

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

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Abstract

As a special type among the forms of multiple crimes in criminal law, aggravated result crime has attracted widespread attention from legal academia and practice circles both domestically and internationally. Although academic research continues to emerge, numerous controversies persist regarding theoretical issues such as its concept, constitutive elements, essence, and causality. Specifically concerning the essence of aggravated result crime, while predecessors have proposed the unitary form theory, composite form theory, and dangerousness theory—each having gained certain recognition—they all suffer from logical inconsistencies, leading to vagueness and dilution of the relevant concepts. Building upon existing research and reflecting on both theoretical and practical aspects of aggravated result crime, this article employs systems theory and methodology to trace the origins based on theories of crime nature, causality, and crime constitutive elements, conducts comprehensive analysis and differentiation, clarifies objective facts and specific requirements of theory and practice, and accordingly proposes the Object Expansion Theory regarding the essence of aggravated result crime. This constitutes a legal expression of Chinese discourse. It is hoped that this will be beneficial to both theory and practice.

Full Text

A New Interpretation of the Nature of Aggravated Result Crimes Through Marxist Systems Theory: The Object Expansion Theory

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Abstract

Aggravated result crimes, as a special category within the forms of criminal law offenses, have consistently attracted widespread attention from both legal theorists and practitioners domestically and internationally. Although research findings continue to emerge, substantial controversies persist regarding theoretical aspects such as concept, constitution, nature, and causation. Specifically concerning the nature of aggravated result crimes, while predecessors have proposed the single-form theory, composite-form theory, and dangerousness theory—each gaining certain recognition to varying degrees—these approaches all suffer from logical inconsistencies, resulting in conceptual ambiguity and virtualization of related propositions. Building upon existing research and reflecting on theories and practical realities concerning aggravated result crimes, this article employs systems theory thought and methodology to trace back to and comprehensively analyze criminal essence theory, causation theory, and crime constituent elements theory. By elucidating objective facts and specific requirements from both theoretical and practical perspectives, this paper proposes the object expansion theory as the nature of aggravated result crimes, representing a Chinese discourse in legal expression that may benefit both theory and practice.

Keywords: aggravated result crimes, Marxist systems theory thought, object expansion theory

The common view holds that the concept of aggravated result crimes refers to a criminal type stipulated in criminal law where a single criminal act (the basic offense) results in aggravated statutory punishment due to the occurrence of a serious result.

Examining legislative examples worldwide, influential models exist in China, Germany, Japan, and Taiwan, among other jurisdictions. Article 234, Paragraph 1 of China's Criminal Law provides: "Whoever intentionally inflicts injury upon another person shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance." Paragraph 2 continues: "Whoever commits the crime mentioned in the preceding paragraph and causes serious injury to another person shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years; if death is caused or serious injury is inflicted by particularly cruel means, causing severe disability, the offender shall be sentenced to fixed-term imprisonment of not less than ten years, life imprisonment, or death. Where this Law provides otherwise, such provisions shall prevail." This constitutes 21 common basic crimes as aggravated result crimes with intentional basic offenses and 3 common basic crimes as aggravated result crimes with negligent basic offenses.[?]

Germany's Criminal Code contains over 20 provisions on aggravated result crimes, separately stipulating cases causing death and serious harm to health. The statutory penalty for seriously endangering physical health ranges from imprisonment of not less than one year to not more than ten years, or imprisonment of not less than two years.[?] At least reckless causing of death is distinguished

from cases where death results from the actor's conduct, with the former carrying a penalty of life imprisonment or imprisonment of not more than ten years, while the latter carries imprisonment of not less than three years.[?] Japan's Criminal Code includes 16 provisions on aggravated result crimes, limiting aggravated results to death and injury or to death alone.[?]

The legislative provisions on aggravated result crimes across these jurisdictions share a formal characteristic: relevant legal provisions concentrate on aggravated results where the object involves rights to health and life. Compared with basic criminal results, the infringement of criminal objects by aggravated results demonstrates further expansion and escalation.

The theoretical community has conducted multifaceted discussions on these legislative examples, addressing not only concepts and nature but also structure and causation. Adhering to Marxism as guidance ultimately requires implementation in practice. As the saying goes, "What is valued in comprehensive understanding is its applicability." Marxism possesses a theoretical quality that advances with the times. Under new circumstances, upholding Marxism means primarily adhering to its basic principles and the positions, viewpoints, and methods that run through it—the essence and living soul of Marxism.[?] Based on an evaluation of inherent defects in existing doctrines, this article employs systems theory thought and methodology to conduct necessary theoretical 溯源 (tracing to the source) and reconstruction regarding the controversial proposition of the nature of aggravated result crimes, proposing and demonstrating a new theory—the object expansion theory.

I. Problem Statement

The issue of the nature of aggravated result crimes, termed by Mr. Zhang Mingkai as the "basis for aggravation" of such crimes,[?] has thus far been addressed by three theories: the single-form theory, composite-form theory, and dangerousness theory.

