

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

Edited by

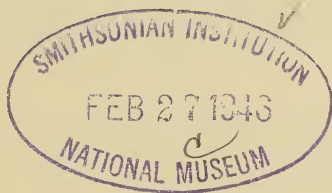
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Secretary to the Commission

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OPINION 172

On the interpretation of Article 30 of the International Code in relation to the designation, in abstracts and similar publications, of the types of genera, the names of which were published on, or before, 31st December 1930



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OPINION 172.

ON THE INTERPRETATION OF ARTICLE 30 OF THE INTERNATIONAL CODE IN RELATION TO THE DESIGNATION, IN ABSTRACTS AND SIMILAR PUBLICATIONS, OF THE TYPES OF GENERA, THE NAMES OF WHICH WERE PUBLISHED ON, OR BEFORE, 31ST DECEMBER 1930.

SUMMARY.—It is undesirable that the types of genera should be designated in Abstracts, Records, and similar publications. Where, however, the type of a genus, the name of which was published on, or before, 31st December 1930, is clearly designated in such a publication, that designation must be accepted as being within the scope of Article 30 of the Code.

I.—THE STATEMENT OF THE CASE.

This question was first brought to the attention of the Commission by Mr. J. R. Le B. Tomlin, British Museum (Natural History), in connexion with the generic name *Conulinus* von Martens, 1895, *NachrBl. dtsh. malakozool. Ges.* 27 : 180 (Class Gastropoda, Order Stylommatophora), the type of which had been dealt with by the Commission in *Opinion* 86.¹ Mr. Tomlin's letter, which was dated 16th June 1929, reads as follows :—

Referring to *Opinion* 86 as reported in *Pr. Biol. Soc. Washington* XXXIX, p. 102, re the molluscan name *Conulinus*, I have only recently noticed that in the *Zool. Record* for 1895, vol. XXXII, Mollusca p. 59, the Recorder, B. B. Woodward, writes :

Conulinus, n.sect. of *Buliminus*, type *B. ugandae* n.sp., Martens, *Nachrichtsbl.* XXVII. 180.

As no such statement re type is made by v. Martens, I take this to be a deliberate fixation of genotype by the Recorder.

II.—THE SUBSEQUENT HISTORY OF THE CASE.

2. This case was referred by Commissioner C. W. Stiles (*Secretary to the Commission*) to Commissioner F. A. Bather, by whom *Opinion* 86 had been drafted. Dr. Bather replied on 30th September 1929 as follows :—

¹ For the effect of the present *Opinion* on the decision embodied in *Opinion* 86, see *Opinion* 176 (p. 521 *et seq.* below).

Vol. 32 of *Zoological Record* was published on 5 December 1896,² and thus preceded Von Martens' paper of 1897. It might therefore be claimed that *B. ugandae* should be regarded as genotype. I do not think that is at all a necessary conclusion.

The *Zoological Record*, as its title implies, is a record of publications by other writers; it is not an original work. Any criticisms or emendations by the recorders are (or should be) definitely indicated as such, e.g. by enclosure within square brackets [. . .] or by the addition of initials. In the present instance there is no indication that the recorder (B. B. Woodward) was undertaking to do anything but record. My interpretation of his statement is that, working probably under pressure as all recorders have to, he assumed that *B. ugandae* was the genotype because it was immediately associated with "*Conulinus* n." and preceded the two other species described. That assumption was natural for a recorder who, in his haste, overlooked the reference to *B. conulus*; but it was, as we know from Von Martens 1897, an incorrect assumption.

I have consulted Mr. Woodward, who says (*in litt.*, 17 July, 1929): "At this distance of time it is not possible to recall what the compiler of the Molluscan Section of the *Zool. Rec.* for 1895 had in his mind when he penned the paragraph in question."

Mr. Woodward thinks that his printed sentence fixes the genotype; I do not think so.

Since, however, there may be a difference of opinion on this question, I suggest that, to avoid confusion and to validate the action of previous authors (as opposed to recorders), the Commission be asked to re-affirm *Opinion* 86, with this additional fact before it.

Further I suggest that the Commission assert, as a general principle, that a statement in a report or record or historical narration is not to be taken as an original contribution by the reporter, recorder, or historian unless he has clearly indicated his responsibility for it.

