isonym shall be typified on the basynym." (l.c. 372). This is essentially a typification on the basis of the whole protologue and not solely on the basis of a cited synonym. It is to be observed that this applied to new names, that is to cases where the author really did consider the cited synonym as a true part of his concept. It is also to be noted that this makes no mention of legitimacy or illegitimacy and does not use the word "superfluous" at all; it is thus dealing merely with the matter of typification of possibly superfluous names. Presumably, Furtado would have regarded new taxa (new genera) or new species similarly, as typifiable on the whole protologue.

Just before the Edinburgh Congress, there were several proposals made regarding Article 63. One of the fundamentals of Art. 63 is that for a new name or epithet to be superfluous it must have included the type of the name or epithet that ought to have been adopted. Rolla M. Tryon, Jr. discussed (Taxon 11: 116–120. 1962) some of the ways in which a type may be considered to have been included, a matter not specifically treated in the rule. He proposed to modify the article as follows: "A name is illegitimate and must be rejected if it was nomenclaturally superfluous when published, i.e., if the taxon to which it was applied, as circumscribed by its author, included the type of a name and that name or its epithet ought to have been adopted under the rules. A taxon is considered to include the type of another name if its circumscription directly and unequivocally includes: a) the type, or an illustration of it, or a reference to an illustration of it, or b) a name, in a manner that does not exclude its type, or c) the original description of a name."

Tryon also proposed to delete from Art. 7, Note 4, Paragraph 3, the clause "unless the author of the superfluous name or epithet has indicated a definite type." He argued that when authors proposed new taxa with designated types but also with cited synonyms that these designated holotypes ought to be disregarded and the names typified automatically on the basis of the cited synonyms.

Another proposal was made by Weresub and Hennebert (Taxon 12: 218–228. 1963) to modify Art. 63 as follows: "A name is illegitimate and must be rejected if it is nomenclaturally superfluous, i.e., if, at the time of valid publication, it is typified by the type of another name or epithet which ought to have been adopted under the rules. It may be so typified because (1) holotypified by that type, or (2) untypified but applied by its author to a taxon in which he included the type of an earlier legitimate and available name (see Art. 7, Note 4). Including a type is here understood as citing a type specimen or the name of a type taxon or the earlier name itself, unless the use of the name is at the same time qualified to exclude the type
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whether explicitly or by some other act which clearly constitutes a voluntary rejec-
tion of the type."

A third proposal to modify Art. 63 was made by Donk (Taxon 12: 329. 1963) by
phrasing it as follows: "A legitimate name must be rejected as incorrect when it is
nomenclaturally superfluous, i.e., if it was applied to a taxon for which an earlier
legitimate name is available (see Art. 11)." The intent is to render superfluous names
legitimate and merely incorrect, and thus available for future use if the occasion
should arise. The intent also is to restrict the category of superfluous names to in-
tentional renamings only, inferentially based on the same type.

These proposals regarding superfluous names were brought up at the Edinburgh
Congress and an ad hoc committee consisting of R. Ross, S. T. Blake, M. A. Donk, F.
R. Fosberg, R. E. Holttum, H. W. Rickett, and R. M. Tryon was appointed to report
on these matters. This report has been published in the general report of the Nomen-
clature Section (Regn. Veg. 44: 52–54. 1966). The committee could not agree on
any proposal; the arguments in favor of and against the proposals of Tryon, Weresub
and Hennebert, and Donk were presented, with the course of action outlined in case
the Congress should vote in favor of any of these proposals. After a good deal of
discussion, printed in some detail in the report on nomenclature mentioned above,
the Congress voted on the committee recommendation 1 (l.c. p. 54) to maintain the
present position in principle. This was carried by a large majority (l.c. 57). The
Congress then adopted Prop. 1 i (l.c. 54), which is the text of the present "Note."
These votes were taken by a show of hands. Dr. Papenfuss proposed that a new
international committee be appointed to investigate Prop. 1 ii (l.c. 54) concerning
the possible influence of lectotypes in making names superfluous. It was agreed to
appoint such a committee. This committee was also charged with investigating ques-
tions regarding Prop. 1 iii, regarding the wording of Art. 7, Note 4, Paragraph 3.
The question of whether this committee would be restricted to these specific questions
or if it would start anew was raised by Mr. Ross. The final vote was as stated by
R. C. Rollins, the Chairman of the session, for the committee "to come up to the
next Congress with some kind of proposal," which left the way open to bring up
any kind of change thought desirable.

The discussions of our committee have revealed differences between the committee
members about superfluous names and indeed about the whole approach to the Code
of Nomenclature, differences so basic that it is impossible to write a joint committee
report with recommended proposals. The opinions vary from wishing to leave the
text of Art. 63, the one dealing with superfluous names in the 1966 edition of the
Code, unchanged, from modifying it slightly or greatly, or deleting it entirely. There-
fore necessarily the report will be given in sections. I present the opinions and
proposals of the committee members in alphabetical order and we thus put the whole
question up to the Seattle Congress for a decision.

Arguments and proposals by B. L. Burtt

The briefing of the Committee on Superfluous Names set up in Edinburgh in 1964
(operative from February 1968) was indeed brief: in the words of the president of
the Section of Nomenclature (R. C. Rollins) "The charge would be to solve the
difficulty".

Much over-simplified, the position disclosed at the 1964 Congress was that some
botanists had never stringently applied the provisions dealing with the illegitimacy
of superfluous names (Art. 63) and, thinking the provisions bad, did not want to
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start: others, having conscientiously applied the Code for many years were unwilling to cast aside the framework of stable nomenclature that had been built up.

There are good arguments in favour of the view that a Code of Nomenclature never needed a category of illegitimate names. A name should be correct or incorrect and that is sufficient.

On the other hand past Congresses have again turned down proposals from foresters and others who pleaded for an enforced stability in the names of important plants. Congresses have, in fact, said "we are making steady progress towards stability". It would be breaking faith with these applied botanists and with the taxonomists who have worked towards stability under the current Code if it were suddenly and fundamentally changed in such a way that their work had to be done all over again.

The difficulty caused by this conflict is not to be solved either by keeping the Code exactly as it is or by the abolition of illegitimacy. The next Congress can, at will, vote in favour of one or other of these extremes, but that would be a decision — not a solution.

The plan put forward in proposition I is believed to be a solution; whether acceptable to Congress or not remains to be seen. Work already done is safeguarded (albeit at the cost of the tiresome compilation of a list of nomina specifica conservanda). However, the simplification of the Code resulting from the removal of the principle of illegitimacy should be regarded as a considerable gain on the credit side of the operation. Such simplification is very necessary because the activities of this Committee have revealed quite amazing divergencies in the interpretation of the Code as it now stands. With the increasing spread of taxonomic work over the world, and the difficulty of obtaining "authoritative" rulings, this is a matter for genuine concern.

The most effective arguments in favour of proposition I have already been given by participants in the discussions at Edinburgh and in Taxon. For this proposition is no more than the resultant of the opposing forces: jointly they provide its justification.

Although previous Congresses have rejected the conservation of specific names in principle, it is hoped that its proposal now for a strictly limited purpose will be judged on purely practical grounds. The formation of a list of nomina specifica conservanda is going to entail a lot of work. It is recommended that conservation be effected by submission to a Committee who would accept, or reject, and prepare lists for publication. Prior publication of each case in Taxon should not be required. The work would be greatly helped if each of the major institutions undertook to go through its own publications for cases warranting conservation.

In considering the technical amendments needed to give effect to this proposition, if adopted, it has been considered desirable to rid the Code of the word "illegitimate" throughout. It is proposed to replace it by some other term as appropriate in each particular context.

Controversy will still presumably centre around the typification of names that were superfluous when published. If guidance on this point is thought necessary it should be added to the Guide for the determination of Types. The deletion of Art. 7 note 4 para. 3 is proposed. Clearly the abolition of illegitimacy is pointless if all the names concerned are automatically typified in this way. There seems nothing to prevent the lectotype being chosen according to the evidence of the protologue: it should be that element which was central to the author's working concept.

An example may be taken from Swartz's Prodromus, a work generally accepted as being based on his own collections. A number of Swartz's names are illegitimate under the current Code, because they included as synonyms earlier names published
by Aublet. For one of these, Myrtus fragrans Sw. Prodr. 79 (1788), McVaugh has argued that Swartz’s addition of a question mark to the Aublet synonym when he published his Flora twelve years later (Fl. Ind. Occ. 2: 914. 1800) indicates that he was, in fact, never really sure of the identity and intended the synonym, even in the Prodrumus, to be read as a comparison rather than a firm determination (McVaugh in Fieldiana, Botany, 29: 486. 1963). Twelve years, however, gave plenty of time for Swartz to change his views, as other differences between the two works show. Nevertheless this change adds considerable strength to the argument that the proper lectotype of Myrtus fragrans is Swartz’s own specimen, not Aublet’s specimen of Eugenia montana.

