## CHAIM N. SAIMAN

Villanova Law School 299 N. Spring Mill Rd. Villanova, PA 19085 610.519.3296

saiman@law.villanova.edu

## PERMANENT APPOINTMENT

Villanova Law School, Professor of Law (with tenure)

2006—

Associate Professor (2009-2012) Assistant Professor (2006-2009)

Areas: Insurance Law Jewish Law

> Private Law Theory Comparative Jurisprudence

Courses: Contracts I & II

Insurance Law

Advanced Insurance Seminar

Contracts Practicum (co-developed Practicum attached to the first year

course that introduces students to basic transactional concepts)

Legislation and Statutory Interpretation

Jewish law (designed syllabus)

## **TERM APPOINTMENTS**

Harvard Law School Gruss Visiting Professor of Talmudic Law Spring 2017 **Hebrew University Faculty of Law** Spring 2016 Short course in Jewish law and legal theory Winter 2015 Bar Ilan Faculty of Law Short course in Jewish and private law theory Princeton University, 2012-2013 William E. Simon Visiting Fellow in Religion and Public Life University of Pennsylvania Law School, Fall 2012 & Fall 2013 Gruss Visiting Professor of Talmudic Law

2004-2006

Harvard Law School, John M. Olin Fellow in Law

**NYU Law School,** 2005-2006

Samuel I. Golieb Fellow in Legal History

# **EDUCATION**

Columbia University School of Law, New York, NY
J.D., May 2001

Harlan Fiske Stone Scholar

Georgia State University, Atlanta, GA 1994-1998

B.B.S. Finance, magna cum laude

Honors: Dean's List – all semesters; Hope Scholar, 1994-1998

Yeshivat Har Etzion, Alon Shvut, Israel 1996-1998

Graduate Talmudic and Biblical Studies

Yeshivat Kerem B'Yavne, Yavne, Israel 1993-1995

Undergraduate Talmudic and Biblical Studies.

### **PUBLICATIONS**

- Multivalent Logic in Jewish Law: One God, No State and Many Legal Arguments in LAW AND THE NEW LOGICS (forthcoming Oxford University Press 2016).
- Talmudic Analytics and Ethical Thought: 25 JEWISH LAW ASSOCIATION STUDIES 225 (2014)
- Framing Jewish Law for the Law School Context: A Critique and Look Ahead 19 The Jewish Law Annual 89 (2011).
  - Translated into German as Jüdisches Recht fur die moderne Law School Kritik und Ausblick, printed in TALMUDISCHE TRADITION UND MODERNE RECHTSTHEORIE, Karl-Heinz Ladeur & Ino Augsberg, eds. (Tübingen: Mohr Siebeck, 2012).
- Transactional Lawyering— A Conceptual Approach, 12 TRANSACTIONS: TENN. J. Bus. L. 83 (Special Report 2011).

- Restitution and the Production of Legal Doctrine, 65 WASHINGTON AND LEE LAW REVIEW 993 (2008).
- Public Law, Private Law and Legal Science, 56 AMERICAN JOURNAL OF COMPARATIVE LAW 691 (2008) (peer reviewed).\
  - o Reprinted in: BEYOND THE STATE: RETHINKING PRIVATE LAW (Nils Jansen and Ralf Michaels eds., Mohr Siebeck (2008))
- Restitution in America: Why the US Refuses to Join the Global Restitution Party? 28 OXFORD JOURNAL OF LEGAL STUDIES 99 (2008) (peer reviewed).
- Jesus' Legal Theory—A Rabbinic Reading, 23 JOURNAL OF LAW AND RELIGION 97 (2007-08) (peer reviewed).
- Restating Restitution: A Study in Contemporary Common Law Conceptualism, 52 VILLANOVA LAW REVIEW 487 (2007).
- Legal Theology: The Turn to Conceptualism in 19<sup>th</sup> Century Jewish Law, 21 THE JOURNAL OF LAW AND RELIGION 39 (2006) (peer reviewed).
- Interpreting Immunity: Qualified Immunity and the Common Law Tradition, 7 U. PENN. J. OF CONST. LAW 1155 (2005).