(1) Single-Form Theory

The single-form theory posits that the occurrence of an aggravated result constitutes merely an objective condition for aggravated punishment, requiring neither the actor's awareness nor possibility of awareness nor subjective culpability, nor even considering the necessary relationship between the basic act and the aggravated result. Aggravated result crimes, like basic crimes, are simply single offenses. As long as an aggravated result objectively occurs, criminal law should impose aggravated punishment for the aggravated result crime.[?] Clearly, this theory violates the principle of culpability, disregards the principle of unity of subjectivity and objectivity, and constitutes pure objective imputation. Universal respect for humanity is in some sense "without foundation" —it represents an ultimate attitude that itself cannot be explained in more ultimate terms.[?] Using the mere appearance of an aggravated result as the basis for formal logic

to hold actors responsible without intent or negligence essentially treats individuals as means to achieve preventive ends, deviating from the concept of human dignity and failing to address the essence of aggravated result crimes.[?]

(2) Composite-Form Theory

As Fukuda Taira of Japan argues: “Generally speaking, the form of aggravated result crimes can be expressed as intentional basic offense + negligent causing of aggravated result.”[?] The composite-form theory views aggravated result crimes as a composite form of intentional basic offenses and negligent offenses causing aggravated results. While this theory satisfies the requirement of culpability, it is insufficient to merely establish a paradigm of “intent + negligence” to explain the nature of aggravated result crimes. This approach blurs the boundaries between various forms of crime numbers and, by focusing solely on the subjective culpability form of the “intent + negligence” paradigm, omits other forms of aggravated result crimes.

(3) Dangerousness Theory

Developed as a critique of the single-form and composite-form theories, the dangerousness theory was initially proposed by German scholars Ohler and W. Hardwig and enriched by Krise and Engisch, with Krise making particularly significant contributions. This theory argues that legislators, recognizing the particularly high probability that certain basic criminal acts will lead to aggravated results, stipulate such situations as aggravated result crimes to prevent specific types of danger and protect legal interests at high risk. Given that conditional causation rules would unjustifiably expand the scope of aggravated result crimes, Krise advocated employing adequate causation rules to examine the causal relationship between basic criminal acts and aggravated results, thereby identifying high-probability aggravated result crimes and excluding accidental or low-probability cases. For example, death caused by extremely minor injury, improper medical treatment, or the victim’s own reasons should not incur criminal liability for injury causing death.

The dangerousness theory abandons the simplistic, one-sided formal logical observation of its predecessors, delving into the internal structure of aggravated result crimes and recognizing the close causal connection between basic criminal acts and aggravated results. This approach truly brings research on aggravated result crimes into the realm of professional theoretical study and offers certain guidance for theory and practice, making it a popular theory. However, significant defects remain:

First, the danger of basic criminal acts is too abstract, with blurred definitional boundaries. All criminal acts inherently possess corresponding dangers, and preventing such dangers is the goal of the entire criminal code. Compared with these dangers, the boundaries of the specific danger referenced by the dangerousness theory cannot be determined, particularly in scenarios where this specific

danger does not lead to aggravated results. Thus, the dangerousness theory still fails to explain the basis for aggravated punishment of aggravated result crimes, and actors face difficulties in recognizing the dangerousness of basic acts leading to aggravated results, resulting in implications of result liability and indirect punishment.[?]

Second, the theory emphasizes criminal law' s regulation of aggravated result crimes as prevention of specific risks, yet in reality, all jurisdictions apply aggravated result crime provisions only when aggravated results have materialized. This prevention-focused approach that neglects responsibility norms is unrealistic.

Third, in cases where basic criminal acts realize aggravated results, the dangerousness theory' s emphasis on preventing specific dangers cannot be precisely specified, demonstrating theoretical progress over single-form and composite-form theories but lacking practical guidance value for legislation and judicial practice, attributable to the uncertainty its theory and practice generate.

Fourth, although the dangerousness theory recognizes the causal relationship between acts and aggravated results, its one-sided focus on acts confuses cause and effect, resulting in logical causal confusion.

These analyses demonstrate the complexity and particularity of aggravated result crimes as a specific offense type and the challenges of determining their nature. Each theory has its characteristics and deficiencies. While uncertainty is a normal state in nature and social reality, it should not exist in legal fields, particularly in legal practice, or should be actively eliminated. Focusing on resolving uncertainty, this article traces the origin of crime essence theory and conducts multi-level theoretical analysis of aggravated result crimes to establish and clarify determinacy.

II. Systems Theory Thought and Application in Legal Research

(1) Overview of Systems Theory Thought

Systems theory as a scientific, systematic, and systematic philosophical thought in natural science is widely recognized as founded by the Austrian-American theoretical biologist L.V. Bertalanffy. The core idea of systems theory is systemic holism. Bertalanffy emphasized that any system is an organic whole, not a mechanical combination or simple sum of its parts. The overall function of a system possesses properties and effects that individual elements lack in isolation. Using Aristotle' s view that the whole is greater than the sum of its parts, he illustrated systemic holism, demonstrating that formal, mechanical, and one-sided logic explaining the whole through its parts is invalid in systems thought.

