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ZOU Bingjian

The natural causation theory and the incidental causation theory are two important theories of causality theory of criminal law. The natural causation theory, founded by Piontkovsky, a Soviet criminal law scholar, aims to further limit the scope of causation determined by the condition theory. It puts forward relatively clear criteria for judgment, properly handles the rank relationship between causality and subjective guilt in criminal law, and adheres to the basic academic logic. However, its judgment rules are too rough to ensure the appropriateness of the conclusions. The incidental causation theory founded by Kudriafsev, a Soviet criminal law scholar, is based on criticizing the natural causation theory. However, Kudriafsev misunderstood the content of the natural causation theory, and his criticism of the natural causation theory is not convincing. The incidental causation theory has some problems, such as unclear definition of basic concepts, too wide scope of causation in criminal law, and failure to properly deal with the relationship between causation in criminal law and subjective guilt. Therefore, it is not a qualified theory of causation in criminal law. The natural causation theory and the incidental causation theory have a far-reaching impact on China's criminal law theory research and judicial practice. However, there are great differences between the two theories in Chinese criminal jurisprudence and those in Soviet and Russian criminal jurisprudence.

Natural Causation Theory; Incidental Causation Theory; Condition Theory; Subjective Guilt; Knowledge Transformation of Criminal Law