## Works In Progress

- HALAKHAH: THE RABBINIC IDEA OF LAW (Book, Forthcoming Princeton U. Press)
   Draft currently with Editor
- The Authority of the Code of Jewish Law: A Case Study in the Law of Lifeboat Ethics.
- Faith In Legal Doctrine: An Anglo-American Comparison
- Insurance Law: Contract's Counter-Narrative
- The Restitution Defense: How Private Law Theory Might Save Insurance Companies Millions in D&O Liability Claims.

## SELECTED POPULAR WRITINGS

• The Impassioned Moderate: Rav Aharon Lichtenstein, The Jewish Week (April 21, 2015) http://www.thejewishweek.com/editorail-opinion/opinion/rav-aharon-lichtenstein-impassioned-moderate

- The Fifth Question: THE JEWISH REVIEW OF BOOKS p.47 (Spring 2015)
- Should Maggid Take Forever? Torah Musings
- The Paths Not Taken, MOSAIC MAGAZINE http://mosaicmagazine.com/supplemental/2013/12/the-paths-not-taken/
- Debating Partnership Minyanim--- The Next Step, CROSS CURRENTS http://www.cross-currents.com/archives/2014/02/28/a-next-step-in-debating-partnership-minyanim
- The Halakhah of Jesus' Trial, FIRST THINGS, August/September 2013
- *Clothes Make the Man*, JEWISH IDEAS DAILY, http://www.jewishideasdaily.com/5518/features/clothes-make-the-man/
- If Trayvon were Tuvia: The Orthodox (Non)response to the Zimmerman Verdict CROSS CURRENTS, http://www.cross-currents.com/archives/2013/08/07/if-trayvon-were-tuvia-the-orthodox-nonresponse-to-the-zimmerman-verdic
- A Case Study in Contemporary Halakhic Rhetoric—R Asher Weiss on Dina DeMalkhuta, TORAH MUSINGS, http://hirhurim.blogspot.com/2010/06/case-study-in-contemporary-halakhic.html
- The Long Arm of Halakhah: Jewish Law and the Madoff Scandal, THE JEWISH FORWARD, http://forward.com/articles/14934/the-long-arm-of-halacha-jewish-law-and-the-madoff-/

## **SCHOLARLY ACTIVITIES**

#### **Editorships**

- Editor, AMERICAN JOURNAL OF COMPARATIVE LAW
- Guest editor for Jewish Law of the JOURNAL OF LAW AND RELIGION (Spring & Summer '12)

# Director of the Beit Midrash, Kohelet Yeshiva High School (2011-12)

- Lead weekly seminars to Judaic studies faculty seminars on teaching Talmud from a legal and philosophic perspective.
- Delivered numerous lectures to community combining classical Talmudic analysis with contemporary legal theory and moral philosophy.

 Developed semester-long program of community-focused adult education focusing on legal and medical ethics, and issues of Jewish law and the secular state.

#### Invited and Peer Reviews

- Peer reviewer for AMERICAN JOURNAL OF COMPARATIVE LAW on Jewish law.
- Peer reviewer for JOURNAL OF RELIGION, LAW AND STATE
- Peer reviewer for LAW AND PHILOSOPHY REVIEW on Jewish legal theory.
- Peer reviewer for UNIVERSITY OF TORONTO LAW JOURNAL on article on comparative unjust enrichment law.
- Peer reviewer for an article on legal fictions in Jewish law for STUDIES IN LAW, POLITICS AND SOCIETY (an interdisciplinary journal of Amherst College).
- Peer reviewer for an article on comparative methods of Jewish and American law by the JOURNAL OF LAW AND RELIGION.
- Peer reviewer for Cambridge University Press for a casebook on Jewish law.
- Reviewer for book on Codification and Comparative Law for Springer Press
- Reviewer for Israel Science Foundation grant application

# Conferences and Panels organized.

- Thinking Legally vs. Thinking Historically, U. Penn Law School, (Winter 2013) (organizer)
- *Jewish Law Association Conference*, Yale Law School (Summer 2012) (member of the academic committee)
- *McCullen Symposium on The Moral Foundations of Private Law*, Villanova Law School (March 2012) (co-convener)
- AALS Panel: *Is Halakah Jewish Law*? (convener)

#### **CLERKSHIP**

**Judge Michael W. McConnell,** Salt Lake City, UT 2/2003—8/2004 Clerk to Judge McConnell on United States Court of Appeals for the Tenth Circuit.

