

**ON THE QUESTION OF THE SPECIES TO BE ACCEPTED AS
THE TYPE SPECIES OF A NOMINAL GENUS, THE NAME OF
WHICH WAS PUBLISHED PRIOR TO 1ST JANUARY 1931
IN THE SYNONYMY OF A PREVIOUSLY ESTABLISHED
NOMINAL GENUS : AN APPEAL TO ZOOLOGISTS FOR
ADVICE**

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(For the decision by the Thirteenth International Congress of Zoology
that an investigation should be made in regard to this subject, see 1950,
Bull. zool. Nomencl. **4** : 352)

TABLE OF CONTENTS

Preliminary Considerations

	<i>Page*</i>
Introductory	111
Action taken by the Thirteenth International Congress of Zoology, Paris, 1948	112
The proposal submitted by Dr. Ernst Mayr in February, 1951	112
Procedure proposed for the examination of the problems submitted	113
 (a) Question whether a generic name published, prior to 1st January 1931, in a generic synonymy should be granted any status in zoological nomenclature in virtue of being so published	
View taken by the International Congress of Zoology, Paris, 1948 ..	114
Dr. Ernst Mayr's application	114
Questions arising out of Dr. Ernst Mayr's application on which the views of specialists are desired	115

(b) Question of the species to be accepted as the type species of a nominal genus the name of which was published prior to 1st January, 1931, in the synonymy of a previously established nominal genus

	<i>Page</i>
The nature of the problem arising in connection with the species to be accepted as the type species or a nominal genus, when, on being first published, that name was published in the synonymy of a previously published generic name	115
A hypothetical example of the situation on which a ruling is required . .	116
The alternative solutions possible	116
Need for information regarding current practice by specialists in different parts of the Animal Kingdom	117
Probable need for a saving clause to prevent the interpretation now to be given from causing confusion and objectionable name-changing in particular cases	117
Questions on which the advice of specialists is now sought	118

Preliminary Considerations

1. Introductory: The present paper is concerned with the relatively narrow problem of the species to be accepted as the type species of a nominal genus established prior to 1st January, 1931 (i.e., prior to the coming into operation of Proviso (c) to Article 25), when the name of the genus in question was published in the synonymy of some previously established nominal genus. The present is the fourth of the seven problems relating to the *Règles* which the Thirteenth International Congress of Zoology at its meeting held in Paris in 1948 considered required attention but which, in its opinion, needed further study before decisions were taken thereon; that Congress accordingly requested me, as Secretary to the International Commission on Zoological Nomenclature, to confer on this subject with interested specialists with a view to the preparation of a comprehensive Report, with recommendations, for consideration by the Fourteenth International Congress of Zoology when it meets at Copenhagen in 1953.

2. In the interval which has elapsed since the Paris Congress, I have taken every opportunity which has offered to obtain the views of specialists on this subject. In this process a suggestion has been made which, if adopted, would render the further pursuit of the present investigation unnecessary by having eliminated altogether the problem which the Paris Congress charged me to consider. The suggestion referred to above is described briefly in paragraph 5 below. It was originally put to me in a paper enclosed with a letter dated 30th August, 1950, by Dr. Ernst Mayr (American Museum of Natural History, New York), which dealt not only with the present subject but also, and perhaps principally, with the parallel problem which arises when a new specific trivial name is found to have been first published on a date prior to 1st January, 1931, in the synonymy of the names applied to a previously established nominal species. On receipt of Dr. Mayr's communication, I prepared a short summary of the principal points which it appeared to me to raise and, through the kindness of the editors concerned, that summary was published shortly afterwards in the *Geological Magazine* and in the *Journal of Paleontology*. The publication of the foregoing summary has elicited a number of comments, almost all of which are directed only to that part of Dr. Mayr's communication which is concerned with the trivial names of species. In February, 1951, Dr. Mayr suggested that his paper (which in the meantime he had revised in certain respects) should be published in the *Bulletin of Zoological Nomenclature*. It has not yet been possible to comply with this request owing to the exceptionally large amount of matter which was then in the hands of the printer; that paper is, however, now in the hands of the printer and will shortly be published in Volume 6 of the *Bulletin of Zoological Nomenclature*. In so far as the publication of Dr. Mayr's paper elicits comments bearing upon the limited subject with which the present investigation is concerned, particulars of those comments will be included in the Report to be made at the conclusion of the present investigation.

