

PROPOSAL TO SUPPRESS A WORK

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Proposal to add Selbyana vol. 23 Supplement to the “opera utique oppressa”

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Selbyana 23 Supplement. 2002 (ISSN: 0361-185X) [species] *opus utique oppr. prop.*

The above publication gained a high degree of publicity, involving international protests, police raids into greenhouses and criminal proceedings. A detailed account is given by Braems (in *Richardiana* 2004: 89–102) with highlights reported by Cribb (in *Curtis's Bot. Mag.* 22: 8–11. 2005 [511]).

Stated briefly, an unknown orchid was bought at a roadside sale in Peru and brought to Marie Selby Botanical Gardens, where a taxonomic description was drawn up, overnight, and rushed into print (eight days later it was received in botanical libraries) as a special four page supplement, devoted entirely to the species. This established the name *Phragmipedium kovachii* (June 2002), named after the buyer, with priority over *Phragmipedium peruvianum* (July 2002) for the same taxon. The manuscript of the latter had been submitted slightly earlier but its appearance in a regular issue of the magazine *Orchids* took more time.

The transportation of the plant material from Peru to the U.S.A. constituted a violation of CITES and was duly protested against by Peruvian authorities, after which US authorities investigated and brought criminal charges against Marie Selby Botanical Gardens, an official of the Gardens and the buyer. All pleaded guilty to misdemeanours, and were sentenced (in 2003 and 2004) to fines and either probations or house arrest. In addition Marie Selby Botanical Gardens publicly promised to try and have the name revoked, with Selby chairperson Hansen being reported saying: “It’s not a good idea to name an orchid after anybody who brought it into the country illegally” (http://www.sptimes.com/2003/12/18/Tampabay/Garden_fined_in_orchi.shtml and <http://www.ubcbotanicalgarden.org/weblog/000086.php>).

Marie Selby Botanical Gardens apparently did not follow through on its promise and therefore this proposal is brought so as to put the nomenclatural aspects of the case on the public record. Great care must be taken not to set an undesirable precedent.

It is noteworthy that Art 32.9 does not limit the reasons why a work may be oppressed utique, thus allowing all aspects of the matter to be taken into consideration. Obviously it would be highly undesirable to oppress works just because the names in it are disagreeable. Equally obviously, quite a bit more may be said on the issue.

In the short term, oppressing utique this supplement and thereby “revoking” the name *P. kovachii* will somewhat

destabilize nomenclature. The name *P. kovachii*, already fairly famous, perhaps even infamous, will be replaced by the less famous *P. peruvianum*.

In addition, a name for this taxon has been published at the rank of section, *P. sect. Schluckebieria* Braem (in *Richardiana* 4: 102. 2004, not to be confused with the name *Schluckebieria* Braem in *Richardiana* 4: 49. 2004 at the rank of genus for a taxon with a different type). This name is typified by the name of this species (see Art 10.1). A name is only validly published if the type of the name is indicated (Art 37.1), and if *P. kovachii* ceases to exist (as a validly published name) it will no longer indicate a type: this name of the section will no longer be validly published.

In all likelihood the effects of this short term destabilization will be limited in scope as *P. kovachii* was published only in 2002 and therefore cannot have been included in all that many botanical works. Secondly, the names of orchids do not enjoy a reputation of being particularly stable: most orchid growers will be able to take in stride yet another name change, especially for a species that on the one hand is so highly publicized, and on the other hand is only just entering cultivation.

Not only the short term effect on nomenclature is to be considered here but also the long term effect. In the long term it may be detrimental to the credibility and good reputation of botanical nomenclature in the public eye if this publication is allowed to stand. After all, just about ‘every rule in the book’ was broken here. Rushing into ad hoc publication just to ‘beat a competitor’ hardly constitutes the proper pursuit of science. Criminal charges were brought before court and all parties pleaded guilty and were sentenced. The material was transported in direct violation of an international treaty specifically designed to protect rare species. Allowing this publication to stand may well send out the message to the world that the botanical community considers violation of CITES, blatant ‘name hunting’ and criminal convictions as acceptable parts of the process of describing a taxon.

Also, allowing a highly publicized species to be named after somebody who was convicted in a criminal court for his very part in describing the taxon concerned may well have consequences as to the perception of the honour that is conferred by dedicating a species to a person.

Therefore, it is proposed here to oppress this most curious publication, a four page supplement, dealing with one species only, which was issued ad hoc, for the sole purpose of establishing nomenclatural priority.