(259)-(262) Proposals on Homonyms and Parahomonyms
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By this time, incidentally, the confusion between order and family had been resolved.

The *International Rules of Botanical Nomenclature* published in Jena in 1935 state the same, as do the *American Code of Botanical Nomenclature* (Bull. Torrey Bot. Club 34: 167–178. 1907) and the *American Society of Plant Taxonomists Unofficial Special Edition of the International Rules of Botanical Nomenclature* (Brittonia 6: 1–120. 1947). This is true of all the post-World War II codes: Stockholm, Paris, Montreal, Edinburgh, Seattle, Leningrad, and Sydney.

The concept of principal hierarchical categories, therefore, goes back to our first Code from the Paris Congress of 1867, and that hierarchy never included any category between division and kingdom, or any (except subdivision) between division and class. Authors who failed to follow the Code by using both "phylum" and "division" hardly need to be followed today, and their use of both categories can be rejected.

(258) Proposal to change the name of the hierarchical category of division (*divisio*) to phylum (*phylum*) in Art. 3.1 and elsewhere in the Code and to make this usage retroactive to 1753.

The following sentence is to be added at an appropriate place in the Code: "Names of taxa published in the rank of division are to be automatically treated as having been simultaneously published in the rank of phylum."

This is contrary to Proposal 59 (Taxon 34: 540. 1985) which recommends that "The rank of phylum should not be used." Proposal 59 should be rejected.

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(259)-(262) Proposals on homonyms and parahomonyms.

Summary

In the logically convoluted language of Art. 64 of ICBN a homonym (which is a botanical name with multiple typifications) is written about as two or more *different* names, one "legitimate" and the rest "illegitimate". A proposal referred to the Special Committee on Orthography by the Sydney Congress to eliminate the language of legitimacy/illegitimacy from a straightforward matter of the correct and incorrect use of *a* name is revised and presented again, since the Special Committee has neglected to deal with it. A further proposal is made to divorce the material on homonymy from the material on parahomonyms (confusingly similar names) and to stop the confusing practice of "treating as homonyms(!)" quite distinct validly published and heterotypic names which simply happen to have a similar orthography. Such names should *both* be retained unless there are pragmatic grounds for rejecting one of them, and when this is necessary existing strategies for nomenclatural conservation are perfectly adequate.

Illegitimacy Revisited

In my review of the concept of nomenclatural illegitimacy (Parkinson, 1984, p. 482) I criticised the text of Art. 64 as presented in the Leningrad Code and the Sydney Code and the reasons which led me to propose to revise it before the Sydney Congress in 1981. The proposal I made to that Congress (Prop. 197) was referred by the Nomenclature Session to the Special Committee on Orthography, set up by the Congress, and I did not at that time repropose it because the Special Committee was supposedly considering it. The Committee (of which I have been a member) has in fact never dealt with the issue of elimination of the unnecessary semantics of legitimacy/illegitimacy from the homonymy question and will not be making any recommendation on Prop. 197, although it has considered the issues around parahomonymy at some length and will make some recommendations on that issue. To ensure that the Berlin Congress has proposals to complete the purge of legitimacy/illegitimacy, which I have previously argued is most desirable, I here repropose revisions to Art. 64 to complement the proposals on Arts. 18, 63, 65, 66, 67 and 68 already made.

Article 64.1 (Homonymy)

(259) Proposal to replace Art. 64.1 and its Examples 1–4 with the following text and revise Art. 64.4 and its Example 1 replacing them with new 64.2:

"64.1. All subsequent homonymous usages of a validly published name are to be rejected (unless conserved), even if the original usage of the name must also be rejected under the rules."
"Note 1. A name is considered to be used homonymously if it has been adopted independently into botanical nomenclature in association with different nomenclatural types in its different usages."
"Note 2. Even if it was not holotypified when first validly published, a name subsequently lectotypified is correctly applied only to taxa including its lectotype, and any taxon not including that lectotype establishes an homonymous usage of the name (Art. 48)."
"Ex. 1. *Astragalus rhizanthus* is a homonym originally introduced by Royle (1835) and subsequently by Boissier (1843). The former usage was nomenclaturally correct and the latter must be rejected, as it was by Boissier (1849) who introduced a new name *A. cariensis* for the taxon concerned."
"Ex. 2. *Tapeinanthus* was originally introduced (Herbert, 1837) for a genus of Amaryllidaceae, and subsequently by Boissier ex Bentham (1848) for a genus of Labiatae; the misuse of the name for the latter was rejected by T. Durand (1888) who provided a new name in the form of an anagram, *Thuspeinanta.*"
"Ex. 3. The names *Torreya* and *Warmingia* have been conserved in order to preserve usages different from those for which these names were originally published."
"64.2. When a name is simultaneously adopted for more than one taxon, the first author who adopts it in one sense (i.e. by lectotypification) rejecting the other, or who provides a new name for one or other of the taxa must be followed."
"Ex. 4. Linnaeus (1753) published simultaneously *Mimosa 10 cinerea* and *Mimosa 25 cinerea.* Later (1759) he renamed the first as *Mimosa cineraria* and retained the name *Mimosa cinerea* for species 25. In this usage of the homonym *Mimosa cinerea* he must be followed."
"Note 3. Names which are similarly but distinctly spelled and differently typified are not homonyms, but parahomonyms."
"Note 4. Names which are similarly spelled and have the same nomenclatural type are orthographic variants of a single name (see Art. 75)."
"Ex. 5. *Calymenia* Persoon and *Kallymenia* J. Agardh are parahomonyms, and the rejection of the latter by Kuetzing (1843) who replaced it with the name *Euhymenia* on the grounds of "homonymy" was nomenclaturally incorrect. Two later orthographic variants of *Kallymenia* (*Callymenia* and *Kalymenia*) are rejected under Art. 75.1."
"64.4. A validly published name is not to be rejected merely because it is homonymous with a rejected orthographic variant of another name."
"64.5. A validly published name is to be rejected if it is homonymous with a conserved orthographic variant of another name."

Comments: Although the change in expression from the present text of Art. 64 is considerable, there is no difference in the practical treatment of homonyms, as is shown by the examples. I have dropped the present Art. 64 Ex. 2 (*Amblyanthera*) because it is not really necessary. Present Art. 64 Ex. 15 has become Ex. 4 and present Art. 64 Ex. 16 has been dropped from the Article as it would be better placed as an example to Art. 24. The Editorial Committee might like to deal with that if the above proposal is accepted at Berlin. Similar editorial changes can be made to Art. 48.1 (so as to avoid the expression "later homonym"). The new provisions of Art. 64.4–5, the Notes and the elegant *Calymenia* example are additions which clarify present practices.

Article 64.2 (Parahomonymy)

(260) Proposal to replace Art. 64.2 of the Sydney Code, and Examples 5–11 with the following new Article, dealing specifically with parahomonyms, and add the companion recommendation. (If the proposal to eliminate Arts. 66 and 67 (Props. 30, 31) are accepted, one of these numbers can be used for the new article. For convenience I will use the number 66 here.)

"66.1. When two or more generic names or combinations are similarly but distinctly spelled and differently typified, they are parahomonyms."
"Ex. 1. *Astrostemma* Bentham 1880 and *Asterostemma* Decaisne 1838; *Pleuripetalum* T. Durand 1888 and *Pleuropetalum* J. D. Hooker 1846 and *Pleuropetalon* Blume 1850."
"66.2. The existence of an earlier parahomonym shall not in itself cause the rejection of a later name. However, when the continued use of two or more parahomonyms is likely to lead to confusion over