3. I am of the opinion that the stage has now been reached at which a general consultation with specialists is desirable, in order to elicit as wide as possible an expression of opinion from interested specialists as to the action

which it is desirable should be taken in this matter by the Copenhagen Congress in 1953. It is for this purpose that I have prepared the present paper in which I have set out the issues involved in the relatively simple problem with which the present investigation is concerned.

4. Action taken by the Thirteenth International Congress of Zoology, Paris, 1948 : In considering the action taken in the present matter by the Thirteenth International Congress of Zoology at its meeting held in Paris in 1948, it is necessary to appreciate that that action was taken in two stages, of which the second was no more than consequential upon the first. (1) At its Sixth Meeting during its Paris Session the International Commission on Zoological Nomenclature considered the question of the incorporation into the *Règles* of the decision which it had taken forty-one years earlier when it adopted its *Opinion* 4. As regards this, the Commission recommended that words should be inserted in the *Règles* to make it clear "that a manuscript name acquires status in zoological nomenclature only when it is validly published in conditions which satisfy the requirements of the provisos to Article 25, and that the status of a manuscript name so published is not affected by the question whether the author by whom it is published accepts it as a valid name or sinks it as a synonym" (1950, *Bull. zool. Nomencl.* **4** : 145-146). (2) At the Twelfth Meeting of its Paris Session the Commission had under express consideration the question of the application, to generic names published in generic synonymies, of the provisions of Article 30 ; as regards this the Commission agreed to recommend "that the Secretary to the Commission should be invited to make a thorough study, in conjunction with interested specialists, of the problems relating to the determination of the type species of a genus, the name of which was first published in the synonymy of some other genus, and to submit a comprehensive Report thereon, with recommendations, for consideration by the Commission at their meeting to be held during the next (xivth) meeting of the Congress, with a view to the submission by the Commission to the Congress of recommendations for the insertion in the *Règles* of appropriate provisions dealing with the above matter" (1950, *Bull. zool. Nomencl.* **4** : 351-352). These recommendations were subsequently approved with other recommendations by the Section on Nomenclature (1950, *Bull. zool. Nomencl.* **5** : 67-76, 103) and by the Congress itself at its final plenary session (1950, *ibid.* **5** : 131).

5. The proposal submitted by Dr. Ernst Mayr in February, 1951 : The main argument advanced by Dr. Mayr in the application which he submitted in February, 1951, was that, in formulating its recommendation to the Paris Congress for the incorporation in the *Règles* of the decision taken in the forty-one-year-old *Opinion* 4, the Commission had misunderstood the purport of that *Opinion*. In Dr. Mayr's view, the Commission in that *Opinion* did not rule that a manuscript name published in a synonymy thereby acquired status in zoological nomenclature ; on the contrary, a name so published was a *nomen nudum* ; it was only when a later author published a manuscript name "with the standard provisions of Article 25, namely, an adequate description, an illustration or a bibliographic reference to a previously published description or illustration" that, in Dr. Mayr's view, such a name became subject to the provisions of *Opinion* 4. Dr. Mayr concluded his paper by a

recommendation that there should be an immediate repeal of the ruling (attributed by Dr. Mayr to *Opinion* 78, where, however, this subject is dealt with only in the "Discussion" and not in the "Summary") "which interprets the (erroneous or not) listing in synonymies as a valid indication in the sense of Article 25. Manuscript names should be added to the category of names (such as pre-Linnean names) that have no nomenclatorial rights. No exception should be granted to their status, not even quickening in synonymy." Although all the examples cited in Dr. Mayr's paper relate to the trivial names of species, his actual proposal is quite general and (as he has informed me) applies just as much to generic names published in generic synonymies as to trivial names published in specific synonymies.

6. Procedure proposed for the examination of the problems submitted: There is a danger of confusion arising in connection with the consideration of the problems discussed in the foregoing paragraphs, unless special pains are taken to prevent this from happening. For on the one hand there is the decision by the Congress that I am to prepare, in consultation with specialists, a Report on the question of the species to be accepted as the type species of a nominal genus, the name of which is first published in a generic synonymy, while on the other hand we have Dr. Mayr's application which, though primarily concerned with specific trivial names, is so drafted as to cover also generic names published in generic synonymies and which, if accepted, would automatically eliminate the problem on which the Congress has instructed me to furnish a Report. In the circumstances the most convenient course—and indeed, in my view, the only practicable course—will be the following:—

