

## (297–304) Proposals to better define “replacement names” (Article 6.11 and 7.5), and four other proposals on Article 6

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My interest in the question of what is, and what is not, a replacement name dates back almost half a century, when in one of my early papers on plant nomenclature (Greuter in *Candollea* 23: 263–265, 1969) I discussed the case of *Astragalus penduliflorus* Lam. One conclusion was that the *Code* definition of *nomen novum* was (a) not immediately recognisable as such and (b) not fully compatible with traditional and current usage.

The expression *nomen novum* first appears in the *Stockholm Code* of 1952, Appendix I (Determination of types), thus defined: “a new name or epithet published as an avowed substitute for an older one which is not available”. The same text was transferred to the body of the *Paris Code* of 1956, Art. 7 Note 4, and remained in the same article, with but little change, throughout the following editions, up to and including the *Vienna Code* of 2006, where it reads (in Art. 7.3): “A new name published as an avowed substitute for an older

name”. The central part of the definition is the expression “avowed substitute”. According to current dictionaries, the adjective “avowed” describes something that has been admitted or stated in public; the criterion for a *nomen novum*, therefore, is the author’s stated intent to replace the earlier name.

In the *Melbourne Code*, the former Art. 7.3 was split. The portion corresponding to the definition is now in Art. 6.11; the remainder, pertaining to typification, is Art. 7.4. In Art. 6.11, the definition reads: “A replacement name (avowed substitute, *nomen novum*, *nom. nov.*) is a new name based on a legitimate or illegitimate, previously published name”. Confining to parenthetical mention the words “avowed substitute”, formerly the main criterion to distinguish a replacement name from a name of a new taxon, does not help to make the definition better applicable than before. My first proposal, therefore, aims at restoring the pre-Melbourne definition of *nomen novum*:

**(297) Reword Art. 6.11 (new text in bold, deleted text in strikethrough):**

“6.11. A replacement name (~~avowed substitute, nomen novum, nom. nov.~~) is a new name **published as an avowed substitute for based on** a legitimate or illegitimate, previously published name, which is its replaced synonym. The replaced synonym, when legitimate, does not provide the final epithet, name, or stem of the replacement name (see also Art. 58.1).”

The following example is provided for possible use by the Editorial Committee: Gussone (1844) described plants from the Eolie Islands near Sicily as *Helichrysum litoreum* Guss., citing in synonymy *Gnaphalium angustifolium* Lam. (1788). At the end of the protologue, Gussone wrote: “nomen [*G. angustifolium* Lam.] mutavi confusionis vitendi gratia” [I changed the name to avoid confusion]. He thereby declared that *H. litoreum* is a replacement name based on the type of *G. angustifolium* (from Posillipo near Naples), not on the material described and cited by himself.

Whether a name has been published as a replacement name or as a name of a new taxon is irrelevant for its form, authorship and date for purposes of priority. The single reason why it is useful to make a distinction is typification: a replacement name has the same type as its replaced synonym, a name of a new taxon has a type used or cited by its author. It is therefore sensible, and has for long been general practice, to treat as replacement names those names that necessarily have the same type as an earlier name, even though the author may not have stated that they are replacement names. In particular, it is both logical and traditional to consider automatically typified names that are illegitimate under Art. 52 as replacement names. The two following proposals are made to provide a legal basis for that practice:

**(298) Add a new paragraph after Art. 6.11:**

“6.11bis. A name not avowedly proposed as substitute for an earlier name is nevertheless a replacement name (a) if it is validated solely by reference to that earlier name or (b) under the provisions of Art. 7.5.”

**(299) Reword Art. 7.5 (new text in bold, deleted text in strikethrough):**

“7.5. A name that is illegitimate under Art. 52 is **either a replacement name, typified either automatically by the type of the name (the replaced synonym) that ought to have been adopted, or of which the epithet ought to have been adopted, under the rules (Art. 7.4 automatic typification), or it is the name of a new taxon, when by a different type was designated or definitely indicated by the author of the illegitimate name. However, if no type was designated or definitely indicated and the type of the earlier name was included in the protologue, e.g. by inclusion (see Art. 52.2) of the type of the name causing illegitimacy** in a subordinate taxon that did not include the evidently intended type of the illegitimate name, ~~typification is not automatic.~~ Automatic typification does not apply to names sanctioned under Art. 15.”

The really problematic issues, however, are those in which past and current nomenclatural practice is at odds with the letter of the *Code*. Numerous legitimate names validated by their own descriptive matter, even if not designated as replacement names in the protologue, were and are considered as homotypic with an earlier name cited as synonym: a legitimate name of which the epithet was unavailable in the required combination or an illegitimate later homonym. The

alleged “replaced synonym” is then considered to provide the type of the corresponding new name, even though that type, in most cases, was not used or cited by the author of the validating description. The most critical cases are those in which the material used by the new author and the type of the so-called “replaced synonym” differ taxonomically.

The following proposal offers a flexible solution by which both options are available, depending on the merits of each individual case: to treat the names in question as replacement names, as has been customary in perhaps a majority of cases; and to consider them as pertaining to new taxa, as was appropriate by strict adherence to the *Code*. Preponderance of usage is the criterion for choosing between these options, and type designation is the mechanism by which the choice is operated.

