In lieu of such a compromise, the proposal submitted by Melville (1958, *Bull. Zool. Nomencl.* **15**: 1247–1250) for individual consideration of each case violating the Principle of Conservation to a degree that merits consideration by the Commission is to be preferred strongly to the present article.

**Document 3/3**

By L. B. Holthuis (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)

As one of the proposers of the Statute of Limitation I feel particularly unhappy about its text as that stands at present and I consider this paragraph to be the major flaw in the new Code. In fact, I believe it such a threat to stability that it cannot possibly remain in the Code in this wording; a strict application of this Statute would result in endless name changing and would attain exactly the opposite of the purpose for which it was proposed. The wording of the Statute which was adopted in London was the result of a last-minute compromise, and as such shows several defects, which perhaps would have been straightened out if there had been more time for discussion of this highly controversial subject.

My objections against the Statute as it reads now are the following:

1. The expression "A name that has remained unused as a senior synonym . . . for more than fifty years" is obscure. It was intended to mean that both the senior and the junior synonym have to be proposed at least fifty years ago. Many of my colleagues, whose mother tongue is English, read in the wording that only the senior synonym has to be fifty years old and that this is not necessarily so for the junior synonym. One can make the remark that they should read more carefully, but on the other hand if this wording causes difficulties to British and American zoologists, how great will these difficulties be for zoologists whose language is not English? An editorial change is certainly necessary here.

2. A radical change in the definition of "*nomen oblitum*" is needed in order to avoid nomenclatural chaos. As it stands now any currently employed name of long standing which somewhere in its existence has been overlooked for fifty years, while a junior synonym was used in that period, is a *nomen oblitum* and cannot be used until the Commission has taken action on it. This may be illustrated by an example: In 1814, Leach described in an obscure publication a new genus *Upogebia*. The next year, in a fundamental work, he used the new name *Gebia* for the genus, entirely ignoring the previous name. All authors followed Leach in the use of *Gebia*, which was commonly accepted, till in 1898 Stebbing discovered Leach’s 1814 publication and reintroduced *Upogebia*. Since that time *Upogebia* has been accepted by all carcinologists and has become firmly entrenched in the literature; currently the name *Gebia* is no longer used and is practically forgotten. According to the present definition *Upogebia* is a *nomen oblitum*, since it has remained unused as a senior synonym in primary zoological literature for more than fifty years (namely
from 1815 to 1895). In order to be able to use this available, valid, and generally accepted name one actually should, under the Code, have to make an application to the Commission (which is overcrowded with work anyhow) and, still worse, in the meantime have to revert back to the now truly forgotten name *Gebia*. There are a great number of similar cases since at the end of the nineteenth and the beginning of the twentieth century many nomenclatural changes were made which now are currently adopted. It seems imperative therefore that in the definition of *nomen oblitum* not a period of fifty years is used as a criterion, but the last fifty years, or, which in my opinion is still more convenient, the period after 1900.

3. In some animal groups which so far have received but very little attention from zoologists it is often the rule rather than an exception that species are not mentioned in the primary zoological literature for periods of fifty years or more. For such groups the present wording of the Statute of Limitation may define several names as *nomina oblitata*, which in fact are not forgotten at all, being only not mentioned in the last half century. The important point with a *nomen oblitum* is that the senior synonym during fifty years is not, and the junior synonym is, regularly used. I believe that in working this idea into the definition of a *nomen oblitum*, the Statute of Limitation would be acceptable to a greater number of zoologists.

4. In the Statute it is not made clear what action the Commission should take. Presumably it is the normal procedure required for suppression of names under the plenary powers. This, however, should be more clearly stated in the Statute.

5. Par. (ii) of the Statute should be deleted. The purpose for which this paragraph was introduced is entirely taken care of by Art. 80 of the Code; the wording of Art. 80 even is far superior.

6. Par. (iii) of the Statute should be held more general: an application to the Commission for the preservation of a name can be made for any name the validation of which will prevent confusion: not only for names important in applied zoology.