- (1) At the present preliminary stage consideration should be given to the problem of generic names published in generic synonymies separately from the problem of trivial names published in specific synonymies. Under the first head I should propose to include in the Report which I have been charged to prepare not only the narrow question of how to determine the type species of a nominal genus, the name of which was first published in the foregoing manner (the question expressly referred to me by the Paris Congress) but also the wider question whether such generic names should be accepted at all (this forming part of Dr. Mayr's application). Under the second of the proposed heads, consideration would be given to the question whether a trivial name published in a specific synonymy should be accepted as possessing any status in zoological nomenclature (this being the remaining and the principal part of Dr. Mayr's application).
- (2) For the foregoing purpose, the present request for the views of specialists is confined to the problems raised by generic names published in generic synonymies; as regards the second part of the problem (namely the position of trivial names published in specific synonymies), Dr. Mayr's paper, which is being published immediately in the next available Part of Volume 6 of the *Bulletin of Zoological Nomenclature*, will provide the necessary opportunity for securing the views of interested specialists.

- (3) On receipt of comments on both of the foregoing problems, those problems should, I suggest, be considered together, if the comments received suggest that it is the general desire of zoologists that these two questions should be treated as forming part of a single problem.

(a) Question whether a generic name published, prior to 1st January, 1931, in a generic synonymy should be granted any status in zoological nomenclature in virtue of being so published

7. View taken by the International Congress of Zoology, Paris, 1948 :

As has been explained in paragraph 4 of the present note, both the International Commission on Zoological Nomenclature and the Thirteenth International Congress of Zoology at their meetings held in Paris in 1948 considered the position of generic names published prior to 1st January, 1931, in generic synonymies and came to the conclusion that such names were available under the *Règles* and that the only problem which called for consideration was the species to be accepted as the type species of such genera. No zoologists, either at the public meetings of the Commission at which this matter was considered or in the Section on Nomenclature suggested that it was undesirable that generic names published in the foregoing manner should be held to be available for nomenclatorial purposes. The whole discussion centred around the application to be given to generic names published in this way, that is, what species should be accepted as the type species of a nominal genus, the name of which was first published in the foregoing manner. It was for this reason that the Report which I was then asked to prepare, in consultation with specialists, was concerned only with this latter question.

8. Dr. Ernst Mayr's application : The proposal since submitted by Dr. Ernst Mayr (paragraph 5 above) is concerned mainly with the question whether any status should be granted to manuscript names, whether generic or trivial, when published respectively in generic or specific synonymies. As already explained, that application, so far as the examples given illustrate it, is concerned entirely with the trivial names of species, but the general wording employed makes it applicable also to manuscript generic names, when published in generic synonymies. The problem which arises in connection with these two classes of name is identical in principle and it is certainly entirely logical that the two problems should be considered together, though naturally this does not exclude the possibility that there may be practical reasons which may make it desirable to treat these two classes of names in different ways.

9. So far as concerns generic names published, prior to 1st January, 1931, in generic synonymies, Dr. Mayr's proposal is essentially that the Commission at its next meeting should reverse the advice which it gave to the Paris Congress when it recommended the incorporation in the *Règles* of the ruling set out in *Opinion* 4, as then interpreted by itself. For under his proposal, a generic name which when first published, was synonymised with some other generic name, would acquire thereby no status in zoological nomenclature, except (as Dr.

Mayr explained when he later visited me in London) when an author "A" published (1) a manuscript name proposed by some author "B", at the same time either quoting author "B's" manuscript diagnosis or indicating the species included by that author in his manuscript "genus", and (2) thereupon synonymised the nominal genus bearing the hitherto manuscript name with some other nominal genus having an older and available name. In my experience this is a very unusual set of circumstances, but Dr. Mayr informs me (*in litt.*, 8th February, 1952) that in groups with which he is familiar it has happened not infrequently that an author has published a deceased author's manuscripts and, in doing so, has commented upon the validity of the names which he so published.

10. Questions arising out of Dr. Ernst Mayr's application on which the views of specialists are desired: The following are the questions arising out of Dr. Mayr's application on which the advice of specialists is invited: (1) In the group in which you work is it the practice to accept as nomenclatorially available a manuscript generic name or a generic name which previously had existed only as a published *nomen nudum*, when and as from the date on which that generic name was published in the synonymy of a previously published name? Please state to which group of the Animal Kingdom the answer to the foregoing answer applies. (2) If the answer to the above question is "Yes", are you in favour of its being made clear in the *Règles* (as was done by the Paris Congress) that a generic name so published before 1st January, 1931, is to be accepted as having been validly published? (3) If the answer to Question (1) is "No", are you in favour of a reversal of the Paris decision, i.e. are you in favour of its being made clear in the *Règles* that a generic name published in the foregoing manner does not thereby acquire any standing in zoological nomenclature? If the answer to the above question is that you do favour a modification of the Paris decision in the foregoing manner, would your view be altered if it were to be found that in groups other than your own such a decision would cause instability through the name-changing which it would involve?

