

# An addendum to “The trouble with *Myrmornis* Hermann, 1783 and Myrmornithinae Sundevall, 1872”

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ABSTRACT: The provisions for dealing with forgotten names or *nomina oblita* under the various editions of the International Code of Zoological Nomenclature are discussed in detail, and the problems presented by them when conditions dictate that a qualifying junior synonym is absent, are highlighted. It is concluded that no remedy is available for the unfortunate situation presented by Gregory *et al.* (2024) which showed that the type species of *Myrmornis* Hermann, 1783 must be chosen from the two originally included nominal species, neither of which are members of the genus as currently understood. This can only be resolved by resorting to an application to the ICZN Commission under its Plenary Powers, Article 81.1.

KEYWORDS: *Myrmornis*, *Rhopoterpe*, Hermann, Cabanis, forgotten names, vernacular names, Article 23.9, Article 81.1, International Code of Zoological Nomenclature.

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There is probably nothing worse in the field of academic publication than the realization that a recently published paper contains errors of judgement that neither you, nor your peer-reviewers, identified. However unfortunate such occurrences are, they at least present the opportunity to examine the problem in detail.

The *Règles internationales de la nomenclature zoologique* or International rules of zoological nomenclature (CIPNZ, 1905) contained no provision for dealing with ‘forgotten names’ which are often referred to as *nomina oblita*. The revised rules published in the *Proceedings of the Biological Society of Washington* (ICZN, 1926) were similarly devoid of any mention of these troublesome entities, as were the Opinions published up until that time (1–90). A search of the *Copenhagen decisions on zoological nomenclature* (ICZN, 1953) also revealed nothing meaningful. As part of the ‘Bradley Draft’ for the forthcoming new edition of the *Règles* (Bradley, 1957), Article 5 contained the following (all excerpts are verbatim):

**Section 4. Overlooked names.** — Whenever the Commission is notified of the existence of a long-overlooked name [the adoption of which would threaten stability] it shall publish a notice in the *Bulletin* proposing to nullify it. If it receives no objection within two years nullification shall become effective and the name shall be entered on the appropriate *Index*.

If an objection is received within two years, the Commission, acting in the interests of continuity and universality and if necessary under its Plenary Powers, shall decide the issue.

There followed a discussion which considered the automatic nature of any ‘rule’ in the event of no objections being received, and whether a nullified name retains any status for the purposes of homonymy. Clearly the Commission saw itself as central to any decision process

involving ‘forgotten names’, and that any resolution of them could not take place without its consent.

When the revised *International Code of Zoological Nomenclature* was eventually published (ICZN, 1961) the numbering of the articles and their contents were noticeably different from the ‘Bradley Draft’, so clearly a great deal of work had been done on the texts in the intervening years. The new Article 23 on the ‘Law of Priority’ contained:

- (b) **Limitation.** — A name that has remained unused as a senior synonym in the primary zoological literature for more than fifty years is to be considered a forgotten name (*nomen oblitum*).
- (i) After 1960, a zoologist who discovers such a name is to refer it to the Commission, to be placed on either the appropriate Official Index of Rejected Names, or, if such action better serves the stability and universality of nomenclature, on the appropriate Official List.
  - (ii) A *nomen oblitum* is not to be used unless the Commission so directs.
  - (iii) This provision does not preclude application to the Commission for the preservation of names, important in applied zoology, of which the period of general usage has been less than fifty years.

Here a limitation of fifty years is imposed, which at the time encompassed names proposed before an arbitrary 1911. Because no date was fixed, this was a rolling cut-off which travelled forward with time, which, with hindsight, was probably not the best of decisions. The Commission here retained control of the process, and for the first time the expression *nomen oblitum* is used officially (the Glossary (1961: 151), simply says ‘See Article 23b’).

It should be noted that rejection of any such name is not linked to an associated junior synonym, presumably one in use and threatened by the *nomen oblitum*, so for such names, the normal operation of the Code continued to apply, i.e., the ‘Law of Priority’.

Article 23 (b) remained unchanged for the second edition (ICZN, 1964) which appeared only a short time after the first. The third edition (ICZN, 1985) was, by comparison, a long time coming. The section dealing with forgotten names was removed from Article 23 and made a part of Article 79 dealing with the Commission’s Plenary power:

- (c) **Suppression of unused senior synonyms.** — When the Commission is asked to suppress a name on the grounds that it has not been used as a senior synonym of a name in general current use, a *prima facie* case that stability is threatened will be made
- (1) If an assertion that the senior name has not been used as a valid name during the immediately preceding fifty years is not contradicted, and
  - (2) the junior name has been applied to a particular taxon, as its presumably valid name, by at least 5 different authors and in at least 10 publications during the same period.

The official use of '*nomen oblitum*' was removed in 1985, and while the arbitrary 'fifty years' remains, there is now a link between the name to be suppressed and the junior name to be used. Note that the arbitrary numbers of authors and works applied during the same 50 years; so all names, and their period of use, are covered by the wording of third edition of the Code.

