

(334–336) Proposals relating to the valid publication of new combinations, names at new rank, and replacement names (Article 41)

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(334) Delete the date limit in Art. 41.4, and add a phrase (new text in bold, deleted text in strikethrough):

“41.4. If, for a name of a genus or taxon of lower rank ~~published before 1 January 1953~~, no reference to a basionym is given, **or only an insufficient reference (see Art. 41.5)**, but the conditions for its valid publication as the name of a new taxon or replacement name are fulfilled, that name is nevertheless treated as a new combination or name at new rank when this was the author’s presumed intent and a potential basionym (Art. 6.10) applying to the same taxon exists.”

The date limit in this provision first appears in the *Vienna Code* of 2006, in the then Art. 33.3. The mail vote on the relevant proposal had been negative, and the Section’s debates were confusing. Little attention was paid to the changes that its adoption would have for names published since 1953 and for names yet to be published. The Section was left with the impression that what is now Art. 41.8 would minimize such changes, so the proposal passed. But whereas it is true that through Art. 41.8(c–d) some intended new combinations are rescued as such, that rescue does not work in all cases. The cases of failure may be few, but the result is very undesirable: they leave us with two different names with the same epithet, with priority from different dates, with the same type or with different types, and the later one may even be illegitimate and block the desired transfer, resulting in further change.

A recent example may serve to illustrate the point. The intended new combination *Alsophila ramispinoides* was published by Lehnert (in *Syst. Bot.* 38: 883. 2014) with an incomplete basionym reference (page number lacking). It fails to meet the requirements of Art. 41.5 and can be salvaged neither by Art. 41.6, which tolerates no omissions, nor by Art. 41.8(d), which presupposes presence of a full and direct reference to a different work; it is not therefore validly published as a new combination, but, as there is an English description and citation of the type, it is validly published as the name of a new species, dating from 2014. Subsequently Lehnert (in *Syst. Bot.* 40: 386. 2015) published the originally intended combination, based on *Cyathea ramispinoides* M. Kato of 1990; but in vain, as the later name is an isonym without nomenclatural status, and cannot bring back to the name the 24 years of lost priority. Upon future transfer (with ferns, you never know), an author is free to use either Kato’s or Lehnert’s name as basionym.

Proposal 334 would ensure that *Alsophila ramispinoides* (M. Kato) Lehnert is validly published from the 2014 date, obviating the described awkwardness. The same applies in infrequent but by no means exceptional parallel cases, each with its own, perhaps even worse complexities.

(335) Delete the last sentence of Art. 41.5, so that it reads (deleted text in strikethrough):

“41.5. On or after 1 January 1953, a new combination, name at new rank, or replacement name is not validly published unless its basionym or replaced synonym is clearly indicated and a full and direct reference given to its author and place of valid publication, with page or plate reference and date (but see Art. 41.6 and 41.8). ~~On or after 1 January 2007, a new combination, name at new rank, or replacement name is not validly published unless its basionym or replaced synonym is cited.~~”

The sentence proposed for deletion is another unfortunate addition by the Vienna Congress. Unfortunate because it is partly in unresolved conflict with Art. 41.6, which still allows errors in the citation of the basionym or replaced synonym that are apparently not allowed by the incriminated sentence. Unfortunate also because it imposes bureaucratic hurdles that are unnecessary for all events and purposes. What is wrong with the traditional if today unusual form of citation (example hypothetical): *Quercus perennis* (L., Sp. Pl.: 886. 1753, as *Bellis*), comb. nov.? Why should it be outlawed? Isn’t this useless harassment?

(336) Reword Art. 41.8(a) (new text in bold, deleted text in strikethrough):

“(a) when the name cited as the actual basionym or replaced synonym was validly published earlier than **the name or isonym cited as such**, ~~in the cited publication~~; but in **the that** cited publication, in which all conditions for valid publication **of the name as cited** are ~~again~~ fulfilled, there is no reference to the ~~actual~~ place of valid publication **of the actual basionym or replaced synonym;**”

The current wording of Art. 41.8(a) does not cover all of the situations the Article purports to cover by its leading statement: “in any of the following cases, a full and direct reference to a work other than that in which **the basionym or replaced synonym** was validly published is treated as an error to be corrected”. This is because Art. 41.8(a), in stating this differently: “when **the name cited as the basionym or replaced synonym** was validly published earlier than in the cited publication”, cannot apply to cases where a name differing from the one cited was the actual basionym or replaced synonym, i.e., when the name cited and the actual basionym represent different combinations for the same taxon, being placed in different genera or species, or at different ranks.

An example of this is the new combination published by Duncan & Pullen (in *Brittonia* 14: 297. 1962) as “*Rhododendron minus* var. *chapmanii* (A. Gray) Duncan and Pullen, comb. nov.”, citing “*Rhododendron chapmanii* A. Gray, Proc. Acad. Phila. II. 4: 61. 1877” [where “Proc. Acad. Phila.” is an error correctable to “Proc.

Amer. Acad. Arts”, under Art. 41.6] as the apparent basionym. Gray referred to “*R. punctatum* var. *Chapm.* Fl. 266”, an unnamed variety in Chapman (Fl. South. U.S.: 266. 1860), but not to the name validly published for it by Wood (1870), *R. punctatum* var. *chapmanii* Alph. Wood, which under Art. 41.4 is the basionym of *R. chapmanii* (Alph. Wood) A. Gray. With the proposed change to Art. 41.8(a), Duncan and

Pullen’s combination will be based on Wood’s varietal name, and not Gray’s binomial that they cited.

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