System elements do not exist in isolation; each occupies a specific position and

state within the system, performing particular functions. Interconnected elements constitute an inseparable whole. Only by grasping the whole and addressing key issues can systems thinking adopt comprehensive, flexible, and effective methods to discover, analyze, and solve problems without losing principles.

Objective things are organic wholes with multifaceted interconnections and developmental changes. Systems thinking applies systemic perspectives to systematically understand objects through their interconnections, structures, and functions. The objective basis for systemic thinking is the universal mode and attribute of material existence; the systematic nature of thought is consistent with the systematic nature of objects.[?]

1. **Concept of Systems Theory Thought.** Systems theory generally holds that systems thinking is a fundamental mode of thinking that organically combines principle and flexibility, with the principle of holism as its core. This principle requires grounding in the whole, understanding and grasping the whole through the interaction process between whole and parts, and whole and environment. It necessitates starting from the whole, focusing on the overall situation, emphasizing overall process, overall benefit, and overall results, while employing flexible methods to handle matters in accordance with whole and global value pursuits.
2. **Characteristics of Systems Thought.** Systems thought primarily demonstrates its advantages through characteristics such as holism, openness, hierarchy, structure, three-dimensionality, dynamism, and comprehensiveness. Holism is the most basic and primary characteristic of systems theory—the systems holism principle where system parts interconnect, interact, influence, and transform under overall principle control. Beyond unified overall connection, systems holism possesses the common attribute of organic wholeness.[?] **Openness:** Systems are open, and openness is essential for a system's existence. As Prigogine stated, systems are maintained by flows of matter and energy from the outside.[?] **Hierarchy:** Regarding systemic hierarchy, Wu Jie argued that the entire world is a systemic world composed of various types and levels of systems—that is, the material world is systematic, with infinite levels within systematic matter. Large systems composed of several subsystems possess hierarchical structural relationships. Systemic levels exist relatively and transform through interaction.[?] **Self-adaptability:** Regarding systemic self-adaptability, Wu Jie viewed systems as organic wholes composed of interconnected elements.
3. **Systems Thinking and Methodology.** Thinking based on systems thought is systems thinking, acclaimed as the highest-level thinking mode mastered by human civilization. Methodologically, systems thinking has developed into holistic, structural, elemental, functional, and other methodologies.

(2) Dynamic Systems Theory

The application of systems theory thought 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,[?] exerting influence worldwide in legislation and legal practice. Based on comparative law, Wilburg proposed the idea of dynamic systems theory, whose fundamental view holds that legal norms regulating specific legal relationships contain numerous constitutive factors, but in concrete legal relationships, the quantity and intensity of required factors vary. The factor composition of norms regulating specific relationships constitutes a dynamic system. Therefore, responsibility should be determined through examination of dynamic factors in specific legal relationships.

The necessary factors to be considered in dynamic systems theory can achieve specified purposes, decisively limit discretionary space while making discretion predictable, and controllably accommodate the diversity of life facts.[?] Dynamic systems theory differs from tradition in three aspects: First, it emphasizes the role of various factors, holding that in determining responsibility, the function of all constitutive elements should be evaluated, with responsibility comprehensively determined according to the specificity of influencing factors. Second, it emphasizes the hierarchical arrangement of factors for consideration. In individual cases, not every factor needs to meet a specific degree, nor must all factors be present. Instead, different factors should be examined to determine their degree of satisfaction, with comprehensive evaluation based on case specifics. The relationship between factors and effects is no longer all-or-nothing but more-or-less. Third, it emphasizes complementarity and interactivity among factors. The dynamic characteristic of dynamic systems theory means legal norms or legal effects are determined by the coordinated interaction corresponding to the quantity and intensity of factors. This coordination refers to complementarity among factors.[?] As Wilburg noted, if one factor appears in an especially intense manner, it can sufficiently satisfy the requirements for establishing responsibility.

(3) Theoretical Questions and Resolutions Regarding Dynamic Systems Theory

Marxism inherently contains rich original systems thought, which has continuously formed theoretical and practical innovations in systemic concepts through its Sinicization and modernization. Although Marxist classic writers elaborated on systems from a philosophical height without directly using the systems concept—instead employing terms like aggregate, organic system, whole, synthesis, numerous determinations of things, process, and sum—their main thrust clearly addressed systems-related propositions.

1. **Questions Regarding System Dynamism.** For this article's research purposes, this study partially enriches research on Marxist systemic con-

cepts regarding system dynamism. Marx stated that the concrete is concrete because it is a synthesis of many determinations, thus a unity of diversity.[?] The world is a whole, unity, and synthesis composed of concrete objective things, not a collection of ready-made things but a collection of processes.[?] Process embodies systemic dynamism. In natural philosophy and methodology-related fields, apart from articles by Wang Liming, Xie Gen, and Ban Tianke touching upon system dynamism in legal research dynamic systems theory, no other effective resources are found. Moreover, although Wilburg' s theory is named dynamic systems theory, its content focuses on the states of internal system elements—which actually concerns systemic structure rather than dynamism. Thus, research on systemic dynamism lacks clarity and remains in a state of confusion.