#### LEGAL EXPERIENCE

Cleary, Gottlieb, Steen, & Hamilton, New York, NY
Associate, Transactional Intellectual Property Group

2001-2003

**Dewey Ballantine**, New York, NY

Summer 2000

## **INVITED PRESENTATIONS**

NYU Law School Legal History Forum (October 2005)

**Presented:** Legal Theology: Conceptualism in Jewish Law

**NYU Law School Legal History Forum** (March 2006).

**Presented:** The Development of Restitution law in England and the U.S.

Contract and Governance: Public vs. Private Ordering, Conference at

Osgoode Hall Law School, Toronto, CA (October 2006)

**Presented:** Restitution in America: Why the US Refuses to Join the Global Restitution Party?

**AALS Section on Jewish Law,** Washington, D.C. (January 2007)

**Presented:** Christian Legal Theory—A Rabbinic Approach

**Michigan-Illinois Comparative Law Workshop,** U. of Illinois, Urbana, Illinois (February 2007)

**Presented**: Restitution in America Why the US Refuses to Join the Global Restitution Party?

**Third International Conference on Contracts,** held at Houston Texas (February 2007)

**Presented:** Restitution Law from a Comparative Perspective

**Julius Stone Centenary Conference**, conference held at U. of Sydney, Australia, (July 2007)

**Presented** *Precedent, History and Tradition in Private Law Judging: Contrasting American and Anglo Discourse* 

**Beyond the State? Rethinking Private Law**, held at the Max Planck Institute of Comparative Private Law, Hamburg, Germany (July 2007)

**Presented:** Public law, Private law and Legal Science

**Faculty Scholarship Exchange**, Boston College Law School (October 2007) **Presented**: Jesus' Legal Theory—A Rabbinic Approach

Christian Legal Theory Seminar, U. Pennsylvania Law School (November 2007)

Presented: Jesus' Legal Theory—A Rabbinic Approach

- **Restitution Roundtable**, held at Washington & Lee Law School (December 2007) **Presented**: Where is the American Law of Restitution Hiding... and Why?
- AALS Section on Jewish Law, New York, NY (January 2008)

  Presented: Teaching Jewish Law in American Law SchoolsRethinking the Current Paradigms
- Faculty Scholarship Exchange, St. Thomas Law School, (January, 2008)

  Presented: Jesus' Legal Theory—A Rabbinic Approach
- **International Center for Law and Religion Studies,** BYU Law School, (March 2008)

**Presented**: Jesus' Legal Theory—A Rabbinic Approach

- **Legal Theory Workshop**, McGill University Law School, Montreal CA (April 2008) **Presented**: Precedent and Law: A Comparative Common Law

  Analysis
- **Religiously Affiliated Law Schools Conference**, Boston College Law (April 2008) **Presented**: The Role of Jewish law in a Catholic Law School
- Free Will and Coercion in Jewish Law, conference held at Harvard Law School (May 2008)

**Panel leader**: Coercion resulting in the violation of Jewish Law

**International Obligations Conference**, held at National University of Singapore (July 2008)

**Presented**: The Distribution of Doctrinal Complexity Across Legal Systems

- Center for Modern Torah Leadership, Boston, MA (August 2008)

  Presented: Is a Philosophical Account of Jewish Law Possible?
- Faculty Scholarship Exchange, Loyola University of Chicago, (September 2008)

  Presented: The Distribution of Doctrinal Complexity Across Legal
  Systems
- **AALS Section on Jewish Law**, San Diego, CA (January 2009) *Panelist*

**Legal Theory Workshop**, U. Toronto Faculty of Law, Toronto, Canada (February 2009)

Jewish Thought & Enduring Human Questions, Princeton University (Summer 2009)

Presented: *Oral and Written Law* to students at the Witherspoon Institute.

