

## (341–343) Proposals to clarify the meaning of “citation of the name itself”, in Article 52.2(e), by means of apposite Notes

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### (341) Add a phrase to Art. 52 Note 1 (new text in bold):

*Note 1.* The inclusion, with an expression of doubt, of an element in a new taxon, e.g. the citation of a name with a question mark, **or in a sense that excludes one or more of its potential type elements**, does not make the name of the new taxon nomenclaturally superfluous.”

It has been generally assumed that citation, in the synonymy of a new taxon, of a name qualified to apply “pro parte” only, or with some original element(s) excluded, does not by itself make illegitimate the name of the new taxon. One can argue with some justification that “pro parte” inclusion is tantamount to “inclusion with doubt”; but recently that interpretation has been challenged, and it is therefore advisable to cover such situations explicitly.

### (342) After Art. 52 Note 2, add a Note:

*Note 2bis.* For the purpose of Art. 52.2(e), citation of a name can be effected by unambiguous reference to it, e.g. by mention of its original sequential number or diagnostic phrase name (Linnaean “nomen specificum legitimum”) rather than its epithet.”

The idea that underlies Art. 52.2(e) is that a name, for purposes of illegitimacy, stands for its type, even if that type has not been designated yet. Until recently, little attention has been paid to the exact meaning of the phrase “citation of the name itself”. Some now

claim that, if taken literally, it signifies that the name itself that causes illegitimacy must appear in print. Such a narrow interpretation goes against the way in which Art. 52 has been applied traditionally, and would restore legitimacy to many names now considered illegitimate, potentially causing changes. The above proposal avoids such an excessively formalistic interpretation. It intends to ensure that the traditional way of interpreting the provision remains correct.

In early times of Linnaean nomenclature names were frequently cited, not by their binomial but by the diagnostic phrase (nomen specificum legitimum) by which the taxon was characterized in the protologue, or by the generic name plus the sequential number of the species in, e.g., Linnaeus’s *Species plantarum*. This is not the “name itself” but its unequivocal placeholder, and traditionally has been accepted as such.

### (343) Add another Note:

*Note 2ter.* For the purpose of Art. 52.2(e), citation of a later isonym is equivalent to citation of the name itself if the citing author does not normally cite the primary source, or if the name is usually not cited from its primary source in contemporary literature. However, if it is possible to imply that the isonym is cited “in the sense of” the later author or “as used in” the later source, its inclusion does not by itself cause illegitimacy.”

The third proposal of this series addresses a gray area that has often caused difficulties in the past. In questions of illegitimacy, which is the effect of citing in synonymy a later usage of the name rather than the name itself? Under the *ICN* the answer is not obvious. On one hand, accepting that a name stands for its type and considering that all isonyms, by definition (Art. 6 Note 2), are based on the same type, one can argue that it makes no difference whether the name itself or its later isonym is cited, reference to the latter being considered a correctable error. On the other hand, the *ICN* also postulates that later isonyms lack nomenclatural status and can be ignored, so that mentioning them in synonymy would have no effect.

Again, what matters is to know and spell out how such cases have been handled in the past. Unfortunately, there is no easy answer. In early times in particular, it was customary to cite names, not from their original source but from a later work; e.g., in the case of Linnaean names, from the most recent edition of *Species plantarum* or the *Systema*, or even through Richter's *Codex Linnaeanus*; and in other cases, in which such was not an author's general policy, names first appearing in recondite sources, such as the theses of Linnaeus's

pupils, were generally cited from subsequent better known publications, e.g., the *Amoenitates*. Such references were meant to be, and traditionally have been accepted as, equivalent to references to a name's original source. On the opposite extreme, what are in fact later isonyms were, and often still are, treated as if they were homonyms, because they were (or were thought to be) applied in the later work to a taxon that differs from the one originally named and described. In such cases, the original type, inclusion of which would cause illegitimacy, was not meant to be included, even though there may be no way to prove that it was excluded by implication. These are situations in which Art. 52 has, with good reasons, never been applied.

Unfortunately, concrete examples are not always as clear cut as in the two extreme situations described above. The wording of the proposed *Note* takes this uncertainty into account and leaves some room for an author's judgement to be applied in gray areas, in which the sound advice of Preamble 13 of the *INC* is best followed. The *Note* makes it obvious that there is no uniform general answer to the problem but that considered judgement is needed in each individual case.