



## **Module 1: Introduction and Conceptual Overview**

### **Learning Objectives:**

- Define and explore both soft law and private standards
- Understand goals of private standards and their role in industry self-regulation
- Explore the advantages and disadvantages of government regulation
- Address the “pacing problem” and explore its relationships with the acceleration of technologies, with current legal deceleration, and its consequences on governance
- Explain how soft law can aid government regulation and understand when it is a best approach or should be used as a gap filler to regulation
- Understand the limitations of soft law
- Explore how to build governance systems that include both hard and soft law instead of an either-or approach
- Understand the indirect enforcement tools available in soft law
- Understand the role of soft law in legal practice today

### **Readings**

- Kidd, Jeremy. "No Perfect Solutions for Market Imperfections." *U. Pa. J. Bus. L.* 26 (2023): 443. (In Full)
- Kidd, Jeremy. "No Perfect Solutions for Market Imperfections." *U. Pa. J. Bus. L.* 26 (2023): 443. (An Excerpt)
- Marchant, Gary E., and Carlos Ignacio Gutierrez. "Soft law 2.0: An agile and effective governