

Daniel Pi

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Employment

Mitchell Hamline School of Law, Visiting Assistant Professor, 2019–*present*
Saint Paul, MN

- Courses taught: Criminal Law; Contracts; Law & Economics

George Mason University, Visiting Assistant Professor, 2017–2019
Antonin Scalia Law School, Arlington, VA

- Courses taught: Contracts; Legal Theory; Feminist Jurisprudence
- Average Teaching Evaluation: 4.75/5 (1L courses average 4.68/5, highest in the school for two semesters)
- Faculty Speaker at Convocation (elected by graduating class)

Education

University of Bologna, Ph.D., 2019
Department of Economic Sciences, Bologna, Italy

- Erasmus Mundus Fellow

University of Hamburg, Ph.D., 2019
Institute of Law and Economics, Hamburg, Germany

- Erasmus Mundus Fellow

University of Minnesota, J.D., *magna cum laude*, 2012
Law School, Minneapolis, MN

- Concentration in Criminal Law
- *Minnesota Journal of International Law*, Staff Member
- Research Assistant: Francesco Parisi; Ann Burkhart

New York University, B.F.A., 2009
Tisch School of the Arts, New York, NY

- Major in Film Production
- Minors in Philosophy (honors), Mathematics

Publications

“Deterrence of Wrongdoing in Ancient Law,” in *ECONOMICS OF ROMAN LAW* (G. Dari-Mattiacci, ed.) (Oxford University Press, forthcoming 2018), available at <https://ssrn.com/abstract=2510080> (with Francesco Parisi, Barbara Luppi, and Iole Fargnoli).

This chapter describes the historical development of remedies from an economic perspective, tracking the economic forces which effected transitions from retaliatory to punitive justice, and later from punitive to compensatory justice.

Double-Edged Torts, 46 INT’L REV. LAW & ECON. 43–48 (2016), available at <https://ssrn.com/abstract=2165862> (with Francesco Parisi and Barbara Luppi).

Precautionary care is typically modeled as a monolithic investment type in the economic analysis of torts. We distinguish between precautions which reduce the probability of harm to a prospective victim, and precautions which reduce the probability of accidents *tout court* (i.e., inclusive of accidents which result in harm to self). We identify distinct efficient standard of care thresholds contingent upon precaution-type.

“The Economic Analysis of International Treaty Law,” in ECONOMICS OF INTERNATIONAL LAW (E. Kontorovich and F. Parisi, eds.) (Elgar 2016), available at <https://ssrn.com/abstract=2788179> (with Francesco Parisi).

In this chapter, we provide a concise overview of economic research in customary international law, constructing a generalized model to draw together several insights within a unified framework.

“The Emergence and Evolution of Customary International Law,” in ECONOMICS OF INTERNATIONAL LAW (E. Kontorovich and F. Parisi, eds.) (Elgar 2016), available at <https://ssrn.com/abstract=2144855> (with Francesco Parisi).

In this chapter, we synthesize the economic and game theoretic literature analyzing international treaty law.

“Biasing, Debiasing, and the Law,” in THE OXFORD HANDBOOK ON BEHAVIORAL ECONOMICS AND THE LAW (E. Zamir and D. Teichman, eds.) (Oxford University Press 2014), available at <https://ssrn.com/abstract=2215117> (with Francesco Parisi and Barbara Luppi).

This chapter introduces the concept of “benevolent biasing.” Whereas prior scholars have tended to treat biases and heuristics as analogous to (or as a subset of) market failures, which debiasing and insulating strategies are meant to combat, we contemplate the use of law to *instill* biases in previously unbiased individuals in order to *correct* market failures.

Quantifying Reasonable Doubt, available at <https://ssrn.com/abstract=3226479> (job market paper; submitted for review) (with Francesco Parisi and Barbara Luppi)

The reasonable doubt standard is the cornerstone of criminal trials, yet the courts have provided confusing (sometimes paradoxical) guidance on how the standard should be understood. This paper reviews the history and development of the reasonable doubt standard, and explores three possible elaborations of its meaning. We argue that the best alternative is to state a threshold of subjective probability in numerical terms. We survey the case law of all fifty states and the federal system to derive certainty thresholds implied by judicial pronouncements of Blackstonian ratios (i.e., claims that it is better to acquit x guilty persons than to convict one innocent—where x varies by jurisdiction).

