

Curriculum Vitae

Bernadette Meyler

559 Nathan Abbot Way

Stanford, CA 94305-8610

Telephone: 650.736.1007

E-mail: bmeyler@law.stanford.edu

Employment

Professor of Law and Deane F. Johnson Faculty Scholar, Stanford Law School (2013-present).

Courses: Constitutional Law I; Fourteenth Amendment; History of the Common Law in England and America; Critical Theory and Law; Law and Humanities Discussion Seminar; Legal Studies Workshop.

Distinguished Visiting Professor, University of Toronto Law School (Fall 2014).

Course: Law and Literature: The Example of Brecht.

Professor of Law and English (2009-2013), Cornell University. Member, Graduate Field in English, Cornell University (2008-2013); Associate Professor of Law (2007-2009); Assistant Professor of Law (2004-2007). Director of Faculty Research, Cornell Law School (2011-2013).

Courses: Constitutional Law I; History of the Common Law in England and America; Law and Literature; Law and Humanities Colloquium; Critical Legal Studies; Law and Literature: The Jury as Audience (Undergraduate); Independent Studies in Law and Interpretation, Constitutional Theory, Decisions of the Roberts Court, Law and Religion, Literary Approaches to Legal History, and Shakespeare and the Law.

Mellon School of Theater and Performance Research, Harvard University (Summer 2012).

Course: Theater and Democracy.

Leah Kaplan Visiting Professor in Human Rights, Stanford Law School (Winter and Spring 2011).

Courses: Constitutional Law I; History of the Common Law in England and America.

Mellon/LAPA Fellow in Law and the Humanities, Princeton University (2009-10).

Course: Church State Scripture (graduate seminar with Peter Brooks, the second in a series on "The Ethics of Reading").

Faculty in Residence, UCLA School of Law (Fall 2007).

Law Clerk (2003-2004), Judge Robert A. Katzmann, United States Court of Appeals for the Second Circuit.

Summer Associate (2002), Jenner & Block, Washington, D.C.

Summer Associate (2001), Skadden, Arps, Slate, Meagher & Flom LLP, New York.

Research Assistant (2000, 2001-2003), Stanford Law School (Dean Kathleen Sullivan and Professors Marc Franklin, Janet Halley, and Robert Rabin).

Instructor (1997-1999), University of California, Irvine.

Teaching Assistant: Literature of Segregation; Literary Criticism.

Sole instructor: Comic and Tragic Vision (Designed and taught "Dramas of Sovereignty" and "Against Aristotle"); Composition.

Assistant Editor (1995), *Let's Go Eastern Europe*.

Education

Stanford Law School, J.D. with Distinction, 2003.

Honors: Order of the Coif.

Activities: Stanford Law Review (Senior Symposium Editor, "Treaties, Enforcement, and U.S. Sovereignty," vol. 55; Editor, vol. 54); Stanford Journal of International Law (Lead Editor, Spring 2000; Symposium Committee, Spring 2000); East Palo Alto Community Law Project, Volunteer Attorney Program; Student Liaison Committee.

University of California, Irvine, Ph.D. in English, 2006.

Dissertation: Theaters of Pardoning: Sovereignty and Judgment from Shakespeare to Kant. M.A. in English (1997).

Seminar participant, School of Criticism and Theory, Cornell University (Summer 1997).

Activities: President, English and Comp. Lit. Graduate Student Association; Graduate Student Representative to the Faculty, Dept. of English and Comp. Lit.; Critical Theory Core Committee.

Harvard College, A.B. in Literature with a focus in Classics, 1995. *Magna cum Laude*.

Thesis: The Interpretation of Dreams: Aeschylus' *Oresteia*.

Honors: Harvard-Radcliffe National Scholar; John Harvard Scholarship for Academic Achievement of the Highest Distinction; The Horblitt Prize for Violin.

Activities: *The Harvard Advocate* (Managing Editor; "Comp" Tutor; Poetry Board); Bach Society Orchestra (Assistant Concertmaster); Harvard-Radcliffe Orchestra; Chamber Music.

Juilliard School Pre-College Division, Diploma in Violin, 1991.

Fellowships and Awards

Mellon/LAPA Fellowship in Law and the Humanities, Princeton University (2009-10).

Provost's Award for Distinguished Scholarship (Cornell University, 2009).

Member, Mellon Foundation Funded Interdisciplinary Writing Group, "Human Rights and Cosmopolitanism" (2008-09).

Affinito-Stewart Grant (Cornell University, 2007).

