

Object Expansion Theory: A New Interpretation of the Nature of Result-Aggravated Crimes from the Perspective of Marxist Systems Theory

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Abstract

As a special category within the forms of multiple crimes in criminal law, aggravated result offenses have consistently drawn widespread attention from both jurisprudential theory and judicial practice circles domestically and internationally. While academic research continues to proliferate, substantial controversies persist regarding fundamental theoretical issues including conceptual definition, constitutional elements, essential nature, and causal relationships. Specifically concerning the essence of aggravated result offenses, earlier scholars have advanced criminal law theory by proposing explanatory frameworks such as unitary form theory, composite form theory, and dangerousness theory, which have achieved partial acceptance. However, these theories all suffer from logical inconsistencies, leading to vagueness and conceptual dilution of the relevant propositions. Building upon existing scholarship and grounded in theoretical and practical considerations of aggravated result offenses, this article employs systems theory and methodological approaches to trace the origins from the perspectives of crime essence theory, causality doctrine, and crime constitution elements theory, conducting comprehensive analysis and differentiation. It clarifies objective facts and specific requirements for both theory and practice, and correspondingly proposes the object expansion theory as the essence of aggravated result offenses. This represents a legal expression within Chinese jurisprudential discourse and is anticipated to contribute meaningfully to both theoretical understanding and practical application.

Full Text

A New Interpretation of the Essence of Aggravated Result Crimes from the Perspective of Marxist Systems Theory: The Object Expansion Theory

As a special type of crime in criminal law, aggravated result crimes have consistently attracted widespread attention from scholars both domestically and internationally. Although research findings continue to emerge, substantial controversies persist regarding their concept, constitution, essence, and causation. Specifically, regarding the essence of aggravated result crimes, predecessor scholars have proposed theories such as unitary form theory, composite form theory, and dangerousness theory. While these theories have advanced criminal law theory to a certain extent, they suffer from logical inconsistency, leading to ambiguity and hollowing-out of relevant concepts.

Building upon existing research and reflecting on the theory and practice of aggravated result crimes, this article employs systems theory thinking and methodology to trace back to and comprehensively analyze theories of criminal essence, causation, and crime constitution elements, thereby clarifying objective facts and specific requirements in both theory and practice. Accordingly, it proposes the Object Expansion Theory as the essence of aggravated result crimes, representing a theoretical discourse expression of Chinese jurisprudence. It is hoped that this will benefit both theory and practice.

Keywords: aggravated result crimes; systems theory; criminal essence; causation; crime constitution elements

It is generally believed that the concept of aggravated result crimes refers to a crime type stipulated in criminal law where a single criminal act (the basic crime) carries an aggravated statutory penalty due to the occurrence of a serious result. From a global legislative perspective, representative examples include Mainland China, Germany, Japan, and Taiwan. Chinese criminal law contains 21 common basic crimes that are intentional crimes with aggravated results, and 3 common basic crimes that are negligent crimes with aggravated results [1]. German criminal law has over 20 provisions on aggravated result crimes, separately stipulating cases causing death and serious bodily harm: for serious bodily harm, the penalty is fixed-term imprisonment of not less than 1 year but not more than 10 years, or fixed-term imprisonment of not less than 2 years; cases causing death through at least recklessness are distinguished from cases where the act itself causes death, with the former carrying a penalty of life imprisonment or fixed-term imprisonment of not more than 10 years, while the latter carries a penalty of fixed-term imprisonment of not less than 3 years [2]. Japanese criminal law has 16 provisions on aggravated result crimes, where the aggravated results are limited to death and injury, or limited to death only [3].

Legal provisions on aggravated result crimes in various jurisdictions share obvious formal characteristics: relevant legal provisions concentrate on aggravated

results whose objects are the rights to life and health; compared with the results of basic crimes, the criminal objects infringed by aggravated results demonstrate further expansion and escalation. The theoretical community has conducted multifaceted discussions on relevant legislative examples of aggravated result crimes from theoretical perspectives, not limited to concepts, essence, structure, causation, etc.

Adhering to Marxism as guidance must ultimately be implemented in its application. As Comrade Mao Zedong stated, “the purpose of mastery lies entirely in application.” Marxism possesses a theoretical quality of keeping pace with the times. Under new circumstances, adhering to Marxism means most importantly adhering to its basic principles and the positions, viewpoints, and methods that run through it. This is the essence and living soul of Marxism [4]. Based on an evaluation of the inherent defects of existing doctrines, this article employs systems theory thinking and methodology to conduct necessary theoretical tracing and reconstruction of the controversial proposition regarding the essence of aggravated result crimes, updating relevant theories and proposing and demonstrating a new theory on the essence of aggravated result crimes—the Object Expansion Theory.## A New Interpretation of the Essence of Aggravated Result Crimes from the Perspective of Marxist Systems Theory: The Object Expansion Theory

Abstract: As a special type of crime in criminal law, aggravated result crimes have attracted widespread attention from legal theory and practice both domestically and internationally. Although research achievements continue to emerge, substantial controversies persist regarding their concept, constitution, essence, and causation. Specifically, regarding the essence of aggravated result crimes, while predecessors have advanced criminal law theory by proposing unitary form theory, composite form theory, and dangerousness theory—which have gained certain recognition—these theories are logically inconsistent, leading to ambiguity and hollowing-out of relevant concepts. Building upon existing research and reflecting on the theory and practice of aggravated result crimes, this article employs systems theory thinking and methodology to trace back to and comprehensively analyze the theories of criminal essence, causation, and crime constitution elements, clarifying## I. The Problem Raised

Regarding the essence of aggravated result crimes, Mr. Zhang Mingkai calls it the “aggravated basis” of aggravated result crimes. Theories addressing this issue to date include unitary form theory, composite form theory, and dangerousness theory.