(b) Question of the species to be accepted as the type species of a nominal genus, the name of which was published prior to 1st January, 1931, in the synonymy of a previously established nominal genus

11. The nature of the problem arising in connection with the species to be accepted as the type species of a nominal genus, when, on being first published, that name was published in the synonymy of a previously published generic name: In the preceding section, we have drawn attention to Dr. Ernst Mayr's proposal that a manuscript generic name should not acquire any status in zoological nomenclature in virtue of being published in the synonymy of some other generic name. If the Copenhagen Congress, on the recommendation of the Commission, were to decide in favour of the proposal submitted by Dr. Mayr, the question of the type species of a nominal genus, the name of which was first published in this way (the question on which the

Paris Congress in 1948 invited me to prepare a Report for submission to the next Congress) would fall to the ground, for there would be no point in considering what should be accepted as the type species of a nominal genus, the name of which was invalid. If however the Copenhagen Congress were to take the opposite view, the question of the species to be accepted as the type species of a nominal genus, the name of which had, prior to 1st January, 1931, been published in this admittedly unsatisfactory way would call for immediate decision. The present section is accordingly devoted to this latter problem, without prejudice to the answer to be given to the previous question.

12. A hypothetical example of the situation on which a ruling is required: The problem which it is now necessary to consider may most easily be brought out by a hypothetical example. Let us suppose that in 1758 Linnaeus established a nominal genus *X—us* with no designated or indicated type species but with three validly established nominal species, namely *X—us a—us*, *X—us b—us*, and *X—us c—us*. Let us further suppose that in 1810 Latreille selected *X—us b—us* as the type species of the genus *X—us* Linnaeus, 1758. Finally, let us suppose that in 1830 some author "M" published a paper in which (i) he used the generic name *X—us* Linnaeus, 1758, (ii) cited the manuscript name *Y—us* Smith in the synonymy of *X—us* Linnaeus, and (iii) placed in the nominal genus *X—us* Linnaeus five nominal species, namely (a) two of the original Linnean species (*X—us a—us* and *X—us c—us*) and three new species (*X—us m—us*, *X—us n—us*, and *X—us o—us*).

13. The alternative solutions possible: The question to be settled is (1) whether the type species of the nominal genus *Y—us* "M", 1830, is automatically in all circumstances the same species as that which is the type species of *X—us* Linnaeus or (2) whether all the nominal species cited by the author "M" in 1830 as belonging to the genus *X—us* Linnaeus, with which the new nominal genus *Y—us* "M" was then identified (the name *Y—us* "M" being then treated as a synonym of *X—us* Linnaeus) are to be regarded as eligible for selection as the type species of the nominal genus *Y—us* "M", 1830. Turning back to the hypothetical example given above, we find that, if the foregoing question is answered as in (1) above (i.e. if the type species of *Y—us* "M" 1830 is automatically the same species as that of *X—us* Linnaeus, 1758), the type species of *Y—us* "M" is automatically the species *X—us b—us* Linnaeus, 1758, that species having already been selected (by Latreille in 1810) as the type species of *X—us* Linnaeus, 1758. In this case the type species of *Y—us* "M", 1830, would, it will be noted, be a species not cited by the author "M" when in 1830 he first published the generic name *Y—us* (in the synonymy of the genus *X—us* Linnaeus). If on the other hand the question with which we are concerned were to be answered in the sense of (2) above (i.e. if, notwithstanding the manner in which the generic name *Y—us* was published by the author "M", the nominal genus *Y—us* "M" so published represents a nomenclatorial entity entirely distinct from that represented by the nominal genus *Y—us*—Linnaeus), the fact that (in our hypothetical example) Latreille had already in 1810 selected the species *X—us b—us* to be the type species of the genus *X—us* Linnaeus would not in any way affect the question of the type species of the nominal genus *Y—us* "M", 1830; in that case the