Proposition II, put forward as an alternative for debate if proposition I be rejected, is not a solution of the difficulty. It was intended as an amelioration of the harshness of Art. 63, permitting the same name or epithet (in its original combination) to be legitimized at a later date if no other prior name or epithet were available.

This proposition (and the discussion that follows) rests squarely on the foundation that the present position is correctly summarized in the first paragraph of the Edinburgh ad hoc Committee’s report (see Regnum Vegetabile, 44: 52. 1966). It is necessary to state this because the ad hoc Committee were more successful in agreeing on this interpretation of the Code than the present committee has been.

Proposition II would thus provide only some slight relaxation of the Code and it was intended to withdraw it if comment indicated that its beneficial effect would be too small to justify the changes involved.

It has become necessary to put it forward for debate, if illegitimacy is to be retained at all, simply because some botanists hold the view that the course advocated is already permissible.

The argument here rests on the interpretation of Art. 64. It is agreed that homonyms are based, by definition, on different types. The orthodox view (as I think) holds that the later use of an illegitimate name without change of type does not create a new name: It is still the identical name and is still identically illegitimate. The contrary opinion is that as the re-use of the illegitimate name with the same type does not create a later homonym under Art. 64, it is therefore permissible. This point should be ventilated and made quite clear. Debate on proposition II will do that.

The need to exempt the higher ranks from Art. 63 may be shown by two examples. Airy Shaw (in Kew Bull. 18: 256. 1965) has made a new family Cleomaceae and at the same time proposed the name for conservation as Cleomaceae had previously been used illegitimately for Capparidaceae. It was pointed out (Taxon 15: 107. 1966) that a taxonomic situation could well arise in Scrophulariaceae where the tribal name Rehmanniaceae might be needed for a monotypic tribe based on Rehmannia. Unfortunately Rouy (Rev. Gén. Bot. 21: 203. 1909) has already used Rehmanniaceae illegitimately for a tribe including Digitalis and earlier named Digitaleae.

Proposition II also requires the deletion of Art. 7 Note 4 para. 3 if it is to be effective and arguments about this have been presented above. Discussion of this Note in Committee has been difficult through lack of agreement on its effect. The orthodox view (again as I think) is that its last sentence, dealing with cases where a definite type is indicated, is effective in typification but has no effect on superfluity under Art. 63. The contrary view is that it excludes those names (i.e. the heterotypic synonyms) from Art. 63. Whichever is intended, this is the wrong place to say it. The view here styled “orthodox” is therefore proposed as an additional note to Art. 63 (proposal 4a) and a decision on this will clarify the position beyond argument.

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It needs to be stressed that even minimal clarification of the present Code requires increasing complexity. The relatively minor relaxation of the rules on the illegitimacy of superfluous names (proposition II) would lead to quite a considerable increase. Understanding of the present Code is much less widespread, much less deep and much less uniform than might be expected. Those who argue that if we are to attain uniformity of nomenclature we must simplify the Code have a very strong case. (Anyone who doubts this should be nominated to a Nomenclature Committee forthwith). Proposition I does simplify now and, with the closing of the list of Nomina specifica conservanda, will do so even more in ten years time.

Proposal A, by B. L. Burtt (= proposition I, for debate)

“That the whole concept of illegitimacy be deleted from the Code. Names and epithets now ranking as illegitimate will be deemed incorrect unless a change of circumstances renders them the correct name to use. In order to avoid disadvantageous changes in specific names that have been carefully established under the current Code, a list of Nomina specifica conservanda will be opened for such names as hold their status of correctness through the rejection of names currently ranked as illegitimate. This list will remain open for ten years only and no other names than those fulfilling the above requirements will be admitted. When Nomina specifica conservanda have no type specimens neotypes will be designated at the time of conservation.”

If this proposition is passed by Congress it is suggested that the following changes in the Code will be required to give effect to it.

Technical proposals:

1. Art. 6.
   (a) Amend definition as follows:
   “A legitimate name or epithet is one that has been validly published and is not in a form proscribed as inadmissible elsewhere in the Code (e.g. under Arts. 20, 23, 24).”
   (b) Delete line 4 (“an illegitimate name . . . .”)
   (c) In definition of “The correct name” delete the word “legitimate”.
   (d) Note 1: delete “whether it is legitimate or illegitimate”.

2. Art. 7, Note 4: delete para. 3.
3. Art. 18, note 1: delete
4. Art. 24, note: for “illegitimate” read “inadmissible”.
5. Rec. 50c: for “illegitimate” read “rejected”.
6. Art. 57, in Examples 7 lines from end: for “illegitimate” read “later”.
7. Art. 59, end of 3rd paragraph: for “illegitimate” read “inadmissible”.
8. Art. 63: delete
9. Art. 64, line 1: delete “is illegitimate and”; lines 3–4: delete “is illegitimate, or”
10. Art. 65, line 1: delete “is illegitimate and”
11. Art. 66: delete
12. Art. 67: delete
13. Art. 68: delete
14. Art. 72: delete
15. Art. 72A: delete
10. Add New Article: “In order to avoid disadvantageous changes in specific names that have been established as correct under the Code existing up till 1969, a list of Nomina Specifica Conservanda shall be opened for a period of 10 years from January 1st, 1970. Only those names that held their position of correctness through the rejection of names then ranked as illegitimate shall be eligible for inclusion. Note 1. The application of these conserved names will be by types (neotypes being designated if necessary).
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Note 2. The names previously ranked as illegitimate and now rejected shall be listed as *nomina specifica reiectienda* and the conserved names shall be conserved against these names only".
[Note on above proposals 1–15. Owing to the short time available the detailed proposals have not been subjected to tests as stringent as is desirable. They are put forward with the proviso that some revision may be necessary.]
For: Jacobs, Silva; Against: Morton, Singer.

*Proposal B, by B. L. Burtt (= proposition II, for debate)*

"The present application of the principle of illegitimate names under the Code shall be modified in two ways (1) by its restriction to the two basic ranks, genera and species (2) by permitting the Superfluous, and therefore illegitimate, name or epithet to be re-adopted from a later date with the same type if no intervening legitimate name or epithet be available. In order that this relaxation may have maximum effect the automatic typification of Superfluous names (Art. 7, Note 4) shall be abandoned."

If this proposition were accepted the following changes in the Code would be necessary; this list also includes certain proposals (Nos. 1 & 4a) whose debate, and adoption or rejection, is necessary (even if the general proposition to relax the application of Art. 63 is rejected) in order to clarify the working of the Code about which there are evidently many variations of opinion.

*Technical proposals:*
1. Art. 7, Note 4, Paragraph 3, delete
2. New Article 19A.
   "Where names of families, subfamilies, tribes and subtribes are prescribed a particular form (Art. 18 & 19) the fact that the required names have already been proposed in an illegitimate sense shall not prevent their adoption. Their earlier use shall be deemed incorrect and they shall rank from the date when first published."
3. New Article 21A. "Where the name of a subdivision of a genus is Superfluous when first proposed (Art. 63) it shall be deemed incorrect at that time, but be available for adoption later with a change of circumscription (but not of type), if required."
4. Art. 63
   (a) New Note: "A name may be superfluous, and therefore illegitimate, in the sense of this Article even if it does not have the same type as the earlier legitimate name."
   (b) New Note: "The application of this rule to ranks from family down to, but excluding the genus and to subdivisions of genera is limited by Art. 19A and 21A; its application to genera and species is limited by Art. 63A."
5. New Article 63A. "After 1st January, 1970, when a taxon has to be given a new name or epithet because its original one was superfluous under Art. 63, the same name or epithet may be used again providing it is based on the same lectotype and providing no earlier name or epithet (whether based on the same or a different type) is available for the taxon concerned. The re-used name or epithet carries priority only from this legitimate use and is to be attributed to the author there responsible."
   "Note. The re-use of the name or epithet is to be clearly and categorically proposed: it is not to be credited to an author who merely continued the use of an illegitimate name after 1st January 1970. The original author of the name or epithet may be cited in square brackets [ ] if so desired, to indicate continuity of concept."

*Against: Jacobs, Morton, Silva, Singer.*

* This, and its consequent technical proposals, would be withdrawn if Proposition I is accepted by the Congress.
Proposal C, by Burtt, Jacobs, Silva [conditional, Singer conditional].

Art. 7, Note 4, Paragraph 3. Delete.
Against: Morton, Silva [conditional].

Proposal C bis, by Burtt

To be accepted or rejected as a unit:
1. adopt proposal C [to delete Art. 7, Note 4, Paragraph 3]
2. adopt proposal O [by Silva, to reword Art. 63]
3. adopt proposal A 16 [list of nomina specifica conservanda for 10 years, see above]
Against: Morton; other votes unknown at date of printing.

