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Incorrect names are always synonyms, but the reverse is quite often not true, viz. synonyms may be incorrect or illegitimate.

RECAPITULATION

"Comparisons are odious."

Summarizing, we may compare what is stated above with a kind of competition connected with examinations to which people are subjected.

Many do not have the slightest intention to apply for admission to the competition (non-Linnaean names). Some of them, however, are forced by self-appointed authorities (the Code) to do so. It must be understood that the pressure exercised in these cases is not solidly based on a code of jurisdiction to which these, often unwilling, people are subjected (Tournefortian and Adanson's names). Others apply of their own free will although they are really not qualified to do so (names of conventional systems). Then there is the category of people that want to be admitted and are more or less qualified to do so (Linnaean names). All these groups have their name entered for admission (admissible names). Authorities (the Code) start looking into the credentials of the candidates. As a result some are refused any further participation (not validly published names), while the rest are admitted to the competition proper (validly published names). The members of the latter class have to subject themselves to two consecutive examinations. Those who fail in the first drop out (illegitimate names), those who succesfully pass this first examination get their first qualification (legitimate names). The passing of the second examination accords an additional qualification and these graduates acquire the right to occupy a post (correct names).

PROPOSAL (90).—Replace the definition of a legitimate name in Art. 6 by the following: "A legitimate name or epithet is one that is so far in accordance with the rules that it must be taken into consideration for purposes of priority; it may be illegitimate only in particular circumstances." Delete the definition of an illegitimate name.

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ON SUPERFLUOUS NAMES

M. A. Donk (The Hague) *

When at Brussels (1910) the principle of still-born names was introduced with a wide application, botanical nomenclature became afflicted with a spreading sore which needs radical treatment. Surgical removal at short notice is indicated here. Attempts to adjust the situation to the Brussels decision have led to some highly questionable and intricate ruling which at Montreal was topped by a serious infringement of the type method. Up till then I thought it inevitable that a reaction would set in, but since the situation then went from bad to worse it became clear that passive optimism was insufficient. Hence, this paper.

* Rijksherbarium, Leiden.

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Those who have not participated in the gradual transformation of the Rules will hardly be able to gauge the incredible confusion around such terms as 'illegitimate', a confusion so intricate that the process of disentangling begun at Stockholm (1950) has not yet reached its end. This situation is no doubt partly due to the fact that many do not realize how confused the Code is in this respect. To resign oneself to the situation is poor policy: it might eventually lead to a schism.

I have reluctantly entered upon this crusade by first publishing a paper ("The riddle of the sphinx", *1963a*) in which the term 'legitimate' and its antonym were critically examined. Next came a paper ("A conspectus of the nomenclatural status of names", *1963b*) in which special attention was paid to the examples of the different categories of (il)legitimate names. The present paper will be followed by a companion one ("On the status of later homonyms"). The main thesis I am defending is that the Code should abolish the particular interpretation it favours of 'illegitimate' (by deleting Art. 72) and thus ensure that the superfluous names of Art. 63 are not *a priori* excluded from all priority considerations.

Much of what will be said below has already been said by Furtado on various occasions, more recently in a paper entitled, "Superfluous names and later homonyms" (*1960*). Holttum, too, has voiced his disapproval of the current ruling on superfluous names in two short papers of which one is very aptly and tersely entitled "Superfluous non-sense" (*1961; 1962*). Given the present situation, it seems not superfluous once more to dwell upon these subjects in some detail.

Arts. 66, 67 (and to some degree also Art. 68) are nice examples of how complicated rulings may become in connection with so-called superfluous names and the special brand of illegitimacy of Art. 72. I have avoided them in the discussions because they are so intricate and so ambiguously formulated that I am at a loss to find out what precisely they decide. It would not seem altogether impossible that Arts. 66 and 67 have succeeded in mixing up 'incorrect' and 'illegitimate' (sense of Art. 72) to a considerable degree.

