

ANYA BERNSTEIN
Boston University School of Law
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ACADEMIC APPOINTMENTS

Boston University School of Law. *Professor*, 2026-present
University of Connecticut School of Law. *Jesse Root Professor of Law*, 2025-2026; *Professor*, 2023-2025
SUNY Buffalo School of Law. *Professor*, 2019-2022; *Associate Professor*, 2013-2019
The University of Chicago Law School. *Bigelow Fellow & Lecturer in Law*, 2011-2013

EDUCATION

Yale Law School. J.D. 2010
University of Chicago. Ph.D., Anthropology. 2007
Dissertation: *Why "Taiwan is Too Democratic": Administration, Legitimation, & Political Participation*
Hopkins-Nanjing Center for Chinese and American Studies. Post-BA Certificate, 1997
Graduate-level certificate program in China run by Johns Hopkins & Nanjing Universities.
Columbia College. B.A. *magna cum laude*, Comparative Religions. 1996

PUBLICATIONS & WORKS IN PROGRESS

Works in Progress

What Does Doctrine Do? (arguing that doctrine's function is to constrain relevance)
The Judgment as Ethnographic Object (applying anthropological methods to judicial opinions) (with Jessica Greenberg)
Originalism and Populism (invited contribution to the *Cambridge Handbook of Legal Populism*) (with Glen Staszewski)

Published & Forthcoming

Ordinary Meaning Against Itself, MODERN CRIMINAL LAW REVIEW (forthcoming)
[*Sidelining the Public*](#), 68 ARIZONA LAW REVIEW 295 (2026) (with Glen Staszewski and Wendy Wagner)
[*Keeping Evidence Real*](#), 111 IOWA LAW REVIEW 589 (2026) (with Julia Simon-Kerr)
[*Judicial Accountability*](#), 113 GEORGETOWN LAW JOURNAL 651 (2025)
[*Working with Statutes*](#), 103 TEXAS LAW REVIEW 921 (2025) (with Cristina Rodríguez)
· Notice & Comment [*Ad Law Reading Room*](#) feature by Dan Deacon
· [*Jotwell*](#) review by Fred Jacob
[*The Accountable Bureaucrat*](#), 132 YALE LAW JOURNAL 1600-1690 (2023) (with Cristina Rodríguez)
· [*Jotwell*](#) review by Wendy Wagner
[*Populist Constitutionalism*](#), 101 NORTH CAROLINA LAW REVIEW 1763 (2023) (with Glen Staszewski)
[*Saying What the Law Is*](#), 48 LAW & SOCIAL INQUIRY 14-30 (2023)
[*The Diffuse Executive*](#), 92 FORDHAM LAW REVIEW 363 (2023) (with Cristina Rodríguez)