Necessary Words on Superfluous Names by M. Jacobs

A. Working of the present Code

"Superfluous" is a name that, when proposed, unjustly superseded another. It should never have been proposed, but it is there. What to do about it? Take Art. 63 of the Code, which determines the fate of such names, and Art. 7 Note 4, paragraph 3, which determines their typification. There the simplicity ends, as will be seen from the following analysis, which may serve as a basis for discussion and for improvement of the Code.

To begin with, the concept "superfluous" has in the Code a twofold meaning, so that — for the time being — a distribution can be made between two categories.

Category 1 contains the homotypic superfluous names: a name based on the same type as the one that it unjustly superseded. In this category come the mere changes proposed for existing names for no apparent reason, the "paper" name changes. These would, of course, be ruled out by Art. 11, the priority rule, even if Art. 63 did not exist. What Art. 63 does to these names is making them not only incorrect as does Art. 11, but making them, moreover, illegitimate and hence unavailable for further nomenclatural use. It is, however, not against this treatment of this category by the Code that objections against the rule on superfluous names were aimed.

Category 2 contains the non-homotypic superfluous names. Under these, other material and of different identity was cited than there originally was under the correct name in synonymy. It is the application of Art. 65 and of Art. 7, Note 4, Paragraph 3, to this Category that has caused many problems and great uncertainty. These stem, in our opinion, from the fact that two different ways of nomenclatural thinking in Art. 63 converge. In the one way of thinking, a name is regarded as belonging to a taxon as circumscribed by its author. This formula also occurs in Art. 63, which for good order is here quoted: "A name is illegitimate and must be rejected if it was nomenclaturally superfluous when published, i.e. if the taxon to which it was applied, as circumscribed by its author, included the type of a name or epithet which ought to have been adopted under the rules." (The notes, which have little bearing to this exposé, have been omitted.) According to this way of thinking, the second, superfluous name is connected with and applies to all the elements cited under it altogether, in this case at least: the first correct name cited in synonymy, together with its type specimen, and the other materials, at any rate a second specimen, which the author of the second name cited.

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In this view, a second name was proposed for a taxon which already had a correct first name, hence the second name must be rejected.

In the other way of thinking, a name is regarded as belonging only to a type. This way is also reflected in the Code; it is, in fact, the keystone of the type method on which the present Code is based. But this has not always been so. Originally, nomenclature was based on the first way of thinking, the ‘circumscription-method.’ The idea that a name should be attached not to a taxon, i.e. a complex of various elements as circumscribed by an author, but to one of these elements only, notably the type, was not incorporated into the Code till 1930. After a long period of controversy and deliberation, the Code was in that year essentially reformed by the abandonment of the circumscription method in favour of the type method.

If viewed in the light of the type method, different aspects of the matter appear. The taxon ‘as circumscribed by its author’ then falls apart into several elements, viz. a first, correct name with its type specimen, a second, superfluous name, and a second specimen. (There is also the description, based on these taxonomically different specimens, but this does not need to concern us here.) In general, the second specimen is the one examined by the second author, to whom the first specimen was mostly not available but which he suspected to be conspecific. In a taxon with a superfluous name there is, therefore, beside a name with its type, also a name (the second one) without a type, and a second specimen which potentially could be designated as the type of this second name. In order to achieve this, a later act of typification would have to be made, through which the second name would be validated (with the description of the above taxon ‘pro parte’), and could, thus having been made nomenclaturally available, begin an existence of its own, independent from the first name with its type. The second name would then have been ‘saved’. Condition to this is, that it be disconnected from the taxon as a whole (as circumscribed by the second author), but this would be contrary to the circumscription method. It is, however, in accordance with the type method, the prevailing one; its application as just described can be called ‘fair typification’. ‘Fair typification’ is, however, but one possibility out of two. The other way to typify the second name is by not taking the second specimen as the type, but the first. Which way to follow is not indicated in Art. 63, but in Art. 7 Note 4 par. 3, here quoted: “A name or epithet which was nomenclaturally superfluous when published (see Art. 63) is automatically typified by the type of the name or epithet which ought to have been adopted under the rules, unless the author of the superfluous name or epithet has indicated a definite type.” This paragraph is of far more recent date than the Article. It was proposed in Taxon 7: 258 (1958), without a specific argument, and without the clause “unless...”, which was added by the Rapporteur. Both were adopted at Montreal and came into effect in 1961.

Thanks to Art. 7 Note 4 par. 3, an act of typification is not necessary. The second name, although well known not to represent the same as the first name (if it did, the case would fall into Category 1), is declared homotypic with the first name, and has to be rejected accordingly. This means that the second name is ‘killed’, except in the (rare) cases that its author indicated a definite type. The position is thus. Names that potentially could be saved with the aid of the type method through fair typification, must now be killed with the aid of that same type method, in order to save a remnant of the circumscription method. The circumscription method as a whole was abandoned in 1930, the remnant is the formula in Art. 63, already quoted.

But how can the type method be used in two different ways? First, it can be used in careful application, each case being considered on the merits of all the data in-
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volved, in accordance with the Guide for the Determination of Types in the Code. This is the common way, and is called the way of 'fair typification'. Second, the type method can be used automatically, by merely applying a rule wholesale, regardless of the merits of the data of each individual case. The Code is strongly opposed to such 'automatic typification' as can be seen from point 4 in the Guide. Nonetheless, this is the way how Art. 7 Note 4 par. 3 works. In view of this paraphrasm, there are two names and one type. This cannot be denied; the second specimen is not actually, but merely potentially, a type. Now, in order that no names shall exist without a type, the second name is attached to the first specimen, besides, of course, the first name. The effect is that all cases of our Category 2 (where the problems are) could automatically be regarded as to belong to Category 1 (where, by common consent, no problems exist). Nevertheless the fact remains that, just because the second specimen is not conspecific with the first, the second name is purposely attached to the first specimen. Hence the term 'forced typification' which is, however, not quite accurate. Forced typification takes place because of taxonomic difference between the first and the second specimen. ' Forced mistypification' is the proper term.

If this was the alternative to fair typification, the latter so well-known and obviously to be preferred, why was fair typification then not adopted? It was not, because the Code did not provide the adequate means. In the above, we lightheartedly supposed that, once a name had been validated by typification, it would thereby also become nomenclaturally available, notably for consideration in questions about priority. This was overoptimistic. In fact, validity does not imply availability and availability does not imply legitimacy. Under the Code as it is, a name can be valid and yet can make no claim to priority. This somewhat paradoxical situation was already perceived by Furtado in 1939 (Gard. Bull. 11: 1–4; also Taxon 9: 147 1960).

'Paradoxical' is an understatement. The problems relating to legitimacy of names are so complex and so manifold, that they were not fully exposed until 1963, by Donk, in Taxon 12: 309. From his paper, concise and lucid as it is, after an intensive study the problems concerning legitimacy can be indeed understood in their amazing complexity.

If we confine our considerations to Art. 63, the matter is, however, plain. It is Art. 63 itself that blocks the way towards legitimacy of a valid name if it is superfluous. The text reads: "A name is illegitimate and must be rejected ...". The word illegitimate is the barrier. However well typified, the superfluous name is illegitimate and remains so.

Let us summarize. Two meanings of the word superfluous, hence two Categories of superfluous names. One Category found its origin in a belated clash between the circumscription method and the type method. Two ways of applying the type method, of which the least commonly understood one was chosen. Two meanings of 'in accordance with the rules'. Thus four sorts of ambiguity now affect the application of the Code with regard to superfluous names. First, an ambiguity of concept: homotypic and non-homotypic names. Second, an ambiguity in basic nomenclatural thinking: circumscription method vs. type method. Third, an ambiguity in application of the type method: fair typification vs. forced mistypification, necessitated by a fourth ambiguity: that a name typified in accordance with the spirit of the rules cannot become legitimate, that is, cannot be brought in accordance with the same rules.

Among the four sorts of ambiguity, two anachronisms. The first is the remnant of circumscription method that is otherwise obsolete; this has already been pointed out. The other is the practice of forced, automatic typification. This was advocated in
the unofficial American Code of 1904, but was not admitted in the reformed Code in 1930, and still is contrary to the spirit of the present Code.