GENESIS.—This is a summary account of how the Code became saddled with the superfluous names as defined in Art. 63 (Montreal Code) as well as with the peculiar sense of 'illegitimate' it favours through Art. 72. This latter term, as applied in Arts. 63–71, denotes that a name is not only shut out from priority considerations in respect to certain names in need of acquiring precedence (or, in the case of superfluous names, already having precedence), but also from any other claim to priority (special illegitimacy, cf. Donk, *1963a*).[1]

Like de Candolle's "Lois" (*1867*), the Vienna Rules (1906) contained a Section (Arts. 50–57) in which names published after the starting-point date and correctly formed in accordance to their rank were confronted with various requirements. Such names as could not meet these requirements had to drop out. The names that were 'to be rejected' represented widely divergent categories, which our present Code would have called 'inadmissible', 'not validly published', 'illegitimate' (normal illegitimacy), or 'incorrect'.

At the next Congress (Brussels, 1910) all the names of which this Section decided that they had "to be rejected" were indiscriminately and collectively declared "still-born" by incorporating an addition to Art. 56.

Brussels Rules (1912).—Art. 56 "In the cases foreseen in articles 51 to 56, the name to be rejected or changed is replaced by the oldest valid name in the group in question, and in default of such a one a new name (or new binomial) must be made."—Unaltered portion of article.

"By valid name is implied a name, and especially a combination of names formed in accordance

[1] From here onward the unqualified use of 'superfluous names' will stand for 'superfluous names of Art. 63'. To distinguish 'illegitimate' (antonym of 'legitimate' of Art. 6) from 'illegitimate' in the sense of Art. 72, the latter term will be preceded by an asterisk (*).

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with the rules of nomenclature. The author of a new combination may, if he wishes, borrow the specific epithet from an older non-valid binomial (still-born name) or make use of a new one."—Addition.

What 'still-born' stood for was made clear through Examples of which the one dealing with the correct name for *Linum radiola* when transferred to the genus *Radiola* is still to be found in the Montreal Code (Art. 72).[2] For the discussion on the article during the Congress, see Briquet (*1912:* 52-54). The change was accepted by a relatively small majority (85-60).

There was a clear-cut principle behind this decision. Names that offended a rule—any rule, inclusive of the piority rule—were all punished in the same manner, by being sentenced to death: they were deprived of any claim whatsoever to be taken into consideration for purposes of priority. If they were revived they were to be treated as completely new names. In present terminology (cf. Donk, *1963b*) this meant that the offending names were to be treated as inadmissible even if they had met the requirements of effective and valid publication. Many of the names 'to be rejected' we would now call validly published (and illegitimate or incorrect). Why this severe punishment for all? One circumstance I believe to have been of great weight, viz. that no distinction was made between the validly published names on the one hand and the not validly published and even inadmissible names on the other. The latter groups were of course as dead as a door-nail and pulled the others along. The ruling may also have been furthered by some simple consideration like the error of thought that a thing that 'must be rejected' was self-evidently unusable for ever and in all circumstances. Another factor may have been the zoological rules of which it had been remarked long before Brussels that "the example of zoologists is only to be shunned; their rules do not run on the same line as do ours and reform is hopeless in their case" (B. Daydon Jackson, *1881:* 82-83).

At the Cambridge Congress (1930) it was decided (i) to replace 'non-valid (still-born)' by *illegitimate and (ii) to narrow down the *illegitimate names to validly published ones. (The antonym 'legitimate' was n o t introduced.) A further restriction was carried through at Stockholm (1950) where a number of categories was excluded and became 'inadmissable' (in the sense of Donk, *1963b*). Moreover, by introducing definitions for the different nomenclatural status of names the definition of 'illegitimate' at the beginning of the Code became delivered from 'incorrect'. During these two purifications an enormous contingent of names dropped out: all of them were still-born by nature ('inadmissible', and 'not validly published' of the present Code). The surviving (validly published) names retained the status originally given to all of them: they remained still-born and thus retained the hall-mark of their former associates. This course of events fully explains the hybrid character of the status of the present *illegitimate names: names that are validly published and combine this status with a second one, viz. of the inadmissible and not validly published names! What should have been done was a washing off the stains of the previous association. This very serious oversight now causes an immense amount of trouble to the taxonomist still determined to obey the Code!

Summarizing, it may be said that names 'to be rejected' (Vienna) became still-born (Brussels); then were restricted to the validly published and called *illegitimate, which still meant precisely the same as still-born: and finally were further restricted by the exclusion of an element now considered 'inadmissible' (Stockholm). During this process the remainder not only acquired a definite status but also retained the status of the excluded names, the necessary adjustment to a new situation being held off. Their present status is thus an anachronism.

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[2] This example is quoted in full further down as Example 1.