(A) Unitary Form Theory

Unitary form theory holds that the occurrence of an aggravated result is merely an objective condition for aggravated punishment, requiring no awareness or possibility of awareness from the actor, nor subjective culpability. It even disregards the necessary relationship between the basic act and the aggravated result.

Aggravated result crimes, like basic crimes, are simply single crimes. As long as an aggravated result objectively occurs, criminal law should impose aggravated punishment for aggravated result crimes. The reason criminal law imposes aggravated punishment for aggravated result crimes is precisely because an aggravated result has objectively occurred [5]. Obviously, unitary form theory violates the principle of culpability, ignores the principle of unity of subjectivity and objectivity, and constitutes pure objective imputation. In a sense, “no basis can be found” for universal human respect—it is an ultimate attitude that itself cannot be explained in more ultimate terms [6]. Using the mere appearance of an aggravated result as the basis for formal logic to hold actors accountable without intent or negligence is essentially treating people as means to achieve ends through punishment to prevent certain behaviors, deviating from the concept of human respect. It does not address the essence of aggravated result crimes.

(B) Composite Form Theory

As Fukuda Hirao of Japan stated: “Generally speaking, the form of aggravated result crimes can be expressed as intentional basic crime + negligent causing of aggravated result” [7]. Composite form theory holds that aggravated result crimes are a composite form of the intentional basic crime and the negligent crime causing the aggravated result. Compared with unitary form theory, composite form theory satisfies the requirements of the culpability principle, but it is insufficient to simply determine the paradigm of intent + negligence to explain the essence of aggravated result crimes. This approach blurs the boundaries between various types of crime numbers. Moreover, focusing solely on the subjective culpability form of the intent + negligence paradigm to discuss the culpability form of aggravated result crimes would omit other situations of aggravated result crimes.

(C) Dangerousness Theory

Dangerousness theory was developed through critiquing unitary form theory and composite form theory. Initially proposed by German scholars Ohler and W. Hardwig, it was enriched by Krise and Engisch, with Krise making particularly important contributions to its elaboration and development. Dangerousness theory holds that legislators have noticed that basic criminal acts with a high probability of causing aggravated results produce special dangers. To prevent such specific types of dangers and protect legal interests that should be maintained when in high-risk situations, such circumstances are stipulated as aggravated result crimes to punish criminals and protect society. Given that conditional causation rules would groundlessly expand the application scope of aggravated result crimes, Krise argued that equivalent causation rules should be adopted to examine the causal relationship between basic criminal acts and aggravated results, determining high-probability aggravated result crimes to exclude accidental or low-probability cases. For example, death caused by extremely minor

injury, improper medical measures by doctors, or the victim's own reasons leading to ineffective treatment should not incur criminal responsibility for injury causing death.

Dangerousness theory abandons the simple and partial research methods of formal logic observation in unitary form theory and composite form theory, delves into the internal structure of aggravated result crimes, and notices the close causal connection between basic criminal acts and aggravated results. From this starting point, it truly brings the study of aggravated result crimes into the category of professional theoretical research. It has certain guiding significance for theory and practice, and precisely for this reason, dangerousness theory has become a popular doctrine. However, its shortcomings are also obvious:

1. The danger of basic criminal acts is too abstract, to the point where its definitional boundaries are blurred. From a universal perspective, all criminal acts inherently have corresponding dangers, and preventing corresponding dangers is also the goal of the entire criminal code or criminal law norms. Compared with these dangers, the boundaries of the specific type of danger referred to by dangerousness theory cannot be determined, especially in scenarios where such specific danger does not lead to aggravated results. Therefore, dangerousness theory still cannot explain the basis for aggravated punishment of aggravated result crimes. The actor's cognitive difficulty regarding the danger of basic criminal acts causing aggravated results thus causes aggravated result crimes under the concept of dangerousness theory to express a kind of result liability and indirect punishment.
2. Dangerousness theory emphasizes that criminal law regulation of aggravated result crimes is prevention of specific risks, but in reality, criminal laws of various countries can only apply relevant legal provisions on aggravated result crimes when aggravated results are realized. This idea of neglecting responsibility norms and emphasizing prevention norms is divorced from reality.
3. In situations where basic criminal acts realize aggravated results, dangerousness theory's emphasis on criminal law norms targeting prevention of specific dangers cannot be precisely specified, manifesting as theoretical progress over unitary form theory and composite form theory but lacking practical guidance value for legislation and judicial practice. This is attributed to the uncertainty it brings to theory and practice.
4. Although dangerousness theory notices the causal relationship between acts and aggravated results, its one-sided focus on acts reverses cause and effect, leading to logical confusion in causation.

The above analysis demonstrates the complexity and particularity of aggravated result crimes as a specific type of crime and the issue of their essence. Various theories have their own characteristics and deficiencies. While uncertainty is somewhat normal in nature and social reality, it should not exist in the legal field, especially in legal practice, or efforts should be made to eliminate such

uncertainty. Focusing on resolving uncertainty, this article will trace back to the theory of criminal essence and conduct multi-level theoretical analysis of aggravated result crimes, aiming to establish and clarify certainty.

II. Systems Theory Thinking and Its Application in Legal Research

(A) Overview of Systems Thinking

Systems thinking, as a scientific, systematic, and systematic philosophy of natural science, is the contribution of L.V. Bertalanffy, an Austrian-American theoretical biologist. The core and foundation of systems theory is the wholeness of systems. Bertalanffy believed that any system is an organically connected whole, not a random combination or simple addition of many parts. The overall function of a system is a property and efficacy that the elements do not have in isolation. This originates from Aristotle's idea that the whole is greater than the sum of its parts. All elements of a system serve the wholeness. The logic of explaining the whole through parts—formal, mechanical, and partial—does not hold in systems.