And now we have throughout imagined the simplest possible case. When it comes to practice, all sorts of additional complications may and do turn up. All the same, some aspects of the problem have already been clarified by the above considerations. First, they explain why some taxonomists do not see any problems at all. These are in all probability the ones whose thinking was, long ago, shaped by a circumscription method which they did not completely jettison. To them, if a taxon has already a name, the second name is to be rejected. Second, they explain why there was a confusion with regard to the question how the type method was to be applied. Before the introduction of the Note, nobody knew for sure. Those who wanted fair typification got themselves entangled in the problems of legitimacy. Something had to be done about it, but preferably without crossing this marsh. Then the Note was introduced. Third, the above considerations explain why the confusion has persisted till the present day. The type method was here applied in a way contrary to the spirit of the Code, in such a singular way, in fact, that taxonomists did not well understand what was required of them. And the legitimacy marsh was, before 1963, not even thoroughly explored; still, it has not been drained. This explains why the proposal to introduce the Note (Taxon 7: 258. 1958) was not supported by arguments. The problem was: how to typify superfluous names? Fair typification would have led to the necessity of finding a way to make valid names available for legitimacy. So badly known were, by then, the hazards to be expected on this way, that nobody risked a step into the marsh that went further than the two Notes to Art. 63, proposed at the same time. Of course, this could not be said aloud. Forced mistypification, proposed without explanation, was the only way out.

The reader may ask about the Notes to Art. 63. The first Note: “The inclusion of a type (see Art. 7) is here understood to mean the citation of a type specimen, the citation of the illustration of a type specimen, the citation of the type of a name, or the citation of the name itself unless the type is at the same time excluded.” This compels a worker who proposes a new taxon to make an investigation whether it would include any type materials of a taxon earlier proposed, if he wants to avoid the danger that the name is superfluous. This would require study of almost monographic profundity — there is nothing wrong with that — but it would make work at a generic level in the thallophyta well-nigh impossible.

The second Note to Art. 63 reflects a confusion. The text: “A nomenclaturally superfluous new combination is not illegitimate if the epithet of its basionym is legitimate. When published it is incorrect, but it may become correct later.” If such a name is not illegitimate, it is hard to see how it can be nomenclaturally superfluous, and how the word ‘incorrect’ which relates to a taxonomic circumscription, can here be applied in a case where only the generic identity of the type material matters. Apparently the intention of the Note was limitation of the damage from a consistent application of Art. 63. Thus it now seems possible that an illegitimate superfluous name must be replaced by a legitimate superfluous combination.

Two efforts have been made to take away the barrier for valid names towards legitimacy. The first was made in 1949 by Furtado (Gard. Bull. 12: 327, 375), who wanted the article on superfluous names (the then Art. 60) to be deleted. The second effort was made in 1964 by Donk (Regnum Veget. 30: 45), after his study on the subject of legitimacy. Donk advocated that a superfluous name be not declared ‘illegitimate’ but ‘incorrect’; this would leave the name, if typified, nomenclaturally available. Both proposals failed. Why did they? It cannot be said for certain. But
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we may suppose that they failed because both authors simply had forwarded too many proposals.

B. Practical aspects

The complexity of the problem has convincingly manifested itself in the course of the activities of the Committee Ad Hoc On Superfluous Names, when controversial interpretations were given by recognized experts, of several of the cases that came up in correspondence with a considerable number of botanists. A number of proposals have been suggested, but most of them deal with a mere aspect of the problem, leaving other aspects out of consideration. Since it would not do to make a decision or cast a vote without weighing these aspects, a brief examination of them is here in order.

1. There is no unanimity to how long the rule on superfluous names is in operation. The rule came into effect in 1935; claims that botanists have already been working much longer along these lines seem hard to substantiate. It remained an open question what was meant by ‘illegitimate’, i.e. to how far superfluous names were nevertheless available, and how these names were to be typified, until the Stockholm Congress took some decisions which came into effect in 1952, and which gave the rule its present rigidity. Although during a certain period name changes have been made on account of illegitimacy (however that word is understood), the length of that period should not be exaggerated.

2. The number of name alterations made on account of Art. 63 is impossible to estimate with accuracy. There is a feeling that in vascular plants the total number of cases may amount to several hundreds, part of which have been dealt with. Among mycologists there is a feeling that in the fungi the total number of cases is far greater, and may amount to several thousands.

3. In vascular plants, the problems are chiefly at the level of species, and typification has been for a good deal completed. In fungi, it is feared that many generic names will be affected by the rule, which would require the creation of many new combinations. Systematic typification of fungus genera was begun only in recent times. For this reason, many mycologists have been very hesitant to apply the present Art. 63, even so much, that progress of nomenclatural work in mycology suffers because of this reluctance to follow the present Art. 63, in view of the large-scale onslaught of names that would result from its application.

Although it is plain that the problems are very different at the various hierarchic levels, it is equally plain that a different ruling for different levels would result in great complications, particularly when names were to be changed in rank.

4. It would, however, be self-deceptive to suppose that the defects of the rule could be overcome by a limited or ‘lenient’ application of it. By suggesting that a rule should be partly applied, it ceases to be a rule, and can be applied at will. Any proposal, therefore, should be intended and accepted for wholesale unequivocal application.

If provisions were made to abolish the present rule but not retroactively, in order to save name alterations already made after 1935, this would result in the delimitation of a period exempt from the principle of retroactivity, an unprecedented fact, and one very difficult to observe after a few decades.

5. It would be most unfortunate if an exception for the thallophyta was made. If, for instance, mycologists for a number of reasons would contemplate to organize
international congresses of their own, this might lead to the adoption of certain separate rules in order to facilitate the nomenclature of fungi. One needs not think of Committee members acting under the pressure of mycologists, to appreciate nevertheless the point that if a rule could be decided on, which is equally valid for all groups of plants, this would serve as a linking point rather than as a breaking point between factions of specialists.

6. The way, certainly open to botanists dealing with groups in which superfluity of many generic names is a great problem, to have established names conserved, seems to be circuitous if it is realized under obligation to go through the very considerable amounts of work required for the study and writing of the proposals, the time of waiting, and the risk of failure, all for the sake of a limited number of phanerogam species names to be preserved. This would be another potential breaking point in the nomenclatural unity between cormophyta and thallophyta.

7. If the rules on superfluous names are not essentially changed, in order to save the name changes that already have been made on account of them, it will anyway be necessary to introduce portions of text which make the present rules better understood. At present, as has been shown above, Art. 7 Note 4 par. 3 and Art. 63 contain a number of inconsistencies which lie concealed in one and the same text. Either these inconsistencies should be made explicit and provisions be made for each of them, with as a result an increase of difficulties in using the Code, or the controversial portions should be removed.

If the present ambiguities and anachronisms would be made explicit and preserved in the Code, patchwork would be sewn on patchwork, and people know it. Although many botanists have been ready to admit that they would flatly oppose the introduction of Art. 63 if it were newly proposed, they have also a firm respect for the past, including the errors of the past, saying that 'we now have to live with it.' This is choosing for stability of names rather than for stability of the Code, while overlooking the fact that a younger generation will have to live with it longer.

With the present contradictions as to the interpretations of the Code in many cases of superfluity, it is by no means evident how stability in the rule could be achieved. Its ambiguities could be made more explicit, but fixing their limits remains a matter of decision. What the consequences of certain decisions would be for the nomenclature in thallophyta, cannot be predicted.

8. Only one aim is worth more than stability in nomenclature, and that is stability in the laws governing nomenclature. The present rules about superfluous names are, owing to their innate ambiguities, a source of instability. That the present Code is complicated, so complicated that commentaries, examples, and now even an annotated glossary are necessary to understand its workings, while more and more ordinary botanists turn to specialists for advice, found its origin in the habit to choose for a stability of names instead of for stability of the Code.

But that it has been done so often, does not put us under obligation to continue on this uncertain course.

9. Simplicity and consistency of the Code has a particular importance in an age in which we hope that in tropical countries, where perhaps the future of botany lies, and where fascinating discoveries are to be made aplenty, young botanists native to these countries will take interest. The more complicated the Code grows, the less is the chance that it will be used and properly interpreted. If botany is to make satisfactory progress in the tropics, where with modest means an enormous wealth of
plants is to be investigated, nothing good is to be expected from a Code which cannot, or only wrongly, be interpreted.

10. If the errors made in the past are to be corrected, this will require a certain cost in name changes, mainly of species of vascular plants, that have to be undone. If the advantage is worth the cost shall be decided by the Congress. If the present proposals are ever to be accepted, then the sooner the better. Several Botanic Congresses have wrestled with the problem, and a solution that could end it once and for all, would be no less than a blessing. Moreover, now that many of the botanists who made name changes on the strength of Art. 63 are still alive, this would be the best time to undo, with their cooperation, such name changes as were made because of a rule which nobody to-day would newly propose.

C. Proposals

Summarizing, we state that stability with regard to superfluous names has not been achieved because

a. Art. 7 Note 4 paragraph 3 is contrary to the spirit of the Code as far as it advocates automatic typification.

b. the word 'illegitimate' in Art. 63 blocks the way of (potentially) valid names towards legitimacy, thus rendering fair typification of superfluous non-homotypic names useless and necessitates useless creation of names.

c. the pertaining rules have been very little applied in mycology, where their application would greatly upset current nomenclature.

Stability through consistency in the Code with regard to so-called superfluous names can be achieved if the following proposals are adopted:

Delete Art. 7 Note 4 paragraph 3 (see Proposal C).

