(218–219) Two Proposals to Avoid the Retroactive Effect of Lectotype Designations on the Valid Publication of Names
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validated by reference to the name of the family, which would then serve as their basionym. The reverse situation may also of course occur, as exemplified by Icacinaceae (Bentham) Miers based on the earlier tribal name Icacinaceae Bentham (which under the present rule has an awkward dual nature, being simultaneously a basionym, with authority, and an autonym, without author citation). The proposal stands, however, quite independently of the fate of other proposals of this series.

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(218-219) Two proposals to avoid the retroactive effect of lectotype designations on the valid publication of names

Three proposals concerned with the retroactive effect of lectotype designations were submitted to the Berlin Congress. The first, Art. 7 Prop. C by Taylor & Brummitt (see Taxon 36: 189-191. 1987), aimed at denying such retroactivity in a general way. After some discussion (Englera 9: 41-42. 1989) it was rejected and later referred to a Special Committee set up by adoption of the second such proposal (Art. 63 Prop. A, see
Taxon 36: 232, 235 1987; Englera 9: 137-138. 1989). The mandate of this Special Committee was defined as follows: "to study the question of whether a name is to be considered to have a type from its date of publication ("retracitivity of typification"), in relation to superfluity and illegitimacy under Art. 63 and to the autonym rules (Arts. 22 and 26, in relation to Art. 32.1(b)) . . . to review the whole question of the concept of illegitimacy . . . ". Adoption of the third proposal on the matter, Art. 63 Prop. B by Rauschert (see Taxon 36: 232, 235. 1987; Englera 9: 138-139. 1989), severed the committee mandate of its first portion by finding an immediate solution to that part of the problem.

The report and proposals of the "Subcommittee 3B on retroactivity of lectotypification and illegitimacy" is now extant (Taxon 41: 151-157. 1992) and reveals that the committee has failed to fulfil its mandate. It has, to no one's surprise, reached no consensus on the general question of illegitimacy; it has given no consideration to the impact of "retracitivity" on the valid publication of names; and it instead recommends on spurious grounds to rescind the former Congress action on Art. 63. While the danger that it might succeed in the latter respect is remote, its report leaves the matter of Art. 22 and 26 unsolved.

There are good reasons for considering that, in principle, a name has a type from the moment of its valid publication, even though that type may have been designated much later or may yet have to be designated. This is partly but not solely a question of nomenclatural philosophy. There are concrete cases in which this principle may matter, and it is probably a good thing that the Berlin Congress rejected the generally worded Art. 7 Prop. C.

There are, however, two contexts in which it is disturbing, and is often destabilizing, to grant retroactive effect to later type designations. One is the illegitimacy rule in Art. 63, for which the problem has been solved in Berlin. It is no longer possible to consider that inclusion in a new taxon of an element that later became, or may yet become, the lectotype of a name that should have been adopted retroactively illegitimizes its name.

The problem with the autonym rule, however, is still unsolved. It is, perhaps, more difficult to see and to explain. Let us consider the case of Art. 22.1, which rules that names of subdivisions of genera that include the type of the (adopted and legitimate) name of the genus must have the form of autonyms. If they do not, and thus contravene Art. 22.1, they are not validly published under the general provision of Art. 32.1(b) (they are not, therefore, illegitimate as many may have thought, since Art. 63 on illegitimacy concerns only validly published names). Now if, as often happens, the syntypes of the generic name are distributed over two or more subgenera or sections, and if typification of the generic name is still open or is controversial, one of the subgeneric or sectional names (but we do not know which) is at risk. I will refrain from developing the scenario any further, but I must emphasize that the question of whether or not a name is validly published, which is the criterion for its priority both for the purpose of synonymy and homonymy, is the most fundamental question in nomenclature, and that any uncertainty over the validity of names is obnoxious and potentially destabilizing. It must be possible to decide on the validity of a name from the context of its original publication, without reference to later or future actions.

The following couple of proposals will, if adopted, (1) resolve the problem outlined above, (2) make explicit the status of names contrary to Art. 22.1 and 26.1, now easily misunderstood, and (3) leave the general principle unaffected that in theory a name has a type from the onset.
(218) Add a new Art. 22.1bis and two examples:

"22.1bis. A name of a subdivision of a genus that includes the type (i.e. the original type or all elements eligible as type or the previously designated type) of the adopted, legitimate name of the genus is not validly published unless its epithet repeats the generic name unaltered. For the purpose of this provision, explicit indication that the typical element of the genus is included is considered as equivalent to inclusion of the type, whether or not it has been previously designated (see also Art. 21.3)"

"Ex. 1. Cactus [taxon] Melocactus L. (Gen. Pl. ed. 5. 210. 1754) was proposed for one of four rankless, named subdivisions of the genus Cactus, comprising C. melocactus L. (its type under Art. 22.4) and C. mammillaris L. It is validly published, even though C. melocactus was subsequently designated as the type of Cactus L. (by Britton & Millspaugh, Bahama Fl. 294. 1920) and, later still, C. mammillaris became the conserved type of that generic name (by the way in which the family name Cactaceae Juss. was conserved)"

"Ex. 2. Dodecatheon sect. Etubulosa Knuth (in Engler, Pflanzenr. 22: 234. 1905) was not validly published since it was proposed for a section that included D. meadia L., the original type of the generic name Dodecatheon L."

(219) Add a new Art. 26.1bis and two examples:

"26.1bis. A name of an infraspecific taxon that includes the type (i.e. the holotype or all syntypes or the previously designated type) of the adopted, legitimate name of the species to which it is assigned is not validly published unless its epithet repeats the specific name unaltered. For the purpose of this provision, explicit indication that the typical element of the species is included is considered as equivalent to inclusion of the type, whether or not it has been previously designated (see also Art. 24.3)"

"Ex. Ibis. Linnaeus (Sp. Pl. 779-781. 1753) included 13 named varieties under Medicago polymorpha. Since M. polymorpha L. has no holotype and since no syntypes are cited, all varietal names are validly published irrespective of the fact that the lectotype subsequently chosen (by Heyn, Bull. Res. Council Israel, Sect. D, Bot., 7: 163. 1959) can be attributed to M. polymorpha var. hispida L."


Type designations used in the above two proposals reflect the fact that the terms holotype and syntype, as clearly defined in Art. 7, apply only at the rank of species and below. Unless these definitions are changed by the next Congress, the Editorial Committee will, by adoption of the present proposal, simultaneously be instructed to reword Art. 63.1 accordingly, to read: "... definitely included the holotype or original type, or all syntypes (Art. 7.7), or all elements eligible as types (Art. 10.2), or the previously designated type...", where the latter expression purposely includes neotypes and conserved types, too.

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