

Amihai Radzyner- LIST OF PUBLICATIONS

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Refereed Publications

Books (as author)

'Dine Qenasot': A Research in Talmudic Law, The Hebrew University of Jerusalem: The Sacher Institute for Legislative Research and the Institute for Jewish Law, 2014 (Heb.), 666+xi pages.

Books (as editor)

Studies in Halakha and Jewish Law: Judge and Judging, Bar-Ilan University Press 2007 (Heb.) (with Dr. Y. Habbah), 345 pp.

Rabbi Ben-Zion Ouziel – Halakhab, Philosophy and History, Bar-Ilan University Press 2020 (Heb.) (With Prof. Zvi Zohar and Prof. Melech Westreich), 384 pp.

Articles and Chapters in Books

1. "P. Yadin 21-22: Sale or Lease?", R. Katzoff and D. Schaps (eds.), *Law in the Documents of the Judaean Desert*, Brill, Leiden 2005, pp. 145-163.
2. "The Instruction of Jewish Law and the Faculty of Law: Between a Feasible Vision and a Theoretical Reality", *Bar-Ilan University: From Concept to Enterprise* (D. Schwartz ed.), Bar-Ilan University press 2006, pp. 489-529 (Heb.).
3. "Justice Justice shall you pursue: Varied concepts of judicial justice in Tannaitic doctrine", *My Justice, Your Justice: Justice across Cultures* (Y.Z. Stern ed.), The Zalman Shazar Center for Jewish History 2010, pp. 59-110 (Heb.).

4. "The Wars of the Jews: The Shaping of the Criminal Law against Bigamy among Jews in Mandate Palestine", *One Law for Man and Women: Women, Rights and Law in Mandatory Palestine* (M. Shilo, R. Halperin-Kaddari, E. Katvan eds.), Bar-Ilan University press 2010, pp. 151-198 (Heb.).
5. "Fifty Shekels of Silver", Kathleen Abraham and Joseph Fleishman (eds.), *Looking at the ancient Near East and the Bible through the same eyes: a tribute to Aaron Skaist*, CDL Press, University Press of Maryland 2012, pp. 355-374.
6. "The Intellectual Ambivalence: Contemporary Halakhah and the Question of Copyright Defenses", Miriam Marcowitz-Bitton and Lior Zemer (eds.), *Interdisciplinary Analysis of Intellectual Property Law*, Nevo 2015 , pp. 169-214 (Heb.).
7. "The Irish Influence on the Israeli Constitution Proposal, 1948", Eoin Carolan (ed.), *The Irish Constitution: Perspectives and Prospects* (Bloomsbury, 2012), pp. 69-89.
8. "*boda'ot ve-balva'ot* (admissions of liability and loans)", in: D. Dueck, D. Schaps, U. Yiftach-Firanko (eds.), *When West Met East: The Encounter of Greece and Rome with the Jews, Egyptians, and Others* (Triest, 2017) 179-207.
9. "*Meagenet et atzma* (the wife is making herself Agunah): On The Possibility of Conditioning the Get and On Halakhic Problematic Innovation", A. Edrei, D. Glicksberg, A. Hacoheh and B. Lifshitz (eds.), *Menachem Elon Memorial Book*, 607-640 (2018) (Heb.).
10. "Jewish Law in Pre-State Palestine", Christine Hayes (ed.), *The Cambridge Companion to Judaism and Law* (Cambridge U. Press, 2017), pp. 317-336.
11. "Guardianship of Orphans in Talmudic Law", M. Faraguna, U. Yiftach (eds.), *Legal Documents in Ancient Societies VI: Ancient Guardianship: Legal Incapacities in the Ancient World* (EUT: Edizioni Università Di Trieste, 2017), pp. 245-269.
12. "The Impact of Supreme Court Rulings on the Halakhic Status of the Official Rabbinical Courts in Israel", Leora Batnitzky and Hanoeh Dagan (eds.), *Institutionalizing Rights and Religion: Competing Supremacies*, (Cambridge U. Press, 2017), pp. 224-240.