Dean Lukingbeal Award for Outstanding Commitment to Women's Issues (Cornell Law School, 2007).

Selected to Participate in the Constitutionalism Workshop of the Institute for Constitutional Studies at George Washington University (Workshop Leaders: Mary Bilder and Aviam Soifer) (2007).

President's Award for Extraordinary Vision on Behalf of and Dedication to the Stanford Law Review (Stanford Law School, 2003).

Mellon Fellowship in Humanistic Studies.

Chancellor's Fellowship, University of California, Irvine.

UC, Irvine Summer Dissertation Fellowship.

UC, Irvine Humanities Research Grant.

Ford Program for Undergraduate Research: Sam H. Abramson Memorial Research Fellowship Fund Award.
National Merit Scholar.
National Latin Exam Scholarship.

Publications: Law Review

Law, Literature, and History: The Love Triangle, UC Irvine L. Rev. (forthcoming 2015).

Accepting Contested Constitutional Meanings, 82 Fordham L. Rev. 803 (2013) (symposium issue: "The New Originalism").

"Our Cities Institutions" and the Institution of the Common Law, 22 Yale J.L. & Human. 441 (2010) (symposium issue: "Reasoning From Literature").

Updating the Executive, or, the Character of the Pardoning President, 45 Tulsa L. Rev. 605 (2010) (book review symposium).

Summum and the Establishment Clause, 104 Northwestern U. L. Rev. Colloquy 95 (2009) (online symposium on *Pleasant Grove City v. Summum*).

Commerce in Religion, 84 Notre Dame L. Rev. 887 (symposium issue: "The Supreme Court's 'Hands-Off' Approach to Religious Liberty") (2009).

Daniel Defoe and the Written Constitution, 94 Cornell L. Rev. 73 (2008).

Like a Nation State, 55 UCLA L. Rev. 1621 (with Douglas A. Kysar) (symposium issue: "Changing Climates") (2008).

The Limits of Group Rights: Religious Institutions and Religious Minorities in International Law, 22 St. John's J. Leg. Comment. 535 (symposium issue: "Religion and Morality in the Public Square") (2007).

Economic Emergency and the Rule of Law, 56 DePaul L. Rev. 539 (symposium issue: "Is the Rule of Law Waning in America?") (2007).

Towards a Common Law Originalism, 59 Stanford L. Rev. 551 (2006).

The Equal Protection of Free Exercise: Two Approaches and Their History, 47 B.C. L. Rev. 275 (2006).

The Gestation of Birthright Citizenship, 1868-1898: States' Rights, the Law of Nations, and Mutual Consent, 15 Geo. Immigr. L.J. 519 (2001).

Publications: Peer-Reviewed

Theaters of Pardoning: Tragicomedy and the Gunpowder Plot, 25 *Studies in Law, Politics, and Society* 37 (2002).

Does Forgiveness Have a Place? Hegel, Arendt, and Revolution, *Theory and Event* 6:1 (2002).

What is Political Feeling?, *Diacritics* 30:2, 25 (2001).

Linguistic Works of Art at the Borderlines: Ontological Exclusion in Ingarden and Gadamer, LXIII *Analecta Husserliana* 289 (2001).

Bakhtin's Irony, *Pacific Coast Philology* 32: 1, 105 (1997).

Publications: Solicited Contributions

Theater and Sovereignty, in *Oxford Handbook of Early Modern Law and Literature* (Bradin Cormack & Lorna Hutson eds., forthcoming).

Liberal Constitutionalism and the Sovereign Pardon, in *The Scaffold of Sovereignty: A Global Interdisciplinary Approach* (Stefanos Geroulanos, Nicole Jerr, Zvi Ben-Dorr eds., forthcoming Columbia UP).

Derrida's Legal Times: Decision, Declaration, Deferral, and Event, in *Divisible Derrida* (Victor Taylor ed., forthcoming).

Adorno's Shifting Wozzeck (Matthew Wilson Smith & Richard Begam eds., *Opera and Modernism*, forthcoming).

Defoe's Formal Laws, in *Subversion and Sympathy: Gender, Law, and the British Novel* (Martha Nussbaum & Alison LaCroix eds., Oxford UP 2013).

Equity Over Empathy: A Response to Robin West, in *Nomos LIII* (2012) (response to Robin West, *The Anti-Empathic Turn*).

Wilkie Collins' Law Books: Law, Literature, and Factual Precedent, in *The Secrets of Law* 135-170 (Austin Sarat, Lawrence Douglas, and Martha Merrill Umphrey eds., Stanford UP, 2012).