- 2. New Perspectives on System Dynamism.** This article argues that systemic dynamism should encompass: the system formation, evolution stages, and decline dynamics, including the dynamic sources and movement processes of system life cycles—the movement and evolution laws of system life cycles. Here, only the starting and ending points of system life cycles (collectively termed singularities) are addressed.

In social systems, specifically in international law systems for this article' s research, the singularity as the beginning of system formation and evolution is fundamentally driven by economic forces. As singularity dynamics strengthen, the system evolves and expands its scope and complexity, with characteristics such as hierarchy, structure, coordination, and openness gradually forming and enriching. The superstructure emerges and changes with economic changes—this is the growth period. Subsequently, a stable maturity period is reached; when the system deviates from stability and enters decline, singularity dynamics gradually diminish, corresponding to reduced scope and complexity, with hierarchical, structural, coordinative, and open characteristics contracting and eventually disappearing.

The brief description of system life cycle movement resembles the Big Bang theory in natural science. Therefore, this article similarly terms the endpoints singularities. Macro-level systemic movement manifests similarly to the Big Bang theoretical model—first expanding then contracting. Unlike the cyclical nature of Big Bang theory, these systems lack periodicity. Thus, we obtain proper definitions and characteristics for essential concepts within systems and systemic dynamic evolution processes. From this systems thought perspective, the essence is a new interpretation of systemic essence: a system (with systems theory as the axiology component) is objective existence based on control according to objective laws (with cybernetics thought as the operational component), evolving from singularities through information (with information theory as the ontology component), possessing characteristics such as holism, constitution, dynamism, coordination, and openness. Essence is the singularity within the system that drives system generation, evolution, degeneration, and decline. Consequently, it is logically held that at the singularity, the existences referenced

by systems theory, cybernetics, and information theory are unified, analogous to the ancient philosophical concepts of substance, appearance, and function.

The singularity recognized in this article does not correspond to cosmological concepts of matter and energy but rather to the origin points of various propositions in legal philosophy, legal theory, civil and commercial law, criminal law, and other disciplines. As the driving source of various systems such as criminal law, it evolves into theoretical levels and ultimately legal principles, legal norms, values, and other systemic components. In researching the nature of aggravated result crimes, the involved theories are hierarchically ordered as crime essence, causation, and crime constituent elements theories according to systemic hierarchy. Based on this article's elaborated systemic dynamism singularity perspective, crime essence theory is evidently the singularity, from which causation and crime constituent elements theories evolve.

III. Special Discussion on Crime Essence

This article argues that the single-form theory, composite-form theory, and dangerousness theory all reflect incorrect understanding of crime essence, consequently failing to view the crime constitution of aggravated result crimes holistically from correct crime essence and fundamentally producing erroneous conclusions through formal logical methods that partially examine external forms and internal structures. From a systems theory perspective examining the proposition of aggravated result crimes' nature, the theoretical origin in its logical construction is crime essence theory. Therefore, reconstructing the nature theory of aggravated result crimes necessitates comprehensive and correct understanding of crime essence as a prerequisite.

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

Article 13 of China's Criminal Law demonstrates the advanced nature of our criminal law. From a specific normative perspective, it stipulates three essential characteristics of crime: serious social harmfulness, criminal illegality, and punishability.[?] These three declarations both manifest crime's essential characteristics and constitute three basic conditions for crime establishment in Chinese jurisdiction, forming an organic whole of interconnection and mutual support that jointly constitutes an integrated normative evaluation system for crime establishment. Therefore, any specific crime must simultaneously satisfy all three essential characteristics: serious social harmfulness, criminal illegality, and punishability.

(2) Formalism of Existing Theories

Existing theories seek formal legitimacy and appropriateness for criminal law norms, aiming for formal conformity and consistency with criminal law provisions. Consequently, they achieve one-sided formal compliance with criminal illegality among crime essence characteristics. However, precisely because of this,

they completely neglect the more substantively valuable crime essence characteristics of serious social harmfulness and punishability, divorcing from crime essence and legislative/judicial reality and resulting in formalistic dilemmas in researching the nature of aggravated result crimes.

Logical and value-based evaluation of the single-form theory, composite-form theory, and dangerousness theory from the perspective of crime essence demonstrates the limitations of their formalistic models. Proceeding from crime essence theory and conducting necessary theoretical analysis through causation, this article further clarifies these issues.

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 human harmful acts and harmful results. Characteristics of criminal law causation include: the nature of results in causal relationships must be those stipulated by criminal law as belonging to crime constitution elements and capable of serving as bases for criminal responsibility, including actual damages that have occurred and dangerous states where certain damages may occur; causes in causal relationships are acts that objectively conform to certain crime characteristics stipulated by criminal law.[?] This article argues that traditional causation is formal logical causation, suffering from formalism and one-sidedness. Since the single-form theory, composite-form theory, and dangerousness theory are based on this causal theory, they manifest incompleteness in causation regarding the nature of aggravated result crimes, constituting inherent defects in their causal theoretical foundation.

