

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

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

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OPINION 152

On the status of the generic names in the Order
Diptera (Class Insecta) first published in 1800
by J. W. Meigen in his *Nouvelle Classification
des Mouches à deux ailes*

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

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* 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 152.

ON THE STATUS OF THE GENERIC NAMES IN THE ORDER DIPTERA (CLASS INSECTA) FIRST PUBLISHED IN 1800 BY J. W. MEIGEN IN HIS *NOUVELLE CLASSIFICATION DES MOUCHES À DEUX AILES*.

SUMMARY.—The generic names in the Order Diptera (Class Insecta) first published in 1800 by J. W. Meigen in his *Nouvelle Classification des Mouches à deux ailes* are to be treated as having priority as from that date. Where, in the case of any given name first published in the above work, specialists in the group concerned are of the opinion that the strict application of the rules would clearly result in greater confusion than uniformity, the specialists in question should submit full particulars to the International Commission with such recommendations for the suspension of the rules in the case of that generic name as they may consider the most appropriate.

I.—THE STATEMENT OF THE CASE.

During the meeting of the Fifth International Congress of Entomology held in Paris in July 1932, the Section on Nomenclature (Section VIII) constituted an *ad hoc* committee on nomenclature for the duration of the Congress (*Compte Rendu* : 57). This committee, by a majority of 4 to 2, decided to recommend the adoption by Section VIII of the following resolution :—

Meigen, *Nouvelle Classification*, 1800

Resolution : La Section VIII, étant d'opinion qu'il y aurait maintenant plus de confusion à rejeter les noms génériques de la " Nouvelle Classification " de MEIGEN 1800 qu'à les retenir, recommande par conséquent qu'ils soient définitivement adoptés.

2. This and other resolutions adopted by the *ad hoc* committee were subsequently adopted by Section VIII of the Congress (*Compte Rendu* : 57). At the close of the Congress, these resolutions were laid before the Congress at the final Concilium Plenum in the report presented by the Permanent Secretary to the Executive Committee of the Congress. The Congress was then asked to confirm or reject each resolution without discussion (*Compte Rendu* : 57). In the published version of the Report of

the Permanent Secretary, an annotation (in heavy clarendon type) is added at the end of each resolution indicating the action taken in regard thereto under this procedure by the Concilium Plenum of the Congress. In the case of the resolution quoted in paragraph 1 above, the annotation so added (*ibid.* : 58) reads : " Adopté par majorité contre dix voix." Immediately below the last of the resolutions so adopted by the Paris Congress there appears the following note (*ibid.* : 58) : " Toutes ces Résolutions doivent être soumises au Comité international pour la Nomenclature entomologique."

II.—THE SUBSEQUENT HISTORY OF THE CASE.

3. The first meeting after the Paris Congress of the International Committee on Entomological Nomenclature was held at Madrid in the second week of September 1935 during the meeting of the Sixth International Congress of Entomology. At this Session the International Committee were confronted with an exceptionally long agenda in view of the large number of cases that had been referred to them by the International Commission on Zoological Nomenclature with a request for a statement of their views in time for consideration by the International Commission at their Session arranged to open at Lisbon immediately after the close of the Madrid Congress. In these circumstances, the International Committee concentrated the bulk of the attention upon these cases, even though they recognised that by so doing they might be unable to give detailed consideration to each of the resolutions adopted by the Paris Congress. As regards the resolution adopted at that Congress in regard to Meigen's *Nouvelle Classification*, the International Committee took the view that the division of opinion among dipterists in regard to this work was such that it was impossible to find a solution that would be agreeable to all concerned; the most that the International Commission on Zoological Nomenclature could hope to do would be to devise some arrangement which would provide a basis on which later a settlement could be framed.

4. At their meeting held on Monday, 16th September 1935 (Lisbon Session, 2nd Meeting, Conclusion 8), the International Commission on Zoological Nomenclature re-affirmed the view expressed in reports submitted by them to previous meetings of the International Congress of Zoology that great weight should be attached to recommendations submitted by groups of special-

ists such as the International Committee on Entomological Nomenclature and the corresponding body formed recently in the case of ornithology. The Commission felt bound, however, to reserve to themselves the right in all cases of deciding whether recommendations so submitted were in conformity with the principles of the Code and were within the powers granted to the Commission at successive meetings of the International Congress of Zoology.¹ The Commission accordingly decided to guide themselves by these principles in their examination of the recommendations submitted by the Fifth International Congress of Entomology at their meeting held in Paris in 1932.