Proposal D, by M. Jacobs

Art. 63 to read: "A name must be regarded as merely not correct if it was applied to a taxon for which an earlier legitimate name is available."

Delete the Notes.

Examples and/or an explanatory Note to be added by the Editorial Committee.

The word 'superfluous' has been avoided because of its ambiguous meaning. The word 'incorrect' has been avoided because there is no definition for it in the Code, while for the word 'correct' there is. The word 'rejected' has been avoided because of its connection with the concept of illegitimacy.

To modify Art. 63 in the way suggested seems tantamount to deleting it. But if it were deleted, the next edition of the Code would fail to tell the sense of the alteration.

A consequence of the above proposals is that no 'superfluous' names are declared illegitimate, but that all such names remain nomenclaturally available to the highest possible extent. It is indeed my conclusion that this should be so, first because this is a way to avoid creation of names, second because I have come to doubt the value of the concept of (il)legitimacy.

It occurs to me that efforts made by other members of the Committee aim at the same goal as for the saving of names, while at the same time they seek to retain a category of, so to say, plain cases of superfluity, involving names which are to be rejected as illegitimate by all standards. This category is then to be found among the homotypic superfluous names, under exclusion from the rule of all others. But the homotypic category, so lightly distinguished itself, due to the variety in sort and number of elements by which a name may
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be typified, that problems originate when an effort is made to define or to subdivide this
category in a rule.

That my proposals seem so radical is connected with this fact. All efforts made to devise
a formulation by which a category of 'truly' superfluous names could be singled out for
rejection, have, in my opinion, been unsuccessful. Part of the formulations considered have
loopholes, part extend the category of names to be rejected beyond intention, part are
inconsistent in itself, part impose such complicated conditions on typification of a name that
full application is impracticable. It is, of course, conceivable that the formulation will be found.
But its implications and applicability should be scrutinized with utmost care.

For: Singer (if Prop. P is rejected; abstain if Prop. P is accepted); Against: Burtt, Dostál,
Morton, Silva.

Comments and Proposals by C. V. Morton

As a preliminary statement I can not do better than to quote the late C. A. Weatherby,1 a noted and respected authority on nomenclature, that there is a conflict
between two radically different theories of the nature and function of nomenclatural
procedure. “One of them was admirably stated by Ascherson,” 2 [translated] “We hold
that nomenclature should be considered, not as end in itself, but only as a means to
the end of the widest possible intelligibility; and that therefore there is no question
of principle in regard to it, but only of expediency.” I know of no equally clear and
concise statement of the other view, but it was, in effect, that there was a central
principle, not only, in the end, the most practical, but morally justified and, whether
practical or not, admitting of no exception and no consideration of expediency.” It
should be noted that Ascherson was writing in 1896 before there was any modern
Code; Ascherson’s own nomenclature leaves much to be desired from a modern point
of view. The second viewpoint was taken up by the group that wrote the so-called
“American Code,” in which priority was all important and no exceptions were allowed
and no concessions made to expediency, some extremists going so far as not to recog-
nize 1753 as a starting date. The present Code is a compromise between these two
viewpoints. That there are principles is admitted, and these are stated in the Preamble
and in “Division I. Principles” of the Code, in which expediency is not one of the
principles but priority is. However, there are some limitations on the principle of
priority, not only in starting dates for valid publication but also in other respects,
with the practical point of view of maintaining the status quo for as many names as
possible.

It is my personal view that the Code should be applied as leniently as possible to
maintain names in use. There is nothing to be gained by declaring as many names
as possible illegitimate by interpreting the rules rigidly and inflexibly. To put it
another way, names ought to be given the benefit of the doubt before being convicted
of being illegitimate. This would apply throughout the Code and not just to Article
63. There are and always will be arguable points, as for instance as to whether a
name was or was not accepted by a publishing author but was merely an “incidental
mention” (Art. 34) or whether a name was a “nomen provisorium” or not. When the
matter is arguable a decision should be made that will retain accepted names rather
than one requiring the adoption of an old, unfamiliar name or the proposal of a new
one. This maintenance of the status quo hardly needs justification, but it can be

2 Synopsis der mitteleuropäischen Flora 1: ix. 1896.

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justified by the statement in the Preamble that "where the consequence of rules are doubtful, established custom is followed."

Immediately after being appointed Chairman of the reformed Committee on Superfluous Names I prepared a form letter telling of the reorganized committee, stating the problem in general terms, giving some of my own opinions, and making some tentative proposals for modifying Article 7, Note 4, and Article 63. This letter was sent out to over 300 botanists throughout the world, including all those who had attended the nomenclature sessions at Edinburgh, so far as I could determine, and many others who are or may be interested in nomenclature. I had more than 100 replies by letter and a number of others in person from botanists working here in Washington and elsewhere. This is an encouraging response. I wish to thank all those who wrote and who gave the matter consideration. Many of the replies showed that the question had been given time and thought, and a number of new facets of the problem came to light. One thing stands out most clearly from a consideration of the replies: Although many examples were submitted almost all of these proved to be either obviously superfluous names that do not cause any difficulty or else names that were not superfluous at all. The number of names that really offered problems, the "hard cases," were truly very few in number, even from the mycologists. This indicates that the importance of this question of superfluous names has been unduly magnified, since there are relatively few names that present undisputed difficulties. There are doubtless greater difficulties in the fungi because of the later starting date, and the presence of pleomorphic life cycles. It has been impossible for this committee in the short time that it has been active to estimate the kind or extent of these difficulties in the fungi. So far as the current investigation indicates, the condition in the other cryptogamic groups — the algae, hepatics, and mosses — do not differ significantly from those in the vascular plants so far as superfluous names are concerned.

It would seem that this article about superfluous names is reasonably clear, the intent being to avoid unnecessary changes of name, and also to penalize any unnecessary names or epithets by making them forever illegitimate and unavailable. The qualification in Art. 7, Note 4, Paragraph 3 is to bring this in line with the type method by providing that such unnecessary superfluous names are to be typified on the basis of the name or epithet that ought to have been adopted by the later author. The most important part of Article 63 is the words "... that ought to have been adopted." It is clear that if the cited synonym is an invalid name (e.g., a *nomen nudum*, a name without the required Latin diagnosis, pre-starting date name, and so forth) or an illegitimate name (e.g., a later homonym) that it is not a name or epithet that could or should have been adopted by the later author. Or in the case of transferring a specific epithet to a different genus if the resulting new combination would be a later homonym in that genus then it is not possible to adopt the epithet. This is all clear and undisputed.

If Article 63 in its present form were not in the Code I would be in favor of having only undisputedly superfluous names illegitimate, i.e., only those names where the cited synonym was truly intended to be included within the circumscription of the new name. These would include new names proposed because the prior name was disagreeable or etymologically incorrect or sometimes for no discernable reason. However, Article 63 has been in the Code for over 30 years in its present form, and it has been conscientiously followed by many workers, mostly phanerogamists it must be admitted, and one can not turn back time, so to speak, and undo work that has been done, and so we are "stuck" with the article for better or worse. All that we can
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do now is to clarify its meaning and to attempt to interpret the article in the most lenient way possible to preserve stability in names. I myself consider our committee bound to accept the vote at Edinburgh to maintain Article 63 in principle.

I propose to allow for the intent of authors to be taken into consideration by modifying the Note to read as follows: "The inclusion of a type (see Art. 7) is here understood to mean the citation of a type specimen, the citation of the illustration of a type specimen, the citation of the type of a name, or the citation of the name itself unless the type is at the same time excluded *either explicitly or inferentially.*" The words in italics indicate the change. In my opinion this is not a change but is an expression of the usual practice. Many of the replies to my suggestion agreed with this. Dr. Hoogland suggested "either directly or indirectly," Mr. Dandy "either explicitly or implicitly," and Mr. Ross and Mr. Brenan "either explicitly or by implication." In my opinion all of these wordings mean much the same thing, that an inference is to be drawn as to the intent of an author to include the type of a cited "synonym." A few of my correspondents felt alarmed at the use of the word "inferentially," feeling that different people might draw different inferences from the same evidence. This is a possibility certainly but not a cause for alarm. We live by drawing inferences all the time, in our daily life and in our work. This is a fact of life that has to be accepted, and in general our inferences are valid because they are drawn from evidence and past experience. To quote a classic example: If one see a man's tracks in the snow it is a valid inference that a man has walked by since the snow fell; of course, it *could* have been a giant ape wearing a man's shoes, or the tracks *could* have been made from a helicopter, but one rejects unlikely hypotheses.

