authors who have referred to the species, including Seegers (1984), agree as to which
taxon bears the name *marmoratus* (references held by the Commission Secretariat).

No subspecies are recognized in the literature. Although *bonairensis* Hoedeman,
1958 was described as a subspecies of *marmoratus* and recognized as such on one
occasion (Taphorn, 1980), it cannot be distinguished by any feature and was synony-
mized by Seegers (1984, pp. 295–296) when he included it in *marmoratus* as a synonym
of *ocellatus*. The latter two taxa cannot be distinguished from one another, either
as species or subspecies, which is why Seegers (1984) regarded them as conspecific.
Given the systematic status of these nominal taxa in the literature, the failure of our
application would mean that *marmoratus* would be known as *ocellatus*, and would not
be a subspecies of *ocellatus*. Our own examination of additional material from Brazil
shows that it is indistinguishable from *marmoratus* from Florida and Cuba.

*Rivulus marmoratus* was treated as a synonym of *R. cylindraceus* in a total of four
papers (cited by Seegers in his comment, para. 2), not by ‘nearly all ichthyologists’. During
the same period (that is, prior to Rivas, 1945) it was treated as a distinct species
by Jordan (1887), Jordan & Evermann (1896), Nichols (1914) and Myers (1925). In 100
papers covering more than a century (1880–1984), all but four papers referred to the
species as *marmoratus*. Subsequent to Seegers (1984), 74% of papers continued to use
that name. This is the straight-forward issue of the application: that the name has been
used overwhelmingly for a long period of time, and that most of its users are non-
systematists who are better served by stability in the biological literature than by
priority of an obscure name. The petition is in accord with recent actions of the
Commission which are aimed at promoting stability of names.

Additional references


Jordan, D.S. & Evermann, B.W. 1896. The fishes of North and Middle America. A descriptive
catalog of the species of fish-like vertebrates found in the waters of North America, north of

Myers, G.S. 1925. Results of some recent studies on American killifishes. *The Fish Culturist*, 4(8):
370–371.

Nichols, J.T. 1914. *Gobiosoma longum* and *Rivulus heyei*, new fishes from the West Indian fauna.

Taphorn, D. 1980. First record of *Rivulus marmoratus* Poey, 1880 from the South American

Comments on the suppression of *Epicrium* Wagler, 1828 and *Epicritidae* Fitzinger, 1843
(Amphibia, Gymnophiona)
(Case 2616 and Opinion 1604; see BZN 45: 207–209, 46: 134 and 47: 166–167)

(1) Alain Dubois

Laboratoire des Reptiles et Amphibiens, Muséum national d’Histoire naturelle, 25 rue
Cuvier, 75005 Paris, France

1. The suppression of the generic name *Epicrium* Wagler, 1828 in order to protect
the family-group name *Icthyophiidae* Taylor, 1968 is very unsatisfactory for two
fundamental and independent reasons: (a) the basic factual elements presented by
Wilkinson & Nussbaum (BZN 45: 207–209) were inaccurate and (b) their proposal was contradictory to the basic philosophy of the Code, which is that family-group names, like those of genera and species, must follow the Principle of Priority.

2. Wilkinson & Nussbaum’s argument rested on their interpretation of Epicrium Wagler, 1828 as a replacement name for Ichthyophis Fitzinger, 1826, and on the incorrect statement that Wagler (1828) considered the latter name to be a nomen nudum (see their para. 2). Wilkinson & Nussbaum recognized that Caecilia glutinosa Linnaeus, 1758 is the type species of Ichthyophis Fitzinger, 1826, but they incorrectly stated that Epicrium has the same type species. To make the discussion clearer, I think it useful to provide a translation of part of Wagler’s comments on his new genus Epicrium (of which he had given a Latin diagnosis): ‘Should Herr Fitzinger’s genus Ichthyophis belong here? The inadequacy of a dichotomic method is demonstrated here again. Who is able to recognize a genus in the Opposatum to Herr Fitzinger’s genus Caecilia truncus depressus’, which is the only characteristic given for his new genus Ichthyophis? Furthermore, this Amphibium has absolutely nothing fishlike, so that the name Ichthyophis should be rejected anyway, even if his genus did coincide with ours. I refrain from considering that the Caecilia, which Leschenault brought back from Ceylon and which is kept in the Paris Museum, belongs here...’.

3. This text shows clearly that Wagler was quite uncertain about his Epicrium being the same as Fitzinger’s Ichthyophis. Epicrium must be considered the name of a new nominal genus, with its own type species, and not a replacement name as was suggested by Wilkinson & Nussbaum. It follows that the type species of Epicrium is Epicrium hasseltii Wagler, 1828 by monotypy, and not Caecilia glutinosa.