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It is now time to pay attention to the birth of a special kind of superfluous names during the process just described, the so-called superfluous names of Art. 63. One of the categories that was 'to be rejected' was mentioned in the Vienna Rules thus: "Every one should refuse to admit a name ... When the name is applied in the plant kingdom to a group which has an earlier valid name."—Art. 51 (1). This was merely a confirmation of the priority principle! Translated into a modern formulation it said: A taxon with a particular circumscription, position, and rank can bear only one correct name, the earliest legitimate one; other legitimate names given to the taxon are to be rejected—as incorrect.

However, it was pretended that a more profound meaning lurked in the rule and consequently one was infused into it. At the Brussels Congress the few examples discussed were selected ones to prove a point. (Moreover, they were all binomials.) Gradually a few leading nomenclaturalists conceived a special class of synonyms and their ideas precipitated in the Cambridge Rules in this form: "A name must be rejected ... If it was superfluous when published, i.e. if there was a valid name ... for the group to which it was applied, with its particular circumscription, position and rank."—Art. 60 (1). (Spacing is mine.) The proposal for this change was accompanied by the briefest of misleading arguments—none.

The present formulation of what had thus become the superfluous names was adopted at Amsterdam and runs: "A name must be rejected ... If it was nomenclaturally superfluous when published, i.e., if the group to which it was applied, as circumscribed by its author, included the type of a name which the author ought to have adopted under one or more of the Rules."—Art. 60 (1) = Art. 63, Montreal Code. (Spacing is mine.) The proposer merely stated that the new wording was designed "to remove any possible ambiguity regarding the effect of Art. 60 (1)." It was presented as a mere adaption to the type-method incorporated in the Rules at Cambridge, no change being intended.

The way by which the superfluous names became part of the Code reminds one of the proverbial rabbit conjured out of a hat. What is still more impressive was that when the rabbit made its appearance it was believed to have been around already for a long time. At Cambridge the superfluous names belonged to the names that were made *illegitimate.

The fact that at Cambridge (1930) and later Congresses the status of later homonyms and superfluous names was discussed as if there was no essential distinction between them also attracts attention. This will help to explain why both categories were eventually given the same status, which is not self-evident to say the least. As will be defended on another occasion, later homonyms should have become illegitimate (normal illegitimacy), and as will be defended below, superfluous names should not have been assigned any particular status.

The genesis is not very important now: what really counts is that after taxonomists as a body have fully realized what the Code actually prescribes in connection with *illegitimate names, they will have to decide if they want continuing to elaborate the farce or not.

It has been asserted that treating the superfluous names of Art. 63 (Montreal Code) as *illegitimate is of such long standing that the propriety is not in question. It even has been traced back by some as far as de Candolle's "Lois" (1867). This must be flatly contradicted as may be gathered from the above account. The principle of still-born names was accepted at Brussels (1910) but it was not until Cambridge (1930) that the superfluous names of Art. 63 were ambiguously deliminated as a distinct category and were made *illegitimate (still-born but validly published). Some incorrectly think that the superfluous names made their appearance at Vienna (1905) but in 1910 the Rappor-

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teur général at least was not aware that still-born names had been actually introduced at that time.[3] Seen in this light the argument that still-born illegitimacy for superfluous names needs no defence because it is time-honoured has been greatly exaggerated: what is urgent at the moment is a justification why it would be desirable stubbornly to cling to a Gordian knot of conflicting ruling as a heritage of a confused past. Not until this sorely felt gap is filled up will it be possible to discuss its merits. I for myself hope that Alexander the Great will be in our midst at Edinburgh.

TERMINOLOGY.—And here, I am sorry to state, a digression in terminology is strictly necessary. To suit the occasion I have closely modelled terms and definitions after the needs of the discussion.

A superfluous name (broad sense) is in the first place a legitimate [!] name that should not be used as a correct one because of reasons of priority. It this would be the full definition, the term 'superfluous name' itself would be completely superfluous, since it would coincide completely with that of 'incorrect name'. However, it must be extended also to cover the names declared *illegitimate by Art. 63 (Montreal Code).