A word should be said as to the meaning of the exclusion of a type inferentially or by implication. It is generally recognized that early writers had different methods of presentation, and most of the "hard cases" of possibly superfluous names occur with writers between 1753 and 1867, when De Candolle's laws were published. During those years the citation of a synonym was often intended to mean "pro parte," "auct.,” “hort.” “sensu,” or with an implied query, expressions that were little used until recent times. A case in point is *Cedrus* Duhamel, the original description of which cited *Juniperus* L as a synonym. That this was intended as a segregate from *Juniperus* and not as a renaming is clear from the treatment, since the discussion gives the differences between *Cedrus* and *Juniperus* L, and furthermore in the same work *Juniperus* L is recognized as a valid genus, with different species from those included in *Cedrus*. This is an especially clear case, because of *Juniperus* L being recognized as different in the same book, but the same inferences would be drawn if this were not true, that is if *Cedrus* had included just some but not all of the species of *Juniperus* L. In this case *Cedrus* would be considered as a segregate and the synonym would be assumed to mean "*Juniperus* sp. L.” or "*Juniperus* p.p.,” as we would write it now. The case where *Cedrus* would be a superfluous name would be if all the species of *Juniperus* L were included in the new name, that is where the new name included *all* the syntypes of the cited synonym.

It seems to me that Art. 63 should be interpreted with the intent of the later author in mind, i.e., if the intent is to describe a new taxon, i.e., a segregate or a related taxon, and not to include the type of the cited synonym within the circumscription, then the new name must be regarded as legitimate and not superfluous. It has been objected that we can not read the mind of early authors or their intent but that we have to go only by what they did, and if they cited a synonym we must conclude that they really intended it as a true and full synonym. This is not true, as most workers realize. We can in most cases determine the intent of writers, by such indications as
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"gen. nov.," "sp. nov.," by the author's treatment of similar names, by comments in the text. And I would not myself restrict the importance of comments to the same book. The later treatments of the same author of his taxon can be taken into account in determining his intent originally. 3 It could be objected that a later treatment might indicate not the original intent but a change of mind, but in practice this would not be so; in the case of a change of mind there would almost always be some explanation or comment to this effect. I would not absolutely exclude comments or names on herbarium specimens by the original author. Any means of determining the intent is justifiable. It is true that determining the intent means more work than an "automatic" typification without thought or knowledge, but it does result in the retention of names that were intended as new and which have always been so considered. It is not desirable that nomenclatural changes be made without work any more than taxonomic changes should be made without due study. Superfluous or possibly superfluous names should ideally be left to monographers for a decision, since these will have all the literature and other information readily available.

The adding of "inferentially" or "by implication" to the Note can not be taken to mean that any small difference or emendation of a description would be an indication that the type of the cited synonym was excluded. The description of the new taxon would have to be clearly and demonstrably different taxonomically from the cited synonym, so that some sort of error could be presumed.

The objection has been raised that if we have this kind of free interpretation of Art. 63 to allow the intent of the author to take precedence in determining a lectotype that there will be more disagreement than if we have a purely automatic determination of the lectotype. This is not necessarily true at all; the choice of a lectotype of a possibly superfluous name would be as binding as any other choice of lectotype, to be accepted except for very cogent and demonstrable reasons. There would be every reason to accept such a lectotype especially when it serves to maintain a name in use. This is the type method and it is the way to real stability. It has been argued that Art. 63 will be a permanent source of disagreement, but it will not be so. It can be presumed that future authors will follow the article and will not propose any new superfluous names. All the old names will have lectotypes selected eventually, and if these lectotypes are accepted there will be stability. It is true that this will be far in the future, but there is not an infinite number of possibly superfluous names and these will all be dealt with in due time.

Another matter on which there has been some disagreement is the meaning of the word "type" in Art. 63. I believe that when "type" is used in the Code it is intended to mean only "holotype or all the syntypes," but some think that it is intended in this particular article to include isotype, or even lectotype or neotype, which stretches the meaning unduly. Although sometimes isotypes have been seen and annotated by a publishing author, most often this is not true or can not be

3 A case in point is Myrtus fragrans Swartz, Prodr. 79. 1788, where Eugenia montana Aubl. is cited as a synonym. In Swartz' Flora Ind. Oce. 2: 916. 1800, under M. fragrans is the comment "Eugenia montana Aubl. meae simillima est; quae vero color fructus hujus mihi sit ignotus, nihil pro certo affirmare possum," and on page 914 E. montana is definitely cited with a query, as it should have been in the original publication. There are other reasons for considering M. fragrans as a legitimate name, as it always has been, but this comment by Swartz himself is additional proof that the synonym E. montana had been placed in synonymy with doubt, as one could well imagine since it belongs in the genus Marlilea in a different subtribe of the Myrtaeae from Myrtus fragrans Swartz.
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demonstrated to be true. They do not therefore have an unquestioned identity with the holotype, because as is well known many "type numbers" represent mixtures. This is particularly true with the plants of the Cuming Philippine collections, the Wright Cuban collections, the Wallich catalogue numbers (which often came from a half dozen different localities or collectors), and many others.

It must surely be allowed that a later designated lectotype ought not to be allowed to render an earlier name superfluous, both because lectotypes do not have the force or permanence of holotypes, and because the article itself states that a name must have been nomenclaturally superfluous when published. Even the inclusion of a previously designated lectotype need not necessarily render a name superfluous, if the later author specifically rejects this previously designated lectotype for reason. This must be so, for otherwise a lectotype would have a permanence and authority not given it by the Code. However, although the lack of influence of later-designated lectotypes is already implicit in Art. 63, there is no harm in adding a Note to this effect, to remove any possible doubt about the matter.

Art. 7, Note 4, Paragraph 3, was inserted into the Code at Montreal in 1959 in order to insure that superfluous names by Art. 63 would be typified according to the type method, i.e., that they would be typified by the type of the name that ought to have been adopted. I agree altogether with Tryon when he wrote that "The typification of superfluous names must be in harmony with their status under the rules as nomenclaturally superfluous. This can only mean that the earlier name and the later one are nomenclatural synonyms and hence they must be homotypic synonyms. In other words, for a later name to be nomenclaturally superfluous there must be a nomenclatural identity between the taxon to which it applies and the taxon to which the earlier name applies. This identity can be established only through an identity of the types of the respective names. If this is not true, then superfluous names should be called taxonomically superfluous and not nomenclaturally superfluous; but it is perfectly clear that the Code is dealing here with a matter of nomenclature and not one of taxonomy." It would seem that this conclusion would be indisputable, since Article 63 says "nomenclaturally superfluous," but some British botanists claim that a name can be nomenclaturally superfluous and still be based on a different type, which may be taxonomically different. Thus a "heterotypic" superfluous name could be a taxonomic synonym of one species and also a nomenclatural synonym of another (the epithet that ought to have been adopted when that is taxonomically different). It would seem to be impossible that a name could be two things at the same time, unless it can be considered to have two taxonomically different types at the same time, both in force, and such a thing is hardly possible under the type method. One must have either an automatic typification on the basis of the cited synonym, as Tryon would have it, or one must have a permissive typification on the basis of the whole protologue, in which case if the lectotype chosen is different from the type (or lectotype) of the cited synonym the new name is legitimate and not nomenclaturally superfluous, although it may be taxonomically superfluous. These two alternatives constitute the crux of the problem as it exists today, and there are proponents of both views. One can hardly say truly that one view is right and one wrong; both have merits and demerits. The Tryon view gives an easier way out, since it involves the least knowledge of the facts and would lead to a more uniform treatment. On the other hand the method of lectotypification on the basis of the whole protologue is the method on which names have been generally accepted or rejected during the past 200 years (the possibility of an "automatic" typification hardly being thought of except during the last ten years),
and although this does mean a bit more work for the botanist in studying all the facts it is fairer to early authors, in keeping clearly in mind their intent (as to whether a new taxon was being described or an old one renamed) and in fact results in the maintenance of many old names that would have to be discarded under a purely automatic rule of typification. But it should be added that if a name is lectotypified on the basis of a specimen other than the type of the cited synonym that it is legitimate and not superfluous.