1. **Concept of Systems Theory.** Systems theory generally holds that systems thinking is a basic mode of thinking that organically combines principle and flexibility, with the principle of wholeness as its core. This principle requires starting from the whole, focusing on the overall situation, and emphasizing overall process, overall benefit, and overall result. It employs flexible methods to handle matters in pursuit of values that conform to the whole and the overall situation.
2. **Characteristics of Systems Theory.** Summarized, its main features include wholeness, coordination, openness, hierarchy, structure, three-dimensionality, dynamism, and comprehensiveness, highlighting its advantages. Wholeness is the most basic and primary characteristic of systems theory. The principle of wholeness means that under the dominant control of wholeness, various parts of a system are interconnected, interact, influence each other, and transform each other. The principle of wholeness includes not only the unity and consistency of overall connections but also a common attribute: the organic nature of the whole. The entire world is a world of systems composed of various types and different levels of systems. That is, the material world is systematic, with infinite levels within systematic matter. A large system composed of several subsystems has a hierarchical structural relationship...The hierarchy of systems exists relatively and transforms between levels under mutual interaction. **Self-adaptability:** Regarding the self-adaptability of systems, a system is an organic whole composed of several interconnected elements [8]. **Openness:** Systems are open, and openness is necessary for the system's existence. As Prigogine stated, systems are maintained by flows of matter and energy from the outside [9]. **Hierarchy:** Regarding the hierarchy of

systems.

3. **Systems Thinking and Methodology.** Thinking based on systems thinking is systems thinking, hailed as the highest-level thinking mode mastered by human civilization. Through the methodological expansion of systems thinking, methodologies such as the holistic method, structural method, element method, and functional method have been developed.

(B) Dynamic Systems Theory

The application of systems theory thinking in legal research began with dynamic systems theory, proposed by Austrian scholar Walter Wilburg in the 1940s and introduced and disseminated by Japanese scholars such as Yamamoto Keizo [10], exerting influence worldwide in legislation and legal practice. Based on comparative law, Wilburg proposed the idea of dynamic systems theory. Its basic viewpoint is that legal norms adjusting legal relations in specific fields contain many constitutive factors, but in specific legal relations, the quantity and intensity of factors required by corresponding norms vary. The combination of normative factors adjusting specific relations is a dynamic system. Therefore, responsibility should be determined through examination of dynamic factors in specific legal relations.

The various necessary factors that dynamic systems theory should consider can achieve the purpose of specific regulation, decisively limit discretionary space, make discretion predictable, and controllably accommodate the diversity of life facts [11]. Dynamic systems theory differs from tradition in three ways: First, it emphasizes the role of various factors. Dynamic systems theory holds that when judging responsibility, the role played by all constitutive elements should be evaluated, and responsibility should be comprehensively determined according to the specificity of influencing factors. Second, it emphasizes the ranking of various factors to consider relevant factors. In individual cases, it does not require each factor to meet a specific degree, or even require all factors to be present. Instead, it requires examining different factors, determining the degree of satisfaction of these factors, and conducting comprehensive evaluations based on specific case circumstances. The relationship between factors and effects is no longer all-or-nothing but more-or-less. Third, it emphasizes the complementarity and interactivity among factors. The dynamic characteristic of dynamic systems theory means that legal norms or legal effects are determined by the synergistic action corresponding to the quantity and intensity of factors. The so-called synergy here refers to the complementarity among factors [12]. As Wilburg's research pointed out, if one factor appears in a particularly intense way, it can fully satisfy the requirements for determining responsibility.

(C) Marxist Systems Thinking and Its Further Enrichment

Marxism itself contains rich original systems thinking, which has continuously formed theoretical and practical innovations in systems concepts during its Sini-

cization and modernization. Marxist classic writers elaborated on systems from a philosophical height. Although they did not directly use the concept of systems, their main themes clearly addressed systems-related propositions.

1. **Questions on System Dynamism.** Based on the research purpose of this article, this study enriches Marxist systems concepts regarding system dynamism. Marx stated that the concrete is concrete because it is the synthesis of many determinations, thus the unity of diversity [13]. The world is a whole, unity, and complex composed of concrete objective things, not a collection of ready-made things but a collection of processes [14]. Process is the dynamism of systems. However, in fields related to natural philosophy and methodology, except for articles by Wang Liming, Xie Gen, and Ban Tianke involving dynamic systems theory in legal research regarding system dynamism, no other effective resources are seen. Moreover, although Wilburg's theory is named dynamic systems theory, its content focuses on the state of elements within the system, which is actually the structure rather than the dynamism of systems. Therefore, research on system dynamism lacks clarity and remains in a state of confusion.
2. **New Perspectives on System Dynamism.** This article argues that system dynamism should include: the dynamic sources and movement processes of system formation, evolution stages, and decline—the movement and evolution laws of the system life cycle. Here, only the starting and ending points of the system life cycle (collectively called singularities) are expressed regarding relevant viewpoints. In social systems, specifically referring to international law systems in this article, the singularity of the system serves as the beginning of system formation and evolution, with economic power as the fundamental driving force. As the singularity's power strengthens, it leads to system evolution and expansion of its scope and complexity, with characteristics such as hierarchy, structure, synergy, and openness gradually forming and enriching. The superstructure emerges and changes with economic changes—this is the system growth period. Subsequently, it reaches a certain stable maturity period. When the system deviates from stability and enters a decline period, the singularity's power gradually diminishes, corresponding to the reduction of its radiation scope and complexity, with characteristics such as hierarchy, structure, synergy, and openness contracting and eventually disappearing.