Superfluous names in a broad sense are of two kinds, viz. (i) the obligate or nomenclatural synonyms, and (ii) the facultative or taxonomic synonyms. The first category consists of 'name changes' (isonyms, viz. new combination, new names, for 'old' taxa) of previously published names (basionyms). The type of an isonym is automatically that of its basionym.[4] The names of the second category come into being independently of earlier names and are introduced for 'new' taxa. There is little overlapping between these two categories which may also be called homotypic and heterotypic synonyms, provided that one remembers that strict typonyms are names for new taxa (taxonomic synonyms) although homotypic.[5] Heterotypic synonyms have also been called conditional synonyms.

The Code distinguishes between the following categories of superfluous names in a broad sense:

(A) Nomenclatural synonyms, viz. name changes (isonyms, rather than orthographical variants) of legitimate names. According to the text of the Examples under Art. 62 (Montreal Code) these "modifications must be rejected".

The question must be raised whether they fall under Art. 63 (together with the next category) or not. If the answer is yes, then "must be rejected" of Art. 62 has to be read as 'must be rejected as illegitimate', and the formulation of Art. 63 could be improved by replacing ". . . if the taxon . . . included the type . . ." by '. . . if the taxon . . . had the same type or included the type . . .'. These names certainly do answer to the qualification "nomenclaturally superfluous when published" of Art. 63.

To contrast these names from the next category they may be indicated as 'nomenclatural synonyms nomenclaturally superfluous when published'.

(B) Taxonomic synonyms instated for taxa that "included the type of a name or epithet which ought to have been adopted under the rules" (Art. 63). These are explicitly stated to be "illegitimate" = *illegitimate. To contrast them from the preceding category they may be indicated as 'taxonomic synonyms nomenclaturally superfluous when published'.

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[3] "M. le rapporteur général fait un exposé sommaire de la question dite des «noms mort-nés» qui, laissé de côté par le Congrès de Vienne, a provoqué au cours dos dernières cinq années l'éclosion d'une vrai littérature."—Briquet (*1912:* 52).

[4] I suggest to treat a set of alternative names (which automatically are based on the same type) as if it consists of a basionym and one or more isonyms.

[5] Typonyms are based independently on the same type without being related to each other as a basionym and its isonym(s).

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(C) Taxonomic synonyms that were neither nomenclaturally nor taxonomically superfluous when published.

SOME DIFFICULTIES.—The next act a taxonomist will have to perform is attempting to find out the precise scope of category (B). This is no mean task and, in my opinion, impossible because the definition of the category is ambiguous to say the least, and there is no hope that it will or can ever be satisfactorily improved.

(a) From a careful analysis of the examples in the Code one might option for a narrow scope: viz. names that are factually, although perhaps not absolute, isonyms. According to the Examples *Cainito* Adans. (superfluous) "had precisely the same circumscription" as *Chrysophyllum* L. Of other names, like *Chrysophyllum sericeum* Salisb., *Pinus excelsus* Lam. (both mentioned under Art. 63), and *Linum multiflorum* Lam. (Art. 72) it may be difficult to prove that they are, or are not, really mere name changes (isonyms) or typonyms of *Chrysophyllum cainito* L., *Pinus abies* L., and *Linum radiola* L. respectively, viz, whether they are to be considered from the start, or after free lectotypification, as nomenclatural (homotypic) synonyms or not.

It may be that Art. 7 Note 4 second paragraph (forced typification) was proposed merely with this restricted scope in mind. A study of the Examples appended to Art. 63 will show that they can all be maintained when *illegitimate is replaced by 'incorrect'.

In any case it is not always easy to decide if a name belongs to the nomenclatural (A) or to the (homo- and heterotypic) taxonomic (B) synonyms. Assignment to one of these categories should depend on correct typification rather than on forced typification which may result in mis-typification.

(b) Some taxonomists I have consulted are of the opinion that to become a superfluous name of category (B) the type of the earlier name included must be mentioned in the form of that name itself, as a synonym. Yet, the formulation of Art. 63 is so that it does not exclude still further going interpretations. The mere citation (let us say, by its number) of a collection now considered type of the earliest legitimate name would be sufficient to render a name superfluous.

(c) And if Art. 63 is taken literally, the description by itself may be sufficient to conclude that an author overlooked an earlier name for his taxon and, hence, had introduced a superfluous name of category (B): neither specimens nor synonyms need to be mentioned in the protologue: the definition by itself may appear conclusive in establishing the superfluity of the name. And here we have arrived at other border cases which will make it difficult to draw a sharp distinction this time from category (C).

