

Further notes on family-group names introduced as substitute names under Article 5 of the *Règles* (1905) between 1931 and 1960 inclusive

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ABSTRACT: The requirements of Article 13 (ICZN, 1999: 17–19) for the availability of family-group names are discussed, and the provisions of the *Règles* (1905) and the Codes of Zoological Nomenclature (1961–1999) are compared with the views expressed by Bock (1994). Four non-passerine family-group names introduced as substitute names between 1931 and 1960 inclusive, that represent taxa currently in use, are discussed in detail, and the methods by which they are potentially made available outlined. The availability of one, Harpiini Verheyen, 1959 would seem to rest on a single use as valid, the rejection of which would necessitate an application to the ICZN commission.

KEYWORDS: *Aythya*, *Mesitornis*, *Harpia*, *Psitttrichas*, Aythyini, Mesitornithidae, Harpiini, Psitttrichasinae, Delacour, Mayr, Wetmore, Verheyen, von Boetticher, International Code of Zoological Nomenclature.

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INTRODUCTION

Unlike names in the genus-group, names in the family-group (both terms stem from their use in the *Copenhagen Decisions* (ICZN, 1953) and the International Congresses of Zoology that preceded them) were not officially subject to priority until the publication of the first edition of the *International Code of Zoological Nomenclature* (ICZN, 1961). Before that, the priority of the type genus was paramount. These two widely differing methodologies have resulted in misunderstandings that persist to this day, made potentially worse by the back-dating of strict requirements for their establishment to 1931.

Bock (1994: 82) was convinced that an error in the Bradley draft (Bradley, 1957) for the new Code (ICZN, 1961) resulted in Article 25 of the *Règles* (CIPNZ, 1905), and the amendment of 1927 (Styles, 1929) originally intended for generic and specific names only, being inadvertently extended to the family-group, whose names he felt were self-evidently defined by their type genera (the new Article 12 and Article 13 simply referred to ‘names’). He argued that family-group names proposed between 1930 and 1961 (presumably exclusive) were ‘proposed in complete accordance with the existing requirements of zoological nomenclature as given in the *Règles*, and accordingly these names are available regardless of the wording in Article 13 of the Code.’ Strong words indeed, but his hopes that the forthcoming new edition of the ICZN Code (ICZN, 1999) would be altered to meet his point of view proved to be unfounded.

They did not fall entirely upon deaf ears, however, as one change did occur to modify the Code in respect of family-group names proposed after 1930 and before 1961. Article 13.2.1 (ICZN, 1999: 18) allowed for a name which did not satisfy the provisions of Article 13.1 to be ‘available from its original publication only if it was used as valid before 2000, and also was

not rejected by an author who, after 1960 and before 2000, expressly applied Article 13 of the then current editions of the Code'. It should be noted that a replacement name is not a necessary condition of rejection.

Article 39 (a) (ii) in the first edition of the ICZN Code (ICZN, 1961: 41) contained a statement that seems to validate actions taken before 1961 'under a different procedure' presumably the *Règles* (CIPNZ, 1905). This statement did not survive the transition to the second edition (ICZN, 1964) with a curious gap in the typesetting between Article 39 and Article 40, and the note 'Article 39a is deleted' (ICZN, 1964: viii).

All four editions of the *International Code of Zoological Nomenclature* are complex documents, and can appear at times to present internal contradictions. Central to them are the 'Principles'. Appearing in order, they are: the Principle of Binominal Nomenclature, Principle of Priority, Principle of the First Reviser, Principle of Coordination, Principle of Homonymy and the Principle of Typification. Although of equal standing, it is the Principle of Priority (Article 23) that commands the most attention, and it should be noted that the very first subclause, Article 23.1.1 (ICZN, 1999: 24) contains the simple statement 'For an exception for certain family-group names replaced before 1961 see Article 40.'

In turn, Article 40 (ICZN, 1999: 46) is one of the least convoluted. The second subclause, Article 40.2, also contains a simple statement 'If, however, a family-group name was replaced before 1961 because of the synonymy of the type genus, the substitute name is to be maintained if it is in prevailing usage'. The Example given for Article 40.2 is equally concise and instructive, in that the type genus should be 'synonymized' and the substitute name 'adopted', i.e., the junior synonym is synonymized with the senior synonym and the family-group name based on the senior synonym is adopted as the valid family-group name. The Example also carefully explains the use of author and date, in which the date of the replaced name is placed in parentheses following the date of the adopted name.

