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Time to Kill

Two types of murder in Taiwan's Criminal Code are closely related to the time of murder. 1) Article 273—an angry person murders 'on the spot' the individual who caused his/her anger. 2) Article 274—a mother murders her new-born baby, but the term 'new-born' is open to interpretation. 'On the spot' appears to be a locative adverb, but it actually functions as a time adverb because if the murder occurs in the same location six hours after the initial confrontation, it will not qualify for Article 273. Obviously, 'on the spot' means 'immediately', but how immediately is immediately? A common example of Article 273 used in most Criminal Law textbooks is when a husband witnesses his wife having sex with another person and becomes so indignant that he is driven to kill.

The definition of time is vital since the penalty for these two types of murder is minor when compared with other types of murder. For example, the maximum punishment of Article 274 is five years of imprisonment. This paper will investigate exactly which factors influence the definition of time for these two types of murder.

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