I disagree with Tryon on the clause “unless the author of the superfluous name or epithet has indicated a definite type.” Both Tryon and I propose to delete this clause, but for different reasons. This clause was inserted at Montreal by Dr. Lanjouw, then the Rapporteur Général, and I have it from Dr. Stafleu, who was present at the discussions regarding this matter, that the intention was to exclude names with designated types different from the types of the cited synonym from the category of superfluous names, but the clause was badly worded by the inclusion of the word “superfluous” in it, which nullified the intent. Logically this must have been the intent, because if such holotypified names are still to be regarded as superfluous and illegitimate the typification of them is of academic interest only and of no practical importance. When therefore I propose to delete this clause it is to reestablish the supremacy of the holotype in fixing the application of such names with a designated type; a holotype should logically take precedence over any number of cited synonyms. Of course this does not apply to those cases, if they exist, where an author is admittedly renaming an available cited synonym. In such a case he would have no right to designate a new type, and such a one would have to be considered as an erroneous neotype. Tryon would delete the clause with the idea that such designated holotypes should be disregarded and the names automatically typified on the basis of the type of the cited synonym and thus illegitimate. Although this matter has been discussed at some length in print, it is of minimal importance, because there are almost no such names in existence. Holotypes have been designated only in recent years, and recent authors in general have been careful about the way in which they cite synonyms, indicating these as “p.p.” “auct.” or “sensu” as the case may be. So far as I am aware the only case that has ever been pointed out is the one mentioned by Tryon, namely Pteris killipii Maxon, which was published with the designated type Killip & Smith 24697; however, among the other specimens cited by Maxon was an unidentified specimen at Kew of Spruce 4063. Tryon pointed out that Spruce 4063 is the type number of Pteris vestita Baker, an earlier, legitimate species, and therefore concluded that P. killipii Maxon was a superfluous and illegitimate name since it included the type of a name that ought to have been adopted, and that the designated type of P. killipii should be disregarded and this species considered to be based on the same type as P. vestita. I disagree on two counts; I think that the designated holotype ought to take precedence over another cited specimen and secondly that it has not been proved that the Spruce specimen cited is the actual holotype of P. vestita Baker; true, it is the same number and it agrees with the description, but still it does not bear the name vestita and was filed among the undetermined specimens at Kew. Baker is known to have worked on material other than at Kew and so it is not proved that this Kew specimen is the holotype; there may be a specimen of Spruce 4063 with the name in Baker’s hand at the British Museum, at Brussels, or elsewhere, and this would be the actual holotype. The typification of P. killipii Maxon is of academic interest only, for it is surely a taxonomic synonym of P. vestita, and both species are taxonomic synonyms of a still older species P. lechleri Mett. It hardly seems worth-while to

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argue over a name of such little importance. Some workers however do think that the general question should be settled in the Code even if there are no known examples from actual practice.

I agree in general with the proposals made at Edinburgh by Weresub and Hennebert, proposals that essentially maintain Art. 63 as it is but reworded. But I do feel that the suggested wording is unnecessarily long-winded and complex.

I find the proposal of Donk entirely unacceptable. I disagree with the premises. Donk would make superfluous names not illegitimate but merely incorrect. Mr. Ross has clearly pointed out, and I agree, that superfluous names are contrary to the rules of the Code and are thus by definition illegitimate (see Art. 6), regardless of how Art. 63 is worded, or even if it is deleted altogether.

I therefore make the following personal proposals for modifying the Code, in accordance with the ideas expressed above.

Proposal E, by Morton, Dostal, Singer, and Silva [if proposal O is rejected].

Art. 7, Note 4, Paragraph 3: Delete the clause “unless the author of the superfluous name or epithet has indicated a definite type.”

Argument: The intent of this clause was to make names with designated types legitimate, but the wording is such that it does not have this effect because of the inclusion of the word “superfluous,” but instead serves to make heterotypic superfluous names, which is nomenclaturally not necessary and taxonomically not desirable.

Against: Burtt, Jacobs.

Proposal F, by Morton, Dostal, Silva [if proposal O is rejected], Singer [if proposal P is rejected].

Art. 63. Delete: “included the type of a name or epithet which ought to have been adopted under the rules” and substitute “included the holotype or all the syntypes of a name or epithet that ought to have been adopted under the rules.”

Argument: The word “type” when used in the Code without qualification must be taken to mean “holotypes or all syntypes”. To make it clear that it does mean this in Art. 65 and not isotype, lectotype, syntype, or neotype, it is desirable to make the point unequivocal.

Against: Burtt, Jacobs.

Proposal G, by Morton, Dostal, Silva [if proposal O is rejected], Singer [if proposal P is rejected].

Art. 63, Note: After “unless the type is at the same time excluded” add “either explicitly or by implication.”

Argument: Early authors sometimes cited synonyms that were not intended as full synonyms but as “pro parte”, “sensu”, “suct.” “Hort.”, or “(?).” This implicit exclusion of the type of a cited synonym has always been recognized as a part of the article, but it is desirable to make it entirely clear that this is justifiable. For examples see those suggested in this report: Cedrus, Solanum torum, Sphagnum jenseni, and Tmesipteris elongata. However, minor differences in a description ought not to be taken as indicating the implicit exclusion of a type. There must be real and nondebatable differences for the decision that a cited synonym was intended as “pro parte” or with a query. Such a decision having been made by one author and a lectotype chosen, subsequent authors are bound to accept this lectotype and are not free to reject it except for cogent reasons. A strict adherence to this policy will result in a stability not otherwise to be obtained.

Against: Burtt, Jacobs.

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Art. 63. Add the following example: Tmesipteris elongata Dangeard, Le Botaniste 2: 213, 1890—91. This is indicated as a new species but Psilotum truncatum Br. is cited as a synonym. On the following page (214) T. truncata (Br.) Desv. is recognized as a different species and on p. 216 a key is given distinguishing T. elongata from T. truncata, thus showing that the cited synonym was intended either as "P. truncatum Br. pro parte" or "P. truncatum auct. non Br."

Refer to Editorial Committee: Jacobs.

Proposal I, by C. V. Morton.

Art. 63. Add the following example: Cedrus Duhamel, Trait. Arbr. 1: xxvll, 139, t. 52, 1755, "Juniperus Linn." is cited as a synonym. Cedrus is a legitimate name since it is clear that the synonym Juniperus Linn. was intended as "pro parte", since only some of the species of Juniperus L. were included, since the differences between Cedrus and Juniperus are discussed, and since Juniperus L. is recognized in the same work as an independent genus.

Argument: This is a clear example of the exclusion of a type by implication, the synonym Juniperus Linn. being intended as "pro parte".


Art. 63. Add the following example: Solanum torvum Swartz, Procr. 47, 1788, Swartz gave a new diagnosis and cited Solanum indicum Spec. pl. as a synonym, giving the locality as "India occidentalis." The place where S. torvum is to be inserted into the Systema Vegetabilium, ed. 14 [Murray]. 1784, is indicated as between species 26 (S. insanum) and 27 (S. ferox). The number of S. indicum in this edition of the Systema is 82. Solanum torvum is thus a legitimate species and not a superfluous renaming of S. indicum L.

Argument: All the species in Swartz' Prodromus were numbered to indicate their place of insertion into the then latest edition of the Systema Vegetabilium. If S. torvum had been intended as a renaming of S. indicum it would have had the same number (no. 32). That S. torvum is a segregate and not a renaming is shown not only by the numbering mentioned above but by the fact that Swartz in this work was describing the plants of his own collection in Jamaica, by the locality "India occidentalis," as well as by Swartz' own later description and discussion (Fl. Ind. Occ. 1: 456. 1797) in which he gave the differences between his West Indian S. torvum and the East Indian S. indicum L. This is an example at the specific level of the exclusion by implication of the type of a cited synonym intended as "pro parte."


Art. 63. Add the following example: Sphagnum jenensis H. Lindb. Act. Soc. Faun Fl. Fenn. 18 (3): 13. 1899 was described as a new species from Scandinavia, with S. laricinum Angst. cited as a synonym. That this is intended as "S. laricinum sensu Angst. as to descr. excl. typ." is clear since Jensen included Angstrom's description and specimen (from Qvarnmyran, Sweden) in his concept but did not include the type (from Terrington Carr, England, Spruce) of the basionym S. contortum var. laricinum Wilson.

Argument: This example shows the exclusion by implication of the type of a cited synonym that is intended as "sensu", i.e., as to description not type.


Art. 63: Add the following additional Note:

A lectotype of an earlier name or epithet chosen after the publication of a legitimate name or epithet does not make such name or epithet illegitimate.
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**Argument:** According to the Article names can be superfluous only when published, i.e. at the time of their original publication. The later designation of their types as the lectotype of an earlier name or epithet does not make them superfluous, although it may render them taxonomic synonyms. If the designated lectotype is rejected for any reason these names have retained their legitimacy and are available for use. An example is *Consolida* S. F. Gray.

**Against:** Jacobs.

**Proposal M,** by Morton, Burtt, Dostál, Silva, and Singer.

Art. 63: Add the following example after the Note regarding lectotypes: *Consolida* S. F. Gray, Nat. Arr. Brit. Pl. 2: 711. 1821, was based on *Delphinium consolida* L. It is a legitimate name even though Britton, rightly or wrongly, later (1913) designated *D. consolida* L. as the lectotype of *Delphinium* L.

**Refer to Editorial Committee:** Jacobs.

**Arguments and Proposals by Paul C. Silva**

To summarize my position: First, I believe that it is illogical as well as contrary to the type method to define a superfluous name in such a way that it can have a type different from that of the name in whose favor it is being rejected, or alternatively to ignore holotypification as expressed by the original author; second, I believe that it is contrary to the type method to invoke automatic typification, as specified by Art. 7, Note 4, Paragraph 3.

