



(220)-(223) Proposals to Treat Names Covered by Art. 69 under Art. 14

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(215) Proposal to add a new item to Art. 32.1: “(e) in addition, names (autonyms excepted) published on or after a date to be established by the XV International Botanical Congress must be registered.”—(4:1).

(216) Proposal to insert in Div. III.2, after (1): “Committee for Registration, including the ex-officio members of the General Committee.”—(5:0).

If this is accepted, the secretaries of the other permanent nomenclature committees, the rapporteur-général, and the president and secretary of the International Association for Plant Taxonomy would be ex-officio members of the new committee. Others would be added at the discretion of the Section.

(217) General proposal “That the General Committee, upon proposal by the Committee for Registration, set up a “Guide for the Registration of New Plant Names”, to be published in “Taxon” and to be submitted to the XV International Botanical Congress.”—(5:0).

(218) General proposal “That the Committee for Registration be given mandate to actively investigate, negotiate and test the structures, procedures and mechanisms, including finance, required for the implementation of a system for the registration of new plant names.”—(5:0).

Having extensively discussed the question of criteria to be met by vehicles of newly proposed plant names in order to qualify as effective publications, the Committee draws attention to the fact that rulings to this effect are being proposed (Props. 226–228B) separately by three of its members; and, in the event that their proposals should not gain general or immediate acceptance at the Berlin Congress, further recommends

(219) Proposal “That the Committee for Registration be instructed to devise incorporating the requirements for effective publication into the “Guide for the Registration of New Plant Names.”—(5:0).

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(220)–(223) Proposals to treat names covered by Art. 69 under Art. 14.

The question of whether the Code should allow for specific names to be either conserved or rejected has been much debated in recent decades. One of the strongest arguments against having formally approved lists of such names has been that the number of cases will be too great for the relevant committees to deal with. Nevertheless, formal rejection of specific names under Art. 69 and their placement on a list was introduced at the Leningrad Congress in 1975, and conservation of specific names (restricted to species of major economic importance) was allowed at the Sydney Congress in 1981. In the Sydney Code the list of rejected names was established as Appendix IV on p. 427, though it consists of only a single name, *Bromus purgans* L., the only one passed by the relevant committees between 1975 and 1981. It is, however, clear that, as the Code stands at present, future editions will be required to include two appendices of specific names, those rejected under Art. 69 in Appendix IV and those conserved and rejected under Art. 14 in (presumably) Appendix V. In addressing ourselves to these problems we have come to realize that the listing of names in the Code could be simplified, and stability of names could be promoted, by introduction of a simple procedure which would involve committees in no more work than they currently are required to do.

At present a name which has been widely and persistently misapplied may be rejected under Art. 69. This requires publication of a proposal in *Taxon*, detailed consideration by the committee for the appropriate plant group, publication of a recommendation by that committee in *Taxon*, adoption of that recommendation by the General Committee, and finally formal approval by an International Botanical Congress. Exactly the same procedure is required for conservation of a name under Art. 14. To an outsider, and indeed to many involved in the process, it may seem ridiculous that such an amount of time and effort is put into *rejecting* well known names when with certainly no more effort

the well known name could be *conserved* in its present sense and continue in use. The benefit to stability of names would be obvious, and we see no disadvantages.

An actual example will illustrate the point. A species widespread and common in Europe has been known for over 200 years as *Ononis spinosa* L. However, when the type of this name was examined recently, it was found to be referable to a different species, to which the name had never been applied since 1753. To avoid a very confusing switch of the name from one species to another, a proposal for rejection of the name under Art. 69 was published (Jarvis, Ivimey-Cook and Cannon in *Taxon* 32: 314–316. 1983) and acceptance of this has subsequently been recommended by the Committee for Spermatophyta (*Taxon* 34: 662. 1985). Would it not have been very much better if it had been possible to conserve the name with a new type and maintain it in its usage of over 200 years? We are, after all, aiming at stability of names. Would an outsider not be entirely justified in thinking that our present procedures in such cases *are* ridiculous and do *not* achieve our main aim of nomenclatural stability? No more work would have been needed by the proposers or by any committees to achieve a very much more satisfactory result if the authorisation had been available. Such action would be made possible in future cases by acceptance of the following proposals.

(220) Proposal to re-number the present Art. 14.1 as 14.1(a), and add a new Art. 14.1(b) reading:

“A name may also be conserved in cases provided for by Art. 69”. At the end of Art. 14.2 add “except as allowed for under Art. 14.1(b)”.

(221) Proposal to revise Art. 69 to read:

“Where a name has been widely and persistently used for a taxon or taxa not including its type, and would be the correct name for another taxon, an appropriate proposal for conservation may be made under Art. 14.1(b). Until a decision has been made on such a proposal, the name is not to be used in its correct sense”.

Because it may not be immediately apparent that this new provision may act in a dual way and the long mis-applied name may be either conserved or rejected under it (see examples below), the Editorial Committee may wish to add a Note as follows.

(222) Proposal to add under Art. 69 a Note reading:

“The name proposed for conservation under Art. 14.1(b) may be either the name which has been widely and persistently mis-applied or another against which the latter is rejected”.