This echoes the sentiment of the first edition and Bock's musings on the subject, and at no point is Article 13 (ICZN, 1999: 17) mentioned as a requirement or as a redirection, as often encountered in the Code in square brackets. This would seem to support Bock's contention that names introduced before 1961 under Article 5 of the *Règles* (CIPNZ, 1905: 29) are sufficiently available for the sole purpose of being substitute family-group names. But of course, the absence of any redirection does not absolve any family-group name from the need to fulfil the requirements of Article 13 (ICZN, 1999: 17), and specifically those of Article 13.2. If they do not, there are only two courses of action open to the user of the Code. The first would be the mandatory use of the senior family-group name (based on a junior synonym), despite any 'prevailing usage' of a junior family-group name (based on the senior synonym), and if that was sufficiently unpalatable, an application would have to be made to the ICZN commission to validate the junior family-group name in its accustomed usage.

Bock wrote too soon, just before the explosion of the internet and the scanning and posting on websites of the vast majority of out-of-copyright publications, and many in-copyright with permission, which has made it far easier to track down and verify family-group names. As Storrs Olson noted (Olson, 1995), some parts of Bock's *History* can be useful, despite its many shortcomings, the references especially, although even these must be used with caution. Bock's advocacy of replacement names due to the synonymy of type genera were usually accurate, although no precedence is to be had from invalid names due to the homonymy of their type genera, Article 39 (ICZN, 1999: 46), as often encountered in Bock's list.

A distinction should be drawn between it not being necessary for the oldest generic name to be the type genus of any family, as stipulated in Opinion 133 (ICZN, 1936), Opinion 141 (ICZN, 1943) and Article 64 (ICZN, 1999: 65), and the replacement, before 1961, of family-

group names because of the synonymy of the type genus, Article 40.2 (ICZN, 1999: 46). It should be further noted, that if no such replacement occurred before 1961, that family-group name cannot now be replaced, Article 40.1 (ICZN, 1999: 46). This is particularly relevant for recently introduced family-group names that have overlooked the existence of older synonyms.

FOUR CASES OF IN-USE SUBSTITUTE NAMES

Gregory and Sangster (2023) have shown that Article 5 of the *Règles Internationales de la Nomenclature Zoologique* or International Rules of Zoological Nomenclature (CIPNZ, 1905) has been widely interpreted as meaning that family names based on junior objective or junior subjective synonyms could be replaced by those based on a senior synonym:

ART. 5. — The name of a family or subfamily is to be changed when the name of its type genus is changed.

This was somewhat fortuitous, as it made it possible to preserve family-group names in widespread use based on type genera whose names are senior synonyms. The *Règles* were the internationally recognized rules for Zoological Nomenclature that were in force from their publication in 1905, and as revised in 1926 (ICZN, 1926) and 1927 (Styles, 1929), until the first edition of the ICZN Code (ICZN, 1961) officially replaced them on 6 November 1961, as reported in the preface to the second edition (ICZN, 1964: vii). The ‘basic dates’ listed in the first three editions included a 1960/1961 dichotomy for family-group names, with the words ‘before 1961’ appearing in Article 39 (a) (ii) and Article 40 (a) (ICZN, 1961: 41), so the cut-off date for actions under the *Règles* should be taken as 31 December 1960. Although the *Copenhagen Decisions* (ICZN, 1953) extended priority to family-group names, they were only ‘recommendations’ and were not to come into operation until after the publication of a revised Code.

Of the 51 non-passerine family-group names listed by Gregory and Sangster (2023: N57–N58) in their Table I, 13 were introduced between 1931 and 1960 inclusive as substitute names for their respective taxa, i.e., the family-group name was changed ‘when the name of its type genus is changed’, and of these, four represent taxa that are in use:

Junior family-group name	Senior synonym type genus	Senior family-group name	Junior synonym type genus
Athyini Delacour & Mayr, 1945	<i>Aythya</i> Boie, 1822	Fuligulinae Swainson, 1832	<i>Fuligula</i> Stephens, 1824
Mesitornithidae Wetmore, 1960	<i>Mesitornis</i> Bonaparte, 1855	Mesoenatinae Reichenbach, 1861	<i>Mesoenas</i> Reichenbach, 1861
Harpiini Verheyen, 1959	<i>Harpia</i> Vieillot, 1816	Thrasaetinae Blyth, 1850	<i>Thrasaetos</i> Bonaparte, 1838
Psittrichasinae von Boetticher, 1959	<i>Psittrichas</i> Lesson, 1831	Dasyptilinae Bonaparte, 1854	<i>Dasyptilus</i> Wagler, 1832

The wording of Article 39 (a) (ii) in the first edition of the ICZN Code (ICZN, 1961: 41), which appears to have been inserted solely for the purpose of not upsetting changes made under the *Règles*, is worth repeating here: ‘The provisions of this section [Taxa of the family-group and their names] are not to be applied so as to upset a widely accepted family-group name that was established before 1961 under a different procedure’. Under the *Règles*, Article 5 (CIPNZ, 1905: 29), there are no formalities or requirements other than the change itself, i.e., if a family-group name is seen to be based on a junior synonym, it is to be automatically exchanged for one based on the senior genus-group synonym.

As shown above, to be available, names established after 1930 must also fulfil the requirements of Article 13 (ICZN, 1999: 17–19), and specifically for family-group names,

Article 13.2. The four non-passerine family-group names currently in use that were introduced as substitute names between 1931 and 1960 inclusive when the name of their type genus was changed through recognition of a more senior synonym are discussed in detail. Corrections to Bock (1994) and any addition information is given within square brackets.

AYTHYINI DELACOUR & MAYR, 1945

Delacour and Mayr (1945: 24) introduced the name Aythyini in their paper *The family Anatidae*, and included a brief description. *Aythya* Boie, 1822 [before May], is the senior synonym of *Nyroca* Fleming, 1822 [June] (subjective), *Fuligula* Stephens, 1824 (subjective), and *Marila* Reichenbach, 1853 (objective). All of them have family-group names based upon them that are senior to Aythyini, and of which Fuligulinae Swainson, 1832, is the oldest. This can be treated as a simple family-group name substitution under Article 5 of the *Règles* then in force. Bock (1994: 174) noted ‘Fuligulinae Swainson and Richardson, 1831 [Swainson, 1832], Marilinae Reichenbach, 1849–50 [1853] and Nyrocinae Peters, 1931 [A. Newton, 1896] have been replaced by Aythyinae Delacour and Mayr, 1945 (1831 [1832]) which takes precedence from 1831 [1832].’ The prevailing usage of Aythyini since 1945 has been virtually complete, with one use of Nyrocinae found, Ries and Werner (1946: 136) being before 1961 and not, presumably, subject to the conditions of Article 13.2.1.

MESITORNITHIDAE WETMORE, 1960

Wetmore (1960: 12, 26) introduced the name Mesitornithidae in his paper *A classification for the birds of the world*. There was no description. His reason for replacing Mesoenatinae Reichenbach, 1861, and *Mesoenas* Reichenbach, 1861, as used by Peters (1934: 141), was that *Mesitornis* Bonaparte, 1855, was the older name. This would appear to be a simple family-group name substitution under Article 5 of the *Règles* then in force. The earlier use of Mesitornithidae by Van Tyne and Berger (1959: 425) as a synonym can be discounted as they used *Mesoenas* Reichenbach, 1861 as the valid generic name, and not *Mesitornis* Bonaparte, 1855 which is ‘evidence to contrary’ under Article 11.7.1.1 (ICZN, 1999: 12). Bock (1994: 178) noted ‘Mesitidae Bonaparte, 1850[a] [invalid due to homonymy of type genus, Article 39 (ICZN, 1999: 46)] and Mesoenatidae Reichenbach, 1862 [1861] have been replaced by Mesitornithidae Wetmore, 1960 (1850 [1861]) which takes precedence from 1850 [1861].’ A side issue is the availability of *Mesitornis* Bonaparte, 1855 itself, which Bonaparte tried to disown “pas même en *Mesitornis*” (Bonaparte, 1855: 651), but the overwhelming use of this genus-group name since 1960 would strongly advise against any attempt to dislodge it now, although it may be necessary for an application to the ICZN to stabilize its use as the valid name by placing it on the Official List of Generic Names in Zoology. Uses of Mesitornithidae Wetmore, 1960 before 2000 would satisfy Article 13.2.1 (ICZN, 1999: 18) and it is also available under Article 13.1.3 (ICZN, 1999: 17). The prevailing usage of Mesitornithidae since 1960 has been virtually complete, with only one use of Mesoenatidae found, Fisher and Peterson (1964: 174) who did not reject Mesitornithidae by expressly applying Article 13 of the then current edition of the Code, one of the conditions of Article 13.2.1.