III.—THE CONCLUSION REACHED BY THE INTERNATIONAL COMMISSION.

5. The resolution in regard to Meigen's *Nouvelle Classification* quoted in paragraph 1 above was considered by the International Commission at Lisbon at their meeting held on the morning of Monday, 16th September 1935. In the course of the discussion of the problems involved, attention was drawn to the following considerations :—

- (i) The present was the second occasion on which the Commission had been asked to render an *Opinion* on Meigen's *Nouvelle Classification*. The first was in 1909 when Professor J. M. Aldrich had asked for a decision on the validity of the generic names published in this work and, in doing so, had expressed the view that " nothing in recent years has threatened the nomenclature of Diptera with such an overturning as the position taken by three European entomologists in recognizing this paper as a valid nomenclatural contribution."
- (ii) At the time that Professor Aldrich submitted this case, the only power of the Commission was to render *Opinions* on questions involving—directly or indirectly—the interpretation of the Code, as it was not until four years later that (in 1913) the Ninth International Congress of Zoology at their Monaco meeting had conferred upon the Commission plenary powers to suspend the rules as applied to any given case, where, in the judgment of the Commission, the strict application of the rules would clearly result in greater confusion

¹ See *Declaration* 10.

than uniformity. Thus, at the time of the receipt of Professor Aldrich's application, the only question which it was open to the Commission to consider was whether Meigen's *Nouvelle Classification* had, or had not, been published within the meaning of the Code. For the reasons given in their *Opinion* on this subject (*Opinion* 28 published in October 1910), the Commission had reached the conclusion that the *Nouvelle Classification* had been duly published. They had accordingly adopted the following conclusion which they had set out in the "Summary" of *Opinion* 28:—

"The generic names contained in Meigen's 'Nouvelle Classification', 1800, must take precedence over those in his 'Versuch', 1803, in every case where the former are found to be valid under the International Code."

- (iii) The present application dealt with an entirely different aspect of the problem, for, in effect, it asked that the Commission should use their plenary powers to suspend the rules, in order to declare that the generic names first published in the *Nouvelle Classification* should now be "definitively adopted". That such a proposal should have been put forward could only be due to a misapprehension of the position. No such action was required—or would be appropriate—since (as stated in *Opinion* 28) the *Nouvelle Classification* satisfied the requirements of the Code as regards publication. The present position was therefore that the names first published in that work, if otherwise available, should be used in preference to any later name in every case where the genera so named could be identified and type species could be assigned to them.
- (iv) It was obvious that, before any given generic name first published in the *Nouvelle Classification* could be accepted as valid under the Code, it would be necessary to determine whether that name was available nomenclatorially. Four questions were involved in this process. The first and third of these were concerned with nomenclatorial questions, while the answers to the second and fourth depended on decisions taken on taxonomic grounds. The questions to be answered were:—
- (a) Is the name a homonym of some other name previously published for a genus in any part of the animal kingdom?

- (b) If the answer to (a) is in the negative, what is the species which, under the procedure indicated in *Opinion* 46, should be accepted as the type of the genus?
- (c) Is the species recognised under (b) above as the type of the genus also the type of another genus having an older and nomenclatorially available name?
- (d) If the answer to (c) is in the negative, should the species recognised as the type of the genus be regarded as congeneric with some other species that is the type of a genus having an older and nomenclatorially available name?

Only where questions (a), (c) and (d) were all answered in the negative is the name in question a name which could—and should—be brought into use for the species recognised under (b) above as its type and for any other species which on taxonomic grounds are regarded as congeneric therewith.

- (v) Although Meigen placed no species in the genera first published in the *Nouvelle Classification*, this was because in that work he was only concerned with genera. It was certainly in no way due to any failure on his part to accept the principles of binary nomenclature, whether that term was interpreted in the sense indicated in *Opinion* 20 or in the narrower sense proposed in the resolution voted upon at the Eleventh International Congress of Zoology at Padua in 1930. Thus, whatever decision might ultimately be taken as the definition of the term "binary nomenclature", that decision could in no circumstances have any bearing upon the status of the names in Meigen's *Nouvelle Classification*.²
- (vi) Generic names first published without originally included species were always liable to give rise to difficulty and to prove a stumbling block in the way of attaining stability in nomenclature. The procedure for dealing with such cases that had been indicated by the Commission in *Opinion* 46 did not—and in the nature of things could not—provide an automatic means of determining the types of such genera.