(1) Criminal Law Causation Theory

A two-tier judgment path of “attribution + imputation” has formed.[?] Attribution judgment is an empirical issue formally confirming the objective factual relationship between acts and results; imputation judgment is a normative issue substantively determining whether the result constitutes the act’s contribution. The former is called factual causation judgment, the latter legal causation judgment. Criminal law causation, as a type of natural science causation, is not purely a factual judgment in natural science but also possesses normative and value judgment characteristics that must be determined from criminal law purposes and general human cognition.[?]

(2) One-Sidedness of Traditional Causation Theory

Traditional causation theory clarifies attribution and imputation functions within the limited framework of objective crime aspects, essentially modeling external crime manifestations through formal logic to achieve conformity with criminal law norms. While necessary for determining criminal illegality,

its scope covers only criminal illegality, excluding social harmfulness and punishability. Some scholars lament that the two-tier theory in criminal causation judgment suffers from excessive formalization.[?] Therefore, traditional causation theory can only be called partial causation theory.

The single-form theory, composite-form theory, and dangerousness theory, built upon traditional causation theory, inherit its inherent defects of limitation, one-sidedness, and formalism. When applied to explain the nature of aggravated result crimes and practical determination issues, they exhibit uncertainty and illogicality, facing widespread criticism.

(3) Holistic Causation Theory

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

In this system, criminal illegality is the formal characteristic of crime essence; social harmfulness is the substantive characteristic; punishability is the normative characteristic. Possessing all crime essence characteristics conforms to objective crime facts and logic, repositioning traditional criminal causation theory. This forward-looking update to causation theory for crime essence and aggravated result crimes provides clear theoretical determination and support for systematically, systematically, and theoretically guiding crime theory construction and correctly deepening rational understanding of aggravated result crimes' nature.

Traditional causation theory' s pursuit of conformity with criminal law norms conducts partial, formal analysis of objective manifestations related to criminal illegality and result elements. While satisfying the criminal illegality condition of crime essence, it ignores essential requirements of social harmfulness and punishability, inevitably leading to incomplete and erroneous understanding of crimes and aggravated result crimes. The establishment and practical application of holistic causation theory can promote theoretical research and practical application in criminology and aggravated result crimes.

V. Analysis of Crime Constituent Elements Theory for Aggravated Result Crimes

With basic theoretical research on aggravated result crimes completed, further clarification of specific constituent theory—crime constituent elements theory—

becomes necessary work approaching practice. Crime constituent 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 using four-element and three-tier crime constituent theories.

(1) Four-Element Crime Constituent Theory Analysis

The four-element crime constituent theory is a mature, distinctive Chinese crime constituent theory where elements compose requirements, and requirements couple into a whole. The internal logic of the entire four-element theory is extremely rigorous, with clear hierarchical distinctions, appropriately achieving analysis of a criminal act from coarse to fine, surface to depth, and whole to parts returning to whole.[?] Its components include: criminal object, referring to social relationships protected by criminal law and infringed upon by criminal acts; criminal objective aspect, referring to objective external manifestations of criminal activity, including harmful acts, harmful results, and causation between them; criminal subject, referring to natural persons who have reached the statutory age of criminal responsibility, possess criminal responsibility capacity, and commit harmful acts (legal persons may also be subjects in few crimes); and criminal subjective aspect, referring to culpability (including intent and negligence), i.e., the subjective mental state regarding harmful social results caused or possibly caused by one' s own act.[?] Crime constituent elements theory serves as the benchmark for distinguishing guilt from innocence, this crime from that crime, and single crime from multiple crimes. Examining aggravated result crimes through this theory yields conclusions.

1. **Crime Act Constitution Characteristics of Aggravated Result Crimes.** Compared with basic crime constitution possessing all crime constituent elements, aggravated result constitution is incomplete, lacking subject, objective aspect, and subjective aspect (specific reasons for excluding this requirement are detailed later), retaining only the aggravated result as an object requirement. In other words, the aggravated result portion is parasitic upon or embedded within the basic crime constitution. Specifically, it is a structural type where basic crime constitution is appended with aggravated results. Alternatively, this aggravated result should be interpreted as a constitutive element for establishing aggravated result crimes. In other words, the basic crime has generated new constitutive elements due to the aggravated result' s occurrence, naturally changing the original basic offense' s culpability and independently becoming a new crime.[?] This determines that aggravated result crimes are neither simple single crimes (having parasitic aggravated portions) nor substantive multiple crimes (the aggravated portion' s crime constituent elements are incomplete and cannot independently constitute a crime). In the logical continuity of crime number forms, aggravated result crimes and ideal concurrence of offenses become transitional forms from single to multiple crimes, constituting the theoretical basis for aggravated result

crimes' particularity.

