Proposals to Alter the ICBN in Order to Clarify the Situation of Sanctioned Fungal Names

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International Association for Plant Taxonomy (IAPT) is collaborating with JSTOR to digitize, preserve and extend access to Taxon.
33 and have attempted this by partly rewording Proposal 116 to cater for this (see Proposal 119, above). Moreover, some members do not like the wording of the Example which twice uses the phrase "would be illegitimate". If necessary, a cross reference under Art. 72 to an Example in Art. 33 could be made (this would be for the Editorial Committee).

For a n. comb. or a nom. nov. from 1 Jan. 1953 on, a full and direct reference to a basionym is necessary. There is some disagreement in the Committee over use of the term 'bibliographic'—is this type of error bibliographic or not? At present (with the Proposals to Art. 33—specifically Proposals 116 and 119 above—not yet accepted) bibliographic errors which are allowed under Art. 33.2 are the only errors allowed. Thus strictly new combinations comparable to Echinochloa muricata (Beauv.) Fernald, but published after 1 Jan. 1953, would still be invalid. One should be careful not to permit 'an error' under Art. 72 which is not accepted under Art. 33.2. There is an argument, therefore, that if the word 'bibliographic' is removed, then the Proposal itself should be rejected in order to keep Art. 72 in line with Art. 33.2. See further argument under Proposal 116.

Voting: 0 for; 4 against.

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(153)-(165) Proposals to alter the ICBN in order to clarify the situation of sanctioned fungal names.

Introduction
Subcommittee C has debated many issues and come to some clear decisions; for certain parts of the Code alternative proposals are offered. The full Committee is asked to judge on and pass the Committee's vote on to the next Botanical Congress.

Detailed arguments for these proposals have been given in the Report of Subcommittee C (following). The numbering in this article conforms with that in the Report.

1–4. What is Sanctioning?
The present wording of Art. 13.1(d) would imply that sanctioned fungal names override all other older homonymous botanical names. This was not intended even by mycologists.

Compelling arguments for citing the Index to Fries' Systema Mycologicum as part of the starting books have been put forward and received a clear majority vote. The definition of sanctioning is, however, better given in another Article. Assuming that lichen-forming fungi will be included among sanctioned fungal names, the following modification of Art. 13.1(d) is proposed (see Hawksworth, this issue, and Proposal 168 by Holm et al.). Otherwise, the position of lichens will have to be corrected accordingly).

(153) Proposal to alter Art. 13.1(d)

FUNGI (including Myxomycetes), 1 May 1753 (Linnaeus, Species Plantarum ed. 1). Names in the Uredinales, Ustilaginales and Gasteromycetes adopted by Persoon (Synopsis Methodica Fungorum, 31 Dec. 1801) and names of Fungi Caeteri (excluding Myxomycetes) adopted by Fries (Systema Mycologicum, vols. 1 (1 Jan. 1821) to 3, with additional Index (1832), and Elenchus Fungorum, vols. 1–2), are sanctioned (see Art. 14.x)".

The dates might better be listed under 13.5 (?). The sentence "treated as if conserved against . . ." can then be omitted here.

Proposals to Define Sanctioning by Adding Further Paragraphs to Art. 14 (or a New Art. 14.b)

Article 14 seems more appropriate than Art. 13 to incorporate several paragraphs defining sanctioning.

Specific statements are needed that
-the date of sanctioning does not affect the sanctioned status of a name. This is at variance with the present App. III of the Sydney Code (cases of Septaria, Alternaria, cf. also Taxon 33: 315. 1984 and 34: 299. 1985).
-when the sanctioning author later rejected a name, this does not affect its sanctioned status.
-sanctioned names include the possibility of illegitimacy.

NOVEMBER 1986 779
(154) Proposal to add the following paragraphs to Art. 14:

*Par. n.* "Fungal names adopted in the basic books (see Art. 13.1(d)) are sanctioned. Sanctioned names are protected against all older, non-conserved and non-sanctioned, fungal (excluding Myxomycetes) homonyms and competing synonyms of the same rank, whether they were listed in the basic books or not. Concerning typification of sanctioned fungal names, see Art. 7.17. Concerning citation of sanctioning authors, see Art. 50. Rec. E.2."