position would be that the generic name *Y—us* “M” would be a name published (a) with an “indication” (because the trivial names of duly published nominal species were published in connection with the name *Y—us* “M”); (b) without a designated or indicated type species. Accordingly, any one of the five species cited by the author “M” as belonging to the genus *X—us* Linnaeus—and therefore, also to the genus *Y—us* “M”—would be eligible for selection by any later author to be the type species of the nominal genus *Y—us* “M”, 1830. (It will be appreciated that the foregoing hypothetical example has been drawn up on the basis of the assumption adopted by the Paris Congress that the publication by “M” in 1830 of the (at that time) manuscript name “*Y—us* Smith” in the synonymy of “*X—us*” Linnaeus, 1758, conferred availability upon the name “*Y—us*” as from Smith, 1830. Under the proposal submitted by Dr. Mayr (paragraph 11 above) the name “*Y—us*” would acquire no availability from being published in the foregoing manner by Smith in 1830. The manuscript name “*Y—us* Smith” would not, under Dr. Mayr’s proposal acquire any availability until such later time (if any) as Smith (or one of his collaborators) published that generic name in conditions which satisfied the requirements of Article 25. The type species of “*Y—us* Smith” as ultimately so published would be whatever nominal species Smith (or his collaborator by whom the (till then) manuscript name “*Y—us* Smith” was so published) might then either “designate” or “indicate” or, if no such species was then either designated or indicated, whichever of the species included by Smith (or his collaborators) was first later selected to be the type species. It will be seen therefore that, under Dr. Mayr’s proposal, the action taken (in the hypothetical example given in the present paragraph) by Smith in 1830 would have no influence at all on the question of the species to be accepted as the type species of “*Y—us* Smith”, when at some later date that manuscript name was published by Smith (or one of his collaborators).)

14. Need for information regarding current practice by specialists in different parts of the Animal Kingdom: In cases of this kind, where the *Règles* fail to give clear guidance as to the action which should be taken, it almost invariably happens that specialists in different groups or even in the same group have adopted different procedures. Accordingly, the first step in such a case is to ascertain what is the practice that has actually been followed by specialists in different parts of the Animal Kingdom, in order thereby to find out what is the majority practice. Only by this means is it possible to reach an informed opinion as to which of the possible courses open to the Congress to take would be most in harmony with the general wishes of specialists and the course best calculated to promote nomenclatorial stability and to avoid confusing and unnecessary name-changing.

15. Probable need for a saving clause to prevent the interpretation now to be given from causing confusion and objectionable name-changing in particular cases: When in Paris in 1948 the International Congress of Zoology either introduced new provisions or gave rulings on questions regarding which the meaning of the *Règles* had previously been obscure or subject to debate, it adopted, so far as possible, the principle that the new provision or, as the case might be, the new interpretation should not

be allowed to give rise to confusion and objectionable name-changing in those cases where the current practice of specialists had been the minority practice then ruled to be incorrect. For this purpose the Congress normally agreed to insert a provision making it the duty of the International Commission on Zoological Nomenclature to use its plenary powers for the purpose of preventing disturbance of current nomenclatorial practice in such cases. It will, no doubt, be generally agreed that a similar provision will be desirable in the present instance, if, as must be expected, it is found that there is no uniformity among specialists in dealing with cases of the kind here under consideration.

16. Questions on which the advice of specialists is now sought : The problems discussed in the present Section (Section (b)) arise, as has already been explained (paragraph 2), only if the answer " Yes " is given to the first of the questions asked at the end of Section (a) (paragraph 10). The following questions, on which advice is now sought, are therefore addressed only to those specialists who give an affirmative answer to the question referred to above : (1) In the case of a nominal genus, the name of which was originally published in a generic synonymy, do you, in your own group, (a) treat, as the type species of the genus concerned, the species (whatever it may be) which is the type species of the nominal genus, with the name of which the generic name under consideration was synonymised at the time when it was first published, or (b) do you regard, as eligible for selection as the type species of such a genus, all the species cited on the occasion when the generic name was first published in the synonymy of another generic name ? (2) Have you any knowledge of the practice in this matter followed in allied or other groups ? If so, please give particulars. (3) Which of the possible methods of dealing with this problem do you favour as being the method best calculated to cause the minimum degree of disturbance in existing nomenclatorial practice ?



Hemming, Francis. 1952. "On the question of the species to be accepted as the type species of a nominal genus, the name of which was published prior to 1st January 1931 in the synonymy of a previously established nominal genus: an appeal to zoologists for advice." *The Bulletin of zoological nomenclature* 7, 109–118.

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