As Secretary of the Committee for Spermatophyta one of us (Brummitt) raised this matter with that Committee for comment. Of those who commented seven (including the Secretary) were sympathetic with the idea of what we propose here, while three were against.

We are well aware of the suggestion, already raised by the dissenting opinions in the Committee for Spermatophyta, that a crack was opened at Sydney when conservation of specific names was allowed for a very restricted field of names, and that we are now trying to drive in a wedge and open the crack ever wider. This is not the case. The names which would be made available for conservation under our present proposal are a small group in a special category already defined by the Code for which published proposals and committee decisions are already necessary. We are merely asking that a more sensible solution to the problem presented by this narrow field of names be adopted.

It has also sometimes been said that any allowance for *nomina rejicienda* or *nomina conservanda* would ‘open the flood-gates’ to proposals for these. In the ten years from the end of 1975 to the end of 1985 the Committee for Spermatophyta received 45 proposals for rejection of names under Art. 69, of which 11 have been accepted by the Committee, 24 have not been accepted for a variety of reasons, and 10 are still awaiting a decision. (In the four years from the end of 1981 to the end of 1985 the same committee has received four proposals for conservation of names of species of major economic importance, of which one has been accepted, 2 rejected, and 1 awaits a decision.) While an average of 4–5 names a year for the Committee with probably the biggest work-load has not presented too great a problem (there are of course also proposals on generic names considered by the same Committee), there is the problem of what should happen to those names which have already been proposed for rejection under Art. 69.

The eleven names of Spermatophyta already rejected or recommended for rejection are *Bromus purgans* L., *Scabiosa papposa* L., *Alternanthera ficoidea* (L.) Beauv., *Solanum indicum* L., *Solanum sodomeum* L., *Lupinus hirsutus* L., *Stipa columbiana* Macoun, *Rotala decussata* DC., *Crataegus oxyacantha* L., *Anthospermum ciliare* L. and *Ononis spinosa* L. Perhaps between five and seven more are likely to be recommended for rejection by the Committee for Spermatophyta before the Berlin Congress, and a small number of names in other groups will be in the same position. (We apologise for not providing details for groups other than Spermatophyta, but we do not have up-to-date information at the time of writing of this proposal.) Clearly it would be necessary to reconsider these names, and then two options are available. Firstly, conservation of these names could be effected with new types so that they could in future be used in their traditional sense, despite the fact that committees have already recommended their rejection and in most cases committee decisions are already published. Or secondly, if it is felt desirable in the interest of stability to reinforce the committee decisions already taken, conservation could be effected of the names of the species to which the types of these rejected names are correctly referred, and the hitherto rejected names would appear opposite them as *nomina rejicienda*. For example, under the first option *Solanum indicum* L. would be conserved with a new type which would allow usage of the name in its traditional sense of over 200 years, or under the second option *Solanum ferox* L. (to which the type of *S. indicum* is actually referable) would be conserved and *S. indicum* would be rejected against it. Acceptance of the following proposal would require the relevant committees to reconsider each case and make recommendations to the General Committee for inclusion of appropriate names in an Appendix of the Berlin Code.

(223) Proposal that names rejected, or recommended for rejection, under Art. 69 prior to the Berlin Congress are to be reconsidered by relevant committees, which are instructed to recommend for each case conservation of that name which will best serve stability, such names to be listed as an Appendix of the Berlin Code.

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(224) Proposal on the application of Art. 69.

Article 69 of the Code, allowing rejection of what have often been called *nomina ambigua* (see McVaugh, Ross and Staffeu in Regn. Veg. 56: 18. 1968), has been in the Code in various forms for many years. The essential parts of its present wording date from the Leningrad Congress of 1975, although the substitution of "may" for "must" made at Sydney in 1981 is also significant. The Leningrad re-wording was introduced largely as a result of proposals by Faegri (Taxon 23: 824-828. 1974) who was charged with convening a Special Committee on the subject at Seattle in 1969. He found that his attempts at correspondence with members produced few constructive replies, and ended up by valiantly submitting a one-man committee report himself. The resulting change was certainly an improvement on the previous wording, and may be quite unambiguous to some, but doubts about its application linger on.

In the ten years following the 1975 Leningrad Congress, 45 proposals for rejection of specific names under Art. 69 have been presented to the Committee for Spermatophyta, and of these, 11 have been accepted, 24 have been rejected for various reasons, and 10 still await a decision. In all the 11 cases accepted (enumerated in the preceding paper) the name concerned has been more or less *exclusively* misapplied since its original publication, and so have been equivalent to Faegri's *Iris ensata* example. There is no ambiguity or confusion over Art. 69 in such cases. In a number of other cases, such as those of *Dipsacus fullonum*, *Carex muricata* and *Potamogeton pusillus* (Taxon 30: 362-363. 1981, reported on in Taxon 35: 558-561. 1986) the name has been widely used in two or more conflicting senses of which one is now considered correct and the other(s) incorrect, and in all such cases the Committee has rejected the proposal, sometimes by a 0-12 vote. This has raised questions in the Committee as to whether members are applying the Article in the way it was intended, and the most recent report comments (Taxon 35: 557. 1986) that the Committee "now feels the need for clarification of Art. 69". In a recent questionnaire put to members the results showed almost as many different