The brief description of the system life cycle movement is similar to the Big Bang theory in natural science. Therefore, this article similarly names the endpoints singularities. The macro-level movement performance of systems is similar to the Big Bang theoretical model—both involve expansion followed by contraction. Unlike the cyclical recurrence in Big Bang theory, systems here have no cyclical nature. The singularity in this article corresponds not to cosmological concepts of matter and energy but to the theoretical essence of international law philosophy. As the driving source of the international law system, it evolves into various levels of theory and ultimately into parts of the system such as international

law principles, legal norms, and values.

In the study of the essence of aggravated result crimes, theories are sorted according to system hierarchy as the theory series of criminal essence, causation, crime constitution elements, etc. According to the singularity of system dynamism elaborated in this article, clearly the theory of criminal essence is the singularity, from which causation and crime constitution element theories evolve.

III. Special Discussion on Criminal Essence

This article argues that unitary form theory, composite form theory, and dangerousness theory all reflect an incorrect understanding of criminal essence, thereby failing to view the crime constitution of this crime from the overall perspective of aggravated result crimes. Fundamentally, they are erroneous conclusions from partial research on the external form and partial internal structure of aggravated result crimes using formal logic methods. From the perspective of systems theory thinking, when examining the proposition of the essence of aggravated result crimes, the source of its theoretical logic construction is the theory of criminal essence. Therefore, reconstructing the essence theory of aggravated result crimes requires comprehensive and correct cognition of criminal essence as a necessary prerequisite.

(A) Article 13 of the Criminal Law' s Definition of Crime

Article 13 of the Criminal Law specifically embodies the advancement of China' s criminal law. From a specific normative perspective, it stipulates three essential characteristics of crime: serious social harmfulness, criminal illegality, and punishability [15]. This serves as a clear manifestation of the theory and actual judicial practice of criminal essential characteristics, becoming the three basic conditions for crime establishment in China' s criminal law domain. They jointly constitute an interconnected and mutually supportive organic whole and an integrated normative evaluation system for crime establishment from different dimensions. Therefore, any specific crime must simultaneously satisfy the three essential characteristics of serious social harmfulness, criminal illegality, and punishability.

(B) The Formalism of Unitary Form Theory, Composite Form Theory, and Dangerousness Theory

These theories strive to obtain formal legitimacy and appropriateness for criminal law norms, thus their research purpose points to seeking formal conformity and consistency with criminal law norms. Consequently, they also achieve partial formal compliance with criminal illegality in criminal essence as they wish. However, precisely because of this, they completely neglect the more substantively valuable essential characteristics of serious social harmfulness and punishability. Detached from criminal essence and legislative and judicial reality,

this leads the study of the essence of aggravated result crimes into a formalistic dilemma. Logical and value evaluation of unitary form theory, composite form theory, and dangerousness theory from the perspective of criminal essence clearly demonstrates the limitations of viewpoints formed through formalistic models. Starting from the theory of criminal essence, necessary theoretical analysis is then conducted through causation.

IV. Analysis of Causation in Aggravated Result Crimes

Causation, a philosophical concept, refers to the relationship of causing and being caused. Traditional criminal law theory holds that causation studied in criminal law refers to the causal relationship between a person's harmful act and harmful result. Characteristics of causation in criminal law: the nature of the result in causation is a result stipulated by criminal law as belonging to crime constitution elements and capable of serving as a basis for criminal responsibility, including actual damage that has occurred and dangerous states where certain damage may occur; the cause in causation is an act that objectively conforms to certain crime characteristics stipulated by criminal law [16]. This article argues that traditional causation is formal logic causation, possessing the drawbacks of formalism and partiality. Unitary form theory, composite form theory, and dangerousness theory are based on this causation theory, thus manifesting incompleteness in causation regarding the essence of aggravated result crimes, becoming inherent defects of their causation theoretical foundation.

(A) Theories of Causation in Criminal Law

A two-tier judgment path of “attribution + imputation” has been formed [17]. Attribution judgment is an empirical issue of formally confirming the objective factual relationship between act and result; imputation judgment is a normative issue of substantively judging whether the result is the contribution of the act. The former is called factual causation judgment, the latter legal causation judgment. Criminal law causation is a type of natural science causation. Its existence and manifestation are not purely factual judgments in natural science but also possess characteristics of normative and value judgments that must be made from the perspective of criminal law purposes and general human cognition [18].

(B) Partiality of Traditional Causation Theory

Traditional causation theory clarifies its attribution and imputation functions regarding the causal relationship between act and result. Essentially, it is a limited definition of the causal relationship between act and result within the framework of the objective aspect of crime, a model construction of the external manifestation of crime through formal logic to achieve conformity and consistency with criminal law norms. Regarding the evaluation of the causal relationship between act and result, it has its necessity for determining criminal

illegality. However, when considered from the perspective of criminal essential characteristics, its scope only reaches criminal illegality, with social harmfulness and punishability outside its radiation range. Regarding its formal defects, some scholars lament that the two-tier theory is too formalistic in criminal law causation judgment [19]. Therefore, traditional causation theory can only be called partial causation theory.

Unitary form theory, composite form theory, and dangerousness theory take traditional causation theory as their construction foundation, inheriting this theory's inherent defects of limitation, partiality, and formalism. Using it to explain the essence of aggravated result crimes and determine practical issues of aggravated result crimes manifests the shortcomings of uncertainty and anti-logic, subjecting them to much criticism.

(C) Holistic Causation Theory

Based on the analysis of traditional causation theory, this article constructs a three-level causation system integrating the three basic conditions of criminal essence—criminal illegality, social harmfulness, and punishability (called holistic causation theory): using traditional act-result causation theory to examine the objective external manifestation of crime as the first level of causation to determine criminal illegality (this level is called formal causation); further using the possession of criminal illegality as the cause constituting social harmfulness to form the second level of causation (this level can be called substantive causation); then using criminal illegality and social harmfulness as causes of punishability to constitute the third and highest level of comprehensive causation system—holistic causation theory.

