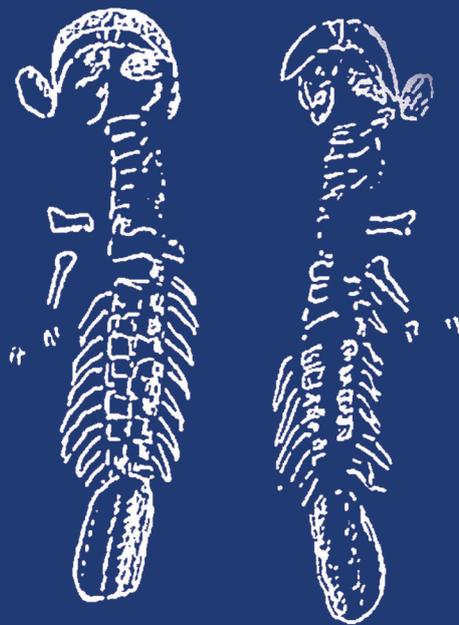


A response to Dubois  
(2020; Zoosystema 42 (23): 475-482)

Evangelos VLACHOS



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Original figure of the holotype of *Boomgardia salamandriformis* Huene, 1948, described as a fossil Urodele, but based on a fossil Arthropod according to Herre (1950).  
Herre W. 1950. — Der derzeitige Stand unseres Wissens über die fossilen Urodelen, zugleich einige kritische Bemerkungen über *Boomgardia salamandriformis* v. Huene. *Neues Jahrbuch für Geologie und Paläontologie* 1: 19-25.  
Huene F. F. von 1948. — Ein echter Urodele aus dem unteren Dogger. *Neues Jahrbuch für Geologie und Paläontologie, Monatshefte*, (Abteilung B: *Geologie - Paläontologie*), Stuttgart: 33-39.

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*Zoosystema is a fast track journal published by the Museum Science Press, Paris*

Les Publications scientifiques du Muséum publient aussi / *The Museum Science Press also publish: Adansonia, Geodiversitas, Anthropozoologica, European Journal of Taxonomy, Naturae, Cryptogamie* sous-sections *Algologie, Bryologie, Mycologie, Comptes Rendus Palevol*

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[diff.pub@mnhn.fr](mailto:diff.pub@mnhn.fr) / <http://sciencepress.mnhn.fr>

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ISSN (imprimé / *print*): 1280-9659/ ISSN (électronique / *electronic*): 1638-9395

# A response to Dubois (2020; *Zoosystema* 42 (23): 475-482)

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Submitted on 23 August 2020 | Accepted on 14 September 2020 | Published on 6 October 2020

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urn:lsid:zoobank.org:pub:25CADD0C-C07A-4BF4-A0A4-84AF23033217

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Vlachos E. 2020. — A response to Dubois (2020; *Zoosystema* 42 (23): 475-482). *Zoosystema* 42 (25): 515-517. <https://doi.org/10.5252/zoosystema2020v42a25>. <http://zoosystema.com/42/25>

## KEY WORDS

*Oculudentavis*,  
retracted papers,  
availability.

## ABSTRACT

In this response to Dubois (2020) I clarify some allegations directed personally to me therein and I present my opinion and recommendations on the availability of names created in papers that are later retracted.

## RÉSUMÉ

*Une réponse à Dubois (2020 ; Zoosystema 42 (23): 475-482).*

Dans cette réponse à Dubois (2020), je clarifie certaines allégations qui m'y sont adressées personnellement et je présente mon avis et mes recommandations sur la disponibilité de noms créés dans des articles qui sont ensuite rétractés.

## MOTS CLÉS

*Oculudentavis*,  
retraction d'articles,  
disponibilité.

## INTRODUCTION

I feel obligated to reply to Dubois (2020) because I would like to clarify some allegations directed personally to me, regarding a thread I initiated on the subscriber-only iczn-list (<http://list.afriherp.org/mailman/listinfo/iczn-list>) on July 30th, 2020. I do not mind that among the numerous people and scientists who chose to offer their opinions and ideas on this matter in both private and public media (including the authors of the *Oculudentavis* paper and the editor of the journal), Dubois chose to quote only my own; I mind that he attributes to me claims that I have never made. It is easy to do that, when someone takes out of the context of an entire thread a single quote, while most of the readers do not have access to the entire thread. Given the opportunity, and after I clarify these allegations, I offer some thoughts on the matter of retracted papers and availability.

## THE MISUNDERSTANDING

Dubois (2020) quotes only the following part from my initial email that started the thread: “Based on the current Code, I think that this name should not be considered as available, as after the retraction the work cannot be considered anymore as published for the purposes of zoological nomenclature (or for any other purposes for that matter), as it is no longer «a public and permanent scientific record» (Art. 8.1.1).” Then, and based on that quote alone, Dubois makes the following serious allegation: “This author suggested that the Code should be modified in order to include ‘a specific article on retractions that can be applied automatically’ in order to ‘suppress’ nomina first published in works later ‘retracted’” (Dubois 2020: 476). And then he further claims that “[s]uch an interpretation is fully wrong and this proposal is misguided” (Dubois 2020: 476). The problem is that this is an interpretation that is made only by A. Dubois and it is wrongfully attributed to me therein.