*Par. o.* "The date of sanctioning is irrelevant to the priority of sanctioned names. A name once sanctioned remains sanctioned, even if the sanctioning author in later volumes or the indices of the basic books no longer recognized it."

*Par. p.* "When several serially or simultaneously sanctioned names compete for the same taxon, the earliest validly published name must be retained. Later homonyms when sanctioned are ruled by Articles 64 and 72 Note 1. Hence, new names with the same epithet are ascribed to the recombining author only." (Presupposes the acceptance of Proposal 161 concerning Art. 64.1.)

(155) Two alternative Proposals to add to Article 14:

(155a) *Par. q'.* (First alternative): "Earlier names overridden by sanctioned homonyms are illegitimate (see Art. 64.1)."

(155b) *Par. q'.* (Second alternative): "Earlier names overridden by sanctioned homonyms are legitimate but unavailable in that particular combination."

Additional proposals:

(156) Proposal of addition to Art. 6.4:

"... unless it is conserved or sanctioned".

(157) Proposal of addition to Art. 45.3:

"... (unless the latter are conserved or sanctioned)".

(158) Proposal to add to Art. 48, Note 2:

"Retention of a name in a sense that excludes the type can be effected only by conservation (see Art. 14.8) or sanctioning (see Art. 17.7 and 13.1(d))." But see remark in "Report of Subcommittee C".

5. *Competition Between Several Sanctioned Names for One Taxon*

(159) Proposal to add to Art. 62.2:

"... whose names are conserved or sanctioned later homonyms, and which had earlier been assigned to the genera under the rejected homonymic names, are legitimate under the conserved or sanctioned names without change of authorship ... ."

(160) Proposal to insert Art. 63.4 (before the present 63.4):

"A name sanctioned under Art. 13.1(d) is only considered nomenclaturally superfluous and is to be rejected when it includes the type of another sanctioned name which ought to have been adopted because it was validly published earlier."

(161) Proposal to add Note 2 to Art. 64.1:

"A sanctioned name is illegitimate if it is a later homonym of another sanctioned name."
6. Names of Uncertain Application

(162) Proposal for a recommendation after Art. 7.8:

Whatever alternative of Prop. 164 (below) is adopted, a recommendation after Art. 7.8 is useful: "Neotypification should not aim at resurrection of names of uncertain application".

7. The Rank of Sanctioned Fungal Names

(163) Proposal of new Art. 35.5 with two alternatives:

"Infraspecific names adopted in one of the works specified in Art. 13.1(d) and thereby sanctioned are considered to have the rank of varietas if denoted by Greek letters, and the rank of forma if denoted by Roman letters,

(163a) unless this would be contrary to the statements of the sanctioning author."

(163b) even if this would be contrary to the statements of the sanctioning author."

8. The Typification of Sanctioned Fungal Names: Proposals to Alter Art. 7.17.

It is not certain that the present Art. 7.17 is to the advantage of nomenclatural stability. Some mycologists feel that it is, permitting typification with all elements which were (directly or indirectly) cited in the sanctioning work (Korf, 1982, 1983; Rauschert, 1983). The sanctioning author is permitted to redefine a fungal name with an element newly added after the original publication. This case of added new elements applies frequently.

If the sanctioning author explicitly excluded the original type from his sanctioning description, then he created a new taxon with a new type (Art. 48.1). When there is only a misapplication of the sanctioned name, then no new taxon is created but the typification should be ruled according to one of the Proposals 164a or c presented below. Proposal 164b would cover the field between these alternatives.

Art. 7.17 involves, however, a considerable amount of instability when different interpretations by the original and the sanctioning author have both been in use. The criterion of stable usage is not adequate to solve this problem.

Three alternative proposals are formulated here:

(164a) Proposal: In the most conservative way, Art. 7.17 should be reformulated as follows: "Typification of names adopted in one of the works specified in Art. 13.1(d), and thereby sanctioned, may be based on anything associated with the name in that work" (Korf).