4. The type species of Ichthyophis, Caecilia glutinosa Linnaeus, 1758, is endemic to Sri Lanka, while Epicrium hasseltii is from Java. The genus Ichthyophis Fitzinger, 1826, as currently understood, is large and heterogeneous and has not been recently revised: future work may well lead to its being split into several genera or subgenera, and to the use of the name Epicrium for some of the species currently included in it. For this reason, the Commission should revoke the suppression of this generic name, which was regularly used in the 19th century and which should be available in a group of still poorly known animals, the systematics of which is not yet stabilized. As shown above, the grounds for its suppression (which was solely to eradicate the family-group name EPICRIIDAE) were in error.

5. Wilkinson & Nussbaum proposed that Ichthyophiidae Taylor, 1968 should be protected, despite the priority of Epicriidae Fitzinger, 1843. They gave two reasons for this, which I shall discuss successively.

(a) The first reason given by Wilkinson & Nussbaum (para. 7) was stated as follows: ‘We think it desirable and in the spirit of the Code that family-group names should, where possible, be based on valid generic names’. Contrary to these authors, I consider that this statement is exactly the reverse of the philosophy of the Code, and I wonder where in the Code can be found this ‘spirit’. Furthermore, a Code cannot be interpreted according to its supposed ‘spirit’: it must simply be followed, otherwise it is not a Code! Family-group names are governed by the rules of the Code, not by what a particular author may ‘think desirable’. The basic rule for determining the valid name for a taxon is the Principle of Priority, which is clear and has nothing to do with the ‘spirit’ which Wilkinson & Nussbaum claim to be that of the Code; actually, this ‘spirit’ would result in many changes of family-group names for long established taxa. Quite apart from the
status of Epicrium, saying that the name of a family-group taxon should be based on a
generic name considered valid by taxonomists introduces a grave confusion between
nomenclature and taxonomy: it is the same as the mistake (made by some authors) of
saying that the name of the type species of a nominal genus should be a specific name
considered valid. The Code provides a clear rule that determines unambiguously which
name is valid for a taxon recognized within a given taxonomic frame: it is the earliest
published name which rests on a name-bearing type referred by taxonomists to that
taxon. No other consideration should be taken into account, because if it were this
would tend to destroy the Code as a universal and permanent reference system.

(b) The second reason given by Wilkinson & Nussbaum for the suppression of the
name EPICRIIDAE Fitzinger, 1843 was ‘the confusion that would result from the replace-
ment of a name that has gained general acceptance by an unused one, despite Article
40a(1) of the Code’. When rules on family-group names were first introduced in the
Code, the stability of nomenclature was threatened in cases where the Principle of
Priority had not been followed by previous authors. This is clearly the reason why the
Code contains a provision (Article 40) for conserving some of these names. As was in
effect admitted by Wilkinson & Nussbaum, however, Article 40a(1) prescribes that
EPICRIIDAE Fitzinger, 1843 is a valid name, having priority over ICHTHYOPHIIDAE
Taylor, 1968. I oppose the tendency of some authors to ask for the conservation of a
name created only recently and used in a number of works, simply because they have
not determined whether a senior synonym exists. Irrespective of the number of recent
publications using such a junior synonym, I consider that it should only be conserved
when its use has been not only intensive but also long (at least scattered over a 50-year
period). This is consistent with Article 79 of the present Code. Acceptance by the
Commission of proposals not respecting this principle will encourage taxonomists to
work carelessly, without respect for the older literature, to create names for taxa
already named, and to use names for a few years and then ask that they be ‘protected’. If
the Commission accedes to such requests its own credibility within the international
taxonomic community and respect for the Code will be seriously diminished.

(2) P.K.Tubbs
Executive Secretary, International Commission on Zoological Nomenclature

Inspection of the original description of the nominal genus Epicrium Wagler, 1828
shows that Prof Dubois is correct in his above comment: contrary to BZN 45: 207, para. 2, Epicrium was not a replacement name for Ichthyophis Fitzinger, 1826. Wagler
(pp. 742–743) established the name Epicrium and assigned to it ‘Caecilia.... [sic] Hasselt
(Bullet, des sciences nat. 1824, 2. p. 375.) Caecilia hypocyana Hasselt [reference to
Boie (1827; Isis, von Oken, 20: 565)]’. After the generic description, Wagler continued
‘Species: Epicrium Hasseltii’, and followed with a brief description of the species
ending ‘Habitat in Java... Javanis Oclur-doeel dictum’. Van Hasselt (p. 373, not p. 375
as given by Wagler) described but did not name a ‘Caecilia’ from Java known there as
‘Oclur-doeel’, and stated that he had obtained only a single specimen. It is evident that
Epicrium was based on a single species from Java with the available specific names
hypocyana Boie, 1827 and hasseltii Wagler, 1828. As pointed out by Prof Dubois
(para. 4), Caecilia glutinosa Linnaeus, 1758, the type species of Ichthyophis, is a distinct
species (endemic to Sri Lanka), and it may be that future workers will wish to separate

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