

CHAIM N. SAIMAN
Villanova University
Charles Widger School of Law
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PERMANENT APPOINTMENT

Villanova U. Charles Widger School of Law,

Chair in Jewish Law (2019—)
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*
Jewish Law
Insurance Law
Advanced Insurance Law: Coverage Disputes (co-developed syllabus
for lawyering skills course focused on insurance coverage disputes)
Arbitration

Awards: Ambler Faculty Scholarship Impact Award (2020)

EDUCATION

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|---|-----------|
| Columbia University School of Law , New York, NY J.D., May 2001 Harlan Fiske Stone Scholar | 1999-2001 |
| Georgia State University , Atlanta, GA B.B.S. Finance, <i>magna cum laude</i> Honors: Dean's List – all semesters; Hope Scholar, 1994-1998 | 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.

TERM APPOINTMENTS

University of Pennsylvania Katz Center for Adv. Judaic Studies Fall 2022
Albert J. Wood Fellow

U. Haifa Faculty of Law Fall 2021
Visiting Professor

Pepperdine University Law School Spring 2021
Brenden Mann Scholar in Residence

U. Toronto Faculty of Law Winter 2019 & 2020
Distinguished Visiting Faculty

Interdisciplinary Center Herzliya, Faculty of Law Summer 2018;2020
Visiting Professor

Harvard Law School Spring 2017
Gruss Visiting Professor of Talmudic Law

Hebrew University Faculty of Law Spring/Summer 2016
Visiting Professor

Bar Ilan Faculty of Law Winter 2015
Visiting Professor

University of Pennsylvania Law School, Fall 2012
Gruss Visiting Professor of Talmudic Law & Fall 2013

Princeton University 2012-2013
William E. Simon Visiting Fellow in
Religion and Public Life

Harvard Law School, 2004-2006
John M. Olin Fellow in Law

NYU Law School, 2005-2006
Samuel I. Golieb Fellow in Legal History

PUBLICATIONS

Books

- HALAKHAH: THE RABBINIC IDEA OF LAW (Princeton U. Press, 2018) (*paperback, 2020*)

Significant scholarly reviews in:

- *Harvard Theological Review*
- *Journal of Law and Religion*
- *Religion & Theology Review*
- *Jewish Review of Books*
- *American Journal of Comparative Law*
- *Tradition*
- *Book Post*
- *AJS Review*

Symposium in 64 *Villanova Law Review* (2019) with reviews by leading scholars.

- INSURANCE LAW AND POLICY (5th Edition, 2021, Aspen (Wolters Kluwer)) (with Tom Baker and Kyle Logue)

Articles & Book Chapters

- *Why Insurance Needs a Restatement*, 28 CONN. J. INS. LAW. ____ (*forthcoming 2022*).
- *Formalism in Jewish Law* in OXFORD HANDBOOK OF JEWISH LAW (*forthcoming*)
- *Shots Not Fired in the Culture War: Commercial Law in Contemporary Rabbinical Courts* in DEMOCRACY, RELIGION, AND COMMERCE: PRIVATE MARKETS AND THE PUBLIC REGULATION OF RELIGION (*forthcoming, 2022*)
- *The Status of the Halakhic State*, 56 (4) TRADITION 114 (2021).
- *The Law Wants to be Formal*, 96 NOTRE DAME L. REV. 1067 (2021).
- *How Zionism is Reconstructing American Orthodoxy*, 54 (4) TRADITION 92 (2019)
- *Fiduciary Duties in Jewish and American Law* in the OXFORD HANDBOOK OF FIDUCIARY LAW (Oxford University Press) (*forthcoming 2018*)
- *Jewish Law in Modernity* in the ENCYCLOPEDIA OF THE BIBLE AND ITS RECEPTION (Verlag Walter de Gruyter) (2017).

- *Multivalent Logic in Jewish Law: One God, No State and Many Legal Arguments* in LAW AND THE NEW LOGICS (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 für 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).
 - *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 19th 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

- *The New American Halakhah: The Praxis of Contemporary Beth Dins*

- *Insurance Policies: Contract and anti-Contract Law*
- OXFORD HANDBOOK ON JEWISH LAW, (with co-editors Roberta Kwall and Zev Eleff) (contract signed with OUP).