## WHAT I ACTUALLY WROTE

In the initial email, I quoted Krell’s (2015: 24) comment, which has been used by many on the discussion regarding the retraction of *Oculudentavis* paper. Krell’s paper, curiously, is not cited by Dubois (underlined emphasis is added):

### NOTE ON RETRACTIONS

Recently, a botanical paper describing a new species in the *Nordic Journal of Botany*, a Wiley journal, was retracted because the species turned out to be a synonym (Anonymous, 2014; Mattapha *et al.*, 2013). While this particular case does not affect zoological nomenclature, the occurrence is of concern. Retracting a paper containing zoological nomenclatural acts would be ill-advised because the Code does not provide a mechanism to deal with a published paper that is supposed to no longer exist. As soon as it

is published fulfilling all criteria for availability, a paper and the nomenclatural acts that it contains are available in perpetuity (unless later deemed to be unavailable by the ICZN’s plenary power). To retract a paper containing nomenclatural acts a Case should be submitted to the Commission to apply its plenary power to declare those acts and the paper unavailable. However, there is no reason for retracting a publication on the grounds of a simple synonymy. This is an inappropriate over-reaction that causes confusion.

According to Krell (2015), a retracted paper no longer exists (correct), and the Code does not have a mechanism to deal with that (correct). Krell also states that if the paper is published fulfilling the availability criteria, it is available in perpetuity unless a Case is submitted. In my personal opinion, there is a problem there and it should be addressed. That is why my proposal in the first email actually was: “I echo Krell’s (2015) concern, and I propose that the new edition of the Code should contain a specific article on retractions that can be applied automatically, so no Case is necessary.” And then I also offered my personal opinion on that matter, which is the quote misinterpreted by Dubois (2020: 476).

Dubois (2020: 476) implies that I proposed that the Code should have an article that will allow to “‘suppress’ nomina first published in works later ‘retracted’”. This is not correct. I have already replied on the same day and on the same thread: “I am not saying what the article should contain, I am just saying that the Code should contain an article dealing with retracted papers, whatever the decision and its contents might be. If the Commission decides that those names based on retracted papers are available, this is fine by me. I just think that this is a source o(f) [*sic*] potential confusion and should be further clarified.” So, my proposal was actually that a rule is needed; not what the rule should be. And I never said that the rule should be to automatically suppress the names in retracted papers as it is implied by Dubois.

## ON THE AVAILABILITY OF NAMES IN RETRACTED PAPERS

My opinion on this matter is that a retracted paper is made unpublished; the only purpose for a retraction is to stop providing a permanent and public scientific record. Krell (2015: 24) notes that as long as a paper fulfils the availability criteria, it is available in perpetuity. But when a paper gets retracted, it is no longer issued with the purpose of providing a permanent and public scientific record. Note that only Art. 8.1.2 contains the words “when first issued”, so I assume that Art. 8.1.1 refers to the entire life of the paper, whereas Art. 8.1.2 refers only to the moment when the work was first issued — I read the “must be issued” part in Art. 8.1.1 as a modal phrase in the passive voice. Art. 8.1.3 starts with the phrase “it must have been produced”, so this Article also refers to the moment in the past, when the work was first issued.

A retracted paper is *ipso facto* not public anymore, even if the publisher chooses to continue posting the retracted paper with a retraction mark or notice on their webpage for transparency reasons, and even if physical copies still exist. A retracted paper is permanent in the sense that the original paper is not altered, but after the retraction the same paper can be republished with modifications addressing the reasons that led to its retraction. Retraction Watch claims that it is fine to cite a retracted paper (<https://retractionwatch.com/2018/01/05/ask-retraction-watch-ok-cite-retracted-paper/>), but there are plenty of papers that argue against this practice (e.g., see Teixeira da Silva & Bornemann-Cimenti 2017 and references therein). So, additionally, I wonder about something even more practical: how can we treat the name as available if we should not be allowed to cite it? Therefore, I interpret that since the moment of its retraction, a retracted paper does not fulfil anymore the criteria of Art. 8.1.1, because it is not anymore “issued” nor “public”. I understand that many readers will not agree with my interpretation, but (as it has been shown in the *Oculudentavis* paper) there are many others that share this interpretation. So, and to the very least, this is a point of confusion that needs to be clarified. If the Commission finds a way to solve these problems explained above or to clarify this point of potential confusion, then I am completely satisfied. If the decision will be that those names should be considered available even if the original paper is retracted, maybe not even a new rule is needed. It could be as simple as adding the words “when first issued” in Art. 8.1.1, or rephrasing it as “it must have been issued”.

In my opinion, the Commission should decide how to treat, in principle, names and nomenclatural acts contained in retracted papers, and include a rule that can be applied automatically without the necessity of submitting a Case. I believe that the presence of universal and immediately applicable rules of nomenclature is a great benefit for zoologists, even if sometimes we disagree with them. There are problems that cannot be addressed that way, and indeed special attention and consideration of that particular issue in the form of a Case is necessary. But this is not the case with the retraction

problem. This is something that can be addressed with an automatic rule or slight modifications to the current Code. This would also help to avoid public and private discussions like the one we are having right now. That is my entire point.

And speaking about setting “dangerous precedents”, Dubois’s rationale does not preclude that. If indeed a retraction does not affect the availability of a name or act, then I can speculate the following dangerous and unethical situation: an author learns that another colleague is about to name a new species, and rushes to publish it plagiarizing the name and/or descriptions of the original manuscript. Plagiarism of that degree would be a valid reason for retracting that paper, and hardly any ‘responsible working taxonomist’ would be against that decision. But if we are to decide and claim that the name would remain available even after the retraction (and attributed to the original author that stole and plagiarized the work of a colleague), then we open the door to predatory individuals that might take advantage of that sort of new taxonomic vandalism. Mischief managed!

#### Acknowledgements

I would like to thank A. Louchart and A. Minelli for comments that helped revising this short manuscript and A. Neveu for editorial handling.

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*Submitted on 23 August 2020;  
accepted on 14 September 2020;  
published on 6 October 2020.*