² The question of the meaning to be attached to the expression "binary nomenclature" as used in the International Code is at present *sub judice*, having been expressly referred to the International Commission on Zoological Nomenclature by the Twelfth International Congress of Zoology. For further particulars, see 1943, *Bull. zool. Nomencl.* 1: 45, 55.

It was inevitable therefore that cases should arise where specialists would differ on the question of the identity of the type of a genus of this kind. Where this happened, the only way of securing stability for the nomenclature of the group concerned was to obtain from the International Commission an *Opinion* under their plenary powers either definitely selecting a given species as the type of the genus or suppressing the generic name altogether. In the case of Meigen's *Nouvelle Classification*, it must be noted that those specialists who claimed to have recognised genera first named in the *Nouvelle Classification* were by no means unanimous regarding the identity of the type species of the genera so recognised.

- (vii) Another difficulty that was always liable to arise in the case of genera first published without included species (such as those in the *Nouvelle Classification*) was that it might prove impossible to recognise any species as certainly referable to a particular genus. In such a case, no type could be designated and the genus remained indefinitely a "genus dubium". In such a case, great inconvenience (or confusion) might arise if the name in question—as used by some later author or by the same author in a later publication—had become an important name, for example the type genus of a well-known family, and had thus become deeply embedded in the literature of the group and perhaps also in the technical literature of some allied science. The fact that on its first publication a name was applied to a genus which later it was agreed must be regarded as a *genus dubium* did not in any way affect the nomenclatorial status of that name. Unless it was a homonym of a still earlier name, it continued to be available nomenclatorially, even though attached only to a *genus dubium*. It was obvious that in the interests of zoology as a whole, this was inevitable, since otherwise an author on Phylum "X" who wished to ascertain whether a given name was available for a genus in his group and found that it had already been published as a generic name in some other Phylum "Y", would not—as at present—know at once that the name in question was unavailable in his own group (Phylum "X") but would have to start researches in Phylum "Y" (a group regarding the systematics of which he probably knew nothing) in order to ascertain whether the name with which he was con-

cerned was accepted as the recognisable name of a genus in that Phylum or whether it was regarded as the name of a *genus dubium*. Clearly any such procedure would throw an altogether intolerable burden on workers in other groups. The only way in which the name bestowed upon a *genus dubium* can be made available for use in some other sense is by the use by the International Commission of their plenary powers to suspend the rules in order to suppress for nomenclatorial purposes the use of that name on the occasion on which it was published in connection with the *genus dubium*. Except where such action is taken by the International Commission, any later use is automatically invalid, since the name, when so used, is a dead homonym (under Article 34 of the Code) of the same name when originally used for the *genus dubium*.

- (viii) The Paris resolution in regard to Meigen's *Nouvelle Classification* now before the Commission had not been unanimously adopted by the *ad hoc* committee of the Congress by whom it had been drafted. Nor had the Fifth International Congress of Entomology itself been unanimous, for it had only adopted the resolution by a majority. Further, it was common knowledge that opinion on this subject was deeply divided among dipterists. It was particularly desirable therefore that the Commission should weigh the various relevant considerations with the greatest care in order to ensure that whatever decision they might now take was the one best calculated to promote stability of nomenclature in the Order Diptera.
- (ix) The generic names first published in the *Nouvelle Classification* were of very unequal importance. In the case of some of these names, it was a matter of indifference whether the genus so named could be recognised or not or, if it could be recognised, whether it replaced some other name first published by Meigen in 1803. On the other hand, many of the genera published by Meigen in 1800 had been identified with, and should therefore replace, genera first published by him in 1803. Some of the latter were genera of great importance in the Order Diptera and in a considerable number of cases had given their names to well-known Families in that Order. The supersession of these names by names published in 1800 (of which the same species had been specified as the type) would—it was claimed—

lead to great confusion, without securing any compensating advantage whatever. It was precisely to remove anomalies of this kind resulting from the application of the rules in the International Code to names published long before that instrument had been adopted by the International Congress of Zoology that that body had at Monaco in 1913 conferred upon the International Commission plenary powers to suspend the rules as applied to any given case where, in the judgment of the Commission, the strict application of the rules would clearly result in greater confusion than uniformity. There were, therefore, strong grounds for treating these cases individually, in order to determine whether the circumstances were such as to call for the use by the Commission of their plenary powers. Clearly, if an individual examination was to be made of these cases, specialists in the groups concerned should submit to the Commission the data necessary to enable a decision to be taken.

- (x) In assessing the importance to be attached to evidence so supplied it would be necessary for the Commission, when considering names that were widely used either in applied entomology or in the teaching of entomology, to take account of the views of workers in those fields as well as of the opinion of systematic workers in the Order Diptera.