(164b) Proposal: "Neotypification of names adopted in one of the works specified in Art. 13.1(d), and thereby sanctioned, may be based on anything associated with the name in that work. If the interpretation by the sanctioning author is at variance with the use by the original author, the name should be treated as if newly described by the sanctioning author and attributed to him alone. Note: Neotype and lectotypification of such names must be effected only to safeguard existing usage."

(164c) Proposal: Delete Art. 7.17. Add to the "Guide for the determination of types": "Neotypification of names adopted in one of the works specified in Art. 13.1(d) and thereby sanctioned may be based on anything associated with the name in that work, unless the choice is in serious conflict with the protologue".

9. The Citation of the Sanctioning Author

See Report of Subcommittee B (Prop. 166).

10. The Spelling of Sanctioned Fungal Names

(165) Proposal to add a paragraph to Article 14:

"Sanctioning does not conserve orthographic variants of the spelling used in the sanctioning works."

A similar Proposal (170) involving an addition to Art. 73.1 or 75.1 is made by Rauschert (this issue).

NOVEMBER 1986

781
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Report of Subcommittee C concerning further problems with Art. 13.1(d) and Art. 59.


Besides this report, the outcome of the deliberations is distilled in a) a set of proposals to alter the ICBN concerning sanctioned names (this issue) and b) a draft of a “Guide to the treatment of sanctioned fungal names” (to be published).

The votes are reported in the sequence “accepted”: “rejected”: “no opinion”, with important comments added.

Problems Around Sanctioning

The members of this Subcommittee regard the new wording of Art. 13.1(d) with all its consequences as an essential progress in mycological nomenclature. Reverting to the pre-1981 system was not even considered. As few as possible further changes should now be made in the Code and few name changes are required in practice. A sanctioned status for fungal names did exist before Sydney; now it is only consistently extended to the whole set of basic works.

Several points are not yet sufficiently clear in the present version of Art. 13.1(d) and associated rules. First of all: What exactly is sanctioning? Art. 7.17 concerning typification of sanctioned fungal names is still unsatisfactory. With a linguistic refinement and two alternatives including an addition to the “Guide for the Determination of Types” we hope to open ways for an acceptable solution.

1. What is Sanctioning? (Props. 153–158)

Definitions are required to distinguish the sanctioning function from that of conservation. It is proposed to place these in Art. 14 rather than in Art. 13.1(d).

Sanctioning protects names against synonymous and homonymous competing names, whether these had been listed in the sanctioning work or not. It probably does not extend to non-fungal names, contrary to what may have been concluded from the present wording of Art. 13.1(d) (3:7:0). As relatively few lichen names are affected by sanctioning (Hawksworth, pers. comm.), members of this Subcommittee feel with a majority (5:3:2) that it is convenient to include lichenized fungi in the rule of sanctioning, in order to have as few exceptions to rules for fungi as possible. In addition, considering lichen names as possibly sanctioned will avoid problems such as those with Peziza diluta, which is both a non-sanctioned lichen and a sanctioned non-lichen (Hawksworth, pers. comm.). The proposal formulated here is based on the assumption that sanctioning will apply to lichens too.

Synonyms overridden by sanctioned names are not available in any combination unless the synonymy postulated by the sanctioning author turns out to be erroneous (9:4:3). Concerning homonyms overridden by sanctioned names two alternative solutions are possible: (a) they are not available though legitimate and may become available in other, non-homonymous combinations according to Art. 49, provided that no other sanctioned name is available for the same taxon (9:4:3); (b) it might be postulated that overridden homonyms should be declared illegitimate and could be replaced only according to Art. 72 Note 1 (as a consequence of Art. 14.6).

Consequently two alternative Proposals (155a and b) have been formulated.

2. Which Names are Sanctioned? (Prop. 154)

Criteria for deciding which names were adopted by Persoon and Fries were voted upon as follows: Besides the names explicitly accepted in the main text of the Systema Mycologicum, generic names adopted with author citation and a taxonomic code in the ‘Introductio’ are also sanctioned (13:1:2). The lichen genera listed on page XXIII of Systema Mycologicum Vol. 1 are, however, not sanctioned. Names cited among “species inquirendae” are not sanctioned unless they were later explicitly adopted