3. Copies of Dr. Bather's letter were communicated by Dr. Stiles to the members of the Commission with a request for informal suggestions as to the steps to be taken in regard to this case. Replies were slow in coming in, and it was not until 1932 that Dr. Stiles was able to inform the Commission that comments had been received from nine Commissioners, these comments being to the following effect:—

(a) Commissioner Angel Cabrera agreed with Dr. Bather and added:—

I would suggest that Bather's suggestion about statements in records, etc. must be adopted by the Commission as a general principle. We can never praise the *Zoological Record* so much as it deserves; but, even so, it is no more than a bibliographical record, and as such, it contains many unfortunate slips.

² The actual date of publication of this volume of the *Zoological Record* is 4th not 5th December 1896, as is shown by the following extract from a letter dated 19th August 1929 addressed to Mr. Tomlin by Mr. F. Martin Duncan, Librarian, Zoological Society of London: "In the Annual Report of the Zoological Society for 1896, page 12, it is stated that Vol. XXXII of the *Zoological Record* for 1895 was published on December 4th 1896."

- (b) Commissioner John Stephenson agreed with Dr. Bather and added :—

I would suggest, going further than Bather, that nothing in a report, record, historical relation, or abstract (e.g. *Zool. Berichte*, *Biol. Abstracts*, the abstracts that appear or used to appear in *Arch. Naturgesch.*) be taken as an original contribution, whether or not the writer indicates his responsibility for it. These are not the places in which we look for original contributions, nor in which we ought to have to look.

- (c) Seven Commissioners (Apstein, Chapman, Horváth, Ishikawa, Pellegrin, Silvestri and Stone) replied that they agreed with Dr. Bather, but none of these Commissioners indicated whether this applied to both Dr. Bather's suggestions or was confined to the suggestion that *Opinion 86* should be reaffirmed.

4. In reporting to the Commission the comments received from Commissioners on the suggestions put forward by Dr. Bather, Dr. Stiles added the following statement of his own views :—

I hold an open mind and would suggest :—

- (1) It is not clear to me how far this view would lead us. It seems to me that so many complications might arise that the principles involved should be very carefully considered—(possibly postponed for special discussion when the Commission meets?)
- (2) Is the *Zoological Record* "publication"? Personally I have taken it for granted that it is "publication" and that any statement made therein had published status. Accordingly, if the *Record* said, "X-us n.g., type *albus*," I have without question considered this as designation of type species to be as correct type (subject to the provisions of Art. 30, rule (g) quoted below*) as is any other type designation. The fact is known to me that various other zoologists have followed this same plan.
- (3) If the types given in the *Record* are not to be accepted as type designations, the question arises whether numerous similar entries, (without further remarks) in tables of synonymy, are to be accepted as type designations under Art. 30.
- (4) In many reviews, the reviewer has designated types. Admittedly, a review is not the best place in which to designate the type species. But it is not clear to me that this is not to be accepted as published.
- (5) Many types are designated (without additional remarks) in lists (nomenclators) of genera.
- (6) I have a feeling that the author who designates type species is performing an important public service. Would the acceptance of Bather's viewpoint tend to discourage authors from assuming this responsibility?

* Rule (g) in Article 30 reads as follows :—

If an author, in publishing a genus with more than one valid species, fails to designate (see (a)) or to indicate (see (b), (d)) its type, any subsequent author may select the type, and such designation is not subject to change (Type by subsequent designation). (See *Opinions* Nos. 6, 9, 10, 32, 56).

The meaning of the expression "select the type" is to be rigidly construed. Mention of a species as an illustration or example of a genus does not constitute a selection of a type.

Dr. Stiles concluded by stating that he intended to postpone temporarily the formulation of a draft *Opinion*, pending further suggestions from Commissioners.

5. No further suggestions were received by Dr. Stiles from Commissioners and in consequence in February 1935 he recirculated to the members of the Commission the comments that he had first communicated to them in 1932 (as recorded in paragraphs 3 and 4 above). On this occasion, Dr. Stiles added the suggestion that this matter should be discussed at the meeting of the Commission due to be held at Lisbon in September of that year.

