

Interpretation of “Etc.” in “Amendment (IX) to the Criminal Law”

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Abstract

There are 17 “etc.” in total in “Amendment (IX) to the Criminal Law”. According to examination, all these “etc.” indicate the meaning of and so on. However, unlisted scope and dimension are related with citizens’ life and death matters. Therefore, criminal law interpretation of “etc.” shall be reasonably conducted with multiple interpretation methods such as system interpretation and kin interpretation under the prerequisite of literal interpretation.

Key words: Etc., literal interpretation, kin interpretation, system interpretation

I INTRODUCTION

No law can tolerate strict restriction of its applicable scope for cases which are suitable for legislation status considered by legislators at that time because law is not about some lifeless symbols but living and developing spirit. Such kind of spirit develops together with life relations and reasonably adjusts itself to be further applied as long as such application won’t destroy forms it forges.² Shortcomings of statute law make the existence of expansive “etc.” reasonable. Just as what’s pointed out by Harold Berman when touching upon why U.S. didn’t formulate coverall statute books, “mankind’s foresight degree and text understanding ability are not sufficient to work out exhaustive regulations for complicated circumstances of a large society.” Due to non-supremacy of legislators’ cognition ability, criminal law couldn’t cover all possible future criminal behaviors. Hence, in order to strengthen the application ability of criminal law and ensure stability of criminal law, legislation techniques must be applied to improve foresight ability. Furthermore, the all-inclusive regulation on “etc.” came into being as required.

On August 29, 2015, “Amendment (IX) to the Criminal Law” (hereinafter referred to as “Amendment (IX)”) was passed at the 16th session of the 12th NPC Standing Committee. It’s an amendment with the most articles in history (up to 52 articles). In this revision process, “etc.” appeared in many places, including newly added and old ones kept, 17 “etc.” in total. It’s of great significance to examine the increase or decrease process of “etc.” and causes, correctly cognize meanings of “etc.” and how to interpret and apply criminal law articles which include “etc.”

II Legislation Status of “Etc.” in “Amendment (IX)” and Examination of Causes for Its Additions and Deletions

[I] Legislation Status of “Etc.” in “Amendment (IX)”

There are 17 “etc.” in Amendment (IX), including 16 newly added “etc.”, one “etc.” kept in the original article and two “etc.” deleted from the original article in the revision process.

1. Newly added “etc.” in “Amendment (IX)”

16 “etc.” are newly added in “Amendment (IX)”: one in general principles and 15 distributed in specific provisions of crimes against public security (3), infringement upon citizens’ personal right and crimes against democratic rights (1), crimes against social administration (10) and crime of graft and bribery (1).

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2. Kept “Etc.” in “Amendment (IX)”

There are 17 “etc.” in “Amendment (IX)” and one is what’s kept from the original criminal law article, i.e., “crimes of murder, explosion and kidnapping, etc.”, restatement of “etc.” regarding to the issue of combined punishment for several offenses in section 2 of Article 120 organization, leading and involvement in terror organization crime in the original “Criminal Law”.

3. Deleted “Etc.” in “Amendment (IX)”

In Article 52 of “Amendment (IX)”, two “etc.” are deleted from the original article: first, crime of selling and illegally providing citizens’ personal information in the original Article 253 whose former regulation subject is “staff in state organs or units such as finance, telecom, transportation, education and medical treatment”. Article 17 in “Amendment (IX)” directly deleted the special subject. Therefore, anyone who violates against national regulation and sell or provide citizens’ personal information to others with grave circumstance will constitute a crime. Second, “eavesdrop and take photo secretly, special spy devices, etc.” in crime of illegally producing and selling special spy devices in Article 283 of the original “Criminal Law” was directly revised into “special spy devices or eavesdrop and take photo secretly special devices” in Article 24 of “Amendment (IX)”. “Etc.” correspondingly involved in it is deleted in “Amendment (IX)”.

[II] Examination of “Etc.” Additions and Deletions in “Amendment (IX)”

Examination of causes for “etc.” additions and deletions is helpful to correctly interpret meanings of “etc.”

