

# Israel Law Review

<i>Miriam Gur-Arye</i>	1	Introductory Note
<i>Mordechai Kremnitzer</i>	4	Shneur-Zalman Feller at Eighty: A Tribute
<b>ARTICLES</b>		
<i>Michael S. Moore</i>	15	Justifying Retributivism
<i>Dudley Knowles</i>	50	Unjustified Retribution
<i>Haim H. Cohn</i>	59	Judicial Cognizance of Guilt-Consciousness
<i>Mordechai Kremnitzer</i>	84	Constitutional Principles and Criminal Law
<i>Raimo Lahti</i>	100	Recodifying the Finnish Criminal Code of 1889: Towards a More Efficient, Just and Humane Criminal Law
<i>Gerald H. Gordon</i>	118	Judicial Creativity in a Common Law System
<i>Adi Porush</i>	139	The Claim of Irresistible Desire and the Agranat Doctrine
<i>Dan Bein</i>	185	Preparatory Offences
<i>Nils Jareborg</i>	213	Criminal Attempts and Moral Luck
<i>George P. Fletcher</i>	227	The Psychotic Aggressor - A Generation Later

*Continued on back cover*

**THE ISRAEL LAW REVIEW ASSOCIATION**

**under the auspices of**

**THE FACULTY OF LAW, HEBREW UNIVERSITY OF JERUSALEM**

## EDITORIAL BOARD

Chairman — D. Kretzmer

P. Elman  
C. Klein  
G. Shalev

M. Gur-Arye  
A.M. Rabello  
J. Weisman

E. Harmon  
F. Raday  
A. Yoran

Coordinating Editor — Fayge Cohen  
Articles Editor — Yuval Kaplinsky, Kim Treiger  
Editorial Assistant — Katie Green

---

*The Israel Law Review gratefully acknowledges the very generous financial assistance provided by:*

*A Permanent Endowment Fund established by Abraham D. Slavitt of Norwalk, Conn., U.S.A. in memory of his beloved wife, Jennie A. Slavitt*

*The P.E.F. Israel Endowment Funds in memory of its founder and first president, Judge Julian W. Mack*

The Israel Law Review also gratefully acknowledges the financial assistance of the following institutions:

The Faculty of Law, The Hebrew University of Jerusalem  
The Ministry of Justice of Israel  
The Bernard Lazare Fund  
The Nicolas Rosenbaum Endowment Fund  
The S.A. Schonbrunn Research Endowment Fund

To be cited: (1993) 27 Is.L.R.

Annual Subscription: US \$42 including postage

**ISRAEL LAW REVIEW**  
c/o Faculty of Law, Hebrew University,  
Mount Scopus, P.O.B. 24100, Jerusalem, Israel  
Telephone: 02-882520, 02-825313

© 1993  
ISSN 0021-2237

---

Layout by Judith Fattal, printed by Maccabi Press (Jack), Jerusalem



***SHNEUR-ZALMAN FELLER***