A proposal on valid publication with erroneous citation of a basionym or replaced synonym (Article 41.8)

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Amend Art. 41.8(c) and (d) as follows (deleted text in strikethrough, new text in bold), and replace Art. 41 Ex. 24 with a new Example:

“41.8. On or after 1 January 1953, 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, not affecting the valid publication of a new combination, name at new rank, or replacement name:

[…]

(c) when an intended the resulting new combination or name at new rank would otherwise be validly published as a (legitimate or illegitimate) replacement name; or

(d) when an intended the resulting new combination, name at new rank, or replacement name would otherwise be the validly published name of a new taxon.”


The current wording of Art. 41.8 suggests that, for the provisions (c) and (d) to apply, a new combination or another name with a basionym should be intentionally proposed by its author. This is contrary to the current practice to treat nomenclatural novelties as validly published when the relevant conditions for valid publication are met, even though such a novelty may not necessarily be recognized and indicated as such by the publishing author. It is also contrary to the idea of the original proposal (Greuter in Taxon 47: 915–918. 1998), from which the present Art. 41.8 resulted: by using the words “intended new combination”, that proposal implied that the publishing author accepted a nomenclatural novelty with a basionym (vs. a nomenclatural novelty without a basionym), rather than implied a difference between intentionally vs. unintentionally publishing a new combination (Greuter, pers. comm., Jun 2016). Moreover, the analogous provisions (a) and (b) do not have this conditional limitation.

The new wording proposed here is neutral to the actual intent of the publishing author, who may appear to have published a new name either intentionally or unknowingly.


The current Art. 41 Ex. 24 is incorrect and should be deleted.

When publishing the purported nomen novum, Agropyron kengii Tzvelev (in Grubov, Rast. Tsentral. Azii 4: 88. 1968), Tzvelev (pers. comm.) was aware that its presumed replaced synonym, Roegneria hirsuta (Keng (in Keng, Fl. Ill. Pl. Prim. Sin., Gram.: 407. 1959), was not validly published in the cited place; to be polite to the original author, and also to accommodate the possibility that the name was or was not published by Keng elsewhere, he quoted that work as the replaced synonym while intentionally fulfilling the conditions for valid publication of the replacement name as the name of a new taxon. While doing so, Tzvelev unfortunately stated “typus!” at the citation of a single gathering borrowed from Keng and also at the citation of a drawing of the taxon published by Keng. In 1968, both elements, the specimen and the illustration, were eligible for designation as the holotype of the name of a new taxon; citing both as such means that two types were designated. Consequently, the designation “Agropyron kengii” was not validly published by Tzvelev as being contrary to Art. 40.1 and 40.2.

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