1. Causes for Adding “Etc.” in “Amendment (IX)”

“The nature of criminal itself requires criminal law science to be the most accurate law science.” Each term in criminal law shall be repeatedly examined and represents a specific meaning. Its addition and deletion reflect the stretching and shrinking process of the criminal power spectrum. Therefore, appearance of “etc.” in Amendment IX is not random behavior of legislators. Its addition and deletion must have been repeatedly examined and represent specific meanings.

(1) New Problems in Social Management Promote Legislation Development

Law is a kind of symbol which delivers reality and a symbol which itself is influenced by reality, politics and morality, etc. With social development, the phenomenon of those who have guarding and tending responsibilities yet don’t have family member identities maltreating those who are guarded has been constantly emerging. In order to solve the new social issue, “Amendment (IX)” added one article as one of Article 260 following the original Article 260, “people who have guarding and tending responsibilities such as minor, the aged, ill people and the disabled maltreat people who are guarded and watched.....” Besides, addition of crime against terrorism and revision of network crime in “Amendment (IX)” are new problems arising from social administration. The new face of crimes demonstrates powerful initiatives of “Amendment (IX)” in governing crimes against public security in a powerful way, punishing infringement upon personal rights in a comprehensive way and punishing crimes against social administration in a delicate way¹. It directly reflects the pushing role of new problems in social administration in legislation development.

(2) Demand of Death Penalty Policy Adjustment

Further reducing death penalty charges and promoting human rights protection is a great highlight of this criminal law revision. There were 68 charges with death penalty in the criminal law of 1997 and 13 non-violent economic crimes with death penalty were canceled in “Amendment (VIII) to Criminal Law” in 2011. This time, Amendment IX further canceled death penalty for nine charges, which further boosted China’s death penalty reform and human right protection cause and one of key historical events which indicated China’s gradual death penalty cancellation. Article 42 in “Amendment (IX)” is revision of Article 358 crime of prostitution organization and forced

¹ “Governing crimes against public security in a powerful way, punishing infringement upon personal rights in a comprehensive way and punishing crimes against social administration in a delicate way” in the text is main content in the academic lecturer of “Rational Interpretation and Academic Retrospection on Amendment (IX) to Criminal Law” by Professor WEI Dong, criminal law science doctoral supervisor of Sichuan University on October 31, 2015.

prostitution organization in “Criminal Law”. Amendment (IX) canceled the article of death penalty application in this charge. Hence, Amendment (IX) added one article after adjusting the charge, “the first two crimes and criminal behaviors such as murder, hurt, rape and kidnapping will follow the rule of combined punishment for several offenses for punishment.” Rape which was included in crime of prostitution organization and forced prostitution organization in the old law was separated from it with combined punishment so as to make responsibility, offence and punishment consistent. After listing, “etc.” was used to increase flexibility of the article to adapt to fickleness of the society.

(3) Demand of Human Rights Protection

Human rights protection in criminal law is not only about general human rights but also about human rights of criminals. Given humanitarianism, it's regulated in Article 53 of the original “Criminal Law” that “payment because of force majeure is indeed difficult can be reduced or exempted according to conditions”. In terms of regulation on reduction and exemption of penalty sum, the cause is objective rather than subjective. Hence, it can be noted that legislation focused on humanitarianism. Regards to revision of Article 53 of the original “Criminal Law” in “Amendment (IX)” added “etc.” to expand the scope of inability to pay penalty sum after the original objective cause of “payment because of force majeure” in addition to adding extended payment. Some other circumstances which will lead to difficulty in paying penalty sum except natural disaster and man-made disaster, which expanded human rights protection of criminals.

2. Causes for Keeping “Etc.” in “Amendment (IX)”

Whatever is reasonable is true, and whatever is true is reasonable. Maintaining “etc.” is no exception. In recent years, many severe violent terrorist cases took place in some places of China. “Amendment (IX)” conducted large-scale additions regarding to crimes related with terrorist activities, which demonstrated strengthened attack on terrorist activities in criminal law and met with current actual conditions of the world's anti-terrorism campaigns. Terrorism crimes are extremely dangerous. “Criminal Law” regarded organization, leading and involvement in organization of terrorist activities as crime without waiting for appearance of other detailed dangerous behaviors. Those who organize, lead and involve in organization of terrorist activities and further commit crimes such as murder, explosion and kidnapping will be punished together in a combined way. ZANG Tiewei, deputy director of the criminal law section of the legal work committee of NPC Standing Committee, maintained that three crimes including “murder, explosion and kidnapping” listed in this section are several crimes which terrorist organizations often commit according to actual conditions and experience of international anti-terrorism work. All these crime activities are severe criminal offences which endanger personal safety and public security and must be severely punished. Other crimes except these three ones committed by terrorist organizations such as hijacking aircraft and endangering public security with dangerous methods will be punished in a combined way according to this section. As a result, it's practical to maintain “etc.” in this section in judicial aspect.

3. Causes for Deleting “Etc.” in “Amendment (IX)”

“Amendment (IX)” is a law which responds to the era and protects people's livelihood. “Amendment (IX)” deleted “etc.” in section one of Article 253 and Article 283 in the original “Criminal Law”, which reflected the purpose of revision. ZHAO Bingzhi, a well-known penologist, mentioned while receiving interview of Justice Website, “with deepened social contacts, the number of institutions and people who can gain citizens' personal information has dramatically increased. Any public department, private organization and even individuals who grasp citizens' personal information can become subjects who may reveal citizens' personal information.” Hence, limiting subjects who sell and illegally provide citizens' personal information to staff in state organs or units such as finance, telecom, transportation, education and medical treatment in Article 253 of the original “Criminal Law” obviously cannot effectively protect citizens' personal information. Therefore, “Amendment (IX)” used general subjects to replace specific subjects, which led to deletion of the summarizing term of “etc.” following the listing of special subjects in this article.

Besides, according to “Implementation Rules for National Security Law of the PRC” issued by the State Council in May 1994¹, “eavesdrop and secret photo-taking special devices” are main spy devices but “eavesdrop and secret photo-taking special devices” may be applied to other criminal behaviors. In addition, special spy devices are not confined to eavesdropping and secret photo-taking special devices. Accordingly, “Amendment (IX)” directly changed “eavesdrop and take photo secretly special spy devices, etc.” in Article 283 illegal production and sale of special spy devices crime in the original “Criminal Law” into “special spy devices or eavesdrop and take photo secretly special devices” in Article 24 of “Amendment (IX)”. “Etc.” correspondingly involved in it is deleted in “Amendment (IX)”.

III Paraphrasing of “Etc.” in “Amendment (IX)”

“Etc.” is usually used for things or behaviors of the same nature and after listed things or behaviors. In semantics, differences exist in understanding of “etc.”. According to category and group explanation of “etc.” in P87 of *Xinhua Dictionary* published by Commercial Press in 1990, there are two definitions: first, finishing off after the listing.....; second, unfinished listing (repeated)..... Therefore, two completely opposing explanations exist for “etc.” In the academic circle, different cognitions of “etc.” exist. One division holds that “etc.” in criminal law represents finishing off after the listing. Most scholars deemed “etc.” as unfinished listing. Such judicial practice has brought about confusions and two different explanations cause completely different human rights risks. A small “etc.” may matter in citizens’ rights and even life-death matters. Therefore, “etc.” is not to be reckoned with.

