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Edited by

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Secretary to the Commission

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OPINION 141

On the principles to be observed in interpreting
Article 4 of the International Code relating to
the naming of families and subfamilies

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* This vacancy was caused by the death on 23rd May, 1939, of Dr. Witmer STONE (U.S.A.).

† This vacancy was caused by the death on 24th January, 1941, of Dr. Charles Wardell STILES (U.S.A.), *Vice-President of the Commission* and former Secretary to the Commission (1897-1935).



OPINION 141.

ON THE PRINCIPLES TO BE OBSERVED IN INTERPRETING ARTICLE 4 OF THE INTERNATIONAL CODE RELATING TO THE NAMING OF FAMILIES AND SUBFAMILIES.

SUMMARY.—The following principles are to be observed in interpreting Article 4 of the International Code relating to the naming of families and subfamilies :—

- (1) The oldest available generic name in the family need not be taken as the type genus of the family.
- (2) An author establishing a new family is free to select as the type genus of that family whatever generic unit he considers the most appropriate.

NOTE :—So far as possible, the genus selected should be the best known and commonest of the taxonomic units concerned, *i.e.*, it should be the most central of the genera proposed to be included in the family so established.

- (3) The name of a family is based upon the name of its type genus. The fact that a given generic name is selected to form the name of a family constitutes *ipso facto* a definite designation of that genus as the type genus of that family. Example :—The genus *Musca* Linnaeus, 1758, is definitely and unambiguously designated as the type genus of the family MUSCIDÆ by reason of the stem of the word *Musca* being used in the formation of the family name.

NOTE :—There are a few well-established family names proposed by early authors where the foregoing principle has not been observed. Such names should be treated as exceptions. Any case of doubt should be referred to the Commission for decision.

- (4) The principles set out in (1) to (3) above in regard to family names apply equally to the names of subfamilies.

I.—THE STATEMENT OF THE CASE.

In March 1932 Dr. Jean M. Pirlot of the Institut van Beneden, University of Liège, submitted to the Commission a request for an Opinion on a case which involved two problems, the first of interest to students of a particular group of Crustacea, the second of interest to workers in all zoological groups, since it was concerned with the interpretation of Article 4 of the International Code relating to the naming of families and subfamilies.

2. The following is the case submitted by Dr. Pirlot as later summarised by the Commission in Opinion 133 :—

1. Type of *Urothoe*. Dana (1852, p. 311) in an extensive key summary, down to and including genera, describes *Urothoe* Dana, with generic diagnosis but without mention of any species. This appears to be the original publication of the name.

The following year, Dana (1853, p. 921) discusses *Urothoe* and cites two species, *U. rostratus* [which is given unconditionally] and *U. irrostratus* [which is clearly sub judice]. This is apparently the first allocation of any species to this genus.

Under Article 30e β of the Rules, *U. irrostratus* is excluded as type, and *U. rostratus* automatically becomes type regardless of the fact whether one dates the genus from 1852 or 1853. Compare Opinions 35 and 46. For determination of this point it is not necessary to follow the literature further and the fact that *U. irrostratus* has been used as type by some authors is irrelevant as the case now stands.

2. Family name. A complication has arisen because of the fact that *U. irrostratus* has been used as the type of *Urothoe*.

Stebbing (1906, *Das Tierreich* 21 : 131) retains *U. irrostratus* in *Urothoe*, family HAUSTORIIDAE, and classifies (*idem* : 146) *U. rostratus* in *Pont-harpinia* Stebbing, 1897, mt. *pinguis*, family PHOXOCEPHALIDAE.

II.—THE SUBSEQUENT HISTORY OF THE CASE.

3. Dr. Pirlot's chief object was to obtain from the Commission a decision on the question of the type of the genus *Urothoe* Dana, and it was therefore primarily to this part of Dr. Pirlot's inquiry that the Commission first directed their attention. Dr. Stiles accordingly prepared for the consideration of the Commission a draft Opinion that was chiefly concerned with the case of *Urothoe* Dana, the discussion on the more general—and much more important—question being directed mainly to its relation to the particular case of *Urothoe* Dana.

