

Dr. Robert A. Kahn, J.D. –Ph.D

University of St. Thomas School of Law
400 MSL
1000 La Salle Ave, Room 315
Minneapolis, MN 554-3-2015
651-962-4807
rakahn@stthomas.edu

EDUCATION

Johns Hopkins University, Department of Political Science, Baltimore, MD

Ph.D in Political Science, May 2000.

Qualifying Fields: Comparative Politics, International Relations, and Constitutional Theory

Dissertation Title: *The Limits of Legal Fairness: Holocaust Denial and the Law in America, Canada, France and Germany.*

- Law and Society Summer Institute Participant, Newark, NJ, July, 1999.
- Law and Society Graduate Student Workshop Participant, Aspen, CO, June 1998.
- Berlin Program for Advanced German and European Studies Fellow, 1996-97.
- Government of Canada Graduate Studies Grant, 1996.

New York University School of Law, New York, NY

J.D., *cum laude*, Order of the Coif, May 1989.

Review of Law and Social Change, Note and Comment Editor, 1988-89 (staff editor 1987-88).

Columbia College, Columbia University, New York, NY

B.A. in History, May 1985.

TEACHING EXPERIENCE

University of St. Thomas School of Law, Minneapolis, MN

Assistant Professor, August 2007-present

Courses: Lawyering Skills I & II; Islam and Civil Liberties in Europe

Brooklyn Law School, Brooklyn, NY

Assistant Professor of Legal Writing, May 2005-May 2007

(Instructor of Law, September 2001-May 2005).

Courses: Legal Writing, Analysis and Research I & II; Fundamentals of Legal Drafting.

Connecticut College, Government Department, New London, CT

Visiting Assistant Professor, August 1999-May 2000.

Designed and taught five courses, including *The Legal Regulation of Political Extremism in the United States and Germany*; and *Civil Liberties in Europe*. Supervised two independent studies.

Johns Hopkins University, Department of Political Science, Baltimore, MD

Teaching Assistant for Dr. Steven David's *Contemporary International Politics* Class, Fall 1992, 1993. Led weekly discussion sessions; graded Papers and Exams.

PUBLICATIONS

Books:

HOLOCAUST DENIAL AND THE LAW: A COMPARATIVE STUDY, (Palgrave-Macmillan, 2004).

Book Chapters:

Hate Speech, Blasphemy and Genocide Denial in Ludovic Hennebel and Thomas Hochmann eds. DENIALS AND THE LAW (forthcoming Oxford University Press 2010).

Strange Bedfellows? Western Deniers and the Arab World in Michael Berenbaum ed. NOT YOUR FATHER'S ANTISEMITISM: HATRED OF THE JEWS IN THE TWENTY-FIRST CENTURY (St. Paul, MN: Paragon House, 2008)

Did the Burning Cross Speak? Virginia v. Black and the Debate Between Justices O'Connor and Thomas over the History of Cross Burning in Austin Sarat ed. STUDIES IN LAW, POLITICS, AND SOCIETY, v.39:75-90 (2006)(peer-reviewed).

Imagining Legal Fairness: A Comparative Perspective, in Jennifer Holmes ed., NEW APPROACHES TO COMPARATIVE POLITICS: INSIGHTS FROM POLITICAL THEORY (Lanham, MD: Lexington Books 2003).

Recent Articles:

The Danish Cartoon Controversy and the Rhetoric of Libertarian Regret. 16 UNIVERSITY OF MIAMI INTERNATIONAL AND COMPARATIVE LAW REVIEW 151 (2009).

The Danish Cartoon Controversy and the Exclusivist Turn in European Civic Nationalism, STUDIES IN ETHNICITY AND NATIONALISM, Vol. 8, No. 3 (2008), 524-42 (peer-reviewed).

The Headscarf as Threat: A Comparison of German and American Legal Discourses, 40 VANDERBILT JOURNAL OF TRANSNATIONAL LAW 417 (2007).

The Legal Regulation of Cross Burning and Holocaust Denial in Comparative Perspective, 83 UNIVERSITY OF DETROIT MERCY LAW REVIEW 163 (2006).