their applications to taxa, e.g. because the taxa are closely related, it is provided (Art. 14) that one or more of the names may be rejected in order that the name retained can be applied without confusion."
"Ex. 1. *Acanthoica* Lohmann and *Acanthoeca* W. Ellis (both phytoflagellate algae) are confusable (see Taxon 22: 313 [1973]); *Acanthococos* Barb. Rodr. (Palmae) and *Acanthococcus* Lagerheim (Algae), are not likely to be confused (see Taxon 18: 735 [1969])."
"66.3. Rejection of a generic parahomonym can be accomplished only by a vote of the Special Committee of the names of the taxa concerned. If the Committee votes that the parahomonyms are confusable then the earliest is to be retained, unless a later parahomonym is conserved against it, and the later parahomonyms are to be listed as nomina utique rejicienda, although they remain validly published and operative in matters of homonymy. If the Committee votes that the parahomonyms are not confusable all are to be retained as nomenclaturally correct and available for taxa including their types."
"66.4. Parahomonymous combinations for specific and infraspecific taxa are similarly treated. Of confusable parahomonymous combinations only the earliest can be retained; the others are nomina utique rejicienda, unless conserved under the nomina specifica conservanda provision in Art. 14.2."
"Ex. 2. The combinations *Solanum saltense* and *Solanum saltiense* are confusable (see General Committee report, Taxon 22: 153 [pob1973]), but *Senecio napiaefolius* (DC.) Schultz-Bip. and *S. napifolius* MacOwan are not likely to be confused."

New Recommendation 66A.

"66A.1. Authors should avoid adopting parahomonymous names for closely related taxa, unless the rules themselves compel this, for example in the formation of recombinations where there is no choice in the epithet."
"Ex. 1. *Iridea papillosa* Bory de St Vincent (1826) and *Sphaerococcus papillatus* C. Ag. (1822) must be known under *Gigartina* respectively as *Gigartina papillosa* (Bory) Setchell & Gardner (1936) and *Gigartina papillata* (C. Ag.) J. Ag. (1846), while under *Iridea* the latter must be known as *Iridea papillata* (C. Ag.) Harvey (1833). These names, correct under the rules, have not been confused in phycological literature."
"Ex. 2. Epithets which are so similar that they are likely to be confused if combined under the same generic name, and so should be avoided for related taxa are pairs or multiples such as *chinensis* and *sinensis, ceylanica* and *zeylanica, zelandica* and *zealandica, zealandiae* and *zelandiae, napaulensis, nepalensis* and *nipalensis, polyanthemos* and *polyanthemus, macrostachys* and *macrostachyus, poikilanthes* and *poikilantha, trinervis* and *trinervius, smithii* and *smithiae* etc.

Comments: This revision is fairly straightforward, as can be seen from the examples. The number of examples in the old text of 64.2 was excessive and the opportunity has been taken to drop some of them. Former 64 Ex. 8 has been edited somewhat to form 66A Ex. 2, but 66A Ex. 1 is new.

What to Do About Art. 64.3?

Art. 64.3 is concerned with the treatment of subdivisions of a genus which bear the same subdivisional epithet at different ranks. Although such names of taxa are not in fact homonyms (because they are applied at different ranks) they are to be "treated as homonyms". This is the source of the problem. By NOT treating them as homonyms the problem they pose is easily resolved. The key to it is the pragmatic but apparently radical step of transferring the matter (with one example) to Art. 21, deleting the cross reference which leads in the opposite direction, and putting two other examples and a parallel text to the new 21.4 into Art. 24.

(261) Proposal to replace the present Art. 21 Note 1 with the following new text based on present 64.3:

"21.4. An epithet may not be used in names for differently typified names of subdivisions of a genus, whether or not they are of the same rank, although it may be used in names for subdivisions of different genera. Priority determines the nomenclaturally correct use of the epithet within a genus."
"Ex. 2. Under *Verbascum* the sectional epithet *Aulacospermae* Murbeck (1933) is allowed, although there was already a section *Aulacospermae* Murbeck (1926) within *Celsia*. This is not a practice to be

emulated since it is contrary to Rec. 21B.2. If the section *Aulacospermae* of *Celsia* were to be transferred to *Verbascum* at any rank it could not bear the epithet *Aulacospermae* in its new position."

