COMMENT ON APPLICATION FOR USE OF PLENARY POWERS TO VALIDATE *STERNA TSCHEGRAVA* AND *MOTACILLA PLESCHANKA* LEPECHIN, 1770. Z.N.(S.) 1784

(see volume 24, pages 60–62, 204–205)

By Standing Committee on Ornithological Nomenclature of the International Ornithological Congress

An application is before the International Commission for exercise of the plenary powers to validate the two Lepechin names and to suppress and invalidate the two Pallas names applicable to the same species, all published in the same volume, *Novi Commentarii Acad. Sci. Petropolitanae*, vol. 14, pt. 1, bearing date on its title page, 1770. Pallas' names were adopted by Gmelin, as first reviser in 1789 (" 1788 " *Systema Naturae*, **1** (2) : 603–604, 974), citing Lepechin's names in synonymy. Pallas' names have been in regular use at all times since. The availability of Pallas' names is unquestioned, and under the Code their validity as the legal names of the two species seems to us not in doubt. Lepechin's names were revived by some upholders of page anteriority, after over a century of non-use, but were then rejected, even by many authors who did not recognize the first reviser principle, on the ground that his paper was not binominal. Nevertheless the fact remains that there is a substantial conflict of current usage requiring resolution by a decision of the International Commission.

The applicants have expressly requested that the International Commission consider separately the status of the names of the two species, the Caspian Tern and the Pied Wheatear. While the technical situation under the rules of nomenclature is the same, the matter of usage is different and this may be pertinent on the question of suspension of the rules under the plenary powers. Hence we follow the applicants' request in our discussion, after treating the basic situation common to both.

Because of its bearing on usage, the distribution of the birds has pertinence. The Caspian Tern (in French " Sterne caspienne ")—*Sterna caspia* Pallas, *S. tschegrava* Lepechin—is a large, well-known, virtually cosmopolitan, monotypic species; it breeds in temperate North America, and in parts of Eurasia, Africa, Australia and New Zealand; it winters into the tropics.

The Pied Wheatear (in French " Traquet pie ")—*Motacilla leucomela* Pallas, *M. pleschanka* Lepechin—is a small bird of restricted Palearctic distribution; as a breeder it is almost confined to the U.S.S.R., eastern Rumania, Iran and Afghanistan, with an isolated subspecies in Cyprus; in winter it occurs in north-eastern Africa and parts of southern Asia; in Western Europe it is little more than an occasional wanderer.

Interest in the specific names of the Caspian Tern is thus cosmopolitan and the literature very great; interest in the names of the Pied Wheatear distinctly limited. Currently the tern is placed in the genus *Hydroprogne*, the wheatear in the genus *Oenanthe*.

Publication

Both pairs of names were published at the same time in one volume, dated 1770 on the title page, containing a number of articles by different members of the St. Petersburg Academy of Sciences. Lepechin's paper has page anteriority, and, the applicants point out, below the title of his paper there is indication that the paper was presented (" exhibit ") to the Academy on March 15, 1770, which is just about a month before the similarly indicated presentation date of Pallas' paper. But this has no significance, for under the Code it is *publication* date, not date of presentation of a manuscript, or reading, that controls (Code, Arts. 8 and 9). Applicants say that the volume may not have appeared until " possibly " in 1771, but even if true, that has no relevance, as the date would equally apply to both included papers. The applicants admit that " it is not known " whether either of the two papers was separately published and distributed on different dates before the volume appeared.

Moreover, under Code Art. 21(a) the date of publication specified in the work is to be accepted, in the absence of proof to the contrary. Here there is no scintilla of evidence produced to suggest separate prior publication in parts. The internal evidence from examination of the volume suggests continuous printing. The various articles are not only paged continuously, but printed on the same sheets as preceding articles; further (according to printing practice of that period) at the end of each page is printed the first syllable of the first word of the next page, even when that page begins a new article. Publication of the included articles on one date must therefore be presumed.