In the causation system of holistic causation theory, criminal illegality is the formal characteristic of criminal essence; social harmfulness is the substantive characteristic of criminal essence; punishability is the normative characteristic of criminal essence. Possessing the characteristics of criminal essence conforms to the objective facts and logic of crime, repositioning traditional criminal law causation theory. The positive update of the basic theory of criminal essence and the essence of aggravated result crimes—causation theory—provides clear theoretical determination and support from the causation perspective for accurately guiding and constructing more systematic, systematic, and theoretical crime theory and correctly and accurately deepening rational understanding of the essence of aggravated result crimes.

Traditional causation theory pursues conformity and consistency with criminal law norms, conducting partial and formal analysis of the objective manifestation of crime related to criminal illegality—act and result elements. Although it conforms to the criminal illegality condition of criminal essential characteristics, it ignores the essential requirements of social harmfulness and punishability. This inevitably leads to incomplete and erroneous understanding of aggravated result crimes and theories such as unitary form theory, composite form the-

ory, and dangerousness theory, resulting in theoretical illogicality and practical emptiness. With the establishment and practical application of the theoretical logic of holistic causation theory, it is hoped that relevant theoretical research and practical application of criminology and aggravated result crimes can be promoted.

V. Theoretical Analysis of Crime Constitution Elements of Aggravated Result Crimes

With the completion of basic theoretical research on aggravated result crimes, further clarification of the specific constitution theory of aggravated result crimes—the theory of crime constitution elements—becomes necessary work approaching practice. Crime constitution elements are the organic whole of subjective and objective conditions that must be satisfied for an act to constitute a crime. Therefore, this article conducts comparative analysis of aggravated result crimes using the four-element crime constitution theory and the three-tier crime constitution theory.

(A) Corresponding Analysis of the Four-Element Crime Constitution Theory

The four-element crime constitution theory is a mature crime constitution theory with Chinese characteristics. Elements constitute elements, elements couple to form a whole, the internal logic of the entire four-element crime constitution theory is extremely rigorous, and hierarchical distinctions are quite clear, appropriately achieving dissection of a criminal act from coarse to fine, from surface to depth, and from whole to part and from part back to whole [20]. Its constituent elements: the criminal object is the various orderly social relations protected by China's criminal law and infringed upon by criminal acts; the objective aspect of crime is the objective external manifestation of criminal activities, including harmful acts, harmful results, and causation between harmful acts and results, etc.; the criminal subject refers to natural persons who have reached the statutory age of criminal responsibility, have criminal responsibility capacity, and commit harmful acts, or qualified units that bear criminal responsibility; the subjective aspect of crime refers to the actor's culpability (including intent and negligence), i.e., the subjective mental state (or culpable mindset) held toward the harmful social results that have been or may be caused by one's own act. The crime constitution elements theory serves as the criterion for distinguishing guilt from innocence, this crime from that crime, and single crime from multiple crimes.

1. Constitution Characteristics of Criminal Acts in Aggravated Result Crimes Compared with the constitution of basic crimes that possess all crime constitution elements, the aggravated result constitution is incomplete, lacking subject, objective aspect, and subjective aspect (specific reasons for excluding this element are detailed in subsequent sections), with only the

aggravated result as an object element. That is, the aggravated result part is parasitic on the basic crime constitution, or described as embedded in the basic crime constitution. Specifically, it is a structural type where the basic crime constitution is attached with aggravated results. In other words, the basic crime has already produced new constitution elements due to the occurrence of aggravated results, naturally changing the original guilt of the basic crime and independently becoming a new crime [21]. This determines that aggravated result crimes are neither simply single crimes (having a parasitic aggravated result part) nor substantive multiple crimes (the crime constitution elements of the aggravated result part are incomplete and cannot independently constitute a crime). From the logical continuity of crime number forms, aggravated result crimes and imaginative joinder of crimes become transitional forms from single crime to multiple crimes, which constitutes the theoretical achievement of the particularity of aggravated result crimes in crime constitution elements.

2. Culpability Constitution Characteristics of Aggravated Result Crimes

Many scholars believe that the basic criminal act and aggravated result of aggravated result crimes are composed of two subjective culpabilities. The more widely recognized structures are: intent + negligence, intent + intent. This article argues that this view needs discussion. Reasons are as follows:

First, if structures like intent + negligence or intent + intent are established, then the crime constitution elements of the aggravated result part are subjective culpability and the aggravated result part. Under the condition that basic crime constitution elements are complete, this constitutes double evaluation of the basic crime. The prohibition of double evaluation is a principle that criminal law theory and judicial practice must follow [22].

Second, even if subjective culpability is limited to evaluating only the aggravated result part, there is no practical feasibility. When committing the basic crime, the actor only has the subjective culpability and result purpose of the basic crime. Since the realization of aggravated result circumstances is only a probabilistic event, requiring the actor to have subjective culpability for this is obviously wishful thinking. Some scholars have noted that if subjective culpability is emphasized as an essential element of aggravated result crimes, an illogical situation arises where there is neither intent nor negligence regarding the aggravated result part when evaluating it subjectively. For example, German scholar Thomson divides aggravated result crimes into three types: accidental aggravated result crimes, aggravated result crimes due to negligence, and aggravated result crimes with intent. Japanese scholar Kimura Kiji believes that regarding the results of aggravated result crimes, although generally intent is not required, and interpretation is limited to situations without intent, there are still situations where intent is required. Such situations are called aggravated result crimes with intent. Regarding aggravated result crimes without intent, there are situations with negligence and situations without negligence that are accidental. The former is “aggravated result crimes due to negligence,” the lat-

ter is “accidental aggravated result crimes.” The crime of injury causing death (Japanese Criminal Code Article 205) is an aggravated result crime without intent. Whether it is an aggravated result crime due to negligence or an accidental aggravated result crime is left to interpretation [23]. Therefore, regardless of whether aggravated result circumstances are realized, there is naturally no need to consider the actor’ s subjective mindset toward the aggravated result again.