PRIORITY RULE NOT INVOLVED.—It must be remembered that normally it is the principle of priority that makes names superfluous: the procedure of the Code is that when a taxon in a certain circumscription, position, and rank received more than one name, the earliest legitimate name is the correct one, the other legitimate names become superfluous (broad sense), viz. incorrect. This status they acquire by Principle IV and Art. 11, as well as by the definition of the antonym 'correct' (Art. 6).

This conclusion is at variance with Tryon's (*1962:* 116) who states that it was pointed out to him that "it is the principle of priority, and not Art. 63, that makes superfluous names illegitimate". (Spacing is mine). After rubbing one's eyes, one nearly throws up one's pen in dispair. But after all this one clause clearly exposes the heart of the matter: confusion of terms like illegitimate and incorrect. A name can never be made illegitimate by the principle of priority as embodied in the Code (Art. 11): an illegitimate name is kept out from the priority competition by something else, some special decision. The principle of priority can only suppress legitimate names, other names are suppressed by other means. Usage has perhaps predominantly treated names superfluous when published as legitimate (priorable) when they later on appeared non-super-

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fluous, and if the Code wants to conform to this usage the priority principle is not in the least impaired by deleting the word 'illegitimate' in Art. 63.

As stated, it is not the priority rule which rules out superfluous names as unavailable once and for all: this is done by Art. 63 in conjunction with Art. 72. If these articles had not existed and for the rest under exactly the same circumstances these synonyms would have been anyhow incorrect under the priority rule. In no way "Art. 63 simply specifically confirms [!] their illegitimacy and, in effect, says that if superfluous when published, they cannot be used later even if they, or their epithet, would be otherwise available" (Tryon, l.c.). All names now treated as synonyms were superfluous when published in respect to the names accepted as correct, although they might have appeared to be superfluous only when certain taxa were conceived in a broad sense. It is (i) emphatically Art. 63 that singles out one category of these superfluous names and (ii) swoops down upon them by declaring them illegitimate; and then (iii) it is emphatically Art. 72 that swoops down upon them to destroy them completely be declaring that their illegitimacy is of a special kind. Why illegitimate? and Why special illegitimacy? Because of errors committed in a confused past.

It must be remembered that the superfluous names of Arts. 62 and 63 always stand a chance to appear to be non-superfluous in the strict sense. For instance, when name X has been apparently unnecessarily replaced by Y (nomenclatural synonym, Art. 62), the former ceases to be a correct name as soon as it is found to be really illegitimate because of the existence of an overlooked earlier homonym; name Y then becomes the correct one. Other possibilities are that name X becomes a nomen rejiciendum, or is rejected as illegitimate because it is considered a nomen ambiguum (Art. 69). The chances of heterotypic superfluous names (of Art. 63) to become non-superfluous are often of a different nature and far bigger, especially when big genera or complex species are divided. The Code has created the singular situation that there are no objections to instate as correct isonyms previously considered superfluous, but that many taxonomic synonyms remain banned from use even when they appear after all to be non-superfluous.

If one substracts from Arts. 63 and 72 what the priority rule (Art. 11) can also achieve, the net result will be that Art. 63 merely suppresses a great number of non-superfluous names, both homotypic or heterotypic. When in the *Linum radiola* example of Art. 72 (quoted below) a name must be found to furnish the specific epithet under the genus *Radiola*, the principle of priority would require taking up the earliest available name, which would not be *Radiola linoides*, but *Linum multiflorum*. The absurdity of the contention that priority completely ruled out the latter name will be evident: priority merely would rule out *L. multiflorum* (as incorrect) under *Linum*, because of the existence of the earlier legitimate name *L. radiola*, but would require its use in different circumstances, like the transfer of the species to the genus *Radiola*.

'Splitters'[6] need more names than 'lumpers', but to press splitters and everyone else, to make new names when 'old' names (often in current use) would have been available if the questioned ruling embodied in Art. 63 were abandoned, is in flagrant opposition to the general desire to strive at a maximum amount of nomenclatural stability. It is significant that really very few taxonomists consistently obey the Code in this regard (otherwise than perhaps incidentally). I know of no mycologist in this respect, although names made unnecessarily superfluous by the Code are abounding

EXAMPLE 1.—The following Example is added to Art. 72 in the present Code.