**Proposal N,** by Paul C. Silva.

Art. 62: Add a new first sentence, and change "rejected" to "replaced" in the existing sentence, so that the Article reads: A name is illegitimate and must be rejected if it was published as an avowed substitute for a legitimate name or epithet. A legitimate name or epithet must not be replaced merely because it is inappropriate or disagreeable, or because another is preferable or better known, or because it has lost its original meaning.

**For:** Burtt; **Against:** Jacobs, Morton; **Abstain:** Singer.

**Proposal O,** by Paul C. Silva.

Art. 63. Change all after 'i.e.' so that the article reads: A name is illegitimate and must be rejected if it was nomenclaturally superfluous when published, i.e. if the type of the taxon to which it was applied is the same as the holotype or previously selected lectotype of a name or epithet which ought to have been adopted under the rules, or if the taxon has the same circumscription as that to which the available name or epithet applies.

Delete first note, substituting the following: Note. In typifying a name suspected of being nomenclaturally superfluous, the entire protologue should be considered (see Guide for the determination of types). Inclusion in the original circumscription of the type of an available name or citation of an available name does not automatically typify the later name with the type of the available name.

Delete second note.

**Argument:** Art. 7 states that application of names is determined by nomenclatural types. It is logical to assume that rejection of names should also be determined by nomenclatural
types, and in fact this assumption is made explicit for names rejected in favor of conserved names (see Art. 14, Note 2). The proposed wording precludes heterotypic superfluous names, which some workers have admitted in interpreting the present wording. It also clearly provides that post-facto lectotypification of an available name does not affect superfluity of a later name, a matter of variable interpretation at present. Finally, by defining superfluity in terms of types rather than circumscription, it makes the second note unnecessary.

An essential corollary to the revised concept of Art. 63 is the deletion of Art. 7, Note 4, para. 3, since automatic typification is replaced by 'normal' typification. The proposal to delete this part of Art. 7 has been made elsewhere (Proposal C).

The present examples under Art. 63 would have to be changed and augmented in accordance with the proposed revision. The Chrysophyllum sericeum example is not sufficiently elucidated for me to determine its applicability, since in accordance with the proposed revision the citation of a synonym per se does not invoke the pronouncement of nomenclatural superfluity: rather, it must be clear from a consideration of the entire protologue that a nomenclatural substitution was intended. Even under the present wording of the article, the Picea excelsa example is poor: F. excelsa is illegitimate because of Art. 45, Note 2, rather than Art. 63. Pinus excelsus is illegitimate because of Art. 63, but the example, rather than explaining, merely repeats the word 'superfluous.' In fact, this example seems to deal with the Kew Rule, providing an exception in the case where the earlier binomial is based on an illegitimate epithet. The Cucubalus example seems irrelevant, inasmuch as segregation per se is not related to nomenclatural superfluity. All of the examples offered by Morton were chosen to illustrate implicit exclusion of the type of a cited synonym, with reference to the present wording. New examples would be needed to illustrate the case in which the 'normal' type does not coincide with the type of an included available name.

For: Singer (if proposal P is rejected); against: C. V. Morton, Burtt, Jacobs (except as to deletion of second Note and Art. 7, Note 4, Paragraph 3).

Considerations and proposals by Rolf Singer

Considerable work on the implications of Art. 63 as it now stands, and with reference to Art. 7, note 4, has produced two tendencies: One, towards virtual abandonment of both Art. 63 and Art. 7, note 4 (or a rewording that has nearly the same effect); another that maintains Art. 63, but with slight variants which do not basically change its implications, but either reinforce its rigidity or give room to or permit a slightly less rigid interpretation.

The first tendency is based on the fact that the Article as it stands is obviously retroactive and punitive, at the same time, that it should not have survived, for reasons of logic and consequence, the introduction of the type method, and that it will, particularly in Thallophyta, endanger a large number of otherwise acceptable and well introduced taxa. As for this latter consequence, the principle of stability of the names is invoked.

The second tendency is based on the fact that Art. 63 in its present wording has been in the Rules for many years, and has been applied rigorously by many taxonomists, particularly of vascular plants and in some leading institutions, and for the maintenance of the Article as it stands, the principle of stability of the Rules of the Code is cited.

Both arguments are correct as far as they go. They cannot be easily reconciled, inasmuch as it seems impossible to satisfy, by one or the other tendency, both those working in Thallophyta, particularly fungi, and those working in other plant groups, particularly in vascular plants.
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One solution, a special exemption of Thallophyta, or fungi, from the present text of Art. 63, is neither easy nor desirable.

The only other solution I can see at present, is a compromise wording, one that would be considered sufficiently innocuous not to upset nomenclature in any particular group of those organisms now subject to the Code, yet conservative enough to maintain the principle of superfluity, and with it Art. 63, intact for a somewhat restricted number of well defined cases. This is what the proposed new wording of the respective rule seeks to achieve.

As in all cases where a compromise is proposed, it will perhaps not fully satisfy all representatives of both tendencies or “schools”. But, as soon as we find that only a compromise can help, the smaller sacrifice it imposes on both sides, should be objectively weighed and compared with the consequences a majority decision between the two “extreme” solutions would bring forward.

Although a majority of the Committee on superfluous names seems to favor some version as proposed by those who think Art. 63 should essentially be maintained, I do not believe that the basic arguments and the examples brought to the attention of the last Congress should entirely be disregarded, or that a majority should, at this point, at all be taken instead of an argument, inasmuch as the great majority of this majority are phanerogamists whereas the few mycologists who have been consulted, are in their vast majority opposed to Art. 63 in its present wording. The fact that at least one or two mycologists tend to tolerate maintaining Art. 63, and the evidence that at least a number of phanerogamists find a reworded Art. 63 as proposed by Singer, or Were sub acceptable, seems to show that a compromise is certainly within the possibilities and should be attempted.

If we concede that superfluous names exist in the sense that they are not only incorrect but also illegitimate, i.e. if we accept punitive articles, we should attempt to restrict them to a few clearly defined cases which, naturally, will include names based on the same type, but also, an admitted relict of the pre-type-method time, names based on the same circumscription. This is then a concession to the pre-type-method thinking. If, however, we go beyond that in an evidently retroactive article, we arrive at those cases that refer to names which were quite possibly not “superfluous when published” by the standard of nomenclature accepted by the author of the superfluous name. While this argument is certainly not a valid argument per se, it may give us, in connection with the possible consequences a rigid application of the old rule (Art. 63) would have in mycology, roughly a first guidance, just where and how to soften Art. 63 sufficiently to make it acceptable to the working taxonomist in all groups.

The application of Art. 63 is complicated, in mycology, by the fact that (1) fewer determinable types of classical taxa exist than in phanerogams (2) the consequences of the Arts. 7, 13, 59 further complicate the determination of what a superfluous name according to the present Art. 63 is, so that Art. 63 often appears to be in contradiction with the aim of simplicity (first line of the preamble).


Art. 63: Delete the present text and substitute: A name is illegitimate and must be rejected if it was nomenclaturally superfluous when published, i.e. if the taxon to which it was applied has the same type (or all the syntypes) as the name which
ought to have been adopted under the present rules of nomenclature, or if it includes the type (or all the syntypes) of an earlier legitimate name and both the superfluous and the earlier name have the same circumscription (the intention of the author of the superfluous name being, as expressed in the protologue, either explicitly or by implication, to rename an earlier legitimate and available name or epithet).

Examples: *Bactroboletus* Clements, Gen. Fungi p. 108. 1909, is a superfluous name for *Filoboletus* Henn., Warburg's Monsunia 1: 146. 1900, which is a legitimate earlier name, both the earlier and the superfluous name being based on the same type, viz. *Filoboletus mycenoides* Henn. *Rhodophyllus* Quél. Enchiridion p. 57. 1886, as published, without indication of a type species, contains all the species which might possibly be taken to be lectotypes of the genera *Accilia*, *Entoloma*, *Nolanea*, *Leptonia*, *Claudopus* as used on the generic level by Kummer, Führ Pilzk. 1871, and (for *Claudopus*), Gillet, Champign. p. 426. 1876; it is not a superfluous name in the sense of Art. 63 and 7, Note 4, since the circumscription given it by Quélet is widely different from the circumscription of any of the earlier genera, and the lectotypes proposed for all the genera under consideration were proposed after their publication. Consequently, *Rhodophyllus* is an incorrect name whatever its application but not an illegitimate name to be rejected permanently as a superfluous name.

Against: Burtt, Dostál, Jacobs, Morton, Silva.

Proposal O, by Roil Singer.

Art. 63. Add Note: Nomenclatorial superfluity being contingent on the legitimacy and availability of the earlier name, the later name automatically ceases to be superfluous if the earlier name fails to retain its legitimacy under the present rules.

Against: Burtt, Dostál, Jacobs, Morton, Silva.

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