- [Ford's Underlying Controversy](#), 99 WASHINGTON UNIVERSITY LAW REVIEW 1175 (2022) (with Christine Bartholomew)
- [Judicial Populism](#), 106 MINNESOTA LAW REVIEW 283 (2021) (with Glen Staszewski)
- [Legal Corpus Linguistics and the Half-Empirical Attitude](#), 106 CORNELL LAW REVIEW 1397 (2021)
- [Jotwell](#) review by Anita Krishnakumar
 - Cited by *Doles v. HHS* (Fed. Cl. 2023); *United States v. Boler* (4th Cir. 2024); *Garibay v. Johnson* (Ariz. Supreme Court 2025, concurrence)
- [What Counts as Data?](#), 86 BROOKLYN LAW REVIEW 435 (2021) (Symposium: *Data-Driven Methods in Legal Interpretation*)
- Cited by *United States v. Boler* (4th Cir. 2024)
- [Technologies of Language Meet Ideologies of Law](#), 2020 MICHIGAN STATE LAW REVIEW 1241 (2021) (Symposium: *Law, Language, and Technology*)
- [Porous Bureaucracy](#): *Legitimizing the Administrative State in Taiwan*, 45 LAW & SOCIAL INQUIRY 28 (2020)
- [Interpenetration of Powers](#): *Channels and Obstacles for Populist Impulses*, 28 WASHINGTON INTERNATIONAL LAW JOURNAL 461 (2019) (Symposium: *Executive Primacy in an Age of Populism*)
- [Democratizing Interpretation](#), 60 WILLIAM & MARY LAW REVIEW 435 (2018)
- Selected for presentation at the AALS New Voices in Legislation roundtable
- [The Songs of Other Birds](#), in INSIDERS, OUTSIDERS, INJURIES, AND LAW: REVISITING *THE OVEN BIRD'S SONG* 219 (Mary Nell Trautner ed., Cambridge University Press, 2018)
- [Before Interpretation](#), 84 UNIVERSITY OF CHICAGO LAW REVIEW 567 (2017)
- [Agency in State Agencies](#), in DISTRIBUTED AGENCY 41 (N.J. Enfield & Paul Kockelman eds., Oxford University Press, 2017)
- [Bureaucratic Speech](#): *Language Choice and Democratic Identity in the Taipei Bureaucracy*, 40 POLAR: POLITICAL & LEGAL ANTHROPOLOGY REVIEW 28 (2017)
- [Differentiating Deference](#), 33 YALE JOURNAL ON REGULATION 1 (2016)
- [The Hidden Costs of Terrorist Watch Lists](#), 61 BUFFALO LAW REVIEW 461 (2013)
- [Semiotic Technologies, Temporal Reckoning, and the Portability of Meaning](#), 12 ANTHROPOLOGICAL THEORY 320 (2012) (with Paul Kockelman)
- [Congressional Will and the Role of the Executive in Bivens Actions](#): *What Is Special about Special Factors*, 45 INDIANA LAW REVIEW 719 (2012)
- Cited by WRIGHT & MILLER, FEDERAL PRACTICE & PROCEDURE; *Meshal v. Higgenbotham* (D.C. Cir. 2015); *Beach v. Smith* (D. Me. 2015)
- [The Social Life of Regulation in Taipei City Hall](#): *The Role of Legality in the Administrative Bureaucracy*, 33 LAW & SOCIAL INQUIRY 925 (2008)
- *Law & Social Inquiry* Graduate Student Essay Prize
- [Parameters of Legitimation and the Environmental Future of a Taipei Neighborhood](#), in ECHOES FROM THE POISONED WELL: GLOBAL MEMORIES OF ENVIRONMENTAL INJUSTICE 311 (Sylvia Washington et al. eds., Lexington Books, 2006)

Reviews and Posts

Managing Remedies, BOSTON UNIVERSITY LAW REVIEW (forthcoming 2026) (invited response to Alexander Reinert, *Bivens' Lasting Legacy*, 106 BU L. REV. __ (forthcoming 2026))

Constructive Conundrums, LAW & SOCIETY REVIEW (forthcoming) (invited contribution to a symposium on JESSICA GREENBERG, JUSTICE IN THE BALANCE: DEMOCRACY, RULE OF LAW, AND THE EUROPEAN COURT OF HUMAN RIGHTS (2025))

[*Outsourcing Interpretation: Justice Alito's Trump v. Illinois Dissent*](#), YALE JOURNAL ON REGULATION: NOTICE & COMMENT, 2026

[*Book Review: The Battle for Sabarimala: Religion, Law, and Gender in Contemporary India*](#), by Deepa Das Acevedo. 58 LAW & SOCIETY REVIEW 541-542 (2024)

[*Book Review: The Imagined Juror: How Hypothetical Juries Influence Federal Prosecutors*](#), by Anna Offitt. LAW & POLITICS BOOK REVIEW (2024)

[*Book Review: Understanding Administrative Law in the Common Law World*](#), by Paul Daly. 22 I*CON 1-3 INTERNATIONAL JOURNAL OF CONSTITUTIONAL LAW (2024)

[*Credible Reasoning, Contestation, and Dynamic Preference Production*](#), YALE JOURNAL ON REGULATION: NOTICE & COMMENT, 2022 (invited commentary on *The Reasoning State*, by Edward Stiglitz)