Taking all these points into account I would suggest the following wording for the Statute of Limitation:

"(b) Limitation.—The senior of two synonyms, both of which have been validly proposed before 1900 is to be considered a forgotten name (*nomen oblitum*) if it has remained unused in the primary zoological literature published since 1900, while the junior synonym during that period was in current and frequent use.

(i) A zoologist who discovers such a name is to refer it to the Commission either to be placed under the plenary powers of the Commission on the appropriate Official Index of Rejected Names, or, if such action better serves the stability and universality of nomenclature, to be placed on the appropriate Official List.

(ii) This provision does not preclude application to the Commission for the suppression of names, other than *nomina oblitata*, which endanger the stability of nomenclature."
A plea for the clarification of Article 23(b) of the International Code of Zoological Nomenclature (Limitation of the Law of Priority)

By M. W. R. de V. Graham (Hope Department of Entomology, University Museum, Oxford)

Section (b) of Article 23 of the International Code presents the taxonomist with some critical problems. Its underlying principle is fully appreciated by the writer who, as a member of the Colloquium on Zoological Nomenclature at the XV International Congress of Zoology in 1958, took part in the discussions which preceded the formulation of this Section (the Clause of Limitation). Clearly the intention was to prevent the supplanting, on grounds of strict priority, of well-known names by others which had remained unused since their publication. The desirability of some check of this kind is obvious to those familiar with the confusing name-changes of species widely known in the literature on general zoology, economic entomology, and the like.

The question now arises: does Section (b) of Article 23 concern only such special cases; or does it apply to every case, i.e., is it to be rigidly construed? After discussion with taxonomists in Britain and elsewhere, the writer finds that many regard Section (b) as ambiguous.

If the Clause of Limitation is intended to apply only to cases of special hardship, few would disagree with such a ruling. If, however, it must be rigidly construed (as seems to be implied by Section (b), paragraphs (i) and (ii) of the Code), then taxonomists in the field of entomology are faced with problems which will force them to devote most of their time to solving questions of nomenclature, to the detriment of the main object of their researches.

Such problems are especially acute in Hymenoptera Parasitica; in Chalcidoidea and Proctotrupoidea the taxonomic situation is still chaotic; in Ichneumonoidea it is backward in comparison with other orders of Insecta. Until recently only a minute fraction of the number of the older described species had been objectively defined by type-designation, hence the interpretation of many names has been largely a matter of personal opinion. Since the war a concerted effort by several taxonomists, basing their work on the examination of types, has placed the taxonomy of some groups upon a firm basis. However, a great deal remains to be done. The chief problems concern fundamental taxonomic works (completed before the end of the nineteenth century) by four authors, i.e., Walker, Förster, Ratzeburg, and Thomson. Those of Walker concern Chalcidoidea and Proctotrupoidea, those of the other authors cover all the groups of Hymenoptera Parasitica.

For a number of years the writer has studied the taxonomy of Chalcidoidea. Here the major works, by Walker (1832–1872), Förster (1841–1878), Ratzeburg (1844–1852), and Thomson (1876–8), include descriptions of many hundreds of species. Inevitably there is a great deal of synonymy, because these authors did not see each other's types. In many cases Walker's names have priority. On the continent of Europe more than in Britain workers have used Förster's,

View This Item Online: [https://www.biodiversitylibrary.org/item/44461](https://www.biodiversitylibrary.org/item/44461)
Permalink: [https://www.biodiversitylibrary.org/partpdf/34846](https://www.biodiversitylibrary.org/partpdf/34846)

Holding Institution
Natural History Museum Library, London

Sponsored by
Natural History Museum Library, London

Copyright & Reuse
Copyright Status: In copyright. Digitized with the permission of the rights holder.
License: [http://creativecommons.org/licenses/by-nc-sa/3.0/](http://creativecommons.org/licenses/by-nc-sa/3.0/)
Rights: [https://biodiversitylibrary.org/permissions](https://biodiversitylibrary.org/permissions)

This document was created from content at the Biodiversity Heritage Library, the world's largest open access digital library for biodiversity literature and archives. Visit BHL at [https://www.biodiversitylibrary.org](https://www.biodiversitylibrary.org).

This file was generated 16 April 2022 at 01:19 UTC