- 2. Culpability Constitution Characteristics of Aggravated Result Crimes.** Many scholars believe aggravated result crimes combine two subjective culpabilities from basic criminal acts and aggravated results, with widely recognized structures being: intent + negligence, intent + intent. This article argues this view requires reconsideration. First, if intent + negligence or intent + intent structures were valid, then the aggravated portion's crime constituent elements would include subjective culpability and aggravated results, constituting double evaluation of the basic crime when basic crime constituent elements are complete. The prohibition against double evaluation is a principle that criminal law theory and judicial practice must follow.[?] Second, even limiting subjective culpability to evaluating only the aggravated portion lacks practical feasibility. When committing basic crimes, actors possess only basic crime subjective culpability and result purposes. Since aggravated result scenarios are probabilistic events, requiring actors to have subjective culpability regarding them is obviously presumptuous. Some scholars have noted that emphasizing subjective culpability as a necessary element for aggravated result crimes leads to the illogical situation where aggravated results are evaluated for culpability when there is neither intent nor negligence regarding them. For example, German scholar Thomsen divides aggravated result crimes into three types: "accidental aggravated result crimes," "negligence-based aggravated result crimes," and "intentional aggravated result crimes." Japanese scholar Kimura Koji argues that while aggravated results in aggravated result crimes generally do not require intent and are interpreted as limited to non-intentional situations, some cases do require intent, called "intentional aggravated result crimes." Regarding non-intentional aggravated result crimes, there are both negligent and non-negligent accidental situations, termed "negligence-based aggravated result crimes" and "accidental aggravated result crimes" respectively. Injury causing death (Japan Criminal Code Article 205) is a non-intentional aggravated result crime, with its classification as negligence-based or accidental left to interpretation.[?] Therefore, there is no need to consider subjective mentality regarding aggravated results in scenarios where they do or do not materialize.

Third, insisting on two subjective culpabilities for aggravated result crimes deviates from objective reality. Subjective and objective elements of crime constitution are unified. In basic crimes, acts are objective reflections of subjective culpability, while results are degrees of subjective culpability. Aggravated results in aggravated result crime constitution naturally follow this logical structure of basic crimes. Therefore, subjective-objective unity should not be mechanically understood as requiring one-to-one correspondence between each objective result and subjective culpability. Pursuing empty formal logic perfection divorced from objective reality lacks substantive meaning. This article's argument is that one culpability for the basic crime can correspond to both the basic criminal

act and aggravated result—i.e., the basic criminal act and aggravated result constitute a holistic act. Artificially separating them into two elements does not conform to reality. Thus, it differs from the simple single-culpability view that neglects aggravated result culpability, which holds that only when a basic intentional crime causes serious results is the actor's punishment aggravated based on the serious result.[?]

- 3. Crime Constituent Elements Characteristics of Aggravated Result Crimes.** The combination method of crime constituent elements between aggravated results and basic crimes involves one subject, one act, one subjective culpability, and two results—metaphorically, one needle on top with two threads below. The distinction between aggravated results and basic crimes lies only in the aggravated criminal result, i.e., the difference in objects.

Comprehensive examination of aggravated result crimes' nature through crime constituent elements theory reveals that aggravated result crimes are a specific type distinctly different from other crime number forms. Forcing them to conform to conventional basic crime structures through regular and traditional theories deviates from facts. The focus of theoretical reconstruction and the pursuit of theoretical and practical determinacy and precision lies in their difference from basic criminal objects.

- 4. One-Sidedness of Existing Doctrines in Crime Constituent Elements.** Within the four-element crime constituent theory framework, the single-form theory, composite-form theory, and dangerousness theory cover criminal subject, subjective aspect, and objective aspect but cannot encompass the criminal object. Examined through crime essence theory, criminal subject, subjective aspect, and objective aspect manifest criminal illegality and relate to punishability, while the criminal object embodies social harmfulness and related punishability. Regarding causation theory, the absence of criminal object leads to one-sided, formal causation—a neglect of holistic causation theory.

(2) Three-Tier Crime Constituent Theory Analysis

The three-tier crime constituent theory, representing major civil law countries like Germany, originated with German scholars Liszt and Beling's definition of crime concepts through substantive law and proposal of constitutive element theory. Beling interpreted constitutive elements as neutral, colorless, and objectified positions, viewing them as independent crime establishment elements alongside illegality and culpability.[?] German scholar Mayer revised this, proposing that constitutive elements are the cognitive basis for illegality, dividing crime constituent elements into constitutive element conformity, illegality, and culpability, examined in this order (three tiers) to form the three-tier crime constituent theory. Acts conforming to constitutive elements as punishable behavior types possess constitutive element conformity; illegality is further examined.

If justifications like self-defense exist, no crime is established. At the third tier, acts conforming to constitutive elements and possessing illegality that should be blamed on the actor constitute culpability, establishing the crime. If the actor lacks culpability or has responsibility-excluding circumstances, no crime is established.[?] The three-tier theory is the prevailing view in Germany and Japan.[?]

This article notes Mr. Xia De-Honig' s proposal to add a filtering layer between the wrongfulness and culpability tiers—namely, objective imputation—arguing that among facts conditionally related to results, only those considered the actor' s “work” can be addressed by criminal law constitutive elements.[?] This article considers that among available literature, Xia De-Honig' s view is the only one that could objectively necessitate consideration of holistic causation within the internal structure of crime constituent theory. However, the prevailing three-tier theory has not adopted it, representing a regret for both Xia De-Honig and the three-tier theory. This article understands the three-tier theory as a composite system based on crime essence characteristics combined with necessary justification and other exculpatory rules. If integrated with Xia De-Honig' s view, three-tier theory and practice might reach another level. The possible integration of China' s four-element crime constituent theory system with crime essence theory and holistic causation theory is worth studying.