[*Populism Has Found a Home at the Supreme Court, Too*](#), NEW YORK TIMES, Dec. 17, 2021, at A25 (with Glen Staszewski) (invited opinion piece)

[*Are the Phantoms Real*](#), BALKINIZATION blog, 2021 (with Cristina Rodríguez) (invited commentary on *Phantoms of a Beleaguered Republic: The Deep State and The Unitary Executive*, by Stephen Skowronek, John A. Dearborn & Desmond King)

[*More than Words*](#), DUKE LAW SCHOOL SECOND THOUGHTS blog, 2021 (invited post on corpus linguistics and the Second Amendment, Duke Center for Firearms & Law)

[*Comment*](#), 61 CURRENT ANTHROPOLOGY 670-671 (2020) (invited commentary on Jeffrey T. Martin, *Weak Police, Strong Democracy*, 61 CURRENT ANTHROPOLOGY 657 (2020))

[*DACA Rescission and Chevron Waiver*](#), YALE JOURNAL ON REGULATION: NOTICE & COMMENT, 2020

[*Who is Chevron For?*](#), YALE JOURNAL ON REGULATION: NOTICE & COMMENT, 2017
· Cited by *Cargill v. Barr* (W.D. Tex. 2020)

[*Catch-all Doctrinalism and Judicial Desire*](#), 161 UNIVERSITY OF PENNSYLVANIA LAW REVIEW ONLINE 221-230 (2013) (invited response to Carlos M. Vázquez & Stephen I. Vladeck, *State Law, the Westfall Act, and the Nature of the Bivens Question*, 161 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 509 (2013))

[*Bureaucracy: Ethnography of the State in Everyday Life*](#), 34 POLAR: POLITICAL & LEGAL ANTHROPOLOGY REVIEW 6-10 (2011) (with Elizabeth Mertz) (introduction to edited journal issue)

TEACHING AREAS

Civil Procedure, Administrative Law, Federal Courts, Legislation & Statutory Interpretation, Sociolegal Research, Refugee & Asylum Law, History of the Administrative State

ACADEMIC VISITS

Max Planck Institute for Social Anthropology (Halle, Germany). *Visiting Scholar*, 2021-2022
· Supported by a Fulbright Scholar award
Humboldt University Law & Society Institute (Berlin, Germany). *Fellow*, 2022

Academia Sinica (Taipei, Taiwan). *Visiting Scholar* (short-term stays), 2015, 2016, 2017
· Supported by Academia Sinica Visiting Researcher awards

OTHER EXPERIENCE

Hon. Guido Calabresi, United States Court of Appeals for the Second Circuit.
Law Clerk, 2010-2011

Yale Law School.

Research Assistant, Professor Jerry Mashaw, Spring 2009

Student Attorney, National Litigation Clinic, 2008-2009; Worker & Immigrant Rights Advocacy Clinic,
Summer 2009

Teaching Assistant (Civil Procedure), Professor William Eskridge, Fall 2008

Office of the San Francisco City Attorney.

Summer Associate, Affirmative Litigation Task Force, Summer 2008

University of Chicago.

Lecturer, International Studies Program (*Majors' Seminar*), 2006

Lecturer, Anthropology Department (*From China to Taiwan Seminar*), 2005

Teaching Assistant, International Studies Program (*Introduction to International Studies*), 2005

Far East Publishing Company.