The first reviser rule, Code Art. 24(a)

The Code makes it plain that in a situation of contemporaneous publication the selection of the first reviser controls. This conservative rule, (also enunciated in the old Règles, Art. 28), tends to maintain usage. Gmelin (*Systema Naturae* **1** (2) : 603–604, 974, " 1788 " [1789]) plainly acted as first reviser, selecting Pallas' names *Sterna caspia* and *Motacilla leucomela* respectively, while citing under each species in the synonymy both Pallas' and Lepechin's papers and names. For about a century thereafter Lepechin's names were ignored; Pallas' *caspia* was universally employed for the tern; his *leucomela* had constant use but competed with other names, in part because unrecognized polymorphism had resulted in new names for the same species.

Towards the end of the 19th century advocates of " strict priority " resurrected Lepechin's names on the theory of " page anteriority ",—a doctrine which, for a time, had considerable currency, particularly with some ornithologists. The applicants mention three distinguished ornithologists, Hartert, Peters, and Hellmayr, who in important works, *prior to the adoption of the Code*, accepted *Sterna tschegrava* of Lepechin. What is not mentioned is that these authors were self-avowed strict priorists who rejected the first reviser rule of the Règles and of the present Code.*

As will be pointed out below, even most ornithologists who advocated " strict priority " nevertheless rejected Lepechin's names because his paper was clearly not in accord with the principles of Linnaean binominalism.

Consistent binominalism, Code Art. 11(c)

Article 11(c) is clear that for a species-group name to qualify as available " The author must have consistently applied the principles of binominal nomenclature in the work in which the name is published ". The requirement of consistent Linnaean binominalism was implicit in the Règles, Art. 25b.†

The applicants concede that Lepechin's paper is not consistently binominal. What we have here is not a mere occasional deviation from consistency, but rather a failure to accept Linnaean binominalism altogether.

Lepechin's paper, entitled " Descriptio quorandum animalium ", describes only six species. Three are given " names " that are the usual pre-Linnaean polynominal diagnoses; e.g., 1, " Parus dorso dilute caeruleo . . ." etc.; 3, " Tringa inferne alba, supra . . . " etc.; 6, " Mus oculis minutissimis auriculis caudaque nullis . . ." etc. In the cases of *Sterna tschegrava* and *Motacilla pleschanka* the second word is the spelling

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* Hartert, *Die Vögel der paläarktischen Fauna* **1** : ix, 1912, states that he was a radical in nomenclature, adhering to the strictest priority, even to maintaining the original gender ending of adjectival specific names after removal to a different genus; in adopting *tschegrava* (vol. 2, p. 1692, footnote, 1921), he plainly indicated his rejection also of the principle of consistent binominalism. Peters, *Check-list of Birds of the World* **1** : vii, 1931, expressly stated that he rejected the first reviser rule, Art. 28 of the Règles, and instead adhered to the doctrine of page and line anteriority. Hellmayr in *Catalogue of Birds of the Americas* did not follow the Règles; not only was he a " strict priorist " but he treated as homonyms generic names that differed only in one letter.

† We mention this to show that the Code provision only made more explicit what most zoologists considered the sound established doctrine. The Code provisions are, of course, retrospective (Art. 86).

in Latin letters of the Russian vernacular (given in Cyrillic before the diagnosis continues). Even pre-Linnaean authors occasionally included two-word names. Obviously this paper does not adhere to " binomial " principles—to use the customary pre-Code terminology.

The suggestion is advanced that these two names may be saved by subdivision (ii) of the same Article 11(c), which provides that in pre-1931 publications, when the body of the work is not binominal, names published " in the index " may be available " *if* they satisfy the relevant provisions of this Article ", and other provisions. This clause was designed, we believe, to cover certain early publications which appended to a non-binominal text an index designed to conform with the Linnaean system. The binominalism of the index is to be tested as if it were an independent work, but so judged the index itself must comply with Article 11(c) and be consistently binominal. Lepechin's names are not saved by this clause, for: (a) His names do not appear in any index to the volume, the only " Index " being of authors and Article titles. What the applicants would treat as an index is the anonymous " Summarium " at the start of the volume, which is not an index either in substance or in form. It is a textual summary of the various included papers, written in continuous sentence (not tabular) form. (b) The " Summarium " so far a it relates to Lepechin's names does not comply with the requirement of consiste . binominalism of Article 11(c), any more than does the text; it merely repeats the same polynominal name diagnoses as the main text.

