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OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

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Secretary to the Commission

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OPINION 145

On the status of names first published in works rejected for nomenclatorial purposes and subsequently published in other works.

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

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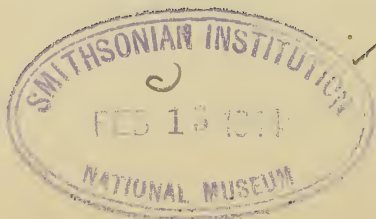
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* This vacancy was caused by the death on 23rd May, 1939, of Dr. Witmer STONE (U.S.A.).

† 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 145.

ON THE STATUS OF NAMES FIRST PUBLISHED IN WORKS REJECTED FOR NOMENCLATORIAL PURPOSES AND SUBSEQUENTLY PUBLISHED IN OTHER WORKS.

SUMMARY.—Where a work is rejected for nomenclatorial purposes, either under Article 25 of the International Code or under the plenary powers granted to the International Commission on Zoological Nomenclature, names (whether generic or specific) first published in such works are to be treated as having never been published. Where, therefore, an author subsequently establishes a genus or species to which he applies the same name as one of those in the rejected work, the later published name is available nomenclatorially and is not to be rejected as a homonym by reason of the earlier publication of that name in the work so rejected.

I.—THE STATEMENT OF THE CASE.

At their Session held at Lisbon in September 1935, the International Commission had under consideration a proposal that the long forgotten paper on generic names in the Hymenoptera commonly known as the "Erlangen List" should be suppressed on the ground that greater confusion than uniformity would clearly result if it were necessary to change the meaning to be attached to the many well-known genera in question by reason of the change in their type species that would follow inevitably from the acceptance of this paper.

2. In the course of the discussion of this proposal, attention was drawn to the need for a clear indication on the status of a name (whether generic or specific) (a) first published in a work subsequently rejected for nomenclatorial purposes and (b) later republished either (i) in some other sense or (ii) in the same sense. The question was whether a name so republished should be treated as available nomenclatorially, in view of the rejection of the work in which it had first been published; or whether, notwithstanding the rejection of that work, the name, when subsequently repub-

lished, should be treated as unavailable nomenclatorially as being a homonym.

3. It was pointed out that the latter of the two courses indicated above would amount to the total and permanent exclusion from availability of every name that was first published in a rejected work. The result would be the very opposite of what anyone desired, for instead of enabling rejected works to be consigned to oblivion, it would make it more important than ever that a close and detailed study should be made of all such works to make sure that they did not contain names, the use of which it was desired to retain. A decision in this sense could not be confined to works specifically rejected by the International Commission but would need to apply also to every work rejected under Article 25 as the work of an author who had not applied the principles of binary nomenclature. This would be the very negation of the object of that Article, since it would mean that far from the works of such authors being excluded from account in nomenclatorial matters, such works would become of great nomenclatorial importance since the publication of a generic name in such a work would suffice to prevent the subsequent acceptance of that name as an available name in any branch of zoology.

4. But it was not only on grounds of logic that such a decision would be open to objection; powerful reasons on grounds of practical convenience pointed to the same conclusion. An admirable case in point was provided by the "Erlangen List" at that moment under consideration by the Commission. The objection taken to the "Erlangen List" was not that the names first published in it were new—but long since forgotten—names, the reintroduction of which into the literature would displace well-known names and thereby result in greater confusion than uniformity. On the contrary, the objection to the "Erlangen List" was that it was the work in which were first published many generic names which in the course of over 100 years had become some of the best known in the order Hymenoptera; their use in the "Erlangen List" was different, however, from that which had come to be universally adopted, and the acceptance of the "Erlangen List" would involve the changing of the types of (and consequently also the meaning to be assigned to) many of these genera. No one desired that these names should be completely suppressed for all nomenclatorial purposes; what was desired was that their use in the "Erlangen List" should be suppressed, so as to validate their use in the commonly accepted

sense, *i.e.* in what would be the correct sense if it were permissible to treat the names in question as having nomenclatorial status only from the date and place of their next subsequent publication.

5. The proposal placed before the International Commission was, therefore, first that the "Erlangen List" should be eliminated from the literature by being suppressed under the Commission's plenary powers, and second that the availability of the generic names first published in that work should be judged as from the date on which the names in question were first republished and by reference to the species then placed in the genera in question. This was not a matter which could be settled in relation to a particular case, since the same problem inevitably arose whenever a work was rejected for nomenclatorial purposes. The Commission were accordingly asked to give a decision on this question in general terms that would apply automatically whenever the problem arose.

II.—THE CONCLUSION REACHED BY THE INTERNATIONAL COMMISSION.

6. The general problem discussed above and also the petition relating to the particular case presented by the "Erlangen List" were considered by the International Commission at their meeting held on the morning of Monday, 16th September 1935, when the Commission agreed (Lisbon Session, 2nd Meeting, Conclusion 13):—

to render *Opinions* :—

- (i) declaring, under suspension of the rules, that the so-called "Erlangen List" is to be treated as though it had never been published;
- (ii) making it clear that, where any subsequent author published a genus having the same name as one of the genera proposed in the "Erlangen List," the later-published name is not to be rejected as a homonym by reason of the earlier publication of that name in the "Erlangen List";
- (iii) indicating that the principle laid down in (ii) above applies generally both where the Commission render (or have rendered) an *Opinion* declaring that a given work is to be treated as though it had never been published or where a work is rejected automatically under Article 25 of the International Code.