Editorial Assistant, FAR EAST CHINESE-ENGLISH DICTIONARY, 2002-2003

SELECTED FELLOWSHIPS & AWARDS

Fulbright Foundation. Fulbright Scholar Award, 2021

Deutscher Akademischer Austauschdienst / German Academic Exchange Service (DAAD). DAAD
Fellowship, 2020 (declined due to pandemic timing)

Baldy Center for Law & Social Policy. Research Development Grants, 2015-2018, 2021

Law & Social Inquiry. Graduate Student Essay Prize, 2007

Chiang Ching-Kuo Foundation. Dissertation Fellowship, 2006-2007

University of Chicago Department of East Asian Studies. Graduate Fellowship, 2005-2006

Fulbright Foundation. Fulbright-Hays DDRA Fellowship, 2002-2004

Blakemore Foundation. Chinese Language Study Fellowship (ICLP, Taipei, Taiwan), 2001-2003

National Science Foundation. Graduate Research Fellowship, 1999-2004

University of Chicago. Century Scholarship, 1998-1999

SERVICE & ENGAGEMENT

Reviewer

Grant Review Panels

National Science Foundation: Cultural Anthropology Program; Law & Social Sciences Program

Baldy Center for Law & Social Policy: Research Development Grant; Post-Doctoral Fellowship

University Presses

Stanford; Cornell; Cambridge; Columbia; NYU

Journals

LAW & SOCIAL INQUIRY; LAW & SOCIETY REVIEW; AMERICAN ETHNOLOGIST; AMERICAN
ANTHROPOLOGIST; CURRENT ANTHROPOLOGY; LAW & POLICY; CULTURAL ANTHROPOLOGY;
POLAR: POLITICAL AND LEGAL ANTHROPOLOGY REVIEW; STUDIES IN LAW, POLITICS, AND

SOCIETY; REPRESENTATION; YALE LAW JOURNAL; STANFORD LAW REVIEW; UNIVERSITY OF CHICAGO LAW REVIEW

Member

Association of American Law Schools. Administrative Law Section Executive Board (elected), 2023-present; Law of Legislation & The Political Process Executive Board, 2025-present; Law & Anthropology Section Chair, 2018

Law & Society Association. Trustee (elected), 2022-2025 term

Law & Social Inquiry. Editorial Board, 2020-2022 term

UConn Law School.

Elected: Faculty Appointments Committee, 2023-2025

Appointed: Workshop Committee, 2023-2025; Education Policy Committee, Chair 2025-2026

SUNY Buffalo Law School.

Elected: Committee on Committees, 2018, 2019, 2021; Appointments, 2013-2015, 2020-2021

Appointed: Diversity, Equity, Inclusion Committee, 2020-2022; Appointments, Legal Writing & Research, 2017; Outcome-Based Curriculum Working Group, 2015; Admissions, 2013-2014, 2016-2017

Advisor, Black Law Students Association, 2015-2019

Baldy Center for Law & Social Policy

Advisory Council, 2015-2022

SUNY Buffalo Asian Studies Program

Advisory Council, 2014-2022; Executive Committee, 2016-2017

Organizer

New Voices in Administrative Law (co-organizer). Association of American Law Schools

Administrative Law section, 2024-2026

Transatlantic Law & Anthropology Roundtable (co-organizer). International, interdisciplinary workshop, Max Planck Institute for Social Anthropology, 2023

Constructing the Law-Politics Divide (co-organizer). Law & Society Association panel, 2023

Judicial Rulings as Ethnographic Objects (co-organizer). International, interdisciplinary workshop, Max Planck Institute for Social Anthropology, 2022

Judgments as Ethnographic Objects (co-organizer). Law & Society Association panel, 2022

Corruption and Legitimation (co-organizer). Association of American Law Schools, Law & Anthropology and Law & Social Science joint panel, 2019

How Legal Words Make Social Worlds (co-organizer). Law & Society Association panel, 2018

Buffaronto Sociolegal Conversations. SUNY Buffalo Law School conference, 2017

The Oven Bird Conference (co-organizer). SUNY Buffalo Law School conference, 2015

The Law of Context (co-organizer). Law & Society Association panel, 2015

Communicating Legitimacy (co-organizer). University of Chicago conference, 2007

Political Communication and Society. Weekly workshop, University of Chicago, 2005-2006

Michiganoan Conference in Linguistic Anthropology. University of Chicago, 2004

Cities Under Decentralization. American Anthropological Association panel, 2003

Media

Media consultation: *The New York Times*, *Democracy Now!*, *Al Jazeera America*, *The Intercept*, *Law 360*, *AP*, *HuffPost*