The rejection of Lepechin's names for non-binominalism is nothing novel. Since Gmelin his names have appeared in synonymy. When towards the end of the 19th century advocates of page anteriority resurrected Lepechin's names (perhaps relying only on the synonymies), subsequent examination of his paper immediately revealed that he " was not consistently binomial ". The first edition of the American Ornithologists' Union *Check-list of North American Birds* (1886) is the earliest publication we have found adopting *Sterna tschegrava*; but after published protest from the leading American ornithologist of the period, E. Coues, and an examination of the paper, the A.O.U. Committee in 1899, " Ninth Supplement to the Check-list " (*Auk*, **16** : 99) reverted to the long-used name *caspia*, pointing out that Lepechin's paper " was not binomial " and that the first subsequent author had adopted Pallas' *caspia*,—a name preserved in all subsequent editions of the *A.O.U. Check-list of North American Birds* (not merely in the last two, as incorrectly stated by the applicants). The most important ornithological work of this period, the tremendous multi-volume *Catalogue of Birds in the British Museum* (which described every known species), retained *caspia*, even while citing Lepechin's name in its elaborate synonymy (vol. 25, p. 32, 1896). Numerous works establishing regional ornithological nomenclature point out the invalidity for lack of consistent " binomialism " of Lepechin's names—long before the Code (e.g., Ridgway, *Birds of North and Middle America* (8): 465 footnote, 1919; R.A.O.U. *Official Check-list of Birds of Australia* : 19 footnote, 1926; Witherby et al. *Handbook of British Birds* **5** : 15, 1941).

Usage

As to usage there is a difference in regard to the Caspian Tern and the Pied Wheatear—probably because of the relatively restricted range of the latter, so we shall treat them separately.

1. Usage as to the Caspian Tern

For more than a century between 1770 and the late 19th century Lepechin's name seems never to have been adopted, and Pallas' name *caspia* was universally used, judging by the extensive bibliographies in *Catalogue of Birds in the British Museum* **25** : 32 et seq., 1896, and Ridgway, *Birds of North and Middle America* (8) : 463 et seq., 1919. The name *caspia* has continued to be used in most of the literature at all times since.

When the strict priorists revived *tschegrava* on the basis of page anteriority, even during the short period of acceptance by the American Ornithologists' Union most North American ornithologists continued to use Pallas' *caspia*; and even those few like Ridgway who had briefly used Lepechin's name reverted to that of Pallas (see Ridgway, *op. cit. supra* : 465 footnote, 1919). The same was true of the British Mathews, who in 1912 had used *tschegrava*, and later reverted to *caspia* (in *Systema Avium Australasianarum*, 1927–1930).

The fact that the prestigious *Catalogue of Birds in the British Museum* **25**, 1896 continued to use *caspia*, despite the attempted revival of Lepechin's name, no doubt played a part in preserving Pallas' name against the assault of the page anteriorists.

The adoption of the Règles should have put an end to any dispute on this point. However not all ornithologists adhered to the new rules. It was Hartert (*op. cit. supra*, 1921) who was responsible for the revival of *tschegrava* in eastern Europe. He disagreed with the provisions of the Règles (without mentioning them) as to first reviser and consistent binominalism. Hellmayr and Peters, also strict priorists (see footnote *supra*), took the same view. Despite the merited taxonomic reputation of these three authors, it is significant that their following on the nomenclature of the Caspian Tern has been very limited. Authors writing on the ornithology of the Western Hemisphere invariably use *caspia*, and since the species is well-known and widely distributed the American literature is enormous.

This is true not only in the vast ornithological literature of the United States which follows the *A.O.U. Check-list of North American Birds*, but that of Canada (Godfrey, *The Birds of Canada*, 1966), of the West Indies (Bond, *Birds of the West Indies*, 1961), Middle America (e.g. Miller et al. *Check-list of Birds of Mexico*, 1950–1957, and all others), South America (e.g. de Schauensee, *The Species of Birds of South America*, 1966). In Africa almost all the literature, current as well as older, uses *caspia*, and this applies not only to British authors, whose books and papers are most numerous, (e.g. Sclater, *Systema Avium Aethiopicarum*, 1924–1930), but to French ones (e.g. Heim de Balsac and Mayaud, *Les Oiseaux du Nord-Ouest de l'Afrique*, p. 152; Etchécopar and Hüe, *Les Oiseaux du Nord de l'Afrique*, 1964). The current literature for Asia, largely by British authors, of course, predominantly uses *caspia*; but again this is not limited to British ornithologists, for the same usage is adopted in Ripley's very important *Synopsis of the Birds of India and Pakistan*, 1961, and in Delacour and Mayr, *Birds of the Philippines*, 1946. As noted earlier, *caspia* is the name used in the literature of Australasia.