4. In the circular letter (C.L. 274) under cover of which he communicated the draft Opinion to the members of the Commission for consideration, Dr. Stiles drew attention (February 1935) to the fact that the second part of the case submitted by Dr. Pirlot raised issues of interpretation in regard to Article 4 of the Code, which were already being considered by the Commission in a different connexion. Dr. Stiles accordingly suggested that any preliminary views that might be formed by Commissioners on the draft Opinion should be subject to the further discussion at the meeting of the Commission due to be held at Lisbon later in the course of that year.

III.—THE CONCLUSION REACHED BY THE INTERNATIONAL COMMISSION.

5. The two questions raised by Dr. Pirlot, together with the draft Opinion prepared by Dr. Stiles, were considered by the

International Commission at the fourth meeting of the Session held in Lisbon in September 1935 during the Meeting of the Twelfth International Congress of Zoology. At this meeting, which was held on the morning of Tuesday, 17th September 1935, the Commission decided to consider separately the two questions involved in this case.

6. The Commission considered first the question of the type of the genus *Urothoe* Dana. On this matter the Commission agreed (Lisbon Session, 4th Meeting, Conclusion 6) :—

that, as a draft Opinion on the type of the genus *Urothoe* Dana, 1852, prepared by Commissioner Stiles, had already been circulated for a postal vote, the question should be left to be settled by the Commission by that method.

7. The Commission then turned to the second of the problems raised in the case submitted by Dr. Pirlot, namely that in regard to the interpretation of Article 4 of the Code, which relates to the naming of families. On this question, the Commission agreed (Lisbon Session, 4th Meeting, Conclusion 7) :—

to render an Opinion :—

- (i) laying it down that Article 4 of the Code does not require that the oldest generic name in the family or subfamily concerned must be taken as the type genus of the family or subfamily;
- (ii) incorporating also the general propositions relating to the interpretation of Article 4 of the Code embodied in the draft Opinion on the case of the genus *Urothoe* Dana as soon as that Opinion had been approved in the manner agreed upon in Conclusion 6 above.*

8. The decision of the Commission set out in the first part of the Conclusion quoted above was incorporated as paragraph 21 in the Report which at their meeting held on the morning of Wednesday, 18th September 1935, the Commission unanimously agreed (Lisbon Session, 5th Meeting, Conclusion 6) to submit to the Twelfth International Congress of Zoology. This Report was unanimously approved by the Section on Nomenclature at its joint meeting with the International Commission held on the afternoon of the same day. It was thereupon submitted to the Twelfth International Congress of Zoology by which it was unanimously adopted at the Concilium Plenum of the Congress held on the afternoon of Saturday, 21st September 1935, the last day of the Congress.

* The text of Conclusion 6 is quoted in full in the preceding paragraph (paragraph 6) of the present Opinion.

9. The decisions set out in paragraphs 7 and 8 above were concurred in by the twelve (12) Commissioners and Alternates present at the Lisbon Meeting of the International Commission, namely :—

Commissioners :—Calman; Hemming; Jordan; Pellegrin; Peters; Stejneger.

Alternates :—do Amaral *vice* Cabrera; Ohshima *vice* Esaki; Bradley *vice* Stone; Beier *vice* Handlirsch; Arndt *vice* Richter; Mortensen *vice* Apstein.

10. The decisions recorded above were dissented from by no Commissioner or Alternate at the Lisbon Meeting. Nor since that Meeting has any Commissioner who was not present on that occasion indicated disagreement with the conclusions then reached by the Commission in this matter.

11. At the conclusion of the Lisbon Meeting, Dr. Stiles resigned the office of Secretary to the Commission but at the request of the Commissioners and Alternates present at Lisbon agreed to officiate as Acting Secretary to the Commission, pending the election of his successor which did not take place until October 1936. In the intervening period Dr. Stiles, acting in virtue of the authority conferred by Article 7 of the By-Laws of the Commission, announced on behalf of the Commission ten Opinions (Opinions 124-133), all of which had been under consideration before the meeting of the Commission in Lisbon in September 1935. One of these Opinions (Opinion 133) was that relating to the type of the genus *Urothoe* Dana (see paragraph 6 above), which in the period that had elapsed since the Lisbon Meeting had secured the number of votes required for its adoption by the Commission.