Selected media mentions: [HuffPost](#) on legal corpus linguistics (2024, 2024); [Lawrence O'Donnell](#) on legal corpus linguistics (2024); [NY Times](#) on terrorist watch lists (2013); [Democracy Now!](#) on terrorist watch lists (2013)

Bar Admission

Connecticut

Languages

Chinese (Mandarin), Russian, German

SELECTED PRESENTATIONS & PARTICIPATION

Law & Society Association conference. *Legitimizing Courts*. 2025
UCLA, *Reimagining Administrative Law Initiative* conference presenter. 2025
Yale Law School & Yale Institution for Social and Policy Studies, Conference on Politics and Law in the Administrative State presenter. 2025
Oñati International Institute for the Sociology of Law, *Finding Nomos* conference presenter. 2025
University of California, Irvine, Legal Anthropology conference presenter. 2025
Northeastern University School of Law Junior Scholars conference plenary panel speaker. 2025
Seton Hall Law Review Symposium on *Loper Bright* presenter. 2025
Association of American Law Schools Conference, Constitutional Law Section main panel speaker, *Evolution or Revolution: Separation of Powers Jurisprudence and October Term 2023*. 2025
Association of American Law Schools Conference, Administrative Law Section main panel moderator. 2025
Humboldt University Law & Society Institute, *Leading Works in Law & Anthropology* book launch speaker. 2024
Duke Law School Franklin Humanities Center, *Strange Life* series, *You're Going to Miss it when it's Gone* panel on the administrative state. 2024
Georgetown University Law Center, *Regulatory Warfare* seminar (Bill Buzbee), *Judicial Accountability*. 2024
Humboldt University Law & Society Institute. *Working with Statutes*. 2024
Law & Society Association conference. *Judicial Accountability*. 2024
Cornell Law School faculty workshop. *Working with Statutes*. 2024
Georgetown University Law Center, Legislation Roundtable. *Working with Statutes*. 2024
Prospective Administrative Law Scholars (PALS) seminar. *The Accountable Bureaucrat*. 2024
Yale Law School, *Administering a Democratic Political Economy*. Invited participant. 2024
University of Southern California faculty workshop. *Activating Statutes*. 2023
Law & Society Association conference. *Judicial Opinions and the Law-Politics Divide*. 2023
Emory Law School, *Legal Scholarship* seminar (Deepa Das Acevedo), *The Accountable Bureaucrat*. 2023
Administrative Law Roundtable. Invited senior commentator. 2023, 2024
Boston College Law School regulation workshop. *Activating Statutes*, 2023
Georgetown University Law Center faculty workshop. *Activating Statutes* (with Cristina Rodríguez). 2023
Yale Law School faculty workshop. *Activating Statutes* (with Cristina Rodríguez). 2023
University of Arizona Rehnquist Center National Conference of Constitutional Law Scholars. *Populist Constitutionalism* (with Glen Staszewski). 2023
Association of American Law Schools Conference, Administrative Law section main panel, *Visions of Democracy in the Regulatory State*. Invited panelist. 2023
Fordham Law School, *Future of the Unitary Executive Theory* conference. *The Diffuse Executive* (with Cristina Rodríguez). 2023
University of Alabama Law School, *Constitutional Ethnography* conference. *Where is the Constitution?* 2022
Law & Society Association conference. *Judgments as Ethnographic Objects*. 2022

Humboldt University Law & Society Institute. *Judgments as Ethnographic Objects*. 2022

Power in the Administrative State workshop. *Populist Constitutionalism* (with Glen Staszewski). 2022

University of Cologne Chair for US Law Faculty Speaker Series. *Judicial Populism*. 2022

Humboldt University Law & Society Institute. *Judicial Populism*. 2022

Northeastern University Law School faculty workshop. *Judicial Populism*. 2022

Association of American Law Schools annual meeting Discussion Group. Co-Moderator, *The Law of the Foreign Relations Bureaucracy*. 2022