HARPIINI VERHEYEN, 1959

The sorry tale of this family-group name has been recounted in full in the recent paper by Gregory *et al.* (2024). In summary, it was shown that the family-group name ‘Harpiinae Lesson, 1828’ was based on a vernacular plural (*harpyées*) that in turn was based on the generic

name *Harpyia* Cuvier, 1816, a junior homonym of *Harpyia* Ochsenheimer, 1810 [Lepidoptera] and *Harpyia* Illiger, 1811 [Mammalia]; moreover, Harpiinae had never been accepted as dating from ‘Lesson’ and in the ‘latinized form’ until Bock’s listing in 1994, contrary to the strict terms of Article 11.7.2 (ICZN, 1999: 13) [Article 11 (f) (iii) (ICZN, 1985: 27)]. Indeed, it is doubtful that Lesson’s vernacular plural was even a family name within the meaning of Article 11.7.2, which gave an example with the French suffix ‘-idés’. Because the generic name *Harpia* Vieillot, 1816, had been overshadowed by the junior homonym *Harpyia* Cuvier, 1816, *Thrasaetos* Bonaparte, 1838 and *Thrasaetinae* Blyth, 1850 entered into widespread use until Oberholser (1919: 282) demonstrated that *Harpia* Vieillot, 1816 should be used. Harpiini was introduced by Verheyen in his paper *Revision de la Systematique des Falconiformes* (Verheyen, 1959: 41). There was no description. This can be treated as a simple family-group name substitution under Article 5 of the *Règles* then in force. Because Verheyen did not provide a description or definition, a valid use before 2000 must also be found, to satisfy Article 13.2.1 (ICZN, 1999: 18). Stresemann and Stresemann (1960: 393) wrote: “Als Merkwürdigkeit sei erwähnt, daß *Geranoaëtus melanoleucus* bei Verheyen (1959) in sein Tribus Harpiinae geraten ist und dort neben *Morphnus* und *Harpia* steht, weit weg vom Tribus Buteonini.” That they identified the contents of the tribe, and that it was removed from the Buteonini should be sufficient. They were not simply ‘listing’ Verheyen’s family-group name, but were actively discussing the taxonomy of the Accipitridae, and there is nothing to suggest that they considered it to be invalid, even if a curiosity. The Code makes no qualitative demands beyond an author’s taxonomic judgment (Glossary; ICZN, 1999: 121). An uncredited Harpiinae entered into widespread use after Lerner and Mindell used the name for a clade identified by them containing *Harpia* (see Lerner & Mindell, 2005: 339, 343). The prevailing usage that has resulted is probably due to the erroneous priority afforded to the name by Bock (1994: 132), who, as Gregory *et al.* (2024: N12) observed “permanently altered the dynamic of those names”.

It should be noted that the senior synonym (*Thrasaetinae* Blyth, 1850), which has not been used as valid since 1916, would now clearly threaten stability and cause confusion, and if the solution to the question of the availability of Harpiini Verheyen, 1959 offered here under Article 13.2.1 is rejected, it would then become an issue for which an application to the ICZN commission must be made.