The Dilemmas of Prosecuting Holocaust Deniers: A Comparative Perspective, FOCUS ON LAW STUDIES , Vol. 22, No. 1. (2006)(invited).

Rebuttal vs. Unmasking: Legal Strategy in R. v. Zundel, PATTERNS OF PREJUDICE, Vol. 34, No. 3 (July 2000), pp. 1-15 (peer-reviewed).

SSRN Articles:

"Are Muslims the New Catholics? Europe's Headscarf Laws in Comparative Historical Perspective," U. of St. Thomas Legal Studies Research Paper, No. 8-26 (posted September 8, 2008).

"Hate Speech and National Identity: The Case of the United States and Canada," U. of St. Thomas Legal Studies Research Paper, No. 8-02 (posted: March 10, 2008).

"Why There Was No Cartoon Controversy in the United States," U. of St. Thomas Legal Studies Research Paper, No. 7-28 (posted: August 23, 2007).

Other Publications:

Entries on "*Beauharnais v. Illinois*," "*Chaplinsky v. New Hampshire*," "Clear and Present Danger," "Hate Speech," "Joseph McCarthy," "Military and the Constitution," "*Nelson v. Pennsylvania*," "Parades," "*R.A.V. v. St. Paul*," and "*Schenck v. United States*," for THE ENCYCLOPEDIA OF THE CONSTITUTION (Facts on File, 2007).

Entries on “Anti-mask laws,” “Cross burning,” “Virginia v. Black,” “Holocaust denial,” “De Scandalis Magnatum,” “Islam and the First Amendment,” “*United States v. Ballard*,” and “*Serbian Orthodox Church v. Milivojevic*” for THE ENCYCLOPEDIA OF THE FIRST AMENDMENT, (Congressional Quarterly Press, 2007).

“Why Europeans Criminalize Holocaust Denial,” THE JEWISH WEEK, March 2006 (op-ed piece).

Entries on “Adversarial vs. Inquisitorial Legal Systems,” Civil Law Systems,” “Conscientious Objection,” “Gravity of the Evil,” “*Stromberg v. California*,” “Seditious Libel” and “Torture” for David Schultz and John R. Vile eds. ENCYCLOPEDIA OF CIVIL LIBERTIES IN AMERICA, (M.E. Sharpe, 2005).

INVITED PRESENTATIONS

Speaker at panel entitled “Criminalizing Denial: Legal and Ethical Perspectives” at “Conference on Holocaust Denial” sponsored by the Remarque Institute, held at Ecole Normale Superior, Paris, France, Nov. 2008.

Speaker at panel on “The Origins of Holocaust Studies,” held at the Museum of Jewish Heritage, New York, NY, May 2006.

Speaker at panel on “Rights, Riots and Responsibilities: the Mohammed Cartoons,” at Manhattanville College, April 2006.

Speaker, Washington College of Law, American University, April 2005 (topic: Holocaust Denial and the Law).

Speaker, Harvard Law School, March 2005 (topic: Holocaust Denial and the Law).

Speaker, Conference on Antisemitism and the Contemporary Jewish Condition, University of Judaism, Los Angeles, CA, October 2004 (topic: Holocaust Denial in the Arab world).

CONFERENCES

“The U.S. Debate over the Republishing of the Danish Cartoons,” to be presented at the Islam and the Media Conference held at the University of Colorado School of Journalism, Boulder, Colorado, January 2010.

“Responding to Client Emails: A Way to Incorporate Letter Writing into the First Year Legal Writing Curriculum,” to be presented at the Northwest Regional Legal Writing Conference, Portland, Oregon, August 2009.

“Holocaust Denial and Hate Speech,” presented at Law and Society, Denver, Colorado, May 2009.

“The Danish Cartoon Controversy and the Rhetoric of Libertarian Regret,” presented at the Biannual Retreat of the Institute for Legal Studies, Madison, Wisconsin, September 2008.