12. The issue of Opinion 133 thus made it possible to proceed with the preparation of the present Opinion embodying the decision of the Commission set out in paragraph 7 in regard to the interpretation of Article 4 of the Code.

13. The text relating to this subject as finally approved in Opinion 133 reads as follows :—

(1) Pirilot raises an important question in regard to PHOXOCEPHALIDAE, namely :

(2) Must the oldest included generic name be taken as type for the family name? To this, the answer is in the negative.

(3) Article 4 of the Rules reads : " The name of a family is formed by adding the ending *idae*, the name of a subfamily by adding *inae*, to the stem of the name of its type genus."

(4) This rule does not prescribe how the type genus is to be selected; and in the absence of restrictions covering this point it is to be assumed

that, in accordance with custom, the original author is free to select as type genus any generic unit that he prefers. This is in harmony with the spirit of Article 30, which obviously leaves an original author of a genus entirely free to select as type species any species he wishes thus to designate. If the original author of a family (or of a genus) were compelled to select as type the oldest genus (or the oldest species) in the proposed family (or genus), this might confine his choice to a little known and very rare taxonomic unit—a restriction which would obviously be contrary to the interest both of taxonomy and of nomenclature. In this connection it is to be recalled that the "type" selected is the nomenclatorial type as distinguished from the assumed anatomical norm.

(5) Since (with the exception of isolated instances by early authors) family names are based upon the name of the respective type genus, such family name constitutes, *ipso facto*, a definite designation of the type genus. For instance, *Musca* is definitely and unambiguously designated generic type by the use of the family MUSCIDAE, *Homo* of HOMINIDAE, *Ascaris* of ASCARIDAE, etc. It would be a nomenclatorial *reductio ad absurdum* to consider any other genus as type of any of these families. The concepts of a given family are not identical as adopted by different authors and if the rule obtained that the oldest genus must be the type genus of the family, the family name would be constantly subject to possible change according to the subjective ideas of authors from year to year; accordingly, even relatively stable nomenclature for family names would be hopeless, and synonymy in family names would be potentially indefinite and chaotic.

In the Opinion as published the paragraphs quoted above were unnumbered but numbering has been inserted on the present occasion in order to facilitate reference to particular passages in the analysis given in paragraph 17 below.

14. The following thirteen (13) Commissioners concurred in the whole of Opinion 133 from which the above passage is an extract:—

Cabrera; Calman; Chapman; Esaki; Fantham; Hemming; Jordan; Peters; Richter; Silvestri; Stejneger; Stiles; Stone.

Commissioner Hemming's vote was received before the issue of the Opinion but too late for his name to be included in the Opinion among the Commissioners who voted for the whole of that document.

15. In signifying his concurrence in Opinion 133, Commissioner Stone added the following note:—

I concur in the Opinion that the first author to fix a type genus for a family is free to select any contained genus as the type, but in case the name then used for that genus is found to be untenable the family name changes in accordance with the change in the generic name.

For example, the American Wood Warblers were named SYLVICOLIDAE by Gray, based on the genus *Sylvicola* (type *Parus americanus* Linn.), but *Sylvicola* was found to be preoccupied in mollusks and as a substitute *Compsothlyptis* was proposed, and the family name changes to COMPSOTHLYPIDAE. If this were not done we might have *Sylvicola* for mollusks and SYLVICOLIDAE for Birds!

Commissioner Silvestri, who recorded his vote for Opinion 133 after Commissioner Stone's note had been circulated to the

members of the Commission, stated : “ I agree perfectly with the opinion of Commissioner Stone ”. It will be observed that the note added by Commissioners Stone and Silvestri is not concerned with Article 4 of the Code (which relates to the naming of families and subfamilies) but is an amplification of Article 5 (which relates to the circumstances in which it is necessary to change the name of a family or subfamily).

16. One (1) Commissioner (Apstein) dissented from the portion of Opinion 133 relating to the naming of families and subfamilies.

