

Kenworthy Jennifer Bilz

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Education

Princeton University (*Ph.D. 2006; M.A. 2002 in experimental social psychology*)

University of Chicago—The Law School (*J.D. 1998 with honors*)

Harvard College (*A.B. 1992 with honors*)

Work Experience

University of Illinois College of Law (professor of law, 2011-present)

Northwestern University School of Law (assistant professor of law, 2006-2009; associate professor of law, 2009-2011)

Visiting Positions:

Notre Dame Law School (Fall 2017)
Duke University Law School (Spring 2016)
Stanford Law School (Spring 2011)
University of Illinois College of Law (Fall 2010)
Northwestern University School of Law (VAP, 2004-2006)

Referee Work:

Journals:

Criminology, Group Processes and Intergroup Relations, Journal of Applied Social Psychology, Journal of Empirical Legal Studies, Journal of Law & Economics, Journal of Legal Studies, Journal of Law, Technology and Policy, Jurimetrics, Law and Human

Behavior, Law and Social Inquiry (member of editorial board, Jan. 2013-2015), Law and Society Review, Toronto Law Journal

Organizations:

Conference on Empirical Legal Studies, Israeli Science Foundation, National Science Foundation (NSF), Time-sharing Experiments for the Social Sciences (TESS)

Presses:

NYU Press, University of Chicago Press

Committee and Other Service Work:

- Promotion & Tenure Committee (2022-23)
- Lectures Committee (Spring 2019, 2022-23), Chair (2019-2020)
- Diversity Committee, Chair (2016-2017, Spring 2019)
- Assessments Committee (Spring 2018)
- University Faculty Senate (2014-2016)
- Grants Subcommittee of the Law School Admissions Council (2013-present)
- Hiring Committee (2012-2013, Spring 2018), Chair (2014-2015)
- Fellowships and VAP Committee Member (2013-2014), Chair (Fall 2015)
- Faculty Scholarship Conference Chair (2011-2012)
- Admissions Committee Member (2011-2012, 2013-2014)
- Rules Committee Member (2010-2011)
- Clerkship Committee Member (2006-2010, 2013-2014, 2016-2017), Chair (2007-2008)
- JD/PhD Committee (2004-2006)

Classes Taught

- Criminal Law
- Evidence
- Psychology & Law
- Negotiations
- Animal Law—seminar
- Statutory Interpretation (short course)
- 20th Century American Legal Thought—seminar
- Literary and Psychological Analysis of Law—seminar
- Race and Policing—seminar
- Theories of Crime and Punishment—seminar
- Law, Psychology & Morality—seminar

Research Interests

I focus on how social psychological processes can inform the study of law. I am especially interested in how legal institutions, rules and practices affect perceptions of legitimacy and morality, which might in turn affect behavior. I am also interested in understanding the ways that social norms, social meaning and social influence can minimize, magnify, or even displace legal regulation. I mine most of my examples from the field of criminal law and evidence.

Publications (all available on BePress and SSRN)

Arden Rowell & Kenworthy Bilz, *The Psychology of Pollution Control*, 54 Arizona State L. J. __ (2022).

Arden Rowell & Kenworthy Bilz, *The Psychology of Environmental Law*. NYU Press (2021).

Joshua Kleinfeld, Laura I. Appleman, Kenworthy Bilz, *et al.*, *White Paper of Democratic Criminal Justice*, 111 NW. U. L. REV. 1693 (2017).

Kenworthy Bilz, *Testing the Expressive Theory of Punishment*, 13 J. EMP. LEG. STUDIES 358 (2016).

Kenworthy Bilz & Janice Nadler, *The Regulation of Moral Attitudes* (Oxford Handbook of Behavioral Economics, 2013).

Kenworthy Bilz, *Dirty Hands or Deterrence? An Experimental Examination of the Exclusionary Rule*, 9 J. EMP. LEG. STUDIES 149 (2012).

Kenworthy Bilz, *We Don't Want to Hear It: Psychology, Literature and the Narrative Model of Judging*. 2010 ILLINOIS L. REV. 429 (2010).

Kenworthy Bilz, *Defending the (Mis)use of Statistics in Law: Comment*. 166 J. INSTITUTIONAL & THEORETICAL ECON. 194 (2010).

Kenworthy Bilz, *Self-Incrimination Doctrine is Dead; Long Live Self-Incrimination Doctrine: Confessions, Scientific Evidence, and the Anxieties of the Liberal State*. 30 CARDOZO L. REV. 807 (2008).

Kenworthy Bilz & Janice Nadler, *Law, Psychology, and Morality*, in PSYCHOLOGY OF LEARNING AND MOTIVATION, VOL. 50 (D. Medin, L. Skitka, D. Bartels, & C. Bauman, eds.) (2008).

Kenworthy Bilz, *The Puzzle of Delegated Revenge*. 87 B.U. L. REV. 1059-1112 (2007).

Kenworthy Bilz, *The Fall of the Confession Era*. 96 J. CRIM. L. & CRIMINOLOGY 367-384 (2005).

Kenworthy Bilz & John M. Darley, *What's Wrong with Harmless Theories of Punishment*. 79 CHICAGO-KENT L. REV. 1215-1252 (2004).

John M. Darley, Tom Tyler, & Kenworthy Bilz. *Enacting Justice: The Interplay of Individual and Institutional Perspectives*, in THE SAGE HANDBOOK OF SOCIAL PSYCHOLOGY (Michael Hogg and Joel Cooper, eds., 2003).

