

David C. Flatto
Hebrew University
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EDUCATION

HARVARD UNIVERSITY,
DEPT OF NEAR EASTERN LANGUAGES AND CIVILIZATIONS Cambridge, MA
Ph.D. with distinction, October 2010

General examinations: rabbinics and ancient Judaism, modern rabbinics
and Jewish studies, Jewish and general legal theory

Thesis: "Between Royal Absolutism and an Independent Judiciary: The Evolution
of Separation of Powers in Biblical, Second Temple and Rabbinic Texts"

COLUMBIA UNIVERSITY SCHOOL OF LAW New York, NY
J.D., May 1997
Harlan Fiske Stone Scholar
Columbia Business Law Review, member
Harlan Fiske Stone Moot Court Competition, semi-finalist

YESHIVA UNIVERSITY New York, NY
Rabbinic ordination, September 1998

YESHIVA UNIVERSITY, YESHIVA COLLEGE New York, NY
B.A., June 1994
Dean's List
Raucher Award for general academic excellence and leadership
Mazer Yeshiva Program salutatorian, Samuel Rothman Award for Talmudic studies
Selected participant in University President's Honors Seminar
Editor-in-Chief, *Beit Yitzchak Journal of Talmud*

ACADEMIC AND PROFESSIONAL EXPERIENCE

HEBREW UNIVERSITY Jerusalem, Israel
Associate Professor of Law and Jewish Thought
Since January 2015
Joint appointment in the Law faculty and the Humanities faculty/Department of
Jewish Thought.

PENN STATE DICKINSON SCHOOL OF LAW State College, PA
Professor of Law
Since September 2008
Tenured, full professor, focusing on constitutional law, law and religion, legal
theory, and legal history.

NEW YORK UNIVERSITY SCHOOL OF LAW, TIKVAH CENTER New York, NY
Visiting Professor, Tikvah Fellow
September 2011-June 2012

Tikvah Affiliate, Adjunct Professor
September 2012- June 2014

Teaching an ongoing course entitled “Essential Themes in Jewish, Christian and Islamic Jurisprudence.” Researching foundational tales of early Jewish jurisprudence, and legal constitutionalism. Leading academic workshop for graduate scholars program.

HEBREW UNIVERSITY LAW SCHOOL

Jerusalem, Israel

Visiting Assistant Professor
December 2010

Taught a winter-term course entitled “Transformative Phases in Early Jewish Jurisprudence” on Jewish and comparative law of antiquity and late antiquity.

YALE LAW SCHOOL

New Haven, CT

Visiting Researcher

September 2007- January 2008

Selected for research appointment to study the origins of separation of powers, judicial independence and sovereign immunity in ancient, medieval and early modern jurisprudence.

CARDOZO SCHOOL OF LAW

New York, NY

Program in Jewish Law and Interdisciplinary Studies Inaugural Fellow

September 2006- July 2007

Researched aspects of rabbinic legal and political history, rabbinic treatment of felons and ex-felons, and collateral sanctions. Participated in legal theory reading group and in legal studies workshop.

Affiliate Scholar

September 2011- June 2013

NEW YORK UNIVERSITY SCHOOL OF LAW

New York, NY

Gruss Scholar-in-Residence

September 2005- July 2006

Researched rabbinic laws of evidence and criminal theory, and the history of rabbinic mourning rituals. Participated in legal philosophy and history colloquia.

KRAMER, LEVIN, NAFTALIS & FRANKEL, LLP

New York, NY

Associate

1998-2000

Represented both public and private companies in a broad range of general corporate matters, including private placements, public offerings, debt financings and mergers and acquisition transactions. Successfully represented political asylum applicant from Somalia.

TEACHING EXPERIENCE

YESHIVA UNIVERSITY, YESHIVA COLLEGE

New York, NY

Adjunct Professor

Fall 2006

Taught a survey course on classical Jewish history, covering topics from the Second Temple period through late antiquity.

HARVARD UNIVERSITY

Senior Thesis Advisor

September 2003-June 2004

Supervised undergraduate thesis in rabbinic and comparative literature.

Teaching Fellow

January 2002-June 2002

Lectured and evaluated written assignments in rabbinic literature course.