17. The principles to be observed in interpreting Article 4 of the Code that are enunciated in the passage in Opinion 133 quoted in paragraph 13 above are the following :—

- (a) In paragraph (2) the Commission lay it down that it is not necessary that the oldest included generic name should be taken as the type genus of a family and therefore used in forming the name of the family. This is the proposition on which, as shown in paragraphs 7 and 8 above, the Commission adopted a resolution at their Lisbon Meeting.
- (b) In the first sentence of paragraph (4) the Commission state that the original author of a family “ is free to select as type genus any generic unit that he prefers ”. In the third sentence of the same paragraph the Commission point out that, if the original author of a family were compelled to select as type the oldest genus, the result might be that the type genus of the family would be a little known and very rare taxonomic unit—a result that would be contrary to the interest both of taxonomy and of nomenclature.
- (c) In the first sentence of paragraph (5) the Commission state that, with the exception of isolated instances by early authors, family names “ are based upon the name of the respective type genus ” and that a family name so established “ constitutes, *ipso facto*, a definite designation of the type genus ”. In the second sentence of the same paragraph, the Commission illustrate this principle by giving three examples, of which the first is provided by the names *Musca* and MUSCIDAE. The Commission point out that by the use of the name MUSCIDAE the genus *Musca* is definitely and unambiguously designated as the type genus of that family.

As drafted Opinion 133 refers in terms only to family names but, as it is a statement of the principles to be observed in interpreting

Article 4 of the Code, which refers to subfamily names equally with family names, it follows that the principles enunciated in Opinion 133 apply also to subfamily names. That this was so as regards the first of the three principles in question was moreover expressly stated in the resolution adopted by the Commission at Lisbon (see paragraph 7 above).

18. Thus the principles to be observed in interpreting Article 4 of the Code (i) as set out in the resolution adopted by the Commission at their Lisbon Meeting in September 1935 (paragraph 7 above) and (ii) as amplified in the second part of Opinion 133 issued in October 1936 (paragraphs 13 and 17 above) may be summarised as follows :—

Summary :—The following principles are to be observed in interpreting Article 4 of the International Code :—

- (1) The oldest available generic name in the family need not be taken as the type genus of the family.
- (2) An author establishing a new family is free to select as the type genus of that family whatever generic unit he considers the most appropriate.

NOTE :—So far as possible, the genus selected should be the best known and commonest of the taxonomic units concerned, *i.e.* it should be the most central of the genera proposed to be included in the family so established.

- (3) The name of a family is based upon the name of its type genus. The fact that a given generic name is selected to form the name of a family constitutes *ipso facto* a definite designation of that genus as the type genus of that family. Example :—The genus *Musca* Linnaeus, 1758, is definitely and unambiguously designated as the type genus of the family MUSCIDAE by reason of the stem of the word *Musca* being used in the formation of the family name.

NOTE :—There are a few well-established family names proposed by early authors where the foregoing principle has not been observed. Such names should be treated as exceptions. Any case of doubt should be referred to the Commission for decision.

- (4) The principles set out in (1) to (3) above in regard to family names apply equally to the names of subfamilies.

19. The propositions set out in paragraph 18 above have been concurred in by nineteen (19) Commissioners either when concurring in Opinion 133 or at Lisbon (either personally or through

Alternates) when adopting the resolution set out in paragraph 7 above :—

Commissioners :—Cabrera; Calman; Chapman; Esaki; Fantham; Hemming; Jordan; Pellegrin; Peters; Richter; Stejneger; Stiles; Stone.

Alternates :—do Amaral *vice* Cabrera; Ohshima *vice* Esaki; Bradley *vice* Stone; Beier *vice* Handlirsch; Arndt *vice* Richter; Mortensen *vice* Apstein.

20. One (1) Commissioner (Apstein), whose Alternate at Lisbon had voted in favour of these propositions, subsequently voted against the portion of Opinion 133 relating to the interpretation of Article 4 of the Code. Two Commissioners (Bolivar and Horvath) who were neither present at Lisbon nor represented there by Alternates did not vote on Opinion 133; in consequence neither voted on the matters dealt with in the present Opinion.

IV.—AUTHORITY FOR THE ISSUE OF THE PRESENT OPINION.

