The modern administrative state is engaged in an array of initiatives, projects, and pursuits not readily captured within traditional paradigms of law and regulation. From standard-setting and network-building projects, to disclosure regimes and varied programs of information generation and dissemination, as well as sometimes massive subsidy programs intended to generate positive externalities, none of this is not your grandmother’s command-and-control regulation.

Notwithstanding the scope and significance of such initiatives – perhaps especially in globally oriented, industrialized states, and particularly where those states attempt to engage (whether individually or collectively) in transnational regulation – our theories of regulation have made little attempt to address them. Most commonly, we have dismissed this universe of activity as something less than true “regulation.” Even where regulatory scholars have given more fulsome attention to such patterns of state action, there has been little effort to theorize them more broadly.

This volume seeks to offer one such account, under the rubric of coordination. Modern theories of administrative regulation have commonly relied on Prisoner’s Dilemma game dynamics to analyze both the function and the form of potential regulatory interventions. In this account, coercive regulation serves to constrain individual players’ incentive to defect from a Pareto superior equilibrium.

Thursday, January 25, 2018, 12:00 - 1:30 P.M.  
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