"*Linum radiola* L. (1753) when transferred to the genus *Radiola* must not be called *Radiola radiola* (L.) H. Karst. (1882), as that combination is inadmissible under Art. 23; the next oldest

[6] The splitters of yesterday are the lumpers of to-morrow.

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specific epithet is *multiflorum*, but the name *Linum multiflorum* Lam. (1778) is illegitimate, since it was a superfluous name for *L. radiola* L.: under *Radiola*, the species must be called *R. linoides* Roth (1788), since *linoides* is the oldest legitimate specific epithet available."

FORCED MIS-TYPIFICATION.—The Code has incomprehensibly persisted in attacking superfluous names. Their (supposed) status as *illegitimate has led to a card-house of legislation remarkable for its inconsistencies and regrettable deviations from accepted rules. These actions are unjust and have led to intricate complications of an erratic nature unworthy of a Code that in the first place needs appreciation for its soundness will it promote its universal use. Not only is there the initial device (Arts. 63, 72) which grades them down to *illegitimate (still-born) names, but since Montreal also a forceful replacement of the types of the heterotypic superfluous names is promoted (Art. 7, Note 4, second paragraph), so that the latter are converted into homotypic superfluous names. This very notable instance of infringement of normal procedure in connection with the type-method was preceded by a most laconic argument when proposed.

"The typification of superfluous names has always been a source of argument and difficulty; we propose, therefore, an addition to Article 7, Note 4 which will clarify the procedure intended by the Code:

"The type of a name or epithet which was nomenclaturally superfluous when published (see Art. 64 (1)) is the type of the name or epithet which ought to have been adopted under the Code."

Evidently the Rapporteur général did not feel happy about this proposal, which hardly can be defended by saying that it will clarify the procudure intended by the Code. He suggested to add, "unless the original author of the superfluous name has indicated a definite holotype". The proposal and the addition were adopted and are now part of the Code. Tryon (*1962:* 117) resists the addition and has already proposed its removal. This very fact, viz. that it is felt necessary to dethrone holotypes to keep up the notion that superfluous names are *illegitimate is significant.

This violation of the Code's own type-method is much to be regretted, not only in principle but also because it is crude, and retroactively changes previously selected types. Selecting types of names in general "has always been a source of argument and difficulty", but it is baffling why it should be simplified in this case to a purely mechanical act often leading to consequences unworthy of the type-method. The ruling reminds of such condemned procedures of the past like the first-species rule from which the Code has rightly dissociated itself, because it did not want to allow the process of typification to degenerate to the level of a brainless machine or uninformed clerk. Moreover, typification had in many cases already been performed. What was actually proposed and accepted was not only simplifying typification of the remaining names (presumably often not difficult at all): it also amounted to re-typification on a big scale of those names that had already been correctly typified, which will cause numerous repercussions. First, the re-typified names will stand for different taxa, in many cases, no doubt, of a different taxonomic position. Secondly, new names (isonyms) of all kind based on re-typified basionyms will become re-typified, too.

It is perhaps useful to remind oneself of the fact that the type-method was incorporated at a very late date, in fact it first acquired the force of a rule in 1930 (but the official publication of the Cambridge Rules occurred in 1935). It even may be stated that before that time the "Lois" and the two subsequent sets of Rules actually prescribed proceedings contrary to it. Compare, for instance:

Lois (de Candolle, *1867:* 28), Art. 54.—"Lorsqu'un genre est divisé en deux ou plusieurs, le nom doit être conservé et il est donné à l'une des divisions principales. Si le genre contenait une section ou autre division qui, d'après son nom ou ses espèces, était le type ou l'origine du groupe, le nom est réservé pour cette partie. S'il n'existe pas de section ou subdivision pareille,

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mais qu'une des fractions détachées soit beaucoup plus nombreuses en espèces que les autres, c'est à elle que le nom doit être réservé." — For commentary, see De Candolle, op. cit., pp. 60-61!

Brussels Rules (1912), Art. 45.—"When a genus is divided into two or more genera, the name must be kept and given to one of the principal divisions. If the genus contains a section or some other division which, judging by its name or its species, is the type or the origin of the group, the name is reserved for that part of it. If there is no such section or subdivision, but one of the parts detached contains a great many more species than the others, he name is reserved for that part of it."