13. "‘What is crooked cannot be made straight’? – On the Use of the Maharsham’s Marriage Annulment in the State of Israel," *Justice Elyakim Rubinstein’s Festschrift* (forthcoming, 2020) (with Avishalom Westreich, Heb).
14. "Philosophy of Punishment in Jewish Law," to be published in Suzanne Last Stone and Yair Lorberbaum (eds.), *The Jewish Legal Tradition*.
15. "Rabbi Ya’acov Meir and Justice Gad Frumikin on Problematical Cases of *Kiddushin*", to be published in: Prof. Zvi Zohar Festschrift.

Articles in Periodicals

1. "‘Hefqer Bet-Din Hefqer' (the Court has the Power to Expropriate) in Talmudic Sources", 16 *Sidra* (2000), pp.111-133 (Heb.).
2. "Witnesses' Hatra'ah (Warning) and the Beginning of Their Testimony", 20-21 *Dine Israel* (2001), pp. 515-551 (Heb.).
3. "Rabbi Ouziel, the Tel-Aviv-Jaffa Rabbinat and the Rabbinical Court of Appeal: A Play in Four Acts", *Bar-Ilan Law Studies* 21 (2004), pp. 129-243 (Heb.).
4. "‘A Scholar who was not Properly Eulogized’ – J.S. Zuri and his Jewish Law Studies on the Background of Jewish Law Research History", 23 *Shenton Ha-Mishpat Ha-Ivri* (2005), pp. 259-349 (Heb.).
5. "The Israeli Legislator and Jewish Law: Haim Cohn between Tomorrow and Yesterday", 29 *Tel-Aviv University Law Review* (2005), pp.167-244 (Heb.) (with S. Friedman).
6. "‘Mishpat Ivri is not Halakhah (But is nonetheless of Value)’" *Akdamot* 16, (2005), pp. 139-167 (Heb.).
7. "From Dogmatist to Historian: Asher Gulak and the Research on Jewish Law in the Hebrew University, 1925-1940" *Jewish Studies* 43 (2005-2006), pp. 169-200 (Heb.).

8. "Talmudic Law as Religious Law: The Source of the Desire to Limit Judicial Powers", 12 *Maarav - A Journal for the Study of the Northwest Semitic Languages and Literatures* (2006), pp. 121-153.
9. "'Qenasot' as Tortious Payments in Tannaitic Literature", 24 *Shenaton Ha-Mishpat Ha-Ivri* (2007), pp. 287-358 (Heb.).
10. "Between Scholar and Jurist: The Controversy over the Research of Jewish law using comparative methods at the early time of the field", *Journal of Law and Religion* 23 (2007-2008), pp. 189-248.
11. "On the Beginning of Rabbinical Courts' Procedural Regulations: 'Takkanot Ha-Diyun', 1943", *Dinei Israel* 25 (2008), pp. 185-260 (Heb.).
12. "Jewish Law in London: Between Two Societies", 18 *Jewish Law Annual* (2009), pp. 81-135.
13. "On the Beginning of Rabbinical Courts' Procedural Regulations: 'Sidrei Ha-Mishpatim', 1921", 25 *Bar-Ilan Law Studies* (2009), pp. 37-75 (Heb.).
14. "From Lvov to Tel-Aviv: 'Wrongful Divorce' Judgments in the Israeli Rabbinical Courts", 39 *Mishpatim* (Hebrew University Law Journal) (2009), pp. 155-231 (Heb.).
15. "A Constitution for Israel: The Design of the Leo Kohn Proposal, 1948", *Israel Studies* 15.1 (2010), pp. 1-24.
16. "'Jewish Law' between 'National' and 'Religious': The Dilemma of the Religious-National Movement", 26 *Bar-Ilan Law Studies* (2010), pp. 91-178 (Heb.).
17. "Forgotten Basic Elements in 'The Law and Administration Ordinance' and the Covert Struggle over Religion and State in Israel", 136 *Cathedra* (2010), pp. 121-150 (Heb.).
18. "The Halachic Status of the Israeli Official Rabbinical Courts, and the influence of the Israeli Supreme Court's decisions on them", 13 *Mishpat U-Mimshal* (Faculty of Law, University of Haifa) (2011), pp. 271-355 (Heb.).