7. The above matter was dealt with by the Commission in paragraph 17 of the report which on Wednesday, 18th September 1935, they unanimously agreed to submit to the Twelfth International Congress of Zoology (Lisbon Session, 5th Meeting, Conclusion 6). On the afternoon of the same day the report of the Commission was unanimously approved by the Section on Nomenclature at its joint meeting with the International Commission. That report was thereupon submitted to the Twelfth International Congress of Zoology by which it was unanimously approved and adopted at the Concilium Plenum held on the afternoon of Saturday, 21st September 1935, the last day of the Congress.

8. The present *Opinion*¹ was concurred in by the twelve (12) Commissioners and Alternates present at the Lisbon Session of the International Commission, namely :—

Commissioners :—Calman; Hemming; Jordan; Pellegrin; Peters; and Stejneger.
 Alternates :—do Amaral *vice* Cabrera; Ohshima *vice* Esaki; Bradley *vice* Stone; Beier *vice* Handlirsch; Arndt *vice* Richter; and Mortensen *vice* Apstein.

9. The present *Opinion* was dissented from by no Commissioner or Alternate at the Lisbon Session. The following five (5) Commissioners who were not present at Lisbon nor represented thereat by Alternates did not vote on the present *Opinion* :—

Bolivar y Pieltain; Chapman; Fantham; Silvestri; and Stiles.

III.—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 said 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 Com-

¹ Of the three items composing the Conclusion quoted in paragraph 6 of the present *Opinion*, items (i) and (ii) have been dealt with in the *Opinion* rendered by the Commission as *Opinion* 135. The present *Opinion* deals therefore only with item (iii).

mission, 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*, as set out in the summary thereof, neither requires, in order to be valid, the suspension of the rules, nor involves a reversal of any former *Opinion* rendered by the Commission; and

WHEREAS twelve (12) Members of the Commission have signified their concurrence in the present *Opinion* either in person or through Alternates at the Session 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 Five (*Opinion* 145) 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 second day of March, Nineteen Hundred and Forty Three, 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

PUBLICATIONS OF THE COMMISSION

Bulletin of Zoological Nomenclature

The *Bulletin* is the Official Organ of the International Commission. The following Parts have so far been published:—

- PART 1. (contents include a survey of the functions and powers of the International Commission) pp. xxvi price 9s. *od.*
 PART 2. (report on the financial position of the International Commission and survey of outstanding tasks) pp. xiv price 5s. *od.*

Opinions Published by the Commission

- OPINION 134. On the method to be adopted in interpreting the generic names assigned by Freyer to the 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 générales 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 1s. *od.*
 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. 6*d.*
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Opinions Rendered by the Commission but not yet Published

- OPINION 148. On the principles to be observed in interpreting Articles 25 and 34 of the International Code in relation to the availability of generic names proposed as emendations of, or as substitutes for, earlier generic names of the same origin and meaning.
- OPINION 149. Twenty-one names in the Orthoptera (Insecta) added to the *Official List of Generic Names in Zoology*.
- OPINION 150. On the dates of publication of the several portions of Hübner (J.), *Verzeichniss bekannter Schmettlinge* [sic], 1816-[1826].
- OPINION 151. On the status of the names *Lasius* Panzer, [1801-1802], *Podalirius* Latreille, 1802, *Lasius* Fabricius, [1804-1805] and *Anthophora* Latreille, 1803 (Insecta, Hymenoptera).
- OPINION 152. On the status of the generic names in the Order Diptera (Insecta) first published in 1800 by J. W. Meigen in his *Nouvelle Classification des Mouches à deux ailes*.
- OPINION 153. On the status of the names *Bethylus* Latreille, [1802-1803], and *Dryinus* Latreille, [1804] (Insecta, Hymenoptera).
- OPINION 154. On the status of the names *Phaneroptera* Serville, 1831, and *Tylopsis* Fieber, 1853 (Insecta, Orthoptera).
- OPINION 155. On the status of the names *Callimome* Spinola, 1811, *Misocampe* Latreille, 1818, and *Torymus* Dalman, 1820 (Insecta, Hymenoptera).
- OPINION 156. Suspension of the rules for *Vanessa* Fabricius, 1807 (Insecta, Lepidoptera).
- OPINION 157. Three names in the Hymenoptera (Insecta) added to the *Official List of Generic Names in Zoology*.
- OPINION 158. On the status of the name *Locusta* Linnaeus, 1758 (Insecta, Orthoptera).

All orders for, and inquiries in regard to, the publications of the Commission should be addressed to the Commission at their Publications Office, 41, Queen's Gate, London, S.W.7.

AN URGENT APPEAL FOR A FUND OF £1800 TO ENABLE THE INTERNATIONAL COMMISSION TO CONTINUE ITS WORK

The International Commission on Zoological Nomenclature urgently appeal for grants to the above Fund to Museums, Research Institutes and other Institutions concerned with any branch of zoology ; to Learned Societies and Associations concerned with any aspect of zoology ; to Institutions and Learned Societies in the fields of Agriculture, Horticulture, Medicine and Veterinary Science, all of whom have a direct interest in that portion of the work of the Commission which is concerned with the stabilisation of Zoological Nomenclature ; to University and other Departments engaged in the teaching of zoology as being directly interested to secure stability in the scientific nomenclature used in biological text-books ; and to every individual zoologist who may be in a position to contribute to the funds of the Commission. Full particulars of the purposes for which the above Fund is required are given in Part 2 of the *Bulletin of Zoological Nomenclature*.

Contributions of any amount, however small, will be most gratefully received. They should be addressed to the Commission at their Publications Office, 41, Queen's Gate, London, S.W.7. Bankers' drafts, cheques, and Postal Orders, should be made payable to the "International Commission on Zoological Nomenclature" and crossed "Account payee. Coutts & Co."