Comment: Ex. 2 is presently Art. 64 Ex. 12.

(262) Proposal to add the following new provision 24.6 (parallel to new 21.4) and examples (present 64 Ex. 14 and 16) to Art. 24, deleting present Art. 24 Note 1:

"24.6. An epithet may not be used for forming differently typified names of infraspecific taxa, even of different rank, within one species. Priority determines the correct usage of the epithet."
"Ex. 6. Rouy and Foucaud (Fl. France 2: 30. 1895) published the name *Erysimum hieraciifolium* var. *longisiliquum* with two different types for two different taxa under two different subspecies (*E. hieraciifolium* subsp. *strictum* and subsp. *pannonicum*). Only one of these names, which are distinct only when cited in full, can be maintained and it is that selected under Art. 64.4."
"Ex. 7. The name *Anagallis arvensis* var. *caerulea* (L.) Gouan (Fl. Monsp. 30. 1765) based on *Anagallis caerulea* L. makes the name *Anagallis arvensis* subsp. *caerulea* Hartman (Sv. Norsk. Exc.-Fl. 32. 1846) incorrect for the taxon for which Hartman adopted it."

Comment: The present Art. 64 Ex. 13 is irrelevant and has been dropped.

Literature Cited

Parkinson, P. G. 1984. The concept of nomenclatural illegitimacy, including 32 proposals to amend the Code. *Taxon* 33: 469–492.

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(263) Proposal to amend Art. 10.3.

Amend Art. 10.3 as follows: Delete "a specimen" and replace with "a specimen or other element."

The type-method is the main instrument by which the Code pursues its objective to provide for a stable method of nomenclature. Throughout the Code the circumscription of the concept "type" is constant, as given in Art. 7.2: "a nomenclatural type is that element to which the name of a taxon is permanently attached". In Art. 7.3 and 7.5 "type" is specified as "a specimen or other element". At least it is clear what constitutes a type, and it should be so with the conceptual core of the Code. However, in Sydney Art. 10.3 was accepted where the circumscription of "type" was restricted to "specimen". This restriction serves no useful purpose. It constitutes a relapse to unsatisfactory previous editions of the Code, e.g. the Stockholm one, which left room for doubts on the meaning of Art. 18 Note 3 and Art. 21 Note 2, the precursors of our present Art. 7.4 + 7.5 + 7.8 and 9.3, respectively (see De Wit in Webbia 11: 219). In later editions these ambiguities have been removed. I suppose that the wording "specimen" crept in inadvertently in Art. 10.3. I tend to consider it a lapsus calami, the more so since rigid application of Art. 10.3 makes Art. 10 contradictory in itself as Art. 10.1 states that the type of a genus is the—unqualified—type of a species, whereas Art. 10.3 requires the conserved type to be a specimen. Moreover, Rec. 10A refers to the type selected under Art. 10.3 as "element", and in the Preface to the Sydney Code (p. XIV), the Rapporteur-général Edward G. Voss wrote "Changes in Art. 10 necessitated changes in format of a number of entries in Appendix III, where a type must now be stated as a binomial (meaning, the type of that binomial) or (under certain conditions) as *a specimen (or other element)*" [italics mine D.O.W.].

There is room for different interpretations of Art. 10.3. Does it deal with the types of all *conserved names* or only with those with *conserved types* that differ from the type of an included species. I read it as dealing with all *nomina conservanda* but discussed this problem with colleagues interpreting it in the second sense. In other words, I read Art. 10.3 as . . . , the type of the name of a genus can *only* be a specimen . . . , but others read . . . , the type of the name of a genus can *even* be a specimen . . . . The Committee for Spermatophyta has interpreted the Sydney Art. 10 as ruling out an illustration as the conserved type of a genus (see Taxon 32: 625), thereby demonstrating the ineptness of the present wording. By consequence, the entries in Appendix III 4882 *Colubrina* and 5411 *Mammillaria* are