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

Beth Din (Rabbinical Court) of America, New York, NY 2018—
 ○ rabbinical court judge/arbitrator in commercial law disputes

Cleary, Gottlieb, Steen, & Hamilton, New York, NY 2001-2003
Associate, Transactional Intellectual Property Group

Dewey Ballantine, New York, NY Summer 2000
Summer Associate, Corporate Law

BAR ADMISSIONS

- New York
- Pennsylvania

SELECTED PROFESSIONAL ENGAGEMENTS

- *Dayan* (rabbinic court judge/arbitrator), Beth Din of America, New York, NY (ongoing)
- Elected Member of the American Law Institute (2020).
- Expert witness on Jewish law in commercial fraud litigation, *Berger et al. v. Cushman & Wakefield of Pennsylvania, Inc., et al.*, Civil Action No. 2:13-cv-5195 (E.D. Pa.).
- Expert witness on insurance law, *Horn v. Minnesota Life Ins. Co., et.al.*, Civil Action No. 2:17-cv-00238 (E.D. Pa.).

- Expert witness on Jewish law and insurance law, *Conestoga Trust v. RE Family Trust, et al.*, Civil Action No. 2011-CI-17646 (Bexar Cnty. Tex.).

SELECTED POPULAR WRITINGS

- *In Rejecting the Zoom Seder, What Was Affirmed?* (Mosaic Magazine, May 2020)
<https://mosaicmagazine.com/essay/religion-holidays/2020/05/in-rejecting-the-zoom-seder-what-did-orthodox-judaism-affirm/>
 - *Most read article in Mosaic Magazine in 2020*
- *The Inverted Halakhah of Simhat Torah*, (October 2019)
<https://thelehrhaus.com/holidays/the-inverted-halakhah-of-simhat-torah/>
- *How Halakhah Changes: From Nahem to the “Tisha be-Av Kumzitz”* (July, 2017)
<http://www.thelehrhaus.com/scholarship/2017/7/30/how-halakhah-changes-from-nahem-to-the-tisha-be-av-kumzitz>
- *Remembering R. Ozer Glickman- A Modern Orthodox Voice Against Racism* (March 2018)
<https://forward.com/life/faith/397200/modern-orthodox-rabbi-ozzer-glickman-voice-against-racism/>
- *Why The Last Jedi is more “Spiritual” than “Religious”*, THE ATLANTIC, (Dec. 2017)
<https://www.theatlantic.com/entertainment/archive/2017/12/why-the-last-jedi-is-more-spiritual-than-religious/549146/>
- *The Nature of Halakhic Civil Law* (June 2017)
<http://www.thelehrhaus.com/timely-thoughts/2017/5/28/the-nature-of-halakhic-civil-law>
- *Our Current Political Station: Might this be Modern Orthodoxy’s Moment?*, (January, 2017)
<http://www.thelehrhaus.com/timely-thoughts/2017/1/18/our-current-political-station-might-this-be-modern-orthodoxys-moment>
- *The Market for Gedolim*, (Sept.2016)
<http://www.thelehrhaus.com/scholarship/2016/10/12/the-market-for-gedolim>
- *The Impassioned Moderate: Rav Aharon Lichtenstein*, THE JEWISH WEEK (April 21, 2015), <http://www.thejewishweek.com/editorial-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
<http://www.torahmusings.com/2015/03/should-maggid-take-forever/>
- *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-/>

OTHER SCHOLARLY ACTIVITIES

Conferences and Panels Organized

- Conference for the OXFORD HANDBOOK OF JEWISH LAW (4-day online conference in June 2021)
- Law Review Symposium, *The Rabbinic Idea of Law: Interactions and Implication*, Villanova Law, (Winter 2019) (convener).
- AALS Section on Jewish Law: *The Evolution and Use of Judeo-Christian in American Law and Public Life*, (New Orleans, Winter 2019) (convener).
- *Workshop on Insurance & Contract Law*, Villanova (Fall 2018)
- Symposium on *Law & Religion Meets Law & Economics*, Villanova, (Spring 2017) (convener)
- Workshop *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 Section on Jewish Law: *Is Halakah Jewish Law?* (2010) (convener)

Peer Reviews & Dissertation Committees

- Reviewer of Tenure and Promotion files for T-25 law schools.
- Dissertation Committee and Field Supervisor for PhD candidate at Princeton University (Jewish law and American legal theory)
- Dissertation Committee and for PhD candidate at Yeshiva University (Talmudic law and legal theory)
- Reviewer for Israel Science Foundation grant applications, and tenure review for Hebrew University Law School
- Peer reviewer for AMERICAN JOURNAL OF COMPARATIVE LAW; JOURNAL OF RELIGION, LAW AND STATE; LAW AND PHILOSOPHY REVIEW; JEWISH STUDIES QUARTERLY; UNIVERSITY OF TORONTO LAW JOURNAL; STUDIES IN LAW, POLITICS AND SOCIETY; JOURNAL OF LAW AND RELIGION, THE JEWISH LAW ANNUAL, Oxford U. Press, Cambridge U. Press and U. Penn. Press.