19. "Problematic Halakha: Creative Halakhic Rulings in Israeli Rabbinical Courts", 20 *Jewish Law Annual* (2013), pp. 103-177.
20. "Annulment of Divorce in Israeli Rabbinical Court", 23 *Jewish Law Association Studies* (2013), pp. 193-217.
21. "'We Act as Their Agents' and the Prohibition of Judgment by Laymen: A Discussion of BT Gittin 88b", 37 *AJS Review* (2013), pp. 257–283.
22. "On Civil Marriage in Israel after HC 2232/03: A Response to Avishalom Westreich", *The Family in Law* 6-7 (2014), pp. 579-604 (Heb.).
23. "*Zion Shall Be Redeemed With Justice*: Introduction to the Legal Thought of Shabtai Ben-Dov", to be published in: *IYUNIM BITKUMAT ISRAEL* Thematic Series Volume 10 (2015), pp. 319-355 (Heb.).
24. "'The Essential Thing is not studying, but Deed': *Get* Procedures after Tort Claims and the Publishing Policy of Rabbinical Courts Judgments", 45 *Mishpatim* (Hebrew University Law Journal) (2015), pp. 5-84 (Heb.).
25. "*Jewish Land Law*: One More (Impressive, yet Unsuccessful) Attempt to Insert Jewish Law into Israeli Legislation", 28 *Shenaton Ha-Mishpat Ha-Ivri* (2014-2015), pp. 239-319 (Heb.).
26. "The Israeli legislation as both Halakhic Problem and its Solution: The complicated case of Heter ha-Mekhirah", to be published in *JSIJ* [Jewish Studies Internet Journal].
27. "Inheritance from Uncle Sam: The American Influence on Israeli Succession Law", 4 *Comparative Legal History* (2016), pp. 19-50.
28. "Gittin: Mitzvot Ha'teluyot Be'aretz? - Prenuptial agreements for the prevention of divorce refusal", *Mishpatim* (Hebrew University Law Journal), pp. 5-59 (2018) (Heb.).
29. "Halakha, Law, and Worldview: Chief Rabbis Goren and Yosef, and the Permission to Marry a Second Wife in Israeli Law", 32 *Dine Israel* (2018), pp. 261*-304*.

30. "Rabbis Drafting Criminal Legislation: The Shaping of the Prohibition against Bigamy for Jews in Mandatory Palestine", 66 *American Journal of Comparative Law* (2018), pp. 369–410.
31. "Jewish Law, State, and Social Reality: Prenuptial agreements for the prevention of divorce refusal in Israel and the United States", 33 *J. of Law and Religion* (2018), pp. 61-88.
32. "Halakhah, Power Struggle and 'Angle of Deflection': Recourse to Civil Court as Grounds for Divorce", 32 *Dine Israel* (2018), pp. 223-247 (Heb.).
33. "Get under the Supervision of Badatz : Divorce Matters in Israeli Unofficial Rabbinical Courts", 1 *Law, Society and Culture* [=Law and Ultra-Orthodox in Israel] (2018), pp 69-105 (Heb.).
34. "From Chained Wives to Bastards (*Mamzerim*): On Revolutions and Creativity in Rabbinical Court Rulings," *Bar-Ilan Law Studies* (forthcoming, 2019) (with Avishalom Westreich, Heb.).
35. "From the Archives: Zerach Warhaftig and R. Haim David Halevi on Civil Marriages", 3 *Religious Zionism* (2019), pp. 203-216 (Heb.).
36. "The Underground and its Trial Which Were Not: Criminal File 8106/57 *The State of Israel v. The Journal Sulam* (and vice versa): More about Politics, Law and the Kasztner Affair", *Bar-Ilan Law Studies* (forthcoming, 2019) (Heb.).
37. "Law and History: Rabbi Itzhak Arieli and the founding of *Mercaz HaRav Yeshiva*", 3 *Religious Zionism* (2019), pp. 97-133 (Heb.).
38. "The Revival of the “Death of Marriage” Cause: R. Jerucham's Opinion in the Rabbinical Courts", 49 *Mishpatim* (Hebrew University Law Journal) (2019), pp. 113-168 (With Shay Zilberberg, Heb.).
39. " 'Legal Alternative and Social Vision' ": Procedural Aspects in the Private Rabbinical Courts for Monetary Cases", *Bar-Ilan Law Studies* (forthcoming, 2020) (with Zvi Dorot, Heb.).