Third, insisting that aggravated result crimes have two subjective culpabilities would depart from objective reality. The subjective and objective elements of crime constitution are unified. In basic crimes, the act is the objective reflection of subjective culpability, while the result is the degree of subjective culpability. The aggravated result in aggravated result crime constitution naturally follows the above logical structure of basic crimes. Therefore, the unity of subjectivity and objectivity should not be mechanically understood as requiring one-to-one correspondence between an objective result and subjective culpability. Pursuing empty formal perfection detached from objective reality has no practical significance. Of course, what this article states refers to the basic crime’ s single culpability corresponding to both the basic criminal act and the aggravated result—i.e., the basic criminal act and aggravated result are integrated, called the holistic act. Artificially separating them into two elements does not conform to reality. Therefore, it differs from the simple single culpability theory that neglects the culpability of aggravated results, which states that “only when a basic intentional crime leads to the occurrence of a serious result is the perpetrator’ s punishment aggravated by the serious result” [24].

3. Crime Constitution Element Characteristics of Aggravated Result Crimes The combination method of crime constitution elements between aggravated result and basic crime is one subject, one act, one subjective culpability, and two results—visually described as one needle on top and two threads below. The distinction between aggravated result and basic crime lies only in the aggravated criminal result, i.e., the difference in objects.

Comprehensive consideration of aggravated result crimes through crime constitution elements theory shows that aggravated result crimes are a specific type distinctly different from other crime number forms. Forcing them to have the form and logical conformity of basic crime structure through conventional and traditional theories would deviate from facts. The focus of theoretical reconstruction of their essence and the theoretical and practical certainty and precision lies in their difference from the objects of basic crimes.

4. Partiality of Existing Doctrines in Crime Constitution Elements Unitary form theory, composite form theory, and dangerousness theory fall within the scope of criminal subject, criminal subjective aspect, and criminal objective aspect in the four-element crime constitution theory framework but cannot encompass the criminal object. When considered from the perspective of criminal essence theory, criminal subject, criminal subjective aspect, and crimi-

nal objective aspect reflect criminal illegality in criminal essence and are related to punishability, while the criminal object embodies social harmfulness and related punishability. Regarding causation theory, the absence of the criminal object naturally leads to falling into partial and formal causation, constituting neglect of holistic causation theory.

(B) Relevant Analysis of the Three-Tier Crime Constitution Theory

The three-tier crime constitution theory is the crime constitution theory representative of civil law countries such as Germany. It began with German scholars Liszt (F.V. Liszt) and Beling (E. Beling) defining crime concepts through substantive law and proposing the theory of constitution conformity. Beling believed that constitution conformity upholds a neutral, colorless, and objectified position [25], interpreting constitution conformity as an objective and value-free behavior type, viewing it as an independent crime establishment element parallel to illegality and culpability. German scholar Mayer (M.E. Mayer) revised this, proposing that constitution conformity is the cognitive basis for illegality, dividing crime constitution elements into constitution conformity, illegality, and culpability, examined in this order (i.e., divided into three tiers) to form the three-tier crime constitution theory. Conforming to the constitution as a punishable behavior type stipulated by criminal law constitutes constitution conformity; further examining its illegality elements. If there are justifications such as self-defense, crime is not established. At the third tier, an act that conforms to the constitution and has illegality, and for which the actor should be blamed, has culpability, thus establishing crime. If the actor has no culpability or has culpability-excluding circumstances, crime is similarly not established [26]. The three-tier crime theory is the prevailing doctrine in Germany and Japan [27].

This article fully notes Mr. Xia De-Honig' s proposal to add a filtering layer between the illegality tier and culpability tier, i.e., the viewpoint of objective imputation. Among facts that have conditional relations with results, only those regarded as the “work” created by the actor can be concerned by criminal law constitution elements [28]. This article believes that among available literature, Xia De-Honig' s viewpoint is the only one that may objectively require necessary consideration of holistic causation within the internal structure of crime constitution theory. However, the prevailing three-tier theory has not adopted it, which can be called the regret of Xia De-Honig and the three-tier theory. This article' s understanding of the three-tier theory is that it is a composite system based on criminal essential characteristics combined with necessary justification and other crime-excluding rules. If Xia De-Honig' s viewpoint were integrated, perhaps the three-tier theory and practice would reach another height. As for the possible integration of China' s four-element crime constitution theory system with criminal essence theory and holistic causation theory, it is a question worth studying.

Under the three-tier theory system, the coverage of criminal essence and causation can be reached by unitary form theory, composite form theory, and danger-

ousness theory in terms of conformity (constitution conformity) and illegality, while culpability is outside their examination. Similar to the relevant analysis of China' s four-element crime constitution theory, there is coincidental similarity in criminal essence theory and causation aspects. It similarly exposes the formalism and partiality defects of existing doctrines on the essence of aggravated result crimes.

Based on specific theoretical-level analysis of China' s four-element crime constitution theory and Germany' s representative three-tier crime constitution theory, unitary form theory, composite form theory, and dangerousness theory conduct isolated, partial, and fragmentary research within the frameworks of the criminal objective aspect of the four-element crime constitution theory and the illegality element of the three-tier crime constitution theory. Under the examination of these two typical crime constitution theories, the highlighted common issues demonstrate that such defects of relevant doctrines are not special cases responding to unique jurisdictions' historical, cultural, political systems, legal traditions, and other relevant social background factors, but inherent and essential defects violating scientific philosophical concepts and methodology.