“In all symbols, language symbol is the most important and complicated one.” Criminal law is expressed through language and language itself is ambiguous. A word of “etc.” has two completely contrary explanations. Does the word of “etc.” in “Amendment (IX)” mean finishing off after the listing or unfinished listing? Two different explanations lead to different boundaries of the applicable scope of “Amendment (IX)”. The author maintains that all “etc.” in “Amendment (IX)” shall be understood as unfinished listing. Its bases are as follows:

Basis for “Etc.” Additions and Deletions in “Amendment (IX)”

Laws and regulations expressed by legislation language are code of conduct which adjusts the entire society. Hence, they shall not only be accurate and concrete but also thorough and complete. “Amendment (IX)” added 16 “etc.” whose addition causes can produce the following conclusion: the appearance of “etc.” in “Amendment (IX)” demonstrates the legislation foresight ability of legislators. Take terrorism crime for example. In recent years, violent terrorist crimes have been frequent in China and China’s public security faces unprecedented threats. To severely punish terrorism crimes has become a consensus of Chinese people. How to strangle terrorism and extremism in the cradle and pay attention to legislation explicitness and flexibility is an inevitable issue in legislation technique. Reasonable and correct application of “etc.” turns into a solid choice of legislators. 3 “etc.” show up in anti-terrorism legislations in “Amendment (IX)”, i.e., section 3 of Article 120 in “Criminal Law”, “publicize terrorism and extremism by imparting and publishing information, etc.”; section 4 of Article 120 “implementation of systems of marriage, judicial, education and social administration, etc. established by state laws”; section 5 of Article 120 “force others to wear terrorism and extremism clothes and labels by using force and threat, etc.,” Understanding of these three “etc.” can only be understood as unfinished listing. One of reasons is that for legislators who value concise law, if “etc.” means nothing, it’s completely unnecessary to set understanding barrier with an ambiguous “etc.” Publicizing terrorism and extremism can be

¹ The original “Implementation Rules for National Security Law” was revised into “Counterespionage Act” in 2014 which followed the regulation on special spy devices in “Implementation Rules for National Security Law”, i.e., “special spy devices” refer to the following devices needed in espionage activities: (I) hiding eavesdropping and secret photo-taking devices; (II) out-bursting receiver-transmitter, disposable code book and secret writing tools; (III) electronic monitoring and receiving devices used to gain intelligence; (IV) other special spy devices.”

implemented by varied methods which can reach the purpose, and “imparting” and “publishing information” are typical methods among many. “Force and threat” are not the only way of forcing others. Just as what’s pointed out by Harold Berman when touching upon why U.S. didn’t formulate coverall statute books, “mankind’s foresight degree and text understanding ability are not sufficient to work out exhaustive regulations for complicated circumstances of a large society.” Hence, “typical + etc.” in legislation technique can fill the void of insufficient rational ability in legislation. Hence, “etc.” in “Amendment (IX)” suggests unfinished listing.

Semantic Basis for “Etc.” in Other Articles of Criminal Law

Before “Amendment (IX)”, there are 58 “etc.” in China’s criminal law¹. “Amendment (IX)” deleted 2 of them and newly added 16 “etc.” so there are 72 “etc.” in total in the criminal law. There are 4 of 72 in the general instructions while the remaining 68 are distributed in specific provisions. For instance, Article 56 of “Criminal Law”, “....., criminals who severely damage social order including deliberate murder, rape, fire setting, explosion, poisoning and robbing, etc. can be attached with deprivation of political right.” For “etc.” appearing in this section, the Supreme People’s Court clarified the practical significance of “etc.” about approval of the issue.² Reasons for unfinished listing meaning of 4 “etc.” in general instructions can be found out. There are many contents for 68 “etc.” in specific provisions of “Criminal Law” so hereby the author draws inferences about other cases from one instance due to limited length of this paper. For example, two “etc.” in Article 342 illegal occupation of agricultural land crime in “Criminal Law” belong to such situation. The article regulated, “....., illegal occupation of agricultural land including arable land and forest land, etc., Causing large-scale damage of agricultural land including arable land and forest land, etc.,” Hereby, “etc.” means other agricultural land except arable land and forest land, in detail, including garden plot, grass plot, cultivating and capture water surface, farmland water conservancy establishment (such as reservoir, gate dam, embankment and low bank, irrigation and drainage canals and ditches) as well as other land occupied by field roads and all other agricultural production buildings, etc. Hereby “etc.” means what’s beyond etc. Otherwise, garden plot and grass plot, etc. which are equally agricultural land cannot get equal criminal protection as arable land and forest land, etc.; etc. in Article 241 of “Criminal Law”. Section 3 of the article stipulated, “criminal behaviors including buying in abducted and trafficked women and children, illegally depriving and limiting their personal freedom or hurting and humiliating, etc.,” Hereby, “etc.” refers to other criminal behaviors except illegal deprivation and limit of personal freedom, hurt and humiliation, including rape and forced indecency and insult behaviors, etc.; due to limited length of this paper, 68 “etc.” in specific provisions of “Criminal Law” cannot be enumerated here yet the entire picture can be observed through the part. The author can even point out other meanings of listed ones before “etc.” Therefore, no “etc.” in specific provisions of “Criminal Law” indicates what’s within “etc.”