The Myth of Law and Literature, *Legal Ethics* 318-325 (Winter 2005).

Publications: Other

Review of Donald Drakeman, *Church, State, and Original Intent* and Vincent Philip Muñoz, *God and the Founders*, 4 *Politics and Religion* 168 (2011).

Constitutional Commitments and Religious Identity (review of Steve Shiffrin, *The Religious*

Left and Church-State Relations), 19 Cornell J.L.P.P. 751 (2010).

Review of Bradin Cormack, *A Power to Do Justice: Jurisdiction, English Literature, and the Rise of Common Law, 1509-1625*, 27 L. & Hist. Rev. 685 (2009).

Religious Expression in the Balance: A Response to Murad Hussain's Defending the Faithful, 117 Yale L.J. Pocket Part 186 (2008),
<http://thepocketpart.org/2007/03/24/meyleyler.html>.

Review of John Orth, *How Many Judges Does It Take to Make a Supreme Court*, 26 L. & Hist. Rev. 453 (2008).

Review of *Law as Politics: Carl Schmitt's Critique of Liberalism* (David Dyzenhaus ed.), 36 Stan. J. Int'l L. 185 (2000).

Entries on *Religion in 18th-Century State Constitutions* and *Civil Liberties in Emergency*, in *Routledge Encyclopedia of Civil Liberties* (Finkelman et al. eds., 2006).

Entries on *Bakhtin*, *de Man*, *text*, *signifying practice*, and *poetics*, in *Encyclopedia of Postmodernism* (Victor E. Taylor and Charles E. Winquist eds., 2001).

Composing (for a) Philosophical Comedy, in *Leonard Bernstein: The Harvard Years* 71 (Claudia Swan ed., 1999).

Books in Progress

Towards a Common Law Originalism (under contract with Yale UP).

Theaters of Pardoning: Tragicomedy and Sovereignty in Early Modern England.

Presentations: Invited

Derrida's Legal Times: Decision, Declaration, Deferral, and Event, conference on "Law and Interpretation," Cardozo Law School (Spring 2014).

Conference on "Law As . . .," UC, Irvine (Spring 2014).

Law, Literature, and History: The Love Triangle, Society for the Humanities, Annual Invitational Lecture (Spring 2013).

Conference on "Sovereignty: Stages and Frontiers," New York University (Spring 2013).

Symposium on "The New Originalism," Fordham Law School (Spring 2013).

"Teaching Law and Humanities," Princeton University (Spring 2013).

Con Law “Schmooze” on Executive Power, University of Maryland Law School (Spring 2013).

Brooklyn Law School Faculty Workshop (Spring 2013).

Georgetown Constitutional Law Colloquium (Fall 2012).

University of Chicago Constitutional Law Workshop (Spring 2012).

Harvard Renaissance Colloquium (Spring 2012).

University of Minnesota Legal History Workshop (Spring 2012).

Commentator on John Inazu’s Liberty’s Refuge: The Forgotten Freedom of Assembly, Washington University Law School (Spring 2012).

Ronald J. Fiscus Lecture in Constitutional Law, Skidmore College (Fall 2011).

Pace Law School Faculty Workshop (Fall 2011).

Expanded Pardons: Presidents Presiding Over Kings, Second Annual Conference on Originalism, University of San Diego Law School (Spring 2011).

Stanford Law School Faculty Workshop (Spring 2011).

University of California, Davis Law School Faculty Workshop (Spring 2011).

Saint Louis University Law School Faculty Workshop (Spring 2011).

Columbia Law School Public Law Workshop (Fall 2010).

Smith, *As Applied: An Indirect Heritage*, Cardozo Symposium on “Twenty Years After *Employment Div. v. Smith*” (Fall 2010).

Liminal Legalities: Traveling Women in Defoe’s Fictions, “Gender, Law, and the British Novel,” University of Chicago (Spring 2010).

Theatricality, Pardoning, Sovereignty, Princeton Law and Public Affairs Program Workshop (Spring 2010).

University of Virginia Faculty Workshop (Spring 2010).

Law and Humanities Section Panel on “Reasoning from Literature,” AALS Annual Meeting (Spring 2010).

“Author Meets Reader; Marianne Constable,” Law and Society Association Meeting (Spring 2010).

Workshop on Law and Literature, University of Southern California (Spring 2010).

“Law, Literature, and Theory,” Rutgers University English Department (Fall 2009).