In Europe there is current conflict of usage. Prior to Hartert, even in Russia Pallas' name *caspia* was generally used (e.g. Zarudny, *Ptitsy Pskov* : 57, 1910). But Hartert's nomenclature has had a wide following in Germany and eastern Europe. However, this has not been unanimous, for we find E. Schütz, *Die Vogelwelt des Südkaspischen Tieflandes* : 79, 109, 1959 and A. Keve, *Nomenclator Avium Hungriae* : 46, 65, 1960, rejecting Lepechin's names and adopting those of Pallas.

For the countries of western Europe, although usage is not unanimous, the major current systematic or zoogeographic works and handbooks for Britain, France, Spain, the Netherlands, Denmark and Finland use Pallas' name *caspia*.

Therefore, Vaurie's adoption of *tschegrava* in 1965, (*The Birds of the Palearctic Fauna* : *Non Passeriformes*), in the face of the provisions of the Code, brought the controversy to a head (Amadon, 1966, *Ibis*, **108** : 424). This protest caused Vaurie and his associates to make the application so that the International Commission might settle the question.

It seems to us that current usage, whether one applies a criterion of authors or geographic distribution, plainly supports the long established name *caspia*.

However, the applicants express the opinion that current " usage is perhaps about equally divided on a world-wide basis ". Even if this were so, we can see no advantage or justification for exercising the plenary powers to reject the familiar, legally valid, name in favour of an invalid name lacking preponderance of usage, either current or former.

2. Usage as to the Pied Wheatear

The literature is much more limited, for unlike the cosmopolitan Caspian Tern, the Pied Wheatear has a breeding range mainly restricted to the U.S.S.R. (plus certain areas where ornithologists are few or non-existent). Unlike *caspia* for the tern, the name *leucomela* has never had overwhelming currency. *Pleschanka*, to be sure, was practically unused until near the end of the 19th century, but strongly competing with *leucomela* during that century was another (junior) name, *morio*, of Hemprich and Ehrenberg (1833, *Symb. Phys. Aves* **1**, fol. aa). The latter name was adopted by the very influential *Catalogue of Birds in the British Museum* **25** : 32, 1881, although both *leucomela* and *pleschanka* were cited in synonymy.

The real currency of *pleschanka* followed its adoption by Hartert (1921), in *Die Vögel der paläarktischen Fauna*. Added support came from Vaurie's important *Birds of the Palearctic Fauna Passeriformes* 1959, which has been followed in this respect by a number of others. Russian authors today uniformly employ *pleschanka*. Most current works by British authors, dealing with the bird in its winter or accidental range, or as a breeder in Cyprus, use *leucomela*. So do several other European authors (Voous, *Atlas of European Birds*, 1960).

Some authors who use *caspia* Pallas for the tern, nevertheless, in the same work, use *pleschanka* Lepechin for the wheatear; e.g., Ripley, *Synopsis of the Birds of India and Pakistan*, 1961; Etchécopar and Hüe, *Les Oiseaux du Nord de l'Afrique*, 1964. Whether these authors decided to accept Russian preference in regard to a mainly Russian breeding bird, or whether they simply followed Vaurie as the latest work, we do not know. Further, in the recent, (1964), volume 10 of *Check-list of Birds of the World* (dealing with Turdinae) Ripley continues to use *pleschanka* (though, as pointed out, *caspia* is used by him for the tern). These recent publications probably will increase the use of *pleschanka*.

Recommendations

When current usage is strongly divided the major consideration is to find a solution that will have the widest (and, hopefully, universal) acceptance. In the case of such conflict in the name of a taxon of cosmopolitan distribution, (absent any element of confusion), applying the Code provisions is usually the most acceptable procedure. On the other hand, where a taxon is of restricted breeding range in an area with many interested zoologists who uniformly use a particular name, their usage and preference are entitled to considerable weight, and may justify suspension of the rules by exercise of the plenary powers.