In accordance with the analysis above, 72 “etc.” in China’s “Criminal Law” all mean unfinished listing.

(1) Criminal Hermeneutic Basis

Text is the carrier of law. All legal interpretations start with the meaning of text itself so to interpret laws and regulations, literal interpretation must be applied first. Literal interpretation is also known as semantic interpretation and grammar interpretation methods, i.e., explain meanings stipulated in law through literal meaning of legal articles. Law is expressed through language. The method of understanding legal text is the only way to learn about the meaning of law itself. However, when plural meanings exist in legal text meaning, the question cannot be answered through literal

¹ These 58 “etc.” include 3 “etc.” in the regulation of crime of buying foreign exchange by cheating in Article 1 in “Decision of Punishing Crimes of Buying Foreign Exchange by Cheating, Escaping Foreign Exchange and Illegally Trading Foreign Exchange”.

² “The Supreme People’s Court’s approval of whether criminals who severely damage social order including deliberate hurt and theft, etc. can be attached with deprivation of political right or not” maintains that “for crimes of severe damage of social order including deliberate hurt and theft, etc., subjective culpability of the mind by criminals and severe crime circumstance as well as severe punishment, political right can be deprived.”

interpretation. For instance, the word of “etc.” has two completely contradictable meanings of “unfinished listing” and “finishing off after listing” in literal understanding. At this time, other interpretation methods must be adopted to determine which kind of interpretation is appropriate or not.

1. Historical Interpretation Conclusion

Historical interpretation is a kind of interpretation method which illuminates true meanings of criminal law articles according to historical background of criminal law formulation and sources of criminal law development. Law has double variation of continuity and variability in its development course. Evolution interpretation (historical interpretation) is to illustrate meanings of criminal law articles in correlation between continuity and variability. Under some circumstances, such evolution interpretation is superior to other interpretations. Historical interpretation doesn't mean exploration of legislation intention only; rather, it needs to work out conclusions which are consistent with the era according to historical reference materials. As a result, interpretation of “etc.” in “Amendment (IX)” must refer to before and after regulations of the amendment and shall be conducted in terms of law continuity and variability. For instance, Article 53 in “Criminal Law” before the amendment regulated that payment because of force majeure is indeed difficult can be reduced or exempted according to conditions. After the amendment, “causes, etc.” is added after “disasters of force majeure” to expand the scope of reasons for inability to pay penalty. Obviously there must be a meaning to add “causes, etc.” after the amendment. “Etc.” hereby represents unfinished listing.