HEBREW COLLEGE

New York and Massachusetts

Meah Adult Education Lecturer

2001-2007

Taught introduction to ancient Jewish history and rabbinics. Lectured on Maimonides' jurisprudence and philosophy, Midrash, rabbinic narratives and rabbinic historiography.

CONGREGATION KEHILATH JESHURUN/RAMAZ SCHOOL

New York, NY

2000-2007

Rabbinical Scholar

Delivered sermons and lectures, and led educational seminars. Taught courses on Jewish political and religious philosophy and the jurisprudence of Maimonides. Instructed weekly adult education Talmud class.

Senior Instructor

Taught senior honors Talmud seminar. Developed curriculum and taught senior honors Jewish philosophy course. Taught courses on Bible and Midrash. Co-directed senior thesis honors program.

Recipient

United States Teacher Recognition Award 2003,

United States Department of Education (one of three recipients from state).

PUBLICATIONS

Justice Unbound: Separation of Powers in the Early Jewish Imagination (Harvard University Press, 2015) (accepted for publication).

“Justice Retold: The Seminal Narrations of the Trial of the Judean King,” *Journal of Law and Religion* (Cambridge University Press) 30:1, 2015, pp. 3-35 [a revision of a *Global Law Working Paper*, *NYU Law Global Hauser Series*, 2012].

“Golden Calf in Modern Jewish Commentaries,” *Encyclopedia of the Bible and its Reception* (2015) (forthcoming).

“A Review Essay of Michael Walzer, *In God's Shadow: Politics in the Hebrew Bible*,” *Association of Jewish Studies Review* (Cambridge University Press) 38:1, 2014, pp. 161-167.

“A Divine Compromise: Bringing Hezekiah and Isaiah Together,” *Rav Shalom Banayikh: Essays Presented to Rabbi Shalom Carmy by Friends and Students in Celebration of Forty Years of Teaching* (Ktav Press), 2012, pp. 129-148.

“Tradition and Modernity in the House of Study: Reconsidering the Relationship Between the Conceptual and Critical Methods of Studying Talmud,” *The Next Generation of Modern Orthodoxy: The Orthodox Forum* (Ktav Press), 2012, pp. 113-136; and *Tradition* 43:4, February 2011, pp. 1-20.

“Theocracy and the Rule of Law: A Novel Josephan Doctrine and its Modern Misconceptions,” *Dine Israel* 28, 2011, pp. 5-30.

“The Great Eagle,” *Commentary*, January 2009, pp. 69-72.

“The Gardener of East of Eden,” *Rav Chesed: The Haskel Lookstein Jubilee Volume* (Ktav Press), 2009, pp. 187-204.

“Symposium: Modern Orthodox Education,” *Meorot Journal* 7:2, 2009, pp. 21-25.

“The King and I: The Separation of Powers in Early Hebraic Political Theory,” *Yale Journal of Law and the Humanities* 20:1, 2008, pp. 61-110.

“Historical Roots of Judicial Independence and Their Modern Resonances,” *117 Yale Law Journal Pocket Part* 9, 2007.

“It is Good to be King: The Monarch’s Role in the Mishnah’s Political and Legal System,” *Hebraic Political Studies* 2:3, 2007, pp. 255-283 [a revision of a *Global Law Working Paper*, *NYU Law Global Hauser Series*, 2007].

“Models of Judicial Authority in Late Antiquity,” *Cardozo Program in Jewish Law and Interdisciplinary Thought Working Paper*, May 2007.

“Themes in Tractate Berakhot,” *Keneget Arba Banim* (Shaalvim Press, Hebrew) 2006, pp. 59-89; and *Beit Yitzchak Journal of Talmud* 38, 2006 (Hebrew), pp. 417-454.

“Golden Sacrifices,” *Tradition* 35:4, 2003, pp. 1-14.

“The Status of the Employee in Rabbinic Law,” *Beit Yitzchak Journal of Talmud* 37, 2001 (Hebrew), pp. 176-223.

“War and Peace: a Structural and Thematic Analysis of Maimonides’ Laws of Hanukkah,” *Beit Yitzchak Journal of Talmud* 31, 2000 (Hebrew), pp. 187-193.