PSITTRICHASINAE VON BOETTICHER, 1959

Bock (1994: 141, 184) correctly identified that von Boetticher introduced the name Psittrichasinae in a popular little book: *Papageien* (von Boetticher, 1959: 11, 13) where a brief description occurs on p. 13. Sibley and Ahlquist (1972: 164) made an ambiguous statement that involved both an earlier paper: *Gedanken über die systematische Stellung einiger Papageien* (von Boetticher, 1943), and a 1964 reprint of *Papageien*. The 1943 paper has now been examined, and contained no new family-group names, *contra* Gregory and Sangster, (2023, Table I). *Dasyptilus* Wagler, 1832 is a junior objective synonym of *Psittrichas* Lesson, 1831, and Psittrichasinae von Boetticher, 1959 would appear to be a simple family-group name substitution under Article 5 of the *Règles* then in force. Bock noted ‘*Dasyptilinae* Bonaparte, 1854 has been replaced by *Psittrichadinae* von Boetticher, 1959 (1854), which takes precedence from 1854.’ Bock’s use of the spelling ‘*Psittrichadinae*’ followed Homberger (1980: 180), but I agree with Joseph *et al.* (2012: 36) who argued for the retention of the original spelling, using the entire generic name as the stem, as allowed by Article 29.1 (ICZN, 1999: 32). They also noted ‘valid by substitution in prevailing use (Art. 40.2), replacing *Dasyptilinae* Bonaparte, 1854’. *Dasyptilinae* Bonaparte, 1854 seems rarely, if ever, to have been used, so the prevailing usage of Psittrichasinae von

Boetticher, 1959 has been complete and unopposed. Wolters (1980: 445) used yet another spelling 'Psittrichidae', which should be deemed to be incorrectly formed from the type genus.

CONCLUSION

To summarize, the following details would now appear to be correct for these four cases:

Aythini

Aythini Delacour & Mayr, 1945 (1832)

Replacement name for Fuligulinae Swainson, 1832, Article 40.2 (ICZN, 1999: 46).

Type genus: *Aythya* Boie, 1822.

Contents: *Pteronetta* Salvadori, 1895, *Cyanochen* Bonaparte, 1856, *Marmaronetta* Reichenbach, 1853, *Asarcornis* Salvadori, 1895, *Netta* Kaup, 1829, *Aythya*, *Rhodonessa* Reichenbach, 1853 [The list of genera included here is subjective].

ZooBank LSID for Aythini: 5AF56228-C0C6-419B-A57E-E28DB878FA79

Comment: Available by description, Article 13.1.1 (ICZN, 1999: 17). Prevailing usage since 1945 (ICZN, 1999: 121).

Mesitornithidae

Mesitornithidae Wetmore, 1960 (1861)

Replacement name for Mesoenatinae Reichenbach, 1861, Article 40.2 (ICZN, 1999: 46).

Type genus: *Mesitornis* Bonaparte, 1855.

Contents: *Mesitornis*, *Monias* Oustalet & Grandidier, 1903.

ZooBank LSID for Mesitornithidae: 78E40A0E-DF54-441A-A13A-E05272CB8243

Comment: Available by proposal as a new replacement name, Article 13.1.3 (ICZN, 1999: 17) and use as valid before 2000, Article 13.2.1 (ICZN, 1999: 18) e.g., Rand *in* Thomson (ed.) (1964: 454), Wolters (1975: 17). Prevailing usage since 1960 (ICZN, 1999: 121).

Harpiinae

Harpiini Verheyen, 1959 (1850)

Replacement name for Thrasaetinae Blyth, 1850, Article 40.2 (ICZN, 1999: 46).

Type genus: *Harpia* Vieillot, 1816.

Contents: *Morphnus* Dumont, 1816, *Harpia*, *Harpyopsis* Salvadori, 1875, *Macheiramphus* Bonaparte, 1850b.

ZooBank LSID for Harpiini: BA51E506-EBB3-45A1-BA74-D4D223B54621

Comment: Available by use as valid before 2000, Article 13.2.1 (ICZN, 1999: 18) e.g., Stresemann and Stresemann (1960: 393). Prevailing usage since 1959 (ICZN, 1999: 121).

Psittrichasinae

Psittrichasinae von Boetticher, 1959 (1854)

Replacement name for Dasyptilinae Bonaparte, 1854, Article 40.2 (ICZN, 1999: 46).

Type genus: *Psittrichas* Lesson, 1831.

Contents: *Psittrichas* [*Coracopsis* Wagler, 1832 removed to a separate subfamily, Coracopseinae, by Joseph *et al.*, 2012].

ZooBank LSID for Psittrichasinae: FF1A6CFB-9167-4E11-8C49-8F3D91C9451C

Comment: Available by description, Article 13.1.1 (ICZN, 1999: 17). Prevailing usage since 1959 (ICZN, 1999: 121). The erroneous date '1943' given in Table I, Gregory and Sangster (2023: N58), is here corrected to 1959.

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