2. System Interpretation Conclusion

System interpretation is a kind of interpretation method of explaining its codes and intentions according to the status of law articles in law system pursuant to sequence correlation positions of volume, chapter, section, article, term and division or relevant legal meanings of articles. The foundation of system interpretation is “the entire law order is the aggregate of plenty of effective detailed regulations and all law departments, thus forming an entirety and a system. The law order consistence opinion originates from such ideology, that is, law order shall be orderly code structure which is composed of coordinated and standard value standards. Law order with internal contradictions will damage the requirement for all citizens' and unified law standards and further damage the requirement for legal equality.” “Usually when the status of law and regulations in the standard group, statute book and partial fields or the entire law order can we have practical understanding of the code contents.” In other words, law order shall be deemed as an entirety with consistency and coordination. Interpreting one law is to interpret all laws and interpreting one article is usually to interpret all relevant articles. In detail, for interpretation of “etc.” in “Amendment (IX)” equally needs the method of system interpretation. For example, the understanding of “etc.” in Article 22 section 3 and Article 23 section 1 of “Amendment (IX)”, “certificates which can be used to certify your identity, including ID Card, passport, social security card and driving license, etc.” must be identified by referring to other relevant regulations. For instance, Article 4 section 4 in “The Household Registration Regulation of People's Republic of China” regulates, “household registration book and household registration matters have the power of certifying citizens' identity.” In the interpretation of citizens' civil right capacity starting from birth in “Opinions about General Rule of Civil Law”, it's mentioned, “birth time is subject to household certificate; when without household certificate, it's subject to the birth certificate issued by the hospital. When without certificate of the hospital, it shall be identified according to other relevant certificates.” “Birth Medical Certificate Management System” stipulates “‘Birth Medical Certificate’ is issued pursuant to ‘Maternal and Infant Health Law of the PRC’ and has equal medial law power.” It can be noted from these regulations that “certificates, etc. which can be legally used to prove identity” at least can include household registration book and birth medical certificate, etc.

3. Teleological Interpretation Conclusion

Teleological interpretation is touched upon with the method of explaining legal questions with the purpose of legal standard. Teleological interpretation is a method of illustrating criminal law

standard meanings according to criminal legislation intent. According to statistics, 16 newly added articles adopt the method of using “etc.” after listing in “Amendment (IX)”. 16 “etc.” are added in 52 articles. Why do legislators add “etc.”? What’s the legislation purpose of legislators? Revealing causes and purposes for such change is conducive to exploring meanings of “etc.”

Article 120 section 3 in “Amendment (IX)” crime of publicizing terrorism, extremism and inciting implementation of terrorist activities “publicize terrorism and extremism by making and spreading books, audio and video materials which publicize terrorism and extremism or other items, or through imparting and publishing information, etc.,” China faces real danger and long-term threats of terrorism. At present, international and domestic terrorism activities are still rampant. In particular, collision of domestic and foreign terrorist activities has brought about increasing threats and dangers to China’s national security and public security. LI Wei, an anti-terrorism expert of China Institutes of Contemporary International Relations, stated, “terrorist activities are final expressions of terrorist crimes only. What’s related with terrorist activities before this include organization, planning, recruitment, training and provision of capital, etc. Therefore, including activities related with terrorism is consistent with the current reality of anti-terrorism campaign.” Therefore, in order to proactively respond to terrorism crimes, “Amendment (IX)” added a series of crimes regarding to terrorist activities. One crime is publicizing terrorism, extremism and inciting implementation of terrorist activities. According to the strict attack on terrorism purpose of “Amendment (IX)”, methods of publicizing terrorism and extremism cannot be only restricted to the two methods of imparting and publishing information. Hereby “etc.” equally means what’s beyond etc.

To sum up, “etc.” in “Amendment (IX)” means unfinished listing and unfinished scope, dimension and boundary, i.e., “etc.” need to be correctly explained by judicial staff. Hence, reasonable application of criminal law interpretation methods becomes the most crucial issue in interpreting “etc.”.

IV Interpretation of “Etc.” in “Amendment (IX)”

There are many law interpretation methods. LIANG Huixing categorized law interpretation methods as follows: (I) literal interpretation; (II) logical interpretation, including 1. System interpretation, 2. Purposing interpretation, 3. Expansion interpretation, 4. Limited shrinking interpretation, 5. Natural interpretation, 6. Purpose interpretation, 7. Constitutionalist interpretation; (III) comparative method interpretation; (IV) Sociological interpretation. Regards to detailed jurisprudence interpretation of “etc.”, literal interpretation shall be considered first. Only when “etc.” is used in criminal law articles, it has the meaning of unfinished listing; second, other criminal law interpretation methods can be comprehensively considered when reasonable interpretation cannot be reached on the basis of literal interpretation so as to ensure greater deterrence of criminal law and the purpose of better protection.