Thus, it can be stated that for a long time, through the year 1867 and up till 1930 (1935), it was first established, and later prescribed custom to publish new taxa more or less independent of any type-method. This period saw the greatest activity in the publication of new taxa and it is not surprising that quite a number of names were published that now qualify as superfluous names. They were published in good faith, and to slaughter them ruthlessly retroactively by rulings for which no apologia has as yet been written, is senseless.

The most popular form of current usage, I believe, is still as follows. When a name was (or, when a lectotype had to be chosen, appeared later on to be) based on a different type from the neglected earlier legitimate name, it might have been superfluous when published vis-à-vis the earlier heterotypic name, but only as a conditional synonym. As soon as the two types are separated from each other and placed in different taxa, the once superfluous name may turn out to be non-superfluous and available for correct use.

Example 2.—Name made illegitimate by Art. 63. — *Cryptoderma* Imazeki (*in* Bull. Tokyo Sci. Mus. No. 6: 106. 1943; Polyporaceae) was published with *Polyporus ribis* (Schum.) per Fr. as holotype. Five generic synonyms were listed "pr. p." and one without any restriction. The latter is *Porodaedalea* Murrill (*in* Bull. Torr. bot. Cl. **32**: 367. 1905), the holotype of which was one of the species Imazeki admitted to his new genus, viz. *Polyporus pini* (Thore) per Pers. [which included *Polyporus pini* (Schum.) per Fr.]. According to Art. 63, *Cryptoderma* is an °illegitimate name and cannot be taken up, even if it will be needed. Mycologists who want to instate a genus with *Polyporus ribis* (or a closely related species) as type and distinct from *Porodaedalea* will have to coin a new generic name and make several new combinations, instead of taking up *Cryptoderma* and the combinations already made. *Cryptoderma* was published with original indication of the type and hence is immune to Art. 6, Note 4, second paragraph: it can at least not be re-typified and become a different name from itself.

Example 3.—Name re-typified by Art. 7 Note 4. — *Pleospora* Rab. ex Ces. & De Not. is a big genus of Ascomycetes, which recently was monographed by Wehmeyer ("A world monograph of *Pleospora* and its segregates", 1961). The name *Pleospora* Rab. (*in* Klotzschii Herb. mycol., Ed. 2, Nos. 547a-c. 1857) was first published as a nomen nudum with a single species, *Sphaeria herbarum* Fr. It was validly published by Cesati & De Notaris (*in* Comm. Soc. critt. ital. **1**: 217. 1863) who furnished a generic description and applied it to a re-inforced genus. They cited as a synonym "*Clatrospora* Rabenh." (*in* Hedwigia **1**: 116 *pl. 15 f. 3.* 1857), a previously and validly published name. The type species of *Pleospora* has always been *Sphaeria herbarum,* which was the monotype when the generic name was published and—naturally—became the lectotype after it had been validly published. Art. 63 declares *Pleospora* °illegitimate: that is, not available for further use. Art. 7, Note 4, second paragraph changes its logical type into *Clathrospora elynae* (Auersw.) ex Rab., the type species of *Clathrospora* Rab., the name cited as a synonym when *Pleospora* was validly published. *Pleospora* thus becomes an obligate synonym of *Clathrospora*. Specialists now often consider *Pleospora* (sensu originario) distinct from *Clathrospora*. The Code has managed to chance all this. *Pleospora* and its numerous species must receive another generic name, while *Pleospora* becomes an °illegitimate name and a synonym of *Clathrospora*. Hardly a step towards stability in nomenclature! — Compare Donk (1962).

Card-house of legislation.—The legislation which sprouted from declaring superfluous names *illegitimate is interesting for its wriggling into two opposite directions.

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On the one hand it is trying to get them in harness; on the other hand it has set free a good number of them.

The process of harnessing has really only begun if superfluous names are to be retained as *illegitimate. Their present definition is so insufficient that it must first be redrafted to make them a more definite category than it now is. What will be in store in this respect may be learned from Tryon's paper ("A commentary of superfluous names", *1962*). His suggestions, if accepted, would merely be the first further step on the road *ad absurdum;* they are significant not only because they show what kind of hair-splitting is needed, but also because of what was still overlooked. The forced mis-typification is an example of how far we have already gone in this direction.