WHEREAS the By-Laws of the International Commission on Zoological Nomenclature provide that, except in cases involving the Suspension of the Rules, an Opinion is to be deemed to have been adopted by the said International Commission as soon as a majority of the Members of the Commission, that is to say ten (10) Members of the said Commission, have recorded their votes in favour thereof, provided that, where any proposed Opinion involves a reversal of any former Opinion rendered by the Commission, such proposed Opinion shall obtain the concurrence of at least fourteen (14) Members of the Commission voting on the same before such Opinion is to be deemed to have been adopted by the Commission; and

WHEREAS the present Opinion neither requires, to be valid, the Suspension of the Rules, nor involves a reversal of any former Opinion rendered by the Commission; and

WHEREAS nineteen (19) Members of the Commission have signified their concurrence in the propositions set out in the present Opinion either personally or through Alternates at the Meeting of the Commission held in Lisbon in September 1935 :

NOW, THEREFORE,

I, FRANCIS HEMMING, Secretary to the International Commission on Zoological Nomenclature, acting in virtue of all and

every the powers conferred upon me by reason of holding the said Office of Secretary to the International Commission, hereby announce the said Opinion on behalf of the International Commission, acting for the International Congress of Zoology, and direct that it be rendered and printed as Opinion Number One Hundred and Forty One of the said Commission.

In faith whereof, I, the undersigned FRANCIS HEMMING, Secretary to the International Commission on Zoological Nomenclature, have signed the present Opinion.

DONE in London, this twenty-sixth day of December, Nineteen Hundred and Forty Two, in a single copy, which shall remain deposited in the archives of the International Commission on Zoological Nomenclature.

*Secretary to the International Commission
on Zoological Nomenclature.*

FRANCIS HEMMING

NOTICES.

The undermentioned publications of the International Commission on Zoological Nomenclature are obtainable at the Publications Office of the Commission, 41, Queen's Gate, London, S.W. 7 :—

- OPINION 134. On the method to be adopted in interpreting the generic names assigned by Freyer to species described in his *Neuere Beiträge zur Schmetterlingskunde*, 1833-1858 . price 8*d.*
- OPINION 135. The suppression of the so-called "Erlangen List" of 1801 . price 8*d.*
- OPINION 136. Opinion supplementary to Opinion 11 on the interpretation of Latreille's *Considérations sur l'ordre naturel des animaux composant les classes des Crustacés, des Arachnides et des Insectes avec un tableau méthodique de leurs genres disposés en familles*, Paris, 1810 . price 1*s.* 0*d.*

- OPINION 137. On the relative precedence to be accorded to certain generic names published in 1807 by Fabricius and Hübner respectively for identical genera in the Lepidoptera Rhopalocera . . . price 1s. 6d.
- OPINION 138. On the method by which the amendment to Article 25 of the International Code adopted by the Budapest Meeting of the International Zoological Congress, relating to the replacement of invalid names, should be interpreted . . . price 1s. 6d.
- OPINION 139. The name *Cephus* Latreille, [1802–1803] and *Astata* Latreille, 1796, in the Hymenoptera added to the Official List of Generic Names . price 2s. 6d.
- OPINION 140. On the method of forming the family names for *Merops* Linnaeus, 1758 (Aves) and for *Merope* Newman, 1838 (Insecta) price 2s. 0d.
- OPINION 141. On the principles to be observed in interpreting Article 4 of the International Code relating to the naming of families and sub-families . . . price s.2 6d.

NOTE :—Opinions One to One Hundred and Thirty-Three (Opinions 1–133) rendered by the International Commission on Zoological Nomenclature were not published by the Commission itself owing to lack of funds. Through the intermediary of the late Dr. C. W. Stiles, at that time Secretary to the International Commission, the Smithsonian Institution very kindly came to the aid of the Commission and agreed to publish the Opinions in the *Smithsonian Miscellaneous Collections*. Unfortunately, all except a few of the later of the above Opinions are now out of print, and are therefore not obtainable by working zoologists. In order to remedy the serious position so created, it is proposed, as soon as funds are available, to reprint Opinions 1 to 133 as Volume 1 of *Opinions Rendered by the International Commission on Zoological Nomenclature*.