Five Miscellaneous Proposals to Amend the Code
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(284-288) Five miscellaneous proposals to amend the Code

Kancheepuram N. Gandhi & John T. Kartesz

(284) Add a new Note and an example at the end of Art. 26:

Note 2. The acceptance of an autonym over that of an earlier name of the same rank, under the principle of the negation of priority, is correct. This procedure is not the same as accepting the combination of the final epithet of the earliest legitimate name of a taxon in the same rank, with the correct name of the genus or species to which it is assigned.

Ex. 4. Within Pseudotsuga menziesii (Mirbel) Franco, the autonym P. menziesii var. menziesii (1950) is the correct name that includes P. menziesii var. viridis (Schwerin) Franco 1950 (based on P. douglasii var. viridis Schwerin 1908) as its synonym.

The correct name of any taxon, below the rank of a genus, is the combination of the final epithet of the earliest legitimate name of the taxon in the same rank with the correct name of the genus or species to which it is assigned (Art. 11.3, 57.1). However, these two Articles do authorize the use of a later name, under the provisions of, among others, Art. 26.1 which pertains to the concept of autonyms.

According to Art. 26.1, it is mandatory to use an autonym for the name of any infraspecific taxon that includes the type of the accepted name of the species. In essence, the principle of this Article is the negation of priority. According to the negation of priority, an autonym of an accepted name is not threatened by an earlier legitimate synonym in the same rank.

The present Art. 26 Ex. 1-3 and 57 Ex. 7 illustrate the priority of an autonym over a name in the same rank and of the same date, whereas the note and example given in the above proposal illustrates the principle of the negation of priority.

(285) Add a new Art. 33.Ibis:

"33.Ibis. When a taxon at the rank of a family or below is changed in rank on or after 1 Jan. 1995, the change in rank must be accompanied by reasons. Proposals of changes in rank, unaccompanied by reasons, do not constitute valid publication."

Preamble 8 of the Code emphasizes that "The only proper reasons for changing a name are either a more profound knowledge of the facts resulting from adequate taxonomic study or the necessity of giving up a nomenclature that is contrary to the rules". But this principle has often been ignored and changes in rank, especially from subspecies to variety or vice versa, were made without comment (perhaps even without knowledge of the group).

For example, Murray (in Kalmia 13: 2-32. 1983) made hundreds of new combinations at subspecific rank, hardly providing justification. Little & McKinney (in Phytologia 72: 79. 1992), without providing a taxonomic discussion, raised Viola

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primulifolia var. occidentalis A. Gray to subspecific rank for the sole purpose of using a name at the latter rank.

Moreover, the difference between subspecific and varietal ranks is not defined in the Code, and their application, especially in the past, depended upon the author. In many cases, authors made new combinations at both ranks for the sole credit of authorship. While nothing can be done about thousands of such combinations made in the past, at least they can be curbed in the future.

(286) Replace Rec. 61A with a new Art. 61.2, and replace the example:

"61.2. When a taxon at the rank of a family or below is changed in rank on or after 1 Jan. 1995 and no earlier legitimate name is available in the new rank, the original name or epithet must be retained unless the resulting name would be contrary to the Code. Regarding the name of a family or its subdivision, the termination may be altered appropriately.

"Ex. 1. The subtribe Drypetinae Pax (1890) (Euphorbiaceae) when raised to the rank of tribe was named Drypeteae (Pax) Hurusawa (1954); Panicum subgenus Dichanthelium Hitchcock & Chase (1910) (Poaceae) when raised to the rank of genus was named Dichanthelium (Hitchcock & Chase) Gould (1974); Heterotheca latifolia Buckl. (1862) when reduced to the rank of a variety was named H. subaxillaris var. latifolia (Buckl.) Gandhi & Thomas (1989)."

The Cambridge Rules, Rec. 36(3), recommended that, "When a subdivision of a species becomes a species, or the inverse change occurs, the original epithet should be retained unless the resulting combination is rejected under Section 12 ..." This, though criticized by Weatherby & Stone (in Rhodora 46: 202. 1944) for promoting proliferation of unnecessary epithets, continues to be a Recommendation to date (Rec. 61A.1-4) with the wording slightly altered, but leaving the original concept intact. Because of its status of a Recommendation, not an Article, it has not been mandatory for taxonomists to strictly follow it but they were allowed to choose their own epithet whenever they altered the rank of a taxon.

The above practice often produces confusion. For example, Vasey (in Bot. Gaz. 7: 92-93. 1882) proposed Muhlenbergia glomerata var. brevifolia and M. sylvestra var. californica. He typified both varietal names on S. B. Parish collections. Later, Vasey (in Bull. Torrey Bot. Club 13: 53. 1886) raised both varieties to specific rank: var. brevifolia as M. californica and var. californica as M. parishii (in honor of Parish). Vasey could have honored Parish by basing M. parishii on var. brevifolia, but he did not. Vasey’s treatment accords with what was known as “Kew rule” or “Bentham rule”. The above proposal, if adopted, will prevent such a practice.

(287) Add an example under Art. 34.2:

"Ex. 8bis The combination Sesbania exaltata (Raf.) Rydb. ex Hill (Ind. Kew. Supp. 7: 223. 1929) accompanied by the basionym Darwinia exaltata Raf. was not validly published, since Hill, in this supplement, merely listed the published specific names, without differentiating them into accepted names and synonyms. The correct author for S. exaltata is: (Raf.) Cory (Rhodora 38: 406. 1936)."
In botanical literature, one may encounter combinations credited to the editors of *Index kewensis*. In the original two-volume edition and the subsequent three Supplements of *Index kewensis*, specific names were distinguished into accepted names (in Roman type) and synonyms (in italics). Until then the listing of invalidly published names as accepted names, with direct or indirect reference to a basionym, validated them. This practice was abandoned from the 4th Supplement onward, and published specific names have been merely listed (all in Roman type), with bibliographical details, but without distinguishing them into accepted names and synonyms.

Since the acceptance of a name by its author is mandated by Art. 34.1(a), and since the editors of the fourth and subsequent Supplements of *Index kewensis* failed to meet this requirement, listing of invalidly published combinations in such works, even though accompanied by their basionyms, does not constitute valid publication.

(288) *Add an example to Art. 7.11:*

"Ex. Ibis Cyperus brevifolioides Thieret & Delahoussaye (1967) was published as a nomen novum, with Kyllinga monocephala var. leirolepis Franch. & Sav. (1877) and *K. gracillima* Miq. (1866) cited as synonyms. The latter two names are based on two different types. Although Thieret and Delahoussaye did not designate a type for *C. brevifolioides*, its type is that of *K. gracillima.*"

The present Art. Ex. 7.11 illustrates a straightforward case wherein a nomen novum replaced a later homonym. But some authors have proposed nomina nova without clear indication of the replaced synonym and without designation of a type.

For example, Thieret & Delahoussaye (in *Sida* 3: 129. 1967) listed *Kyllinga monocephala* var. *leirolepis* (1877) first and *K. gracillima* (1866) second as synonyms of *Cyperus brevifolioides*. They neither indicated whether *C. brevifolioides* is a nom. nov. for *K. monocephala* var. *leirolepis* or for *K. gracillima* nor designated a type. Nevertheless, *C. brevifolioides* must be typified by the type of *K. gracillima* since the latter is the oldest name involved.