Conference on “The Place of Precedent,” University of Texas (Fall 2009).

Roundtable on *Pleasant Grove City v. Sumnum* and *Salazar v. Buono*, Brooklyn Law School (Fall 2009).

Senior Commentator, Law and Culture Junior Scholars Workshop (Summer 2009).

Harvard Law and Humanities Workshop (Spring 2009).

Conference on “Presidential Power in Historical Perspective,” University of Pennsylvania Law School (Spring 2009).

Modes of Empirical Assessment: A Comparison and Defense of Abstract Review and Facial Challenges, Cornell/École Normale Supérieure Colloque on “The Empirical Study of Judicial Review” (Spring 2009).

University of Toronto Law and Literature Workshop (Spring 2009).

Panel on “Theaters of Law,” Shakespeare Association of America (Spring 2009).

American Comp. Lit. Association Seminar on “Rethinking the State” (Spring 2009).

University of Michigan Law School Faculty Workshop Series (Spring 2009).

Boston University Legal History Workshop (Fall 2008).

Stanford Legal Theory Workshop (Fall 2008).

Pennsylvania Appellate Courts Annual Conference (Summer 2008).

Cornell-Beida Conference on “Law in Context,” Ithaca, New York (Summer 2008).

University of Georgia Faculty Workshop (Spring 2008).

Fordham Law School Faculty Workshop (Spring 2008).

Northwestern Law School Faculty Workshop (Spring 2008).

Cornell University English Department Lecture (Spring 2008).

AALS Annual Meeting Law & Religion Section Panel (Spring 2008).

UCLA Faculty Workshop (Fall 2007).

University of Pennsylvania Constitutional Law Workshop (Fall 2007).

Workshop of the USC Center for Law, History and Culture (Fall 2007).

University of Arizona Law School Faculty Enrichment Series (Fall 2007).

Stanford Legal History Colloquium (Spring 2007).

Washington University Public Law Theory Colloquium (Spring 2007).

Symposium on Religion and Morality in the Public Square, St. John's University School of Law (Spring 2007).

Conference on "Legally Female," Yale Law School (Spring 2007).

Amherst Series in Law, Jurisprudence, and Social Thought on "The Secrets of Law" (Fall 2006).

Respondent, "Comparative Constitutionalism" panel, American Society for Legal History (Fall 2006).

Conference "Taking Exception with the Exception," Cornell University (Fall 2006) (co-organizer and presenter).

The Trials of the English Jury: Lessons for Emergent Systems of Lay Participation, "Workshop on Citizen Participation in East Asian Legal Systems," Cornell Law School (Fall 2006).

Panel considering the question "Should Judges Secure Unenumerated Rights?," Cornell Law School (Fall 2006).

Clifford Symposium, DePaul University School of Law (Spring 2006).

NYU Law School, Legal History Colloquium (Spring 2006).

"Ethnographic Fictions" Conference, Cornell University (Spring 2006).

"Author Meets Reader; The Gift of Science," American Society for Law, Culture, and the Humanities, Syracuse University (Spring 2006).

Substitute Chancellors: The Role of the Jury in the Contest between Common Law and Equity, Burns Lecture Series, Cardozo Law School (Fall 2005).

Panel with Judge Richard Wesley of the U.S. Court of Appeals for the Second Circuit on *Swedenburg v. Kelly*, Cornell Law School (Fall 2005).

The History of the Common Law as the Theory of the Common Law, Telluride Association, Cornell University (Fall 2005).

Rhetorics of Conscience and Reason in the Seventeenth-Century Struggle between Common Law and Equity, Renaissance Society of America, "Law and Subjectivity" Panel (Fall 2004).

Workshop on "Emergence," Stanford University (Summer 2002).

Chair, Panel, "What is the Importance of Theory?," Association for the Study of Law, Culture, and the Humanities, Philadelphia (Spring 2002).

Conference on "Law and Literature," UC, Irvine (Fall 2001).

Presentations: Other

Defoe's Social Contract, American Society for Legal History (Fall 2007).

Transparency and Textuality: Wilkie Collins' Law Books, American Society for Law, Culture, and the Humanities, Syracuse University (Spring 2006).

Separating Powers in the English Revolution: Judicial Discretion and Parliamentary Reform, American Society for Legal History (Fall 2004).

Revolutionary Equity and the Common Law, American Society for Eighteenth Century Studies, Philadelphia (Spring 2000).

