

**DAN M. KAHAN**

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**Employment:**

Elizabeth K. Dollard Professor of Law, Yale Law School, July 1, 2003 to present

Roscoe Pound Visiting Professor of Law, Harvard Law School, January 1 to June 10, 2009

Deputy Dean, Yale Law School, July 1, 2005 to July 1, 2006

Professor of Law, Yale Law School, July 1, 1999 - June 30, 2003

Visiting Professor of Law, Harvard Law School, Spring 1999

Visiting Professor of Law, Yale Law School, Fall 1998

Professor of Law, University of Chicago Law School, July 1, 1997 - June 30, 1999

Assistant Professor of Law, University of Chicago Law School, July 1 1993 - June 30, 1997

Attorney, Mayer, Brown & Platt, Wash., D.C., 1991-93

Law Clerk to Justice Thurgood Marshall, United States Supreme Court, 1990-91

Law Clerk to Judge Harry T. Edwards, United States Court of Appeals for the District of Columbia Circuit, 1989-90

**Education:**

J.D. magna cum laude, Harvard Law School, 1989

President, Harvard Law Review, volume 102

B.A. summa cum laude Middlebury College, 1986

Class Salutatorian

Phi Beta Kappa

## Publications:

### *Book and book chapters*

*Legal Realism as Psychological and Cultural (Not Political) Realism* (with Donald Braman), in *How Law Knows* (A. Sarat, L. Douglas & M. Umphrey eds., 2007)

*A Cultural Critique of Gun Litigation*, in *Suing the Gun Industry* (Timothy Lytton, ed., Univ. Mich. Press 2005) (with Don Braman and John Gastil)

*The Logic of Reciprocity: Trust, Collective Action, and Law*, in *Moral Sentiments and Material Interests: On the Foundations of Cooperation in Economic Life* (Herbert Gintis, Samuel Bowles, Robert Boyd, & Ernst Fehr, eds., MIT Press: Cambridge, 2005)

*The Tyranny of Econometrics and the Circumspection of Liberalism: Two Problems with the Gun Debate*, in *Guns, Crime & Punishment in America* (Bernard Harcourt, ed., NYU Press 2003)

*The Progressive Appropriation of Disgust*, in *The Passions of Law* (Susan Bandes, ed., NYU Press 2000)

*Theories, Anti-Theories and Norms: A Comment on Nussbaum*, in *The Path of the Law and Its Influence: The Legacy of Oliver Wendall Holmes, Jr.* (S. Burton, ed., Cambridge Univ. Press 2000)

*Urgent Times: Policing and Rights in Inner-City Communities* (Beacon Press 1999) (with Tracey Meares)

### *Academic journals:*

*Fixing the Communications Failure*, 463 *Nature* 296 (2010)

*Who Fears the HPV Vaccine, Who Doesn't, and Why? An Experimental Investigation of the Mechanisms of Cultural Cognition*, *L. & Human Behavior* (in press) (with Donald Braman, Geoffrey Cohen, Paul Slovic, and John Gastil). On-line advance publication: <http://dx.doi.org/10.1007/s10979-009-9201-0>

*Nanotechnology and Society: The Evolution of Risk Perceptions*, 4 *Nature Nanotechnology* 705 (2009).

*Culture, Cognition, and Consent: Who Perceives What, and Why*, in *Acquaintance Rape Cases*, 158 *U. Pa. L. Rev.* (in press)

*Cultural Cognition of Public Policy: The Case of Outpatient Commitment Laws*, *L. & Human Behavior* (in press) (with Donald Braman, John Monahan, Lisa Callahan & Ellen Peters). On-line advance publication: <http://dx.doi.org/10.1007/s10979-008-9174-4>

*Cultural Cognition of the Risks and Benefits of Nanotechnology*, 4 *Nature Nanotechnology* 87 (2009) (with Donald Braman, John Gastil, Paul Slovic & Geoffrey Cohen)

*Whose Eyes Are You Going to Believe? Scott v. Harris and the Perils of Cognitive Illiberalism*, 122 *Harv. L. Rev.* 837 (2009) (with David Hoffman & Donald Braman)

*The Self-Defensive Cognition of Self-Defense*, 45 *Am. Crim. L. Rev.* 1 (2008) (with Donald Braman)

*Two Conceptions of Emotion in Risk Regulation*, 156 *U. Pa. L. Rev.* 741 (2008)

*The Cognitively Illiberal State*, 60 *Stan. L. Rev.* 115 (2007)

*Culture and Identity-Protective Cognition: Explaining the White Male Effect in Risk Perception*, 4 *J. Empirical Legal Stud.* 465 (2007) (with Donald Braman, Paul Slovic, John Gastil & C.K. Mertz)

*What's Really Wrong with Shaming Sanctions*, 84 *Tex. L. Rev.* 2075 (2006)

*Cultural Cognition: "Blunders" or "Values"?*, 119 *Harv. L. Rev. F.* 166 (2006) (with Paul Slovic)

*Fear of Democracy: A Cultural Evaluation of Sunstein on Risk*, 119 *Harv. L. Rev.* 1071 (2006) (with Paul Slovic, Donald Braman & John Gastil)

*Cultural Cognition and Public Policy*, 24 *Yale L. & Pol'y Rev.* 149 (2006) (with Donald Braman)

*Modeling Facts, Culture and Cognition in the Gun Debate*, 18 *Social Justice Res.* 203 (2005) (with Donald Braman & James Grimmelman)

*Updating the Study of Punishment*, 56 *Stan. L. Rev.* 1171 (2004) (with Tracey Meares & Neal Katyal)