40. "From the Archives: Two More Letters from R. Joseph B. Soloveitchick to Yitzhak Goldshlag", 4 *Religious Zionism* (2020), pp. 219-234 (Heb.).
41. "Revolutionism and conservatism in the rulings of the Israeli Rabbinical Court: The enforcement of divorce on the grounds of 'Mais Alai?', 42 *Tel Aviv University Law Review* (2020), pp. 639-686 (with Avishalom Westreich, Heb).
42. "Rabbenu Gershom in the State of Israel: Enforcing Get on the Woman or Permitting the Husband to Marry a Second Wife?", *Dine Israel* (forthcoming 2020) (Heb.).
43. "Ma'aseh Bet-Din': Zerach Warhaftig, the Publication of Rabbinical Courts Decisions and Unknown Draft of such Decisions", 5 *Religious Zionism* (2020) (Heb.), pp. 281-289.
44. "Rabbenu Tam's Return: Imposing Religious, Social and Economic Sanctions on Get Refusers in Israeli Rabbinical Courts", 31 *Shenaton Ha-Mishpat Ha-Ivri* (forthcoming) (Heb.).
45. " 'For the Dignity of the Jewish People' - Reflections on Rivka Brot, *In the Gray Zone: The Jewish Kapo on Trial*", 44 *Tel Aviv University Law Review Forum* (2020) (Heb).
46. " 'There is a Mamzer from the Torah only if his Parents were Imprisoned Together': Innovative Solutions for Purifying Mamzerim in Israeli Rabbinical Courts", *JSIJ* [Jewish Studies Internet Journal] (forthcoming, 2021).
47. " *Kim Li* Claim in *Get* Procedures", *Dine Israel* (forthcoming 2021) (Heb.).

Non-Refereed Publications

1. "Reason as a Supreme Principal in Halacha", *Justice* 13 (June 1997), pp. 40-42.

2. "The Validity of a Contractual Obligation for Payment", *Justice* 23 (Spring 2000), pp. 31-34.
3. "Giving a GET before a war", 27 *Techumin* (2007), pp. 418-425.
4. *The Religious Community and the Constitution: What Can History Teach Us?*, RESEARCH PAPER 69, The Israel Democracy Institute, 2006, 108 pp.
5. "Halakha, Mishpat Ivri and the State of Israel", *Justice* 45 (Spring 2008) pp. 8-13.
6. "The Attitude of R. I. Herzog to the Comparative Research of Jewish Law", *Masuah Le-Yitzhak: Rabbi Yitzhak Isaac ha-Levi Herzog Memorial Volume* (Jerusalem: Yad ha-Rav Herzog, 2008), pp. 506-532.
7. "Annulment of Divorce in Rabbinical Courts", 30 *Techumin* (2010), pp. 256-274.
8. "Appeal", *The New Judaica Encyclopedia* 2007.

Chief Editor, *HaDin veHadayn* (The Law and its Decisor): Rabbinical Court Decisions in Family Matters, The Rackman Center for the Advancement of the Status of Women, Faculty of Law, Bar-Ilan University (55 Issues), 2001-