These factors lead the Standing Committee on Ornithological Nomenclature to recommend that the two cases be treated differently, despite their technical similarity, and to suggest that the International Commission:

(1) Make a declaration holding that the valid specific name of the Caspian Tern is *caspia* Pallas, 1770, as originally published in the binomen *Sterna caspia*, and that such name be placed on the Official List of Specific Names in Zoology; that the name *tschegrava* Lepechin, 1770, originally published as *Sterna tschegrava*, be rejected, be placed on the Official Index of Invalid and Rejected Names in Zoology, and be suppressed for purposes of the Law of Priority but not for purposes of the Law of Homonymy.

(2) Exercise the plenary powers to validate as the specific name of the Pied Wheatear the name *pleschanka* Lepechin, 1770, originally published as *Motacilla pleschanka*, and that such name be placed on the Official List of Specific Names in Zoology; that the name *leucomela* Pallas, 1770, as published in the binomen *Motacilla leucomela*, be suppressed for purposes of the Law of Priority but not for purposes of the Law of Homonymy.

Dr. Charles Vaurie, because he was one of the applicants, withdrew from any participation in the discussion or voting of the Standing Committee on Ornithological Nomenclature, or in the preparation of this report. The Committee is, however, of the opinion and has reason to believe that the applicants would find the compromise recommendation here submitted to be acceptable—if adopted by the International Commission.

Respectfully submitted,

Standing Committee on Ornithological Nomenclature of the International Ornithological Congress.

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COMMENT ON THE REQUEST FOR A DECLARATION AGAINST THE SUPPRESSION OF NOMINA DUBIA. Z.N.(S.) 1714

(see vol. 22, pages 265–266, vol. 23, pages 11–12, vol. 24, page 73)

By Henning Lemche (*Universitetets Zoologiske Museum, Copenhagen, Denmark*)

The comment published by Commissioner Sabrosky (B.Z.N. 24 : 73) on the possible paragraph (iv) of Article 79a gives quite a good formulation which I should like to propose altered only in a single point. A name that remains a nomen dubium may still become a danger to stability if some zoologist accepts it tentatively even without properly " discovering its identity ". So, I would feel that—if and when we are going to revise the Code once more—the proposal by Commissioner Sabrosky might be accepted without these words " if its identity is ever discovered ".

To me, it seems enough if the paragraph runs simply:

" A name that is a *nomen dubium* is not to be suppressed for that reason alone "—possibly with the addition of " but it may become so if it is found to constitute a real disturbance to stability or universality of names ".

COMMENT ON THE PROPOSED DESIGNATION OF A TYPE-SPECIES FOR *PATANGA* UVAROV, 1923. Z.N.(S.) 1761

(see volume 23, pages 235–238, volume 24, pages 130–137)

By Ernst Mayr (*Museum of Comparative Zoology, Harvard University, Cambridge, Mass., U.S.A.*)

It seems to me that this application clearly violates Article 75. As Lindroth, Ramsbottom, Svenson, Cain and other Linnaean specialists have pointed out repeatedly, Linnaeus did not have the modern concept of type specimens as name bearers. Mr. Dirsh acknowledges this by designating the specimen of " succinctus " as neotype. By this action Dirsh violates two provisions of Article 75. This neotype designation is not " necessary in the interest of stability of nomenclature " (75a) because in the present case it leads precisely to utter confusion. Since 1923 the name *succinctus* has been used for a typical species of *Patanga* and indeed *succinctus*, as misidentified by Uvarov, was made the type-species of *Patanga*. Dirsh's action would lead to a complete shifting of names. Indeed Dirsh proposes to make *succinctus* the type of the genus *Valanga*, etc. Dirsh's neotype transfers the name *succinctus* to a species for which this " name is not in general use either as a valid name or as a synonym " (thus violating Art. 75b).

In order to avoid these confusing transfers of names and to obviate a neotype selection in conflict with the provisions of Article 75 I herewith propose that Dirsh's neotype selection is declared as invalid and that the Commission set aside all previous designations for the species *succinctus* and designate as neotype the specimen selected by Dirsh as the neotype of *assectator*.

An equally acceptable solution would be to suppress the name *succinctus*.