**Faculty Workshop**, McGeorge Law School, Sacramento California, (November 2009)

Presented: The Distribution of Doctrinal Complexity Across Legal Systems

**Yeshivat Hadar**, *Halakhah as a Language of Applied Values*, New York, (December 2009).

**Keynote address**: Framing Halakha: Law, Ethics, Philosophy or Values?

**AALS Section on Jewish Law**, New Orleans, LA (January 2010)

Panel convener: Is Halakha Jewish Law?

Faculty Scholarship Exchange, Rutgers University, (January 2010)

Presented: The Distribution of Doctrinal Complexity Across Legal Systems

*Judaism in the Political Sphere*, conference at University of Pennsylvania (January 2010)

Presented: Creating Public Policy from Jewish law: Translating Halakhic Categories into Political Values

**Conference on** *Transactional Education*, Emory Law School, Atlanta, GA (June 2010)

To Presented: *Transactional Lawyering: A Conceptual Approach* (discussion and presentation of Villanova's practicum)

**Obligations Conference,** held at Oxford University, Oxford, UK (Summer 2010)
Presented: Faith in Legal Doctrine: An Anglo-American Comparison

Tivkah Seminar, University of Pennsylvania, (Summer 2010)

Presented: A Modern-Orthodox Approach to Value-based Talmud Study

Conference on *Jewish and Modern Concepts of Law*, conference held at University of Hamburg, Germany (Fall 2010)

Presented: Towards a Legal Theory of Jewish Law.

**Conference on** *Religion in Law and Law in Religion*, St. John's U. Law School, Queens, NY (Fall 2010)

Presented: The Rabbinic Idea of Law

Villanova U. Bible Study Group, Villanova PA, (Fall 2010)

Presented: Ethics through Law and Ethics through Literature: The Talmud's Take on the Fifth Commandment

Kol Mevaser Lecture, Yeshiva University, New York, NY (Fall 2010)

Presented: The Brisker Derekh: What is it? Where has it been?

Where is it going?

Jewish Law Seminar, U. Penn Law School, Philadelphia, PA (Winter 2011)

Conference on *Multi-valued Law and Multivalent Logic*, held at Netherlands Institute of Advanced Study, Netherlands, (Summer 2011)

Presented: Jewish Law: One God, No State and Many Legal Opinions

Center for Modern Torah Leadership, Boston, MA (August 2011)

**Presented**: Is a Philosophical Account of Jewish Law Possible?

Conference celebrating publication of the *Restatement Third of Restitution*, held at Boston University, Boston, MA (September, 2011).

Invited Panelist

Faculty Seminar, University of Georgia, Athens, GA (October, 2011)

Presented: Work in progress on private law theory.

**International Workshop on Global Trends in Law and Religion**, held at University of Lucerne, Switzerland (November, 2011)

Presented: Is Halakhah Jewish Law? And if not, what is it?

**Faculty Seminar**, Hebrew University, Jerusalem (December 2011)

Presented: Work in progress on Jewish legal theory.

Israel Law and Society Conference, held at Bar-Ilan University, Israel (December,

2011)

Presented: Halakhah: The Rabbinic Idea of Law

**Faculty Seminar,** Shalem Center, Jerusalem, Israel (December, 2011)

Presented: Work in progress on Jewish legal theory.

Faculty Seminar, Boston College Law School, Boston, MA (February, 2012)

Presented: Faith in Legal Doctrine

The Possibilities of Forgiveness, conference at Villanova University, Villanova, PA

(February 2012).

Panelist

- **Jewish Religion and Culture Series**, Villanova University (February, 2012)

  Public lecture: *The Role of Law in Rabbinic Judaism*
- Forgetting and Error in Jewish Law, Harvard Law School, Cambridge, MA (May, 2012)

Panelist: Does every legal question have a uniquely correct answer?

- **Jewish Law Symposium**, DePaul College of Law, Chicago, IL (May 2012)
  Presented: *Talmudic Analytics and Ethical Thought*
- Corrective Justice Workshop, Cardozo Law School, New York, NY (July 2012)

  Presented: Corrective Justice and Jewish Law: From
  Incontrovertible Benefits to Immanent Rationality
- **Jewish Law Association Conference**, Yale Law School, New Haven, CT (July 2012)

  Member of Academic Committee and Presenter
- **Madison Program Workshop,** Princeton University, Princeton, NJ (Feb 2013)

  Presented: Halakhah and Governance
- Gruss Lectures (Pair of endowed lectures), U.Penn.Law School (Spring 2013).