*The Logic of Reciprocity: Trust, Collective Action, and Law*, 102 *Mich. L. Rev.* 71 (2003)

*More Statistics, Less Persuasion: A Theory of Gun-Risk Perceptions*, 151 *U. Pa. L. Rev.* 1291 (2003) (with Donald Braman)

*Caught in the Cross-Fire: Defending the Cultural Theory of Gun-Risk Perceptions*, 151 *U. Penn. L. Rev.* 1395 (2003) (with Donald Braman)

*Reciprocity, Collective Action, and Community Policing*, 90 *Calif. L. Rev.* 1513 (2002)

*Trust, Collective Action and Law*, 81 *B.U.L. Rev.* 333 (2001)

*Two Liberal Fallacies in the Hate Crimes Debate*, 20 L. & Phil. 175 (2001)

*Gentle Nudges vs. Hard Shoves: Solving the Sticky Norms Problem*, 67 U. Chi. L. Rev. 607 (2000)

*The Secret Ambition of Deterrence*, 113 Harv. L. Rev. 414 (1999)

*Privatizing Punishment: Strategies for the Private Enforcement of Norms in the Inner-City*, 46 UCLA L. Rev. 1859 (1999)

*Shaming White Collar Criminals: A Proposal for Reform of the Federal Sentencing Guidelines*, 42 J.L. & Econ. 365 (1999) (with Eric Posner)

*Democracy Schmocracy*, 20 Cardozo L. Rev. 795 (1999)

*Law & (Norms of) Order in the Inner-City*, 32 L. & Soc'y Rev. 805 (1998) (with Tracey Meares)

*Reallocating Interpretive Criminal-Lawmaking Power in the Executive Branch*, 61 L. & Contemp. Probs. 47 (1998)

*Is Ignorance of Fact a Defense Only for the Virtuous?*, 96 Mich. L. Rev. 2123 (1998)

*The Anatomy of Disgust in Criminal Law*, 96 Mich. L. Rev. 1621 (1998) (book review)

*The Coming Crisis of Criminal Procedure*, 86 Georgetown L.J. 1153 (1998) (with Tracey Meares)

*Social Meaning and the Economic Analysis of Crime*, 27 J. Legal Stud. 609 (1998)

*Punishment Incommensurability*, 2 Buff. Crim. L. Rev. 691 (1998)

*Some Realism About Retroactive Criminal Lawmaking*, 2 Roger Williams L. Rev. 95 (1997)

*Ignorance of Law Is a Defense — But Only for the Virtuous*, 96 Mich. L. Rev. 127 (1997)

*Between Economics and Sociology: The New Path of Deterrence*, 95 Mich. L. Rev. 2477 (1997)

*Three Conceptions of Federal Criminal Lawmaking*, 1 Buff. Crim. L. Rev. 5 (1997)

*Social Influence, Social Meaning, and Deterrence*, 83 Va. L. Rev. 349 (1997)

*Is Chevron Relevant to Federal Criminal Law?*, 110 Harv. L. Rev. 469 (1996)

*What Do Alternative Sanctions Mean?*, 63 Univ. Chi. L. Rev. 591 (1996)

*Two Conceptions of Emotion in Criminal Law*, 96 Colum. L. Rev. 269 (1996) (with Martha Nussbaum)

*Lenity and Federal Common Law Crimes*, 1994 S. Ct. Rev. 345

Note, *A Communitarian Defense of Group Libel Laws*, 101 Harv. L. Rev. 682 (1988)

*Other publications:*

*Ending Polarization: The Good News About the Culture War*, Boston Rev., Mar./April 2006, at 18 (with John Gastil & Don Braman)

*Public-Order Policing Can Pass Constitutional Muster*, Wall St. J., June 15, 1999, at A18 (with Tracey Meares)

*When Rights Are Wrong*, Boston Rev., Apr./May 1999, at 4 (with Tracey Meares)

*It's a Shame We Have None*, Wall St. J., Jan. 15, 1997, at A16

*Curfews Free Juveniles*, Wash. Post, Nov. 14, 1996, at A21

*Defending the Gang Loitering Law*, Chi. Trib., Dec. 31, 1995, Sec. 1, at 19

*Emotions Weigh in the Balance*, L.A. Times, July 25, 1995, at B9 (with Martha Nussbaum)

*Editing*

Co-editor, *Criminal Law and Procedure Abstracts* (with Paul Robinson)

Editorial Board Member, *Encyclopedia of Crime & Justice*, Macmillan Publishing Co. (2d ed., 2001)

**Grants**

National Science Foundation, Award No. SES 0922714, *Cultural Cognition of Synthetic Biology Risks* (\$398,999) (with Paul Slovic, Ellen Peters, and Donald Braman)

National Science Foundation, Award No. SES 062184, *The Cultural Cognition of Risk: Social and Psychological Mechanisms* (\$282,975) (with Geoffrey Cohen, Paul Slovic, & John Gastil)

National Science Foundation, Award No. SES 0242106, *Gun Control and the Cultural Theory of Risk* (\$244,318) (with John Gastil and Paul Slovic)

Arcus Foundation, *Cultural Cognition and Gay and Lesbian Parenting* (\$219,900) (with Donald Braman, June Carbone, & Naomi Cahn)

**Courses:**

Criminal Law

Evidence

Supreme Court Advocacy (clinic)

Law and Cognition (seminar)

Neuroscience and the Law (seminar)

**Bar associations:**

American Bar Association

Maryland Bar Association

Bar of the United States Court of Appeals for the Fourth Circuit

Bar of the United States Supreme Court