Harmful Speech, available at <https://ssrn.com/abstract=2598452>

One of the principal arguments used to justify the regulation of speech is that it is “harmful.” The idea is that exceptions should be carved out of the general speech right in order to improve social welfare, in cases where a class of expressive activity has low social value and high social cost. I identify three conditions under which the regulation of speech—even of harmful speech—can diminish rather than improve social welfare. For example, I characterize the utility (and disutility) of speech in price theoretic terms, so that a decreasing supply of harmful speech increases the per-unit harm of that speech. The premise is intuitive—fighting words are less inflammatory when they are routinely uttered, and obscenity is less scandalous when it is widespread. A critical premise of the harm-based justification for speech regulation is thereby undermined.

Meta-Rational Choice, available at <https://ssrn.com/abstract=3226242>

(work in progress)

In this paper, I construct a meta-model of decision-making, and I prove that any set of potential choices can be represented as maximizing behavior. The meta-model grounds generalized expected utility theories and theories of bounded rationality in a common framework, resolving several paradoxes and defects in prior efforts to construct generalized models of behavior.

Bounded Criminality, available at <https://ssrn.com/abstract=2214504>

(work in progress)

Gary Becker argued in *Crime and Punishment* that the objective of criminal law should be to deter rational criminals up to the point the marginal cost of enforcement and punishment exceeds the marginal reduction in criminal harm. In this paper, I argue that real world individuals (even criminals) do not make casuistic judgments whether to commit crimes every time they face the opportunity to commit criminal acts. Rather, individuals form heuristics about when, how, and which kinds of crimes to commit—and indeed whether to invest cognitive resources in the contemplation of criminal activity at all. I suggest mechanisms which might encourage the formation of heuristics *not to commit crime*, and argue that this—rather than casuistic deterrence—ought to be the principal objective of criminal law. This paper

Elaborations on the Coasean Conception of Rights (work in progress)

This paper expands the economic conception of rights on two fronts: the concept of rights from the right-granter’s perspective, and the concept of rights from the right-holder’s perspective. From the right-granter’s perspective, I analyze rights as heuristics employed by the legal system to reduce decision-making costs. From the right-holder’s perspective, I complicate the Coasean conception of rights, exploring their intrinsic non-instrumental value. In *The Problem of Social Cost*, Ronald Coase described how, in a world without transaction costs, the efficient prospective right-holder would tend acquire that right through bargaining, regardless of its initial allocation. Coase implicitly assumes that the utility value

of rights are reducible to the utility value of the right's material consequences. However, individuals often value rights for their own sake—not instrumentally toward other ends. For example, a non-criminal who has nothing to hide, may still value possession of a privacy right, even if he never anticipates *using* the privacy right to his economic advantage.

Tort Law for Robot Actors, available at <https://ssrn.com/abstract=2598452> (submitted for review) (with Alice Guerra)

This paper models automated technologies (for example, self-driving cars and unmanned aerial drones) as durable precautions which substitute and reduce the effectiveness of human precautionary care. We derive a tort liability rule, which incentivizes efficient investment in research and development on the part of the manufacturer, adoption and upgrading on the part of the consumer, and defensive precautions on the part of prospective victims.

Conference Presentations

European Association of Law and Economics, 2018

University of Milano-Bicocca, Milan, Italy

Harmful Speech

European Association of Law and Economics, 2016

University of Bologna, Bologna, Italy

Reasonable Doubt: An Economic Approach (retitled: *Quantifying Reasonable Doubt*)

Asian Law and Economics Association Annual Conference, 2016

Seoul National University, Seoul, Korea

The Structure of Political Constitutions (retitled: *Elaborations on the Coasean Conception of Rights*)

Tort Law for Robots (retitled: *Tort Law for Robot Actors*)

American Law and Economics Association, 2015

Columbia University, New York, NY

Reasonable Doubt: An Economic Approach (retitled: *Quantifying Reasonable Doubt*)

Italian Society of Law and Economics, 2014

La Sapienza, Università di Roma, Rome, Italy

The Structure of Political Constitutions (retitled: *Elaborations on the Coasean Conception of Rights*)

European Association of Law and Economics, 2014

Aix-Marseille Université, Aix-en-Provence, France

Using Bounded Rationality to Fight Crime (retitled: *Bounded Rationality and Criminal Deterrence*)

- Received [Göran Skogh Award](#) for best paper presented by a young scholar.

German Law and Economics Association, 2014

Universiteit Gent, Ghent, Belgium

Using Bounded Rationality to Fight Crime (retitled: *Bounded Rationality and Criminal Deterrence*)

Behavioral Law and Economics: Substance and Methodology, 2013

University of Notre Dame, Notre Dame, IN

“Biasing, Debiasing, and the Law”

American Law and Economics Association, 2012

Stanford University, Palo Alto, CA

Double-Edged Torts

Peer Reviewer

International Review of Law and Economics, 2018–present

Supreme Court Economic Review, 2016–present

Review of Law and Economics, 2012–present

European Association of Law and Economics, 2014