

## **DAN M. KAHAN**

Yale Law School  
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### **Academic Appointments**

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#### Yale Law School

Elizabeth K. Dollard Professor of Law and Professor of Psychology (secondary appointment), Yale Law School Feb. 1, 2012 to present

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

Elizabeth K. Dollard Professor of Law July 1, 2003 to Feb. 1, 2012

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

Visiting Professor of Law, Fall 1998

#### Harvard Law School

Eli Goldston Visiting Professor of Law, Sept. 1, 2011 to June 1, 2012

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

Visiting Professor of Law, Harvard Law School, Spring 1999

#### University of Chicago Law School

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

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### **Non-academic Employment**

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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

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## Education

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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

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## Scholarly Publications

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### Book and book chapters

Emotions in Risk Regulation, in *Emotions and Risky Technologies* (Sabine Roeser, ed. 2010)

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:

"They Saw a Protest": Cognitive Illiberalism and the Speech-Conduct Distinction, 64 *Stan. L. Rev.* (forthcoming 2012) (with David Hoffman, Donald Braman, Daniel Evans & Jeffrey Rachlinski)

Cultural Cognition of Scientific Consensus, 14 *J. Risk Res.* 147 (2011) (with Hank Jenkins-Smith & Donald Braman)

The WEIRD Are Even Weirder Than You Think: Diversifying Contexts Is as Important as Diversifying Samples, 33 *Behavioral & Brain Sci.* 87 (2010) (with Stephen Ceci & Donald Braman)

Some Realism About Punishment Naturalism, 77 Univ. Chi. L. Rev. 1531 (2010) (with Donald Braman & David Hoffman)

Who Fears the HPV Vaccine, Who Doesn't, and Why? An Experimental Investigation of the Mechanisms of Cultural Cognition, 34 L. & Human Behavior 501 (2011) (with Donald Braman, Geoffrey Cohen, Paul Slovic, and John Gastil)

Culture, Cognition, and Consent: Who Perceives What, and Why, in Acquaintance Rape Cases, 158 U. Pa. L. Rev. 729 (2010)

The Economics—Micro-, Behavioral, and Political—of “Subsequent Remedial Measures” Evidence, 110 Colum. L. Rev. 1116 (2010)

Fixing the Communications Failure, 463 Nature 296 (2010)

Cultural Cognition of Public Policy: The Case of Outpatient Commitment Laws, 34 L. & Human Behavior 118 (2010) (with Donald Braman, John Monahan, Lisa Callahan & Ellen Peters).

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

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 Schmemocracy, 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)

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### **Research Grants**

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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)

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### **Courses:**

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Criminal Law

Evidence

Supreme Court Advocacy (clinic)

Law and Cognition (seminar)

Neuroscience and the Law (seminar)