SELECTED PRESENTATIONS

DELIVERED (2017--)

Podcast: *Down the Rabbi Hole*, Interview on development of Jewish law and customs (May 2022).

Podcast: *On Principle*, Interview on abortion and Jewish Law (May 2022).

Yeshiva U. Kollel Elyon, *Legal Theory for the Lamdan*, (New York, May, 2022)

Chabad of Haverford College, *Jewish law and the Culture Wars: Lessons from the Middle Ages* (December 2021)

Jewish Law in English and American Courts, CLE with Lord Wolfson, Minister in UK Government. (Summer 2021).

The Ethics of Agunah: Social and Legal Perspectives, Zoom, Lincoln Sq. Synagogue (Summer 2021).

Villanova University CLE, *Contracts in the COVID Era* (August 2020).

Religion, Democracy and Markets Conference (UVA and William & Mary)

Presented: *Shots Not Fired in the Culture War: Rabbinical Court Arbitrations*

Beth Din of America, CLE: *Contracts in Pandemics: American Law* (April 2020).

Columbia Law School, Event for HALAKHAH: THE RABBINIC IDEA OF LAW (March 2020)

ABA-Tort Trial and Insurance Law Section Conference, *Why Insurance Needs a Restatement*, (Phoenix AZ, Feb. 2020)

NYU Law School, Event for HALAKHAH: THE RABBINIC IDEA OF LAW (Dec. 2019)

Stanford Law School, Event for HALAKHAH: THE RABBINIC IDEA OF LAW (Nov. 2019)

Stanford University, Jewish Studies Program, Contemporary Beth Din Practice (Nov. 2019)

Fordham Law School, *Annual Lecture on Jewish Law* (Fall 2019)

HALAKHAH: THE RABBINIC IDEA OF LAW

U. Virginia, Conference on Religion and the Market (MAY 2019).

U. Toronto, Faculty Workshop (March 2019)

U. Toronto, Private Law Theory Workshop (March 2019)

Osgoode Hall Law School, Faculty Workshop (March 2019)

Duke Law School, Faculty Workshop (Jan. 2019)

Presenting: *The Restatement of the Law of Liability Insurance and the Creation of Insurance Law.*

Duke University, Book Launch co-sponsored by Depts. of Religion, Jewish Studies and Law (Jan. 2019)

William and Mary Law School, Faculty Workshop (Jan 2019)

Presenting: The Restatement of the Law of Liability Insurance *and the Creation of Insurance Law*.

Oxford University, David Patterson Lecture, Centre for Hebrew and Judaic Studies, Oxford, UK, (November 2018)

Oxford University, Faculty of Law, Obligations & Property Law Workshop, Oxford, UK, (November 2018)

Cambridge University, Centre for Private Law, Cambridge, UK (November 2018)

U. Antwerp, Endowed Lecture at Institute for Jewish Studies, Antwerp, Belgium (November, 2018)

U. Amsterdam, Menasseh b. Israel Institute, Lecture Series on Jewish Studies (November, 2018).

Villanova Law, *The Interactions of Insurance and Contract Law* (Fall 2018)

Presented: The Restatement of the Law of Liability Insurance *and the Creation of Insurance Law*.

Harvard Law School, Private law workshop, (Fall 2018).

Presented: *The Domain of Private Law*

Harvard Law School, Book Launch for HALAKHAH: THE RABBINIC IDEA OF LAW (Fall 2018)

Keshet Israel Congregation, Scholar in Residence, Washington, DC (Fall 2018)

Yale Law School, Book Launch for HALAKHAH: THE RABBINIC IDEA OF LAW (Fall 2018)

U. Melbourne/ Oxford University, International Obligations Conference, Melbourne, Australia, (Summer 2018)

Presented: *The Domain of Private Law*

Interdisciplinary Center Herzlia, Faculty workshop (Summer 2018)

Presented: *The Domain of Private Law*

Tel Aviv University Faculty of Law, Private Law Theory workshop (Summer 2018)

Presented: *The Domain of Private Law*

Hebrew University Faculty of Law, Private Law Theory Workshop (Summer 2018)

Presented: *The Domain of Private Law*

U. Pennsylvania Law School, Gruss Conference (April 2018).

Presented: *Jewish Law as a model for Stateless International Law*

Notre Dame/Catholic Theological Union, Conference on Jewish/Catholic Dialogue
Chicago, IL, (April 2018).