(1) Semantic Interpretation

Semantic interpretation is to explain text meanings of law articles from the aspect of arts and science, including word, concept and terminology. Professor YANG Renshou once pointed out, “the ultimate purpose of law is naturally to study purposes of law but it cannot separate from texts and sentences of law. Once it deviates from texts and sentences, it cannot guard the dignity of law and its application stability. Hence, the first step of law interpretation is literal interpretation. Its eventual interpretation cannot go beyond its possible literal meanings.” In accordance with the analysis above, “etc.” has two explanations from the perspective of literal meaning, that is, “finishing off after listing” and “unfinished listing”. Although we cannot conclude concrete meanings of etc. from the literal perspective but literal interpretation can serve as the basis for limiting criminal law interpretation. In other words, only when “etc.” is used in criminal law, it has the meaning of unfinished listing.

(2) System Interpretation

System interpretation in criminal law is a kind of interpretation method which puts a criminal code or term in a larger system as an organic component according to the status of criminal code in the entire criminal law, thus making meanings and significances of criminal code or term consistent. Frankfurter, a judge in the U.S. Supreme Court pointed out in the case of *United States v. Monia*, “a statute law is like an organic creature. Its meaning and existence source from its environment. If it’s separated from its environment, it must be dismembered. The statute law which we are dealing with is all the more so because they are part of the legislation process which has its own history and purposes. For such a statute law, to determine its meaning, it’s not sufficient to only check what’s around it and analyze it in a planar way rather than a three-dimensional fashion.” WANG Zejian, a scholar of China Taiwan divided systems in system interpretation into external form system and internal value system. The former refers to content relations among piece, chapter, section, article, division, item and catalogue of different laws and the same law, which is defined from the perspective of semantic correlation. Such relation, as a matter of fact, has two layers, that is, context relations among different laws and internal relations of the same law. The latter is value correlation among relevant law standards and removes the contradiction between related law standards from the perspective of value judgment, thus working out its meaning. It’s of greater methodological significance to comprehensively apply form system interpretation and value system interpretation to interpret “etc.” in “Amendment (IX)”. Hence, when interpreting “etc.” in “Amendment (IX)”, we shall take into account not only relations between interpreted contents and other parts of the same law but also relations between interpreted objects and other laws.

(3) Kin Interpretation

Kin interpretation is a kind of detailed rule in system interpretation and a method which is usually used to interpret illustration regulations and requires unlisted contents (omitted contents in etc.) and listed contents (enumerated items and generalized word) to belong to the same kind. In Anglo-American law, “kin rule” usually refers to matters which have the same or similar nature with items mentioned afore. In American contract law practice, general terms which connect with a word with a certain specific meaning shall only include things which are similar to referred items by words with specific meanings. In Roman law, “kin rule” has been established and used to refer to specific matters written first in documents such as certificates and statute law, and then attached with general items. It shall be interpreted as follows: general items are only confined to matters similar to specific items. According to kin rule, the interpretation results of summarizing terms shall belong to the same kind with items regulated in the law or other referable factors. Accordingly, kind rule is a law interpretation rule which is adopted to restrain summarizing terms. In law articles, if a summarizing term is used after the clearly indicated person or thing, the term shall be understood as sharing the same kind and nature with people or things listed afore. Furthermore, the interpretation of “etc.” in “Amendment (IX)” shall share the same category and nature with listed items before “etc.” As a result, such same kind and nature need to be jointly determined by listed items and summarizing terms.

V Conclusion

The summarizing term of “etc.” is intriguing to all those who study criminal law. To some extent, it can be said that all criminal law scholars will assume themselves as the judge to apply “etc.” when treating “etc.”. “Etc.” is naturally expansive. Hence, in order to avoid flexibility of “etc.” which is just as the ruler in the hand of the architect, we must apply the correct criminal law interpretation methods to properly interpret 17 “etc.” in “Amendment (IX)”.

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