**(300) Add another new paragraph after Art. 6.11:**

“6.11ter. A name not avowedly proposed as substitute for an earlier name may be treated either as a replacement name or as the name of a new taxon if in the protologue both a potential replaced synonym is cited and, independently, all requirements for valid publication of the name of a new taxon are met. Decision on the status of such a name is to be based on preponderant usage and is to be effected by means of apposite type designation (Art. 9 and 10).”

The following example might be suitable: When describing *Astragalus penduliflorus* Lam. (1779) using material from the French Alps, Lamarck also cited in synonymy *Phaca alpina* L. (1753) [non *Astragalus alpinus* L. 1753], described from Siberia. It is questionable whether Linnaeus’s and Lamarck’s plant belong to the same species. Greuter (in *Candollea* 23: 265. 1969) designated different types for the two names, so that, in conformity with preponderant usage, *A. penduliflorus* is treated as the name of a new, European species.

The four following proposals concern various other aspects related to Art. 6. They are independent from the replacement name issues considered above. They aim at clarification of the current provisions in a sense that supports the way in which they are generally understood.

Proposal (301) spells out what is in fact commonplace and is spelled out under some of the individual relevant provisions: that for nomenclatural purposes text or images are relevant only when they are effectively published, otherwise they do not count and can be ignored. In several relevant paragraphs this restriction is not mentioned but must be inferred. For instance, the requirement of effective publication is not mentioned in Art. 38.1(a), 43.1, 44.1 (descriptive matter accompanying names of new taxa), 41 (reference to the basionym or replaced synonym; see also Art. 30 Ex. 11), 38.8, 43.2, and 44.2 (illustrations accompanying names of new taxa); whereas it is made explicit in Art. 32.1(a) for the names themselves, 38.1(b), 43.1–2, 44.1–2 for previously published descriptive matter or illustrations to which reference is made, and 7.9 for type designations.

The general provision proposed below is the easiest and most efficient way to remove this apparent disparity of treatment. It would enable the Editorial Committee to simplify the current text of several Articles by eliminating the then redundant effective publication requirement (optionally replacing it by a general Note, in Art. 32, referring to Art. 6.1). The “specified exceptions” referred to in the proposed addition are, to my knowledge: Art. 9.3(a), 9.22 (unpublished illustrations serving as types), and Rec. 9A.3 (manuscript notes to guide lectotypification). If the proposal is approved, the Editorial Committee is asked to insert the words “published or unpublished” ahead of “illustration”, in Art. 8.1, so as to avoid any possible doubt.

**(301) Add a sentence at the end of Art. 6.1 (new text in bold):**

“6.1. Effective publication is publication in accordance with Art. 29–31. **For the purposes of this Code, save specified exceptions, only material that is effectively published is taken into account.**”

Proposal (302) addresses the not infrequent cases in which names, when first published, are assigned an inappropriate nomenclatural status. Frequent examples are alleged new combinations for which an illegitimate name is cited instead of a basionym, or alleged replacement names for which a misapplied name is cited instead of a replaced synonym. In both cases, the conditions of valid publication of a name with a different status may be fulfilled, provided, as is generally assumed, that correction of the status is permissible. One sometimes finds names published as “nom. nov.” with a stated type that differs from the type of the presumed replaced synonym, so that either the type or the status must be corrected. As there is no provision that would permit a change of the stated holotype, proposal (302) would make it clear that it is the status that must be corrected.

**(302) Add another new paragraph after Art. 6.11:**

“6.11<sup>quater</sup>. A factually incorrect statement of a name’s status as defined in Art. 6.9–6.11 does not preclude its valid publication as a name with a different status; it is treated as a correctable error (see also Art. 41.4 and 41.8).”

Proposals (303) and (304) deal with a point not otherwise covered in the *Code*. It is tacitly assumed that names with a basionym (new combinations and/or names at new rank) cannot themselves serve as basionyms or replaced synonyms of other names. Indeed, Art. 41 Ex. 20 is based on that assumption. If *Cladium iridifolium* (Bory Baker) were acceptable as basionym of Koyama’s intended combination *Machaerina iridifolia* – and I can find no provision in the *Code* that would preclude it –, the latter combination, contrary to what the example states, would be validly published.

**(303) Add a phrase in Art. 6.10 (new text in bold):**

“6.10. A new combination (combinatio nova, comb. nov.) or name at new rank (status novus, stat. nov.) is a new name based on a legitimate, previously published name, which is its basionym. The basionym **does not itself have a basionym; it** provides the final epithet, name, or stem of the new combination or name at new rank. (see also Art. 41.2).”

**(304) Add a phrase in Art. 6.11 (new text in bold):**

“6.11. A replacement name (avowed substitute, nomen novum, nom. nov.) is a new name based on a legitimate or illegitimate, previously published name, which is its replaced synonym. The replaced synonym **does not itself have a basionym; when legitimate, it** does not provide the final epithet, name, or stem of the replacement name (see also Art. 58.1).”