The three-tier crime constituent theory, as described in this article' s structure, is a composite system of crime essence characteristics plus exculpatory circumstances like justifications. Conformity and illegality focus more on formal requirements for objective external manifestations' consistency with criminal law norms, equivalent to China' s criminal illegality; culpability is a mixture of social harmfulness and punishability. Therefore, the theoretical interpretation regarding China' s four-element theory based on crime essence and holistic causation theory similarly applies.

In summary, based on systems theory thought and methodology, this article traces back to crime essence theory and causation theory, and through systemic thought and related methodologies, reinterprets crime essence theory with holism as the core principle; updates traditional causation theory to holistic causation theory through hierarchical thinking; and specifically interprets China' s four-element theory and continental law system' s three-tier theory based on crime essence theory and holistic causation theory. Under conditions of theoretical renewal and reconstruction, this article critiques the single-form theory, composite-form theory, and dangerousness theory, constructing a new theory of aggravated result crimes' nature—the object expansion theory.

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

Through multi-level, systematic examination of theories related to aggravated result crimes—their origin in crime essence theory, foundation in causation the-

ory, and specific structure in crime constituent elements theory—this article demonstrates that the single-form theory, composite-form theory, and dangerousness theory only achieve isolated, one-sided formal compliance with criminal illegality in the dimension of crime essence, neglecting the more substantive and core-value crime essence conditions of serious social harmfulness and punishability. Based on traditional causation theory, these theories' fragmentary causation models focusing only on discussions of acts and aggravated results further manifest their one-sidedness, incompleteness, and erroneous understanding. Analysis through China's four-element theory and Germany's three-tier theory further highlights the inherent deficiencies common across jurisdictions.

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

(1) The Object Expansion Theory of Aggravated Result Crimes' Nature

Building upon existing achievements covering criminal illegality in crime essence, fragmentary causation encompassing objective manifestations, and crime objective aspects (four-element theory) or illegality (three-tier theory), this article completes a scientific, comprehensive, substantive, and systematic interpretation conforming to theory and practice—the object expansion theory.

1. **Essence of the Object Expansion Theory.** The nature of aggravated result crimes is that qualified criminal subjects, with the same subjective culpability, cause aggravated results through basic criminal acts that conform to holistic causation theory, thereby leading to crime object damage upgrading and expansion beyond basic crime damage. In other words, the object expansion result of basic criminal acts is the nature of aggravated result crimes.

The object expansion theory possesses a three-level causation structure. The first is formal causation between acts and aggravated results as traditionally advocated, functioning to determine objective crime manifestations to satisfy criminal illegality requirements. The second is substantive causation between basic criminal acts with aggravated results and crime object damage, where traditional formal causation exists as the cause of crime object damage. This causation provides theoretical and substantive support for determining social harmfulness as a crime essence condition. The third is overall causation where criminal illegality and social harmfulness serve as causes of punishability, achieving normative holistic causation. Within this structure, punishability results are logically determined. After establishing two levels of causation and clarifying overall causation, the causal logic loop for determining aggravated result crimes

is completed.

The formal causation level explains formal act-aggravated result causation, corresponding to the single-form, composite-form, and dangerousness theories. The substantive causation level interprets substantive causation between criminal illegality and social harmfulness, corresponding to the object expansion theory. The overall causation level comprehensively encompasses and clarifies the holistic causation among criminal illegality, social harmfulness, and punishability, corresponding to the responsibility expansion theory. In the holistic causation hierarchy, given that overall causation corresponding to responsibility expansion theory represents specific criminal responsibility application based on criminal illegality and social harmfulness, it is formalistic. Moreover, the object expansion theory, based on examination of social harmfulness as a core element of crime essence conditions, more clearly clarifies substantive crime essence conditions. Within holistic causation, substantive causation is the core of this causation system—the upgrading and expansion of damaged objects is the essence of aggravated result crimes. Based on systems thought and methodology, the object expansion theory’s integration of crime essence theory, holistic causation theory updating traditional causation theory, and synthesis based on crime constituent elements theory fully embodies systems thought characteristics of holism, hierarchy, openness, dynamism, self-adaptability, structure, and comprehensiveness.

2. Comparative Advantages of the Object Expansion Theory.

a. Theoretical Systematicness. The object expansion theory employs systems thinking methodology under systems theory guidance, integrating crime essence, holistic causation, and crime constituent elements theories. It emphasizes systemic thought viewpoints such as holism, hierarchy, and openness. While abandoning traditional causation theory’s partial, narrow, and formalistic defects, it inherits and integrates existing achievements regarding criminal illegality in crime essence into the object expansion theory framework, demonstrating systems thinking characteristics of comprehensiveness, advancement, and other features.