Jerusalem Post Editorials:

“Justice in Flux,” April 22, 2006; “Where Learning Thrives,” April 1, 2005

Text and Texture (Tradition’s Blog) Articles:

“*Torat Tisha Be’av, Torat Timahon: The Confused Torah of Tishah Be’av*,” July 15, 2010; “The Angel’s Oath: The Relationship of Hazal to the Platonic Doctrine of Recollection,” December 21, 2009; “*Aseret Yemei Teshuva: Insights from an Early Biblical Paradigm*,” September 17, 2009.

PUBLICATIONS IN PROGRESS

“Mishnah Makkot—Translation and Commentary,” *The New Oxford Mishnah* (eds. S. Cohen and H. Papin, Oxford University Press, 2015) (in preparation).

“Anticipatory Mourning: A Neglected Chapter in Rabbinic Thanatology,” *Tradition* (revising, after acceptance).

“Justice in Early Judaism,” *Encyclopedia of the Bible and its Reception*.

“Kingship in Early Judaism,” *Encyclopedia of the Bible and its Reception*.

“Four Models of Judicial Administration in Postbiblical Literature,” *Menachem Elon Memorial Volume*

“Legal Constitutionalism: A Comparative Perspective.”

“Ancient Psychology: The Body and Soul in Plato, Augustine and the Rabbis.”

“Alternative Penal Schemes: Shame, Stigma and Collateral Sanctions in Historical Perspective.”

RECENT SCHOLARLY PRESENTATIONS

“What is Divine about Divine Law?,” Respondent, McGill's Department of Jewish Studies Annual Flegg Lecture, *McGill University*, Montreal, Canada, February 2015

“An Interdisciplinary Perspective on Jewish and Islamic Law,” Jewish and Islamic Legal Systems: Comparisons and Relationships *University of California at Irvine*, Irvine, CA, September 2014

Participant, Law and the Moral Sense Workshop, Denver, CO, July 2014

“Constitutions and Covenants,” Judaism and Constitutional Law: People of the Book, *DePaul University College of Law*, Chicago, IL, April 2014

Impeaching Testimony in Halakhah: A Case Study of Historical and Conceptual Dimensions of an Evolving Legal Rule,” Thinking Legally and Thinking Historically, *University of Pennsylvania Law School*, Philadelphia, PA, December 2013

“The Concept of a Separation of Powers: A Novel Doctrine in Early Jewish Jurisprudence and its Analogs in Modern Western Jurisprudence,” Lichter Lecture, *University of Cincinnati*, Cincinnati, OH, October 2013

“Understanding Faith Communities,” *Foreign Service Institute, United States Department of State*, Washington, DC, April 2013.

“Comparative Conceptions of Separation of Powers,” *Hebrew University*, Jerusalem, Israel, March 2013.

“Exploring Paradoxes and Anomalies in Jewish and Comparative Law,” Session Organizer, Chair of Jewish Law Section, *Association of American Law Schools Annual Conference*, New Orleans, LA, January 2013 (upcoming).

“Sovereignty and Law: Early Jewish Attitudes in Comparative Perspective,” *University of Chicago*, Center for Jewish Studies, Chicago, IL, November 2012.

“War and Peace in Maimonidean Thought,” *University of Chicago Hillel*, Chicago, IL, November 2012.

“Reviewing Michael Walzer, *In God’s Shadow: Politics in the Hebrew Bible*,” Respondent, Tikvah Annual Conference, New York, NY, July 2012.

“Challenges of Sovereignty in a Jewish State,” International Philosophy Conference, Shalom Hartman Institute, Jerusalem, Israel, June 2012.

“The Foundational Jurisprudence of Religious Minorities,” Law and Society International Conference, Honolulu, HI, June 2012.

“Transformative Phases in Early Jewish Jurisprudence Seminar,” Tikvah Foundation Fellowship Program, New York, NY, May 2012.

“Foundational Stories in the Jewish Legal Tradition,” New York University School of Law, Tikvah Center Presentation, New York, NY, May 2012.

“A Comparative Analysis of Law Through the Examination of Biblical, Talmudic and Scholarly Texts Symposium,” *DePaul University College of Law*, Chicago, IL, May 2012 .

Respondent, Plenary Panel on Jewish and Islamic Law, *Pepperdine University School of Law Religious Legal Theory Conference*, Los Angeles, CA, February 2012.