  Presented: Halakhah: The Rabbinic Idea of Law (Lecture I)

  Law AS Liturature: The case of the Talmudic Sugya (Lecture II)
- Shaping Legal Cultures, U. Penn. Arts and Sciences, Phila, Pa(April, 2013).

  Presented: Non Applied Law
- **Zionism and Law**, Princeton University, Princeton, NJ, (Spring 2013)
  Panel Respondent
- **Philosophy of the Bible and Talmud,** Shalem Center, Jerusalem, Israel (Summer 2013) Presented: Torah *Study as a way of Knowing*
- **Gruss Lecture** (Endowed lecture), U.Penn.Law School (Fall 2013).

  Presented: *Halakhah: Torah Study and the Codification of Jewish law*
- Thinking Legally & Thinking Historically, U. Penn Law School (December 2013)

  Conference Organizer and Speaker

Seminar, Bar Ilan University Law Faculty, Israel (Winter 2013).

Jewish Law Seminar, Hebrew University Law Faculty, Israel (Winter 2013).

Seminar, Havruta Program, Hebrew University, Israel (Winter 2013).

- Conference on Law and Love, Pepperdine Law School, Malibu California, (February 2014) Presented: Law AS Love: The Talmudic Theory
- **Glazer Institute,** Pepperdine University, Malibu, California (February 2014) Presented: *The Role of Law in Rabbinic Judaism*
- **Religious Legal Theory Conference**, Emory Law School, Atlanta, GA (February 2014) Presented: *Torah Study and the Conflict between State & Halakhah*
- **Stanford Law School**, Stanford Constitutional Law Center, Stanford, CA (May 2014) Presented: The Paradox of Free Exercise and Jewish Law
- **Stanford Law School,** Christian Legal Fellowship and Jewish Law Students Association Jesus' Legal Theory—A Rabbinic Interpretation
- **Cong. Beth Sholom,** Scholar in Residence for Shavuot, (Lawrence NY, June 2014)
- Jewish Law Association Conference, Antwerp, Belgium, (Summer 2014)
  Plenary Speaker: Halakhah: Law AS Literature (and back again)
- Hebrew University of Jerusalem, The Tzoba Conference: Contact Law and Jewish Law, (September 2014).

  Presented: Does the Talmud recognize a Contract? A perspective based on contractual remedies
- U. California Law School (Irvine), Conference on Jewish and Islamic Law, Irvine, CA (Sept. 2014)

  Presented: Framing Jewish Law for the American Law School Context
- **Duke Law School,** Faculty Seminar, Durham N. Carolina (October, 2014) Presented: *The Rabbinic Idea of Law*
- **Drisha Institute,** Seminar and Public Lecture, New York, NY, (November, 2014)

  Presented: *The 'Conceptual' Approach to Talmud Study: Where has it been and where is it going?*
- **Young Israel of Hollywood,** Scholar in Residence, Hollywood FL (Dec.2014)
- **Orthodox Jewish Forum**, Guest Scholar Highland Park, NJ December 29, 2014 *Revolution and Evolution in Jewish Law: The Case of Agunot*
- **AALS Section on Jewish law,** Panelist, Washington D.C. (Jan 2015)
  Presented: Religious Claims in the Public Sphere—The Jewish Perspective
- **Kesher Israel Cong.** Scholar in Residence, Washington, D.C. (Jan 2015)

Young Israel of West Hartford, Shavuot Scholar in Residence, (June 2015)

Young Israel of Plainview, Scholar in Residence, Plainview, NY (Oct.2015)

U. Michigan Faculty Workshop, Ann Arbor, MI (Oct. 2015)

Presented: The Rabbinic Idea of Law

**University of Toronto**, *Conference on Jewish Law and the Family* (Nov. 2015) Presented: *Gender Relationships in Halakhah and Aggadah* 

**Contemporary Issues in Insurance Law,** Conference at U. Haifa Faculty of Law, (Israel, December 2015)

Presented: Are Insurance Policies Contracts: The View from the Restatement of Liability Insurance

Limmud, International Conference of Jewish Learning, London England, (December 2015). Invited to present multiple lectures at multi-day conference.