Presented: *The Halakhah of Jesus' Trial*

13th International Contracts Conference, Orlando, FL (Feb. 2018)

Presented: *The Domain of Private Law*

Duke Law School, Religious Law Seminar, Durham, North Carolina (January 2018)

Presented: *Is Jewish Law a Religious Legal System?*

Yale University Shabtai Society, Shabbat Scholar in Residence, New Haven, CT (Jan
2018)

Villanova University, Program on Political Theology (January 2018)

Presented: *The Rabbinic Idea of Law*

Yeshiva University, Shabbat Scholar in Residence, New York, NY (Dec. 2017)

Harvard Law School, Fiduciary Duties Conference, Cambridge, MA (Nov. 2017)

Presented: *Fiduciary Duties in Classical Jewish Law*

DePaul Law School, Faculty Workshop, Chicago, IL (Nov. 2017)

Presented: *The Distribution of Doctrinal Formality Across Common Law
Systems*

American Society of Comparative Law, Washington, DC (Oct. 2017)

Presented: *"Rabbinical Courts in the Contemporary West: A Forum of Jewish
Law or a Jewish Legal Forum?"*

SELETED (2010—2017)

HU Faculty of Law, *Jewish Law and Legal Theory Workshop*, Jerusalem, Israel

(June 2016)

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*

University of Toronto, *Conference on Jewish Law and the Family* (Nov. 2015)

Presented: *Gender Relationships in Halakhah and Aggadah*

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

Presented: *The Rabbinic Idea of Law*

Duke Law School, Faculty Seminar, Durham N. Carolina (October 2014)

Presented: *The Rabbinic Idea of Law*

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*

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*

Stanford Law School, Stanford Constitutional Law Center, Stanford, CA (May 2014)

Presented: *The Paradox of Free Exercise and Jewish Law*

Religious Legal Theory Conference, Emory Law School, Atlanta, GA (February 2014)

Presented: *Torah Study and the Conflict between State & Halakhah*

Thinking Legally & Thinking Historically, U. Penn Law School (December 2013)
Conference Organizer and Speaker

Gross Lecture (Endowed lecture), U.Penn.Law School (Fall 2013)

Presented: *Halakhah: Torah Study and the Codification of Jewish law*

Philosophy of the Bible and Talmud, Shalem Center, Jerusalem, Israel (Summer 2013)

Presented: *Torah Study as a way of Knowing*

Shaping Legal Cultures, U. Penn. Arts and Sciences, Philadelphia, PA(April, 2013).

Presented: *Non Applied Law*

Gross Lectures (Pair of endowed lectures), U.Penn.Law School (Spring 2013)

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

Law AS Literature: The case of the Talmudic Sugya (Lecture II)

Corrective Justice Workshop, Cardozo Law School, New York, NY (July 2012)

Presented: *Corrective Justice and Jewish Law: From Incontrovertible Benefits to Immanent Rationality*

Forgetting and Error in Jewish Law, Harvard Law School, Cambridge, MA

(May, 2012)

Panelist: *Does Every Legal Question Have a Uniquely Correct Answer?*

Faculty Seminar, Hebrew University, Jerusalem (December 2011)

Presented: Work in progress on Jewish legal 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, University of Georgia, Athens, GA (October, 2011)

Presented: Work in progress on private law theory

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*

Presented: *The Rabbinic Idea of Law*

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.*

Obligations Conference, held at Oxford University, Oxford, UK (Summer 2010)

Presented: *Faith in Legal Doctrine: An Anglo-American Comparison*

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

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

SELECTED SERVICE

- Chair, Academic Committee, Villanova U. Widger School of Law (2017--)
- Chair, Practicum Evaluation Committee (2017)
- Member, Strategic Planning Committee (2018-19)
- AALS Section on Jewish Law (Chair 2009-10; 2018-19)
- Advisor to JLSA
- Member US/Canada Committee of International Jewish Law Association