“Reflections on the Relationship Between Law and Power in Jewish, Islamic, Christian, and Western Jurisprudence,” *Pepperdine University School of Law Religious Legal Theory Conference*, Los Angeles, CA, February 2012.

“The Trial of the Judean King,” *Association of Jewish Studies Conference*, Washington, D.C., December 2011.

“Religious Law and its Limits: A Study of Rabbinic Thought, in Comparison with Christian and Muslim Perspectives,” Minerva Center and Religare Religious Perspectives on the Public Sphere Conference, Tzuba, Israel, December 2011.

“Plato, Aristotle, and the Rabbis on the Origins of Human Life: A Comparative Study,” *Columbia University Hillel*, New York, NY, December 2011.

“Sabbath in Judaism, Christianity and Islam,” *Princeton University Hillel*, Princeton, NJ, November 2011.

“Struggling for Justice: Law’s Confrontation with Political Power in Narratives of Post-Biblical Literature,” *Notre Dame Law School*, South Bend, IN, November 2011.

“Foundational Legal Stories in Early Jewish Jurisprudence—An Initial Account,” *New York University Law School*, New York, NY, October 2011.

“Judges, Kings, Prophets, and Lawyers in Biblical and American Perspectives: A Panel Discussion,” *Brigham Young University Law and Religion Conference*, Provo, UT, March 2010.

“Theocracy and the Rule of Law,” *Cardozo Law School Conference on Political Theology*, New York, NY, February 2010.

“An Interdisciplinary Approach to the Study of Jewish Law,” *Association of American Law Schools Annual Conference*, New Orleans, LA, January 2010.

Lecture series on tractates Makkot, Sanhedrin, *Drisha Institute*, New York, NY, 2010-2011.

“Plato, Aristotle, and the Rabbis on the Origins of Human Life: A Comparative Study,” *University of Chicago Hillel*, Chicago, IL, December 2010.

“*Nasi* as Chief Justice: The Etymology of a Rabbinic Title,” *Association of Jewish Studies Annual Conference*, Los Angeles, CA, December 2009.

“Kingship in Jewish Law and Theology: A Panel Discussion,” *Cardozo Law School Panel*, New York, NY, October 2009.

“Maimonidean Law: A Case Study,” *Yeshiva University*, New York, NY, 2009.

“Royal Politics,” *Association of Jewish Studies Annual Conference*, Toronto, Canada, December 2007 (winner of a *Dorot Fellowship* for outstanding graduate student paper).

“Labeling the Deviant: A Diachronic Study of Rabbinic Law and Society,” *Institute for Advanced Studies at Hebrew University Seminar*, Jerusalem, Israel, July 2007.

“Political Constitutionalism in Jewish Late Antiquity: Deuteronomy 17 and Its Interpreters,” *New England Society of Biblical Literature Conference*, Newton, MA, April 2007.

“Separation of Powers in Early Hebraic Political Theory,” *Cardozo’s Jewish Law and Legal Theory Workshop*, New York, NY, April 2007.

“The King in Rabbinic Political Theory,” *Shalem Center’s Hebraic Political Studies Conference*, Jerusalem, Israel, December 2006.

“Enforcement in Rabbinic Jurisprudence,” *Stern College, Yeshiva University*, New York, NY, November 2006.

“Who is Wicked? Adapting Witness Qualification Standards in Rabbinic Law,” *Columbia University Conference in Honor of David Weiss Halivni*, New York, NY, May 2005.

“Rabbinic Legacies,” *Harvard University Seminar*, Cambridge, MA, March 2003.

“Traces of a Royal Redaction,” *Association of Jewish Studies Annual Conference*, Los Angeles, CA, December 2002 (winner of a *Dorot Fellowship* for outstanding graduate student paper).

UNIVERSITY COURSES TAUGHT

“Foundations of Jewish Law”

“The Decalogue and its Interpreters”

“Classical Jewish History”

“Early Judaism”

“Essential Themes in Jewish, Christian and Muslim Jurisprudence”

“Transformative Phases of Early Jewish Jurisprudence”

“Legal History: The Western Legal Tradition”

“Jesus and the Jews”

“Constitutional Law”

“Employment Law”

“Elements of Law”

“Jurisprudence: The Federalist Papers”

“The Idea of Constitutionalism in Rabbinic Perspective”

“Topics in Early Jewish Political Thought”