PROPOSALS TO REVISE ICBN

(95) Proposal to supplement Art. 37 regarding valid publication.

37.2. No name will be considered validly published after 1 Jan. 1989 unless an isotype or phototype is deposited in an herbarium with an active and consistent loan policy.

In the course of various floristic and monographic work, some serious problems in obtaining necessary material, including types, from personal herbaria have been encountered. By "personal herbaria," I refer to those herbaria without any official institutional affiliation, and managed under the auspices of a single individual. In most cases these herbaria are not listed in Index Herbariorum. In some cases, new taxa continue to be described and the types, often only a holotype, are deposited in these herbaria.

In the case of one such personal herbarium, repeated requests for photographs of type material represented only in these collections have to date remained unanswered. Yet the individual operating this herbarium has received and continues to receive loans from major institutional herbaria in North America, Europe and Latin America. Specimens represented in institutional herbaria and assigned to new taxa by this individual are repeatedly passed over as prospective type specimens in preference for unicates maintained in the personal herbarium. As a further case in point, a private North American herbarium, which recently has been transferred to a major botanical research institution, was for many years unavailable for examination even though it contained much holotypic material not represented in any other collections. I believe such policy constitutes a disservice to the systematics community in general.

My greatest concern surrounds the unavailability of type material for examination. As long as the taxonomic community abides by an International Code of Nomenclature, abeyance to which absolutely necessitates access to type material, provisions should be made to insure such accessibility.

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(96-98) Three proposals to amend the International Code of Botanical Nomenclature.

The following proposals are intended to declare 'illegitimate' two kinds of infraspecific names which are incorrect for purely nomenclatural reasons. Such an action would adjust the nomenclatural status of these names to conform with that of others ruled illegitimate.

Proposal 96: The Editorial Committee be charged to incorporate a wording in the forthcoming Code which rules those names illegitimate which are correctly replaced by autonyms and meet all other requirements for valid publication.

Comment: Names of subdivisions of genera and of infraspecific taxa other than autonyms which include the type of the adopted legitimate name of the genus or species to which they belong appear to be ruled 'not validly published' by implication of Art. 32.1(b) in not complying with Arts. 22 and 26, respectively. If this is so, it would have unfortunate consequences in that (1) the nomenclatural status of 'not validly published' can for many names not be easily deduced from the place of their publication, and (2) later validly published identical combinations with different types are legitimate (not being later homonyms).

If such wrongly formed infrageneric and infraspecific names fulfil all other requirements for valid publication, their nomenclatural status of 'not validly published' can often not be seen from the place of their original publication without a special effort of investigating their typification, and the validity
of their publication may even depend on a lectotypification still to be made. Nevertheless, as they seem to be 'not validly published', possibly existing or still to be published identical later names based on a different type seem not to be illegitimate. Their legitimacy may also be affected by a lectotypification of the earlier identical name which results in it being rendered not validly published. This situation seems quite unsatisfactory.

For practical purposes, it appears desirable that those names correctly replaced by autonyms be ruled illegitimate rather than not validly published (provided, of course, that they meet the requirements for valid publication laid down in Art. 32.1(a), (c) and (d) and have a form which complies with Art. 21 for names of subdivisions of genera and with Art. 24–25 for those of infraspecific taxa).

If this proposal were accepted, such names would render later homonyms illegitimate, even if their illegitimate status cannot immediately be discovered without a possibly relevant lectotypification.

Proposal 97: The Editorial Committee be charged to incorporate in an appropriate place in the forthcoming Code a recommendation to the effect that authors publishing new names of subdivisions of genera and of infraspecific taxa should avoid using names identical to those which are correctly replaced by the relevant autonym.

Comment: This proposal is put forward as an alternative in the event that the preceding proposal is rejected. The Code does not seem to explain explicitly the nomenclatural status of names which are correctly replaced by autonyms. However, it appears, as said in the preceding proposal, that it is that of 'not validly published'. The proposal is intended to minimize the confusion which the creation of identical names based on different types would cause if they were to exist within one infrageneric or one infraspecific combination, whereby the earlier name had to be considered as being not validly published, thus rendering the later one legitimate.

Proposal 98: Add a new paragraph in Art. 67 to read:

"67.2. An infraspecific combination is illegitimate and is to be rejected if it was published in contravention of Art. 57.1 in such a manner that the epithet of an earlier legitimate name of a species is transferred as an infraspecific epithet under a later legitimate name of a species."

Comment: The following example may illustrate the intention of the proposal. Sprengel (1820) united Hydrocotyle ficarioides Lam. (1789) with H. repanda Pers. (1805) in making the infraspecific combination H. repanda var. ficarioides (Lam.) Sprengel. This combination is incorrect for purely nomenclatural reasons. According to Art. 57.1, Sprengel should have used H. ficarioides Lam. as the correct name of the species and placed H. repanda Pers. as a variety under it because he obviously was of the opinion that the types of the two species names are conspecific but belong to different varieties. Acceptance of the proposal would clarify the nomenclatural status of the wrongly formed combination as illegitimate.

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