Orthodoxy, Halakhah and Boundary Anxiety, Shalom Hartman Inst.

New York City (March 2016)

Presented: The Market for Gedolim: A Tale of Supply and Demand

**Hebrew University,** Havruta Fellowship, Jerusalem, Israel (June 2016) To Present: *Tractate Bava Batra in Calebresi & Malamud's Cathedral* 

**HU Faculty of Law,** *Jewish Law and Legal Theory Workshop,* Jerusalem, Israel (June 2016) Event where several reviewers will comment on, THE RABBINIC IDEA OF LAW

### **SERVICE**

# Service to the Law School and Community

- AALS Section on Jewish Law (Chair 2009-10)
- AALS section on Comparative Law (Board Member)
- Advisor to JLSA
- Member US/Canada Committee of International Jewish Law Association
- Member of Strategic Planning/CORIC Committee
- Member of Clerkship Committee
- Member of Faculty Development Committee
- Advisor to VLS students (incl. 2011-2012)
- Coordinated Junior Faculty lunches in Summer 2010

- Delivered CLE's on Jewish and Christian Legal Theory, ADR in Jewish and American Law, The Prohibition Against Withholding Workers' Wages: A Case Study in Jewish law and Business Ethics.
- Organized panel on "Serving as an informant and a cooperating witness in Jewish and American law (at Lower Merion Synagogue)
- Delivered several presentations on topics relating to *Jewish and American Law* at Swarthmore College, Bryn Mawr and Haverford Colleges
- Delivered, Responsibility for Aging Parents: Jewish and American Law at Haverford College (Fall 2009 & Spring 2010)
- Member, Education Committee of Kohelet Yeshiva High School
- Chair, Education Committee, Torah Academy of Greater Philadelphia (2014--)
- Chair, Education Committee of Lower Merion Synagogue ("LMS") (2009-10)
- Delivered several lectures on Jewish and American law at LMS
  - Contracting to Sell Hametz before Passover: History, Theory and Practice (March 2007)
  - o *The State of Jewish Law and the Law of the Jewish State* (Jerusalem Day 2007)
  - o The Bizarre Rituals of Hoshanna Rabba (September 2007)
  - o Jesus in the Jewish Tradition (Christmas Day 2007)
  - o Mourning the Temple: Law, History and Memory (Summer 2008 & Summer 2013)
  - "The Temple was destroyed on account of adherence to the Law" (Summer 2009)
  - What would a State run by Jewish Law Look Like—and would you want to live there?(Spring 2009)
  - o Halakha, Lomdus, Philosophy and Ethics (4 part series, Summer 2012)
  - o Just How Much Matzah is Eaten at the Seder? (April 2014)
- Delivered lectures at Young Israel of the Main Line Synagogue
  - o Tortuous Interference with Contract: Talmudic and American Law Perspectives (February 2008)
  - o Determinism in Jewish law and Philosophy
  - o Jewish Civil Law: Divine Revelation or Human Logic (2 part series) (February 2010)
  - o Withholding a Worker's Wages in Jewish Law (Fall 2010)
  - o Judicial Elections and "Verbal" Bribes in Jewish Law (Spring 2011)
- Delivered Lectures at Kohelet Yeshiva Beit Midrash
  - o Gun Control in Halakhah
  - o The Duty to Aid: American and Jewish Law Perspectives
  - o Jesus & the Talmud
  - o End of Life Care in Jewish Law
- Limmud Philly: International Conference on Jewish Learning (*Jewish law and the State*) (March 2010)
- Scholar in residence for weekend:
  - Young Israel of Hollywood/Ft. Lauderdale, Hollywood, FL (December 2014)
  - o Young Israel of Century City, Los Angeles, CA (February 2014)

- o Congregation Beth Tefilloh, Lawrence New York (Summer 2014)
- o Mt. Sinai Congregation, New York, NY (Summer 2013)
- o Young Israel of Sharon, MA (February 2012)
- Kesher Israel: The Georgetown Synagogue, Washington. DC (December 2008
- O Young Israel of Atlanta, GA Establishing Priorities in the Distribution of Charitable Funds (Thanksgiving 2006)