“Are Muslims the New Catholics? Europe’s Anti-Headscarf Laws in Comparative Historical Perspective,” presented at Law and Society, Montreal, Canada, May 2008.

“The Danish cartoon controversy and the return of ethnic nationalism to the heart of Europe,” presented at the Association for the Study of Ethnicity and Nationalism, London, England, April 2008.

“Why there was no Cartoon Controversy in the United States,” presented at the First Northeast Meeting of the Law and Society Association, Amherst, MA, May 2007.

“The Headscarf as Threat: A Comparison of German and American Discourses,” presented at Law and Society, Baltimore, MD, July 2006.

“Historians and the Court: A Case Study of *Virginia v. Black*,” presented at Law and Society, Las Vegas, NV, June 2005.

“Strange Bedfellows: Western Deniers and the Arab World,” presented at the Conference on Antisemitism and the Contemporary Jewish Condition, University of Judaism, Los Angeles, CA, October 2004.

“Cross Burning and Holocaust Denial: The Development of Hate Speech Law in Germany and the United States,” presented at Law and Society, Pittsburgh, PA, June 2003.

“How Canadians and Americans Justify Their Positions on Hate Speech,” presented at Law and Society, Vancouver, Canada, May 2002.

“Holocaust Denial Prosecutions in a Liberal Society: France Under the Gayssot Law,” presented at Law and Society, Miami, FL, May 2000.

“Sentencing at Political Trials: The Case of Holocaust Revisionists,” presented at Sentencing and Society, Glasgow, Scotland, June 1999.

“Political Justice: Insult or Frame of Analysis?” presented at Law and Society, Chicago, IL, May 1999.

“Who Prosecutes Holocaust Revisionists and Why?” presented at the American Political Science Association annual meeting, Boston, MA, September 1998.

“Sending the Right Message: Sentencing Holocaust Revisionists in Canada and Germany,” presented at New England Political Science Association annual meeting, Worcester, MA, May 1998.

“Who Takes the Blame? Scapegoating, Legal Responsibility and the Prosecution of Holocaust Revisionists in the Federal Republic of Germany,” presented at the New York Political Science Association annual meeting, Albany, NY, May 1998.

“The Elusive Truth: Hannah Arendt and the Politics of Proof,” presented at the Northeastern Political Science Association annual meeting, Philadelphia, PA, November 1997.

“Free Speech, *Verfassungschutz*, and the Informal Censorship of Holocaust Revisionism in the United States and Germany,” presented at the Northeastern Political Science Association annual meeting, Philadelphia, PA, November 1997.

“Holocaust Denial as Comparative Political Litigation,” presented to the Berlin Program Seminar, Berlin, Germany, April 1997.

“*R v. Zundel* and the Politics of Prosecuting Holocaust Deniers,” presented at the Fifteenth Annual Conference on the Holocaust, Millersville University, Millersville, PA, April 1996.

“Defending the Truth in Court: Holocaust-Denial Litigation in France and Canada,” presented at the New York State Political Association annual meeting, Ithaca, NY, March 1996.

“Proving the Holocaust in Canada: *R. v. Zundel*,” Law and Society, Toronto, Canada, June 1995.

“Institutional Liberalism, Contingency, and Comparison: Judicial Protection of Jehovah’s Witnesses in the United States and Zambia,” presented at the Hopkins All-University Seminar on Africa, Washington, DC, March 1993.

LEGAL EXPERIENCE

Harlem Legal Services, New York, NY

Staff Attorney: September 1990-June 1991

Managed active Social Security case docket; represented clients at agency hearings and in federal court; litigated attorneys’ fees under the Equal Access to Justice Act.

Hon. Leonard I. Bernikow, Magistrate Judge, Southern District of New York

Law Clerk: September 1989-August 1990

Prepared drafts of over 25 Reports and Recommendations (including habeas petitions, social security appeals, and motions to dismiss in securities fraud cases).

BAR ADMISSIONS AND MEMBERSHIPS

Admitted to New York Bar

Member of Law and Society Association

LANGUAGES

Reading Knowledge of French and German