Georgetown University Law Center, *Legislation* seminar (Anita Krishnakumar), *Legal Corpus Linguistics*. 2022

Power in the Administrative State workshop. *The Accountable Bureaucrat* (with Cristina Rodríguez). 2021

Duke University School of Law Center for Firearms Law. *Corpus Linguistics and the Second Amendment*. 2021

American Association of Appellate Lawyers. *Legal Corpus Linguistics*. 2021

Ipse Dixit podcast. *Judicial Populism* (with Glen Staszewski). 2021

University of Chicago Semiotics Workshop. *What Counts as Data in Legal Interpretation?* 2021

University of Alabama Law School, *Formal Law in Legal Anthropology* symposium. *The Ethnographic Attitude in the Study of Law*. 2021.

Rethinking Cultural Constructions of Law in East Asia workshop. Commentator, *Retooling*, Annelise Riles. 2021

University of Arizona Rehnquist Center, *National Conference of Constitutional Law Scholars*. *Judicial Populism* (with Glen Staszewski). 2021

Chicago-Kent Law School faculty workshop. *Corpus Linguistics and Legal Interpretation*. 2020

Brooklyn Law School, *Data-Driven Methods in Legal Interpretation* symposium. *What Counts as Data?* 2020

Michigan State University, *Law, Language, and Technology* symposium. *Technologies of Language Meet Ideologies of Law*. 2020

University of Chicago Law School, *Public Law* workshop. *Legal Fictions and Legal Realisms in Legal Interpretation*. 2019

Association of American Law Schools Conference, New Voices in Legislation. *Democratizing Interpretation*. 2019

Association of American Law Schools Conference, East Asian Law & Society section panel (selected paper). *Taiwan's Internal Administrative Culture*. 2019

Law & Society Association Conference, *Ethnography & Law* roundtable. *What's Law Got to Do with It?* 2019

Michigan State University faculty workshop. *Selective Empiricism in Legal Interpretation*. 2019

American Bar Foundation faculty workshop. *Legal Interpretation as Institutional Consolidation*. 2019

Law & Society Association Conference. *Prototypical Thinking In & About the Law*. 2018

Academia Sinica, *Resurgence of Executive Primacy in an Age of Populism* workshop. *Multifarious Executives*. 2018

National Taiwan University Law School, Center for Law and Society lecture. *What We Talk about When We Talk about Law and Society*. 2017

Academia Sinica. Discussant, *Deliberative Democracy: Theory and Practice*, Cass Sunstein. 2015

Association of Asian Studies Conference. *Keeping a Republic: Administrative Culture in Taiwan*. 2017

Law & Society Association conference. *Before Interpretation*. 2016

University of Chicago. Discussant, *Language and Political Economy* conference. 2015

Law & Society Association conference. *Context in Statutory Interpretation*. 2015

Law & Society Association conference. *The Meaning of Meaning in Statutory Interpretation*. 2014

Association of American Law Schools, *Qualitative & Mixed-Methods Workshop* panelist. 2014

Law & Society Association, *Social Science & the Law Roundtable* participant. 2013

University of Chicago, *Communicating Legitimacy* conference. *Legality Versus Legitimacy: Political Values and Administrative Practice in Taipei*. 2007

Law & Society Association Conference. *The Relational Status of Being Deserving in Taipei*. 2007

American Anthropological Association Conference. *Speaking in the Spaces of the State: Language Use and Political Belonging in Taipei City Hall*. 2005

University of Chicago, Michigan Conference in Linguistic Anthropology. *Consensus, Complexity, and Chaos, or Why "Taiwan Is Too Democratic."* 2004

National Yunlin University of Science and Technology, Taiwan. "Taiwan Tai Minzhu Le" ("Taiwan is Too Democratic"). Lecture (in Chinese). 2003

American Anthropological Association Conference. *Publics and Public Interests: Parks and Politics in Taipei*. 2003

American Anthropological Association Conference. *Time (as far as we can tell)* (with Paul Kockelman). 2000