Works in Progress, drafts available on request

Arden Rowell, Kenworthy Bilz & Howard Jyun-Syun Li, *Environmental Law and Psychology*. (forthcoming in The Research Handbook of Law and Psychology, Edward Elgar, 2023)

This is a chapter in a book offering an overview of the new field of environmental law and psychology, which explains how basic psychological research can be used to explain how environmental problems are perceived (or not perceived), and how the law might successfully shift environmental behaviors.

Kenworthy Bilz & Qiaoyuan Zhi, *Health Law and Psychology*. (forthcoming in The Research Handbook of Law and Psychology, Edward Elgar, 2023)

This is a chapter in a book offering an overview of problems in health law and how basic psychological research might shed light on, or even solve, them.

Kenworthy Bilz & Wen Bu, *How Dare You: The Effect of Offender Status and Cognitive Reflection on Perceived Wrongdoing*

In two laboratory experiments, we test the simple hypothesis that people immediately and “hotly” react more negatively to low status offenders than high status offenders. We also test the more complex hypothesis that cognitive reflection is more likely to be spent on low status than high status offenders. This means that additional information about the cause of wrongdoing is more likely to affect how people perceive low status than high status offenders—which can either be to the benefit or the detriment of a low status offender. Consistent with prior research, we find consistent support for the finding that immediate, “hot” reactions to low status offenders are more negative than

to high status offenders. Evidence of the effect of reflection and cognitive processing is more mixed, but we do find substantial evidence that indeed, people do reflect on low status offenders more than high status offenders, and when they receive mitigating/aggravating information about an offense, it is more likely to help/hurt the low status offender than the high status one.

Kenworthy Bilz & Jeffrey Rachlinski, *A New Look at the Endowment Effect and Why It Matters to the Law*

The endowment effect is one of the most robust findings in social psychology, with literally hundreds of empirical articles replicating and unpacking the phenomenon, and only a small handful failing to find it. And yet there is a persistent, and possibly growing, set of scholars who insist the phenomenon does not exist. In this article, we explain and defend the persistence of belief in the endowment effect and lawyer's use of it, and end by using the history of the endowment effect in the academy to make a larger point about the legitimately different outlooks and goals of pure social science versus legal policy.

Kenworthy Bilz, *Crime, Accidents, and Social Standing: The Psychological Experience of Victimization.*

Intuitively, losses caused by crimes and those caused by accidents are psychologically different—but how? In three experiments, this article tests the hypothesis that crime is insulting and humiliating in a way that accidents are not. In the first experiment, participants described a time they were a victim of either an accident or a crime. Both explicit dependent measures and content analysis of their responses were consistent with the hypothesis that crimes are more insulting than accidents. This result held true after controlling for differing levels of severity/magnitude of losses across the two types of events, for differing expectations about the likelihood of being compensated, and even for some differing mindsets of criminal versus accidental harmdoers (specifically, how sorry the victim thinks the harmdoer is, or by whether the victim was chosen opportunistically versus maliciously). The second experiment replicated the basic findings of the first, using scenarios of crimes and accidents in order to more tightly control the features of the events, especially the type and magnitude of loss. The final experiment replicated the second experiment, but included a dependent measure to assess cognitive processing (time to respond) across the two types of events.

Kenworthy Bilz & Andrew Gold, *An Experimental Examination of Civil Recourse Theory.*

This paper presents a test of civil recourse theory. Civil recourse theory supplies a descriptive explanation for the structure of private law remedies, and its advocates have argued that there are two defining features of private law remedies that

distinguish them from self-help solutions and criminal cases. First, the state acts to resolve disputes, deploying public resources and tools for the resolution of disputes—specifically, the civil court system. Second, injured parties themselves must act to resolve disputes, by initiating and participating in law suits. Civil recourse theorists further argue that these elements are critical, as each serves an important, even moral, function. We supply empirical support, grounded in psychological research in procedural justice and emotions, for their claims. Specifically, we present two experiments using scenario studies of two different torts, where we hold constant the case outcome and the effort the injured party must expend to resolve the case. We vary whether the injured party acts alone, the state acts alone, or the injured party acts in concert with the state to resolve the case. We show that participants get greater satisfaction out of case resolutions when they take an active part, as opposed to when the state acts unilaterally, and think justice is served best of all when they act in concert with the state, rather than being left on their own to solve. Moreover, we show that the different emotional responses to the different forms of case resolution (pride, shame) could be explained by the effect that different case resolutions have on perceptions of the injured party's efficacy and social standing.

Miscellaneous Publications

Kenworthy Bilz, *Are Law Enforcement Agencies Abusing Civil Asset Forfeiture?* (blog post) for “Expert Viewpoints” of the Illinois News Bureau, Apr. 13, 2017.

Kenworthy Bilz & Janice Nadler, *It's Not Their Cheating Hearts* (op-ed), CHI. TRIB., Dec. 14, 2008.

Kenworthy Bilz & Janice Nadler, *Serving Up a Bailout With a Side of Justice* (op-ed), CHI. TRIB., Oct. 3, 2008.

Current Projects

Kenworthy Bilz & Ashley Dyke, *Self-Nudges*

We are empirically testing the hypothesis that people aim to change or maintain their own attitudes by strategically exposing themselves to emotionally- and morally-laden information, particularly images. These exposures are not managed in order to control the information revealed by such images, but instead to control the viewer's visceral responses to information they already know. Law makers intuit the power of such exposure, and sometimes aim to exploit it by mandating or forbidding such images in relevant contexts. Two examples are images of smoking diseases on packets

of cigarettes, and the requirement that women be shown images of their own ultrasounds before receiving an abortion.