Revising Testimony: Shakespeare's New Modes of Witnessing, Modern Language Association, Chicago (Fall 1999).

The Theater of Revolution from James I to Kant, "Law, Culture, and the Humanities," Wake Forest University (Spring 1999).

Joyce's Platonic Dialogues, "Classic Joyce," Rome (Summer 1998).

Stages of Epistemology, Southern California Renaissance Conference, Huntington Library (Spring 1998).

Conferences and Sessions Organized

"New Directions in Law and Literature" (two-day conference co-organized with Elizabeth

Anker), Cornell University (Spring 2013).

Symposium on the 225th Anniversary of the Signing of the U.S. Constitution, Cornell Law School (Fall 2012).

Secular Apocalypse, “Rethinking Secularism” seminar (co-organized with Elizabeth Anker), American Comparative Literature Association (Spring 2010).

“Shakespearean Procedure” seminar (co-chaired with Kenji Yoshino), Shakespeare Association of America (Spring 2008).

“Sovereignties of Law and Literature” (co-organized seminar with Steven Miller)—American Comparative Literature Association, Yale (Spring 2000).

Affiliations

Bar Admission: New York State

American Association of Law Schools:

Co-chair, Program Committee of the Law and Religion Section, 2011

American Bar Association

American Comparative Literature Association

American Constitution Society

American Political Science Association

American Society for Legal History

Modern Language Association

Renaissance Society of America

Shakespeare Association of America

Advisory Services

Board of Editors: *Journal of British Studies* (2014-present); *Critical Analysis of Law* (2013-present).

Reviewed books and articles for *Blackwell Press*; *Oxford University Press*; *Routledge*; *Stanford University Press*; *Yale University Press*; *Cardozo Studies in Law and Literature*; *Journal of Law, Culture, and the Humanities*; *Law and History*; *Law and Social Inquiry*; and *Merkourios*.

Media Contributions

Huffington Post Live, Session on Judicial Activism (March 4, 2013).

Radio Appearance, WHCU, Discussing the implications of *Nat'l Federation of Independent Business v. Sebelius*, 567 U.S. ___ (2012) (June 29, 2012).

Quoted, Alex Seitz-Wald, “Is Roberts’ Ruling a Trojan Horse,” *Salon.com* (June 28, 2012).

Radio Appearance, *Marketplace*, National Public Radio, Discussing the possibility of importing the British Prime Minister's Questions into the United States (June 27, 2012).

Television Appearance, "The Contenders," C-Span, Discussing the life of Charles Evans Hughes (Oct. 7, 2011).

Radio Appearance, *Forum*, "The Year for the Constitution," KQED, San Francisco (Dec. 31, 2010).

Radio Appearance, *Marketplace*, National Public Radio, Discussing how much the President matters (Nov. 2, 2010).

Interviewed, *Freakonomics* podcast, "How Much Does the President Really Matter?" (Nov. 4, 2010).

Quoted, Rose French, *Family Pleads for Home School*, The Associated Press (April 18, 2009).

Quoted, Kayla Habermehl, *Sotomayor Hearing Examines Nominee's Ability to be Impartial*, The State News (July 15, 2009).

University Service

Stanford Law School:

Chair, Teaching Placement Committee (2013-present).

Stanford University:

Faculty Senate (2014-present).

Member, Graduate Student Committees: Comparative Literature (Renana Keydar); Modern Thought and Literature (Meredith Wallis)

Cornell University:

Member, Humanities Council (2008-2011).

University Libraries Strategic Planning Task Force (2009).

University Harassment Co-Investigator (2007-2012).

Cornell Law School:

Faculty Director of Research (Fall 2011-2013).

Law Review Advisor (2012-2013).

Faculty Appointments Committee, Cornell University Law School (Fall 2010, 2011-2012).

Academic Placement Committee (2009-2010).

Academic Programs and Planning Committee (2008-2009).

Faculty Appointments Committee for Entry-Level Candidates (2005-2007).

Clerkship Committee (2004-06).

Distinguished Jurist in Residence Committee (2004-present; Chair, 2006-2009).

Program Review Committee (2005-06).

Secretary, Order of the Coif (2005-09).

Faculty Advisor: Law Democrats (2004-2009), American Constitution Society (2006-2009) and Ms. JD Blog (2006-2009).
Member, Graduate Student Committees: Medieval Studies (Caitlin Callaghan), History (Ada-Maria Kuskowski; Tom McSweeney), and Law (Esteban Hoyos).

Languages

Latin, Greek, and French. Reading knowledge of German.