It should be noted here that *Rhopoterpe* Cabanis, 1847, the last use as valid being in 1918, is already outside the qualifying period.

A further fourteen years elapsed until the fourth (current) edition of the Code was published (ICZN, 1999) and while the review of the preceding Codes is illuminating and instructive, it is this Code which has to be applied, as the title page reminds us 'The provisions of this Code supersede those of the previous editions with effect from 1 January 2000'. The forgotten names section reappeared in a greatly expanded Article 23:

**23.9. Reversal of precedence.** In accordance with the purpose of the Principle of Priority [Art. 23.2], its application is moderated as follows:

23.9.1. prevailing usage must be maintained when the following conditions are both met:

23.9.1.1. the senior synonym or homonym has not been used as a valid name after 1899, and

23.9.1.2. the junior synonym or homonym has been used for a particular taxon, as its presumed valid name, in at least 25 works, published by at least 10 authors in the immediately preceding 50 years and encompassing a span of not less than 10 years.

At first sight the only change appears to be the sensible addition of a fixed date (1899) after which the senior synonym or homonym cannot have been used as valid, but the associated junior synonym or homonym is now restricted to the 'preceding 50 years'. In an ideal world where everything is neat and tidy this might not present any problems, but the Code's provisions have to deal with the messy reality of nomenclatural history. In practice this leaves an ever-widening 'black hole' from 1900 to fifty years before the date that Article 23.9 is applied to any particular problem, into which otherwise available names disappear.

In our recently published paper, Gregory *et al.* (2024) presumed that despite the absence of a qualifying junior synonym, the forgotten name *Formicivorus* Temminck, 1807 would still be incapable of being applied to the taxon under discussion. We also presumed that an available name, in the form of *Rhopoterpe* Cabanis, 1847, could be applied to this taxon without the need for Article 23.9 support, having been last used as the valid name in 1918 – within the 'black hole' alluded to above.

Because of the unfortunate actions by Chubb (1919: 71) and Stresemann (1920: 328) in selecting a type species based on a vernacular name only indirectly referred to by Hermann (1783), there is no qualifying junior synonym; meaning, in theory at least, there is no Code-compliant mechanism for barring the use of *Formicivorus* Temminck, 1807. If the conditions of Article 23.9.1 are not met, the Code offers two further remedies:

**Recommendation 23A. If suppression desired.** If in the opinion of an author suppression of the older name, rather than a change in the relative precedence of the two names involved, is desirable, in addition to taking action under Article 23.9.2 to maintain prevailing usage, the author should refer the case to the Commission with an appropriate recommendation for a ruling.

23.9.3. If the conditions of 23.9.1 are not met but nevertheless an author considers that the use of the older synonym or homonym would threaten stability or universality or cause confusion, and so wishes to maintain use of the younger synonym or homonym, he or she must refer the matter to the Commission for a ruling under the plenary power [Art. 81]. While the case is under consideration use of the junior name is to be maintained [Art. 82].

We doubt that there would be any objection to the suppression of *Formicivorus* Temminck, 1807 and *Urotomus* Swainson, 1827 as neither have had any use post-1899. Gregory *et al.* (2024) demonstrated that *Myrmornis* Hermann, 1783 had two originally included nominal species, neither of which correspond to the vernacular names suggested as the type species by Chubb (1919: 71) and Stresemann (1920: 328) contrary to both Opinion 1 (ICZN, 1907) and Article 30 of the *Règles* (CIPNZ, 1905) then in force. Moreover, Gregory *et al.* (2024) showed that these nominal species did not appear as vernacular names in Hermann's text. *Rhopoterpe* Cabanis, 1847 is an available name used as valid since its inception and up until 1918.

Clearly, given the amount of use since 1919, consideration ought to be given to maintaining *Myrmornis* Hermann, 1783 for the Wing-banded Antbird, containing *Formicarius torquatus* Boddaert, 1783 and *Rhopoterpe stictoptera* Salvin, 1893. This would involve setting aside the two originally included nominal species from consideration as potential type species, and declaring *Formicarius torquatus* Boddaert, 1783 to be the type species under the Commission's Plenary Power, Article 81.1. The alternative would be the suppression of *Myrmornis* Hermann, 1783 as the potential senior synonym of either *Myrmothera* Vieillot, 1816 or *Cyphorhinus* Cabanis, 1844, and placing *Rhopoterpe* Cabanis, 1847 on the Official List of Generic Names in Zoology, again under the Commission's Plenary Power, Article 81.1.

Consultations will take place, and advice sought, but ultimately it will be down to the ICZN Commission to decide. We envisage a somewhat complex application to the ICZN that will include the suppression of the two forgotten generic names and offer the two solutions, as outlined above, under Article 81.1, as there would appear to be no possible resolution under Article 23.9.1. Any use of *Myrmornis* Hermann, 1783 would also have to consider the use of *Myrmornithinae* Sundevall, 1872 as an 'altered concept' under Article 65.2.1 in the same application.

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