6. Comments were received from two Commissioners on this further communication :—

(a) Commissioner James L. Peters wrote (4th March 1935) :—

Since the 1927 amendments to Article 25 became effective it does not seem that the question of a subsequent type designation by a compiler in the *Zoological Record* or similar bibliographic publication is a contingency liable to arise any further, and as far as my own field is concerned, such designations in the past are almost negligible. On the other hand a ruling against such designations in a bibliographic publication might easily be construed as invalidating type designations in such standard works as the British Museum Catalogues, where after each generic name or synonym the commonly accepted type species is listed.

(b) Commissioner Witmer Stone (reversing the view expressed in 1931³) wrote :—

I heartily agree with Peters' statements as to type designations in the *Zoological Record* or similar publications.

III.—THE CONCLUSION REACHED BY THE INTERNATIONAL COMMISSION.

7. At their meeting held at Lisbon on Tuesday, 17th September 1935, the Commission considered both the general question of the availability under Article 30 of the Code of designations of the types of genera, the names of which were published on or before 31st December 1930 (i.e. prior to the coming into operation of the amendment of Article 25 adopted at Budapest in 1927), in those cases where such type designations are published in Abstracts, Records and similar publications. At the same time, the Commission considered the bearing of this question on the decision in regard to the type of genus *Conulinus* von Martens,

³ See paragraph 3(c) of the present *Opinion* (page 475 above).

1895 (Class Gastropoda, Order Stylommatophora) embodied in *Opinion* 86. As regards the first of these questions, with which alone the present *Opinion* is concerned, the Commission agreed (Lisbon Session, 4th Meeting, Conclusion 9)⁴ :—

(a) that it was undesirable⁴ that the types of genera should be designated for the first time in Abstracts, Records, and similar publications; but that, where the type of a genus was clearly designated in such a publication, that designation must be accepted as being within the scope of Article 30 of the International Code;

(c) to render *Opinions* in the sense indicated in (a) and (b) above.

8. Later in the same meeting as that referred to above (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,

⁴ Only those portions of Conclusion 9 which relate to the present case are here quoted. For the full text of Conclusion 9, including the portion relating to *Conulinus* von Martens, 1895, see 1943, *Bull. zool. Nomencl.* 1:36. The decision of the Commission in regard to the latter question has been embodied in *Opinion* 176 (p. 521 *et seq.* below).

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.

9. 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 8 above.

10. 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.

11. 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.

12. At the time when the vote was taken on the present *Opinion*, there was one (1) vacancy in the Commission consequent upon the death of Commissioner Horváth.

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 at 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 Seventy Two (*Opinion* 172) 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 at Aldeburgh in the County of Suffolk, this tenth day of September, 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

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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 International 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.

The *Bulletin* was established in 1943. Seven Parts of volume 1 have now been published. Further Parts are in the press.

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

The above work is being published in three volumes concurrently, namely :—

Volume 1. This volume 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 1-21 (containing *Declarations* 1-9 and *Opinions* 1-12) have now been published. Further Parts will be published shortly.

Volume 2. This volume, which contains the record of the decisions taken by the International Commission at Lisbon in 1935, is being published in two Sections (Sections A and B) with continuous pagination. Of these, Section A, containing *Declarations* 10-12 and *Opinions* 134-160, is now complete. Of Section B, which will contain *Opinions* 161-181, Parts 31-45 (containing *Opinions* 161-175) have now been published. The remaining Parts of this volume are in the press and will be published as soon as possible.

Volume 3. This volume, which commenced with *Opinion* 182, will contain the *Opinions* adopted by the International Commission since their meeting at Lisbon in 1935. Parts 1-11 (containing *Opinions* 182-192) have now been published. Further Parts will be published as soon as possible.

APPEAL FOR FUNDS

The International Commission appeal earnestly to all institutions and individuals interested in the development of zoological nomenclature to contribute, according to their means, to the Commission's Special (Publications) Fund. Of the total sum of £1,800 required to enable the Commission to issue all the publications now awaiting printing, donations amounting to £969 16s. 1d. were received up to 30th June 1945. Additional contributions are urgently needed in order to enable the Commission to continue their work without interruption. Contributions of any amount, however small, will be most gratefully received.

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