The single-form, composite-form, and dangerousness theories deviate from scientific, comprehensive, systematic thought and methodology, employing traditional formal logical research methods that emphasize conformity with criminal law norms and conduct partial, one-sided causation analysis only at the objective external manifestation level of aggravated result crimes. Neglecting systems theory characteristics like holism and hierarchy leads to theoretical and practical uncertainty and vaguification.

b. Theoretical Hierarchy. At the origin theory level of aggravated result crimes’ nature—crime essence theory—the object expansion theory’s systems thinking begins from the macro-theoretical level based on crime essence theory’s basic conditions: criminal illegality, social harmfulness, and punishability. Emphasizing hierarchical systems thought, it fully attends to substantive theoretical and practical conformity and consistency

of these three basic crime essence conditions, using comprehensive understanding of crime essence theory as the main thread for researching aggravated result crimes' nature and hierarchically connecting crime essence, holistic causation, and crime constituent elements theories.

The single-form, composite-form, and dangerousness theories, constrained by formalistic and one-sided logical research methods, only focus on formal logical research and conformity with criminal illegality under crime essence theory examination, lacking compliance with social harmfulness and punishability. Under conditions of non-deterministic crime essence, they detach from objective reality, becoming subjective, one-sided, empty imagination that loses proper theoretical and practical value.

c. Theoretical Openness and Structure. At the foundational theory level of crime and aggravated result crimes—causation theory—the object expansion theory, guided by systems thought characteristics of openness and structure and using crime essence theory' s basic conditions as theoretical origin and logical main thread, abandons traditional partial, local, and narrow causation theory and updates it to three-level holistic causation theory. This completed construction' s scientific, systematic, and systematic nature demonstrates systems thought' s critical and innovative nature.

The single-form, composite-form, and dangerousness theories, based on traditional causation theory' s fragmentary, formal act-aggravated result causation analysis, only conduct formal logical examination with emphasis on cause over effect and confusing cause and effect, failing to accomplish attribution and imputation tasks for aggravated result crimes.

d. Comprehensiveness in Research and Application. At the specific application theory level of crime and aggravated result crimes—crime constituent elements theory—this article conducts joint examination of China' s four-element theory and Germany' s three-tier theory to avoid possible regional, specific, and accidental research limitations and achieve universal applicability of the object expansion theory.

The four-element crime constituent theory originates from crime essence theory and constructs a distinctive Chinese specific crime constituent theory based on causation theory. Under this article' s holistic causation theory updated through systems thinking methodology, the combination of criminal subject, subjective aspect, and objective aspect elements manifests criminal illegality; the criminal object concretely expresses social harmfulness; and the combination of criminal subject, subjective aspect, and objective aspect elements representing criminal illegality and the criminal object representing social harmfulness, according to holistic causation theory and punishability, completes attribution and imputation. The four-element theory, with crime essence as its main thread and holistic causation as its foundation, accomplishes criminal law tasks of accurately and

determinately constituting specific crimes and aggravated result crimes, demonstrating integration of hierarchical theories and holistic causation.

The three-tier crime constituent theory, as described in this article's structure, is a composite system of crime essence characteristics plus exculpatory circumstances like justifications. Conformity and illegality focus more on formal requirements for objective external manifestations' consistency with criminal law norms, equivalent to China's criminal illegality; culpability is a mixture of social harmfulness and punishability. Therefore, the theoretical interpretation regarding China's four-element theory based on crime essence and holistic causation theory similarly applies.

In summary, based on systems theory thought and methodology, this article traces back to crime essence theory and causation theory, and through systemic thought and related methodologies, reinterprets crime essence theory with holism as the core principle; updates traditional causation theory to holistic causation theory through hierarchical thinking; and specifically interprets China's four-element theory and continental law system's three-tier theory based on crime essence theory and holistic causation theory. Under conditions of theoretical renewal and reconstruction, this article critiques the single-form theory, composite-form theory, and dangerousness theory, constructing a new theory of aggravated result crimes' nature—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 unification of responsibility norms and prevention norms.

As a scientific methodology of Marxism, systems theory thought and methodology embody Xi Jinping's assertion: "We must be adept at viewing reality through history and essence through phenomena, properly handling relationships between whole and parts, present and long-term, macro and micro, principal and secondary contradictions, and special and general, continuously improving strategic thinking, historical thinking, dialectical thinking, systems thinking, innovative thinking, rule-of-law thinking, and bottom-line thinking, providing scientific ideological methods for forward-looking reflection, overall planning, and comprehensive advancement of Party and state endeavors." [?]

The proposal of the object expansion theory represents a systematic, systematic elaboration of relevant theories and viewpoints based on systems theory thought and methodology, addressing the formalism, one-sidedness, and uncertainty defects of the single-form, composite-form, and dangerousness theories. It is a drop in the ocean of implementing Xi Jinping's development of original and innovative social science research. Theoretically and practically, it ends domestic and international controversies regarding the nature of aggravated result crimes and serves as an element of Chinese legal discourse expression.

[?] See Xi Jinping, "Speech at the 27th Collective Study Session of the Political Bureau of the 19th CPC Central Committee," <https://www.gov.cn/xinwen/2021->

01/29/content_{5583559}.htm (accessed January 28, 2024).

Note: Figure translations are in progress. See original paper for figures.

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