VI. Reconstruction of the Essence Theory of Aggravated Result Crimes—The Object Expansion Theory

Through the completion of multi-level and systematic examination of aggravated result crimes' related theories—their origin in criminal essence theory, foundational causation theory, and specific structure in crime constitution elements theory—this article demonstrates that unitary form theory, composite form theory, and dangerousness theory only achieve isolated and partial formal compliance with criminal illegality in the dimension of criminal essence, neglecting the more substantive and core-value essential conditions of serious social harmfulness and punishability. Based on causation theory, their fragmentary causation models regarding crime and determination of aggravated result crimes' essence only focus on discussing acts and aggravated results in the objective manifestation of crime, further manifesting their partiality, incompleteness, and erroneous understanding. Analysis from the specific theoretical levels of China' s four-element crime constitution theory and Germany' s three-tier crime constitution theory further highlights the cross-jurisdictional common inherent deficiencies of unitary form theory, composite form theory, and dangerousness theory.

Based on the original intention of reconstructing the essence theory of aggravated result crimes, this article argues that the new theory should abandon partial, formal, and isolated causation research models. From macro to micro, from abstract to concrete, and from objective reality, it should systematically and systematically integrate criminal essence theory, holistic causation theory, and crime constitution elements theory.

(A) The Object Expansion Theory as the Essence of Aggravated Result Crimes

Building upon the existing achievements of unitary form theory, composite form theory, and dangerousness theory in criminal illegality of criminal essence, logically covering fragmentary causation of crime's objective manifestation, and the criminal objective aspect of crime constitution theory (four-element theory) and illegality (three-tier theory), this article completes a scientific, comprehensive, substantive, and systematic interpretation conforming to theory and practice—the Object Expansion Theory as the essence of aggravated result crimes.

1. Main Points of the Object Expansion Theory The essence of aggravated result crimes is that a qualified criminal subject, with the same subjective culpability in a basic criminal act, causes an aggravated result through the basic criminal act that conforms to holistic causation theory, thereby leading to the escalation and expansion of the criminal object beyond the damage of the basic crime. That is, the object expansion result of the basic criminal act is the aggravated result crime.

The Object Expansion Theory has a three-level causation structure. The first is the causation between act and aggravated result in the sense of traditional theory of crime's objective external manifestation—formal causation, whose function is to determine the objective manifestation of crime to meet the requirements of criminal illegality in criminal essence. The second is the substantive causation between the basic criminal act and aggravated result by a qualified criminal subject with subjective culpability and the damage to the criminal object. Traditional formal causation exists as the cause leading to damage to the criminal object. This causation provides theoretical and substantive support for determining the social harmfulness condition of criminal essence. The third is based on the determination of criminal illegality and social harmfulness as causes of punishability—this is holistic causation achieving normative significance. Within its structure, it logically determines the result of punishability. After determining the two levels of causation and clarifying holistic causation, the logical loop of causation for determining whether an aggravated result crime is established can be completed.

The formal causation level explains the causation between act and aggravated result in the formal sense, corresponding to unitary form theory, composite form theory, and dangerousness theory on the essence of aggravated result crimes. The substantive causation level interprets the causation between criminal illegality and social harmfulness in the substantive sense, corresponding to the Object Expansion Theory on the essence of aggravated result crimes. The holistic causation level comprehensively includes and explains the holistic causation among criminal illegality, social harmfulness, and punishability, thus corresponding to the Responsibility Expansion Theory on the essence of aggravated result crimes. At the level of holistic causation theory, given that the Responsibility Expansion Theory corresponding to holistic causation is the specific application of criminal

responsibility based on criminal illegality and social harmfulness and punishability, it has formal characteristics. Moreover, the Object Expansion Theory, based on examination of social harmfulness as the core element of the basic condition of criminal essence, has greater clarity regarding the substantive conditions of criminal essence. Within holistic causation, substantive causation is the core of this causation system. The escalation and expansion of the damaged object is the essence of aggravated result crimes. Based on systems thinking and methodology, the Object Expansion Theory of aggravated result crimes' essence integrates criminal essence theory, holistic causation theory as an update to traditional causation theory, and synthesis based on crime constitution elements theory, fully embodying the wholeness, hierarchy, openness, dynamism, self-adaptability, structure, and comprehensiveness of systems thinking.

2. Comparative Advantages of the Object Expansion Theory Theoretical Systematicity. The Object Expansion Theory of aggravated result crimes' essence employs a research path guided by systems thinking methodology, integrating criminal essence, holistic causation, and crime constitution elements theories into one. It emphasizes basic systemic viewpoints such as wholeness, hierarchy, and openness of systems thinking and methods. On the premise of sublating traditional causation theory, it critically inherits its existing achievements regarding criminal illegality in criminal essence, following systems thinking to integrate it into the theoretical framework of the Object Expansion Theory, abandoning the partial, narrow, and formalistic shortcomings of traditional causation theory, and manifesting the comprehensiveness and advancement of systems thinking.

Unitary form theory, composite form theory, and dangerousness theory deviate from scientific, comprehensive, and systematic thinking and methodology, using traditional formal logic research methods and emphasizing conformity with criminal law norms. Correspondingly, they conduct partial and fragmentary causation analysis at the level of aggravated result crimes' objective external manifestation, neglecting the wholeness, hierarchy, and other characteristics of systems theory, leading to uncertainty and ambiguity in aggravated result crime theory and practice.

