

DAN M. KAHAN

Yale Law School
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Academic Appointments

Yale University

Elizabeth K. Dollard Professor of Law July 1, 2003 to present
Professor of Psychology (secondary appointment) Feb. 1, 2012 to Dec. 31, 2021
Deputy Dean, Yale Law School, July 1, 2005 to July 1, 2006
Professor of Law July 1, 1999 - June 30, 2003
Visiting Professor of Law, Fall 1998

Harvard Law School

Vising Professor of Law, Fall 2017
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

Other Institutional Affiliations

Distinguished Resident Scholar, Annenberg Public Policy Center, Spring 2016
Senior Fellow at the National Center for Science and Civic Engagement
Safera Center for Ethics at Harvard University
Board Member, ScienceCounts

Honors

American Academy of Arts and Sciences (Elected 2013)

Non-academic Employment

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

Scholarly Publications

The Oxford Handbook on the Science of Science Communication (Oxford University Press 2017) (ed. with K.H. Jamieson & D. Scheufele)

The "Gateway Belief" Illusion: Reanalyzing a Scientific-consensus Messaging Study. *Journal of Science Communication* 16(05)(2017)A03J. *Sci. Comm.* (2017)

Motivated numeracy and enlightened self-government. *Behavioural Public Policy* 1, 54-86 (2017) (with Peters, E., Dawson, E.C. & Slovic, P.)

On the Sources of Ordinary Science Knowledge and Extraordinary Science Ignorance, *Oxford Handbook of the Science of Science Communication* (Jamieson, KH, Kahan, DM & Scheufele D, eds. 2017)

Out of the field and into the lab, *Nature Climate Change*, 7, 309-311 (2017) (with Katie Carpenter).

Science Curiosity and Political Information Processing, *Advances in Political Psychology*, 38, 179-99 (2017) (with A. Landrum, K. Carpenter, L. Helft & K.H. Jamieson)

The expressive rationality of inaccurate perceptions. *Behavioral and Brain Sciences* 40 (2017), <https://doi.org/10.1017/S0140525x15002332>

Culturally Antagonistic Memes and the Zika Virus: An Experimental Test, *J. Risk Res.* 1-20, (2017), <http://www.tandfonline.com/doi/full/10.1080/13669877.2016.1260631> (with K.H. Jamieson, A. Landrum & K. Winneg)

- The Politically Motivated Reasoning Paradigm, Part 1: What Politically Motivated Reason Is and How to Measure it, *Emerging Trends in Social & Behavioral Sciences* (2016), on-line advance
<http://onlinelibrary.wiley.com/doi/10.1002/9781118900772.etrds0417/pdf>
- The Politically Motivated Reasoning Paradigm, Part 2: Unanswered Questions, *Emerging Trends in Social & Behavioral Sciences* (2016), on-line advance
<http://onlinelibrary.wiley.com/doi/10.1002/9781118900772.etrds0418/abstract>
- A Note on the Perverse Effects of Actively Open-Minded Thinking on Climate Change Polarization, *Research & Politics*, October-December 2016: 1–5, DOI: 10.1177/2053168016676705, (with J. Corbin)
- “Ordinary Science Intelligence”: A Science-Comprehension Measure for Study of Risk and Science Communication, with Notes on Evolution and Climate Change, *J. Risk Res.* (2016), advance on-line at <http://dx.doi.org/10.1080/13669877.2016.1148067>.
- “Ideology” or “Situation Sense”? An Experimental Investigation of Professional Judgment and Motivated Reasoning, *164 Univ. Pa. L. Rev.* 349 (2016)
- What Is the “Science of Science Communication?,” *14 J. Sci. Comm.* 1 (2015).
- Climate Science Communication and the Measurement Problem*, *36 Advances Pol. Psych.* 1 (2015).
- Geoengineering and Climate Change Polarization: Testing a Two-channel Model of Science Communication*, *658 Annals Am. Pol. & Social Sci.* 192 (2015) (with Jenkins-Smith, J., Taranotola, T., Silva C., & Braman, D.).
- Laws of Cognition and the Cognition of Law*, *Cognition*, 135 *Cognition* 56 (2015).
- Making Climate-Science Communication Evidence Based—All the Way Down, in *Culture, Politics and Climate Change : How Information Shapes Our Common Future* (eds. M. Boykoff & D. Crow, 2014)
- A Risky Science Communication Environment for Vaccines*, *342 Science* 53 (2013)
- Ideology, Cognitive Reflection, and Motivated Reasoning*, *4 Judgment and Decision Making* 407 (2013)
- The polarizing impact of science literacy and numeracy on perceived climate change risks*, *2 Nature Climate Change* 735 (2012) (with Maggie Wittlin, Ellen Peters, Paul Slovic, Lisa L. Ouellette, Donald Braman & Gregory Mandel)
- “They Saw a Protest”: Cognitive Illiberalism and the Speech-Conduct Distinction, *64 Stan. L. Rev.* 851 (2012) (with David Hoffman, Donald Braman, Danieli Evans & Jeffrey Rachlinski)
- The Supreme Court 2010 Term—Foreword: Neutral Principles, Motivated Cognition, and Some Problems for Constitutional Law, *126 Harv. L. Rev.* 1 (2011).
- Cultural Cognition of Scientific Consensus, *14 J. Risk Res.* 147 (2011) (with Hank Jenkins-Smith & Donald Braman)
- Emotions in Risk Regulation, in *Emotions and Risky Technologies* (Sabine Roeser, ed. 2010)

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 (2010) (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)

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

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)

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)

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)

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)

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 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)

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)

Research 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)

Skoll Global Threats Fund, Southeast Florida Evidence-Based Science Communication Initiative (\$200,000)

Putnam Foundation, Living Coastlines Science Communication (\$50,000)

Courses:

Criminal Law

Evidence

Law and Cognition (seminar)

Neuroscience and the Law (seminar)

Supreme Court Advocacy (clinic)

The Science of Science Communication (seminar)