

DAN M. KAHAN

Yale Law School
127 Wall Street
New Haven, Connecticut 06511
(203) 432-8832
dan.kahan@yale.edu

Employment:

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

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

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

Junior Year Abroad, Lincoln College, Oxford University, 1984-85

Publications:

Books and book chapters

The Logic of Reciprocity: A Theory of Collective Action and Law (under contract Princeton University Press, 2006)

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:

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 *Stanf. 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. Penn. 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 Univ. 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)

Lectures and Presentations:

- “Overcoming Fear of Cultural Politics: Constructing A Better Gun Debate”
Emory Law School, Oct. 26, 2005
- “Race, Gender and Risk: The Role of Cultural Status Anxiety”
Duke Law School, Sept. 23, 2005
University of Pennsylvania Law School, April 14, 2005
Yale Law School, Mar. 7, 2005
University of Iowa Law School, Jan. 18, 2005
- “Cultural Cognition and Public Policy”
Amherst College, Jan. 16, 2005
- “The Logic of Reciprocity”
Harvard Law School, Feb. 9, 2004
Law & Soc’y Conf., June 8, 2003
Yale Law School, Dec. 3, 2001
Cornell Law School, Apr. 20, 2001
Boston University, Sept. 21, 2000
- “A Cultural Theory of Gun Risk Perceptions”
Yale Law School, Nov. 14, 2002
University of Chicago School of Law, Jan. 24, 2002
University of Texas at Austin School of Law, Oct. 19, 2001
George Washington University School of Law, Sept. 21, 2001
- “The Aesthetics of Blame”
Brooklyn Law School, Oct. 18, 2002
- “John Randolph Tucker Lecture: What’s the American Gun Debate About?”
Washington & Lee School of Law, Oct. 4, 2002
- “The Progressive Appropriation of Shame”
American Philosophical Association, Eastern Division Annual Meeting, Atlanta,
Ga., Dec. 28, 2002
- “Is Gun Control Illberal?”
Yale Law School, May 7, 2001
University of Arizona School of Law, Jan. 26, 2000
- “Two Liberal Fallacies in the Hate Crimes Debate”
Brooklyn Law School, Nov. 30, 2000
Boston University, Nov. 13, 2000
Georgia State University, Apr. 15, 2000
- “Gentle Nudges vs. Hard Shoves: Solving the Sticky Norms Problem”
Fordham Law School, Apr. 7, 2000

- Yale Law School, Feb. 14, 2000
University of California at Berkeley, School of Law, Nov. 8, 1999
- “What Do Alternative Sanctions Mean?”
Middlebury College, Dec. 1, 1999
University of Chicago Law School, Oct. 17, 1995
- “The Market Alternative to Criminalizing HIV Exposure”
Yale University, Apr. 8, 1999
- “The Secret Ambition of Deterrence”
Harvard Law School, Apr. 23, 1999
St. John’s Law School, Feb. 4, 1999
Cardozo Law School, Nov. 30, 1998
University of Chicago Law School, Nov. 24, 1998
Yale Law School, Nov. 23, 1998
- “Privatizing Punishment”
New England Law School, Mar. 25, 1999
UCLA Law School, Mar. 12, 1999
- “*The Anatomy of Disgust* in Criminal Law”
University of Chicago Law School, May 23, 1998
- “The Coming Crisis of Criminal Procedure”
William & Mary Law School, Apr. 17, 1998
- “Democracy Schmemocracy”
Cardozo Law School Conference on Delegation, Mar. 19, 1998
- “Social Meaning and the Economic Analysis of Crime”
Duke Law School, Nov. 10, 1997
University of Chicago Law School, April 19, 1997
- “When Rights Are Wrong” (with Tracey Meares)
ITT Chicago-Kent Law School, Oct. 20, 1997
University of Chicago Law School, Oct. 9, 1997
- “Social Influence, Social Meaning, and Deterrence”
University of Pennsylvania Law School, March 24, 1997
University of Virginia Law School, Sept. 26, 1996
- “Theory, Antitheory, and Norms: Comment on Nussbaum”
University of Iowa Law School, Jan. 25, 1997
- “Alternative Sanctions”
Lexis Counsel Connect “On-Line Interview,” Sept. 11-18, 1996

“Two Conceptions of Emotion in Criminal Law” (with Martha Nussbaum)
Harvard Law School, Oct. 20, 1995
University of Chicago Law School, April 28, 1995
University of Iowa, Feb. 24, 1995

“Comment on Tonry, *Do Intermediate Sanctions Have a Future?*”
University of Chicago Law School, Jan. 14, 1995

Grants

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

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

Courses:

Criminal Law

Evidence

Supreme Court Advocacy

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