Theoretical Hierarchy. At the level of the origin theory of aggravated result crimes' essence—criminal essence theory—the Object Expansion Theory' s systematic thinking starts from the macro-theoretical level based on the basic conditions of criminal essence theory—criminal illegality, social harmfulness, and punishability—emphasizing the hierarchical thinking and methodology of systems theory. It fully pays attention to the theoretical and practical substantive conformity and consistency of these three basic conditions of criminal essence theory, using the holistic and comprehensive understanding of criminal essence theory as the main line for studying the essence of aggravated result crimes, connecting the hierarchical systemic model of criminal essence theory, holistic causation theory, and crime constitution elements theory.

Unitary form theory, composite form theory, and dangerousness theory are confined to formalistic and partial logical research methods. Under the examination of criminal essence theory, they only focus on formal logic research and conformity with criminal illegality, lacking compliance with social harmfulness and punishability. Under the condition of non-determinacy of criminal essence, they detach from objective reality, becoming subjective and partial empty imaginations of theorists, losing their proper theoretical and practical value.

Theoretical Openness and Structurality. At the level of the basic theory of crime and aggravated result crimes' essence—causation theory—the Object Expansion Theory is guided by the openness and structurality thinking and methods of systems theory, taking the basic conditions of criminal essence theory—criminal illegality, social harmfulness, and punishability—as the theoretical origin and logical main line. It sublates traditional partial, local, and narrow causation theory, updating it into holistic causation theory with three causation levels. The scientific, systematic, and systematic construction of causation theory to achieve the attribution and imputation purposes for aggravated result crimes manifests the critical and innovative nature of theoretical openness and structurality of systems thinking.

Unitary form theory, composite form theory, and dangerousness theory, based on traditional causation theory, conduct fragmentary and formal analysis of the causation between act and aggravated result in the objective external manifestation of aggravated result crimes. They only conduct formal logic examination, and their conclusions emphasizing cause over effect and reversing cause and effect are formalistic and partial, unable to achieve the attribution and imputation tasks for aggravated result crimes' causation.

Comprehensiveness in Research and Application. At the level of the specific application theory of crime and aggravated result crimes—crime constitution elements theory—this article conducts joint examination of China's four-element crime constitution theory and Germany's three-tier crime constitution theory to avoid the possibility of regional, specific, and accidental research, achieving universal applicability of the Object Expansion Theory.

The four-element crime constitution theory originates from criminal essence theory and is constructed based on causation theory as a specific crime constitution theory with Chinese characteristics. Based on the holistic causation theory updated by this article using systems thinking methodology, the combination of crime subject, subjective aspect, and objective aspect elements reflects criminal illegality in criminal essence; the criminal object is the concrete expression of social harmfulness; the combination of crime subject, subjective aspect, and objective aspect elements—criminal illegality in criminal essence—and the criminal object reflecting social harmfulness, according to holistic causation theory and punishability, completes attribution and imputation. The four-element crime constitution theory takes criminal essence as the main line, with holistic causation theory as its basic theory, completing the criminal law task of accurately and determinately identifying specific crimes and aggravated result crimes, man-

ifesting the mastery of theories at all levels and holistic causation.

The three-tier crime constitution theory, as described earlier in this article, is structured as a composite system of criminal essential characteristics plus justification and other crime-excluding circumstances. Conformity and illegality focus more on formal requirements for consistency with criminal law norms in objective external manifestation, equivalent to criminal illegality in China' s criminal essence; culpability is a mixture of social harmfulness and punishability. Therefore, the theoretical interpretation regarding China' s four-element crime constitution theory based on criminal essence and holistic causation theory is equally applicable.

In summary, based on systems theory thinking and methodology, this article sublates traditional theories and traces back to criminal essence theory and causation theory for theoretical construction regarding the specific type of aggravated result crimes, re-explaining criminal essence theory with the essence of wholeness, updating traditional causation theory into holistic causation theory through hierarchical thinking, and specifically interpreting China' s four-element crime constitution theory and continental law system' s three-tier crime constitution theory based on criminal essence theory and holistic causation theory. Under the conditions of relevant theoretical renewal and reconstruction, it critiques unitary form theory, composite form theory, and dangerousness theory, constructing a new theory on the essence of aggravated result crimes—the Object Expansion Theory.

The Object Expansion Theory eliminates inherent defects such as uncertainty in existing doctrines through comprehensive, holistic, hierarchical, open, and structural theoretical integration and problem-oriented research, facilitating high-quality realization of the unity of responsibility norms and prevention norms.

Systems theory thinking and methodology, as scientific methodology of Marxism, are precisely as Xi Jinping stated: We must be good at seeing reality through history and essence through phenomena, grasping the relationships between whole and part, present and long-term, macro and micro, principal contradiction and secondary contradiction, special and general, continuously improving strategic thinking, historical thinking, dialectical thinking, systems thinking, innovative thinking, rule-of-law thinking, and bottom-line thinking abilities, providing scientific thinking methods for forward-looking thinking, overall planning, and holistic advancement of the Party and country' s various undertakings [29].

The proposal of the Object Expansion Theory is a systematic and systematic elaboration of relevant theories and viewpoints based on systems theory thinking and methodology, addressing the formalism, partiality, uncertainty, and defects of unitary form theory, composite form theory, and dangerousness theory. It is a drop in the ocean of implementing Xi Jinping' s development of original and innovative research in social sciences. It ends domestic and international controversies regarding the essence of aggravated result crimes in theory and practice, and serves as an element of Chinese legal discourse expression.

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- [2] Articles 38, 221(3), 227, 235(5), 239(4), 312(4), 318(4), 330(2), and 330a(2) of the German Criminal Code.
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Note: Figure translations are in progress. See original paper for figures.

Source: ChinaXiv – Machine translation. Verify with original.