6. At the conclusion of the discussion summarised in the preceding paragraph, the Commission agreed (Lisbon Session, 2nd Meeting, Conclusion 15) :—

to render an *Opinion* indicating :—

- (i) that the generic names first published in 1800 by Johann Wilhelm MEIGEN in his "*Nouvelle Classification des Mouches à deux ailes*" should be treated as having priority as from that date; but
- (ii) that, where in the case of any given generic name first published in the above work, specialists in the group concerned are of the opinion that the strict application of the rules would clearly result in greater confusion than uniformity, the specialists in question should submit full particulars to the Commission with such recommendations for the suspension of the rules in the case of that generic name as they may consider the most appropriate.

7. At their meeting held at Lisbon on the morning of Tuesday, 17th September 1935 (Lisbon Session, 4th Meeting, Conclusion 17), Commissioner Francis Hemming, who, in the absence through ill-health of Dr. C. W. Stiles, Secretary to the Commission, had

been charged with the duty of preparing the report to be submitted by the Commission to the Twelfth International Congress of Zoology, reported that, in accordance with the request made by the Commission on the previous day (Lisbon Session, 3rd Meeting, Conclusion 3(b)), he had made a start with the drafting of the Commission's report; that he had made considerable progress in spite of being hampered by the lack of standard works of reference; and that he did not doubt that he would be in a position to lay a draft report before the Commission at their next meeting, though in the time available it would be quite impracticable to prepare the drafts of paragraphs relating to all the matters on which decisions had been reached during the Lisbon Session of the Commission. As agreed upon at the meeting referred to above (Lisbon Session, 3rd Meeting, Conclusion 3(a)(iii)), he was therefore concentrating upon those matters that appeared to be the more important. Commissioner Hemming proposed that those matters which it was found impossible to include in the report, owing to the shortness of the time available, should be dealt with after the Congress on the basis of the records in the *Official Record of the Proceedings of the Commission* during their Lisbon Session. For this purpose, Commissioner Hemming proposed that all matters unanimously agreed upon during the Lisbon Session should be treated in the same manner, whether or not it was found possible to include references to them in the report to be submitted to the Congress, and therefore that every such decision should be treated as having been participated in by all the Commissioners and Alternates present at Lisbon. The Commission took note of, and approved, the statement by Commissioner Hemming, and adopted the proposals submitted by him, as recorded above, in regard both to the selection of items to be included in their report to the Twelfth International Congress of Zoology and to the procedure to be adopted after the Congress in regard to those matters with which, for the reasons explained, it was found impossible to deal in the report.

8. The question dealt with in the present *Opinion* was one of the matters to which it was found impossible, in the time available, to include a reference in the report submitted by the Commission to the Twelfth International Congress of Zoology at Lisbon. It is therefore one of the matters which falls to be dealt with under the procedure agreed upon by the Commission as set out in paragraph 7 above.

9. The present *Opinion* 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.

10. The present *Opinion* was dissented from by no Commissioner or Alternate present 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.

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*, 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 in that behalf 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 Fifty Two (*Opinion* 152) 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 seventh day of April, 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

THE PUBLICATIONS OF THE COMMISSION.

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Bulletin of Zoological Nomenclature.

This journal has been established by the International Commission as their Official Organ in order to provide a medium for the publication of :—

- (a) proposals on zoological nomenclature submitted to the Commission for deliberation and decision ;
- (b) comments received from, and correspondence by the Secretary with, zoologists on proposals published in the *Bulletin* under (a) above : and
- (c) papers on nomenclatorial implications of developments in taxonomic theory and practice.

Three Parts have so far been published : Part 1 (introductory, including an account of the functions and powers of the Commission and a summary of the work so far achieved) ; Part 2 (relating to the financial position of the Commission) ; Part 3 (containing the official records of the decisions taken by the Commission at their meeting at Lisbon in 1935).

Opinions and Declarations Rendered by the International Commission on Zoological Nomenclature.

Volume 1 will contain *Declarations* 1-9 (which have never previously been published) and *Opinions* 1-133 (the original issue of which is now out of print). Parts 1-9 (containing *Declarations* 1-9) have now been published.

Volume 2 commences with *Declaration* 10 and *Opinion* 134. Parts 1-21 (containing *Declarations* 10 and 11 and *Opinions* 134-152) have so far been published. The titles of these *Opinions* are given on the wrappers to Parts 1 and 2 of the *Bulletin*. Other Parts will be published shortly.

**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 purpose 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."

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