The tendency to make superfluous names legitimate again has taken the shape of patchwork, of embellishing the card-house: it does not strike at the base of the evil. Compare:

> Art. 63, "Note. A nomenclaturally superfluous new combination is not illegitimate if the epithet of its basionym is legitimate. When published it is incorrect, but it may become correct later."

Here a category of superfluous names is declared merely incorrect, a return to current usage.

DISCUSSION.—I have tried to explain that the superfluous names of Art. 63 had their origin in misconceptions and that their nomenclatural status now ascribed to them is an anachronism. That later synonyms of a taxon had to be rejected (as incorrect) is even now normal practice and this was what de Candolle's "Lois" and the Vienna Rules said. This restatement of the priority principle in a section dealing with rejection of names was quite natural but has been seized to infuse it with a new meaning: later synonyms were offenders against the priority rule and since offenders against any rule had to be punished they were thrown into the same class with the basest offenders and sentenced to death (Brussels). Calling these names 'still-born' was highly euphemistic: they were murdered. Later on (Cambridge) a special category of these synonyms was singled out to become the superfluous names of the present Art. 63. This time they were called 'illegitimate' which, however, meant exactly the same as 'still-born'. They form part of that weird category of names that combine the status of validly published names with that of not validly published names, an anachronism retained from a troubled past. No modern apologia has been published to argue why it would be worth while to retain illegitimate in the sense of Art. 72. This situation was bad, but it went from bad to worse (Montreal) by a special ruling: forced re-typification of many heterotypic superfluous names. There was also one glimpse of redress: certain superfluous epithets were revived. Let us hope that this was the first step and that we will soon go further by giving up superfluous names as a special category picked out for discrimination. This would mean that they would change their status from *illegitimate to legitimate and disappear into the great mass of other superfluous names, viz. can become correct if they appear not really superfluous.

Maintaining superfluous names as a special class will lead to a more and more elaborate card-house of legislation. Tryon has already shown what kind of hair-splitting will be in store. To think that he has seen only some of the difficulties ahead! It must be realized that the definition of superfluous names will have to be 'improved'. In short, what precisely shall be the range of superfluous names. It should be made quite unambiguous whether superfluous isonyms are superfluous names or not. All difficulties to make possible a sharp distinction against the taxonomic synonyms not nomenclaturally superfluous when published will have to be solved.

For instance, many names are validly published not by a c i r c u m s c r i p t i o n but

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by a differential description against one or more taxa. How will it be possible in such cases to establish the circumscription the author had in mind, for this is what we need to find out in order to establish whether there were earlier names that "ought to have been adopted under the rules".

The number of superfluous names, especially of big *genera*, is much bigger than is supposed. In mycology nobody has seriously bothered about applying Art. 63: it would lead to a dismal slaughter of many (generic) names in current use.

One of the strongest arguments against retaining superfluous names is the amount of time, irritation, and discussions that is now wasted on them: it would definitely enslave the meek taxonomist who would become the handmaiden of the Code instead of the reverse. Those less servile will no doubt eventually turn away from the Code in disgust.

In my considered opinion it is undeniable that up till now usage has ignored to a very large extent the prescriptions of the Code in regard to *illegitimate names and has treated later homonyms as illegitimate (normal illegitimacy) and the superfluous names of Art. 63 as 'available'. It is high time that this practice is made legal again.

PROPOSALS.

(90) Already moved in the preceding paper (Donk, *1963b*), viz. an amended definition of "a legitimate name", in Art. 6.

(91) Delete Art. 7, Note 4, second paragraph.

(92) Change Art. 63 to read: "A legitimate name must be rejected as incorrect when it is nomenclaturally superfluous, i.e. if it was applied to a taxon for which an earlier legitimate name is available (see Art. 11)."

Delete the Note.

Correct the text of/and the Examples in accordance with the proposed new wording.

(93) Delete Art. 72.

(94) Revise Arts. 66 and 67 in accordance with the above.

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ON THE STATUS OF LATER HOMONYMS

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Originally it was ruled that a later homonym was not to be rejected when the corresponding earlier homonym was not available for one reason or another. Moreover, current usage did not exclude a rejected homonym from all priority considerations: the names could be taken up in altered circumstances, for instance, a specific epithet when the species was transferred to a different genus where the earlier homonym was no obstacle for its use. When at Brussels (1910) the principle of still-born names was introduced such later homonyms as were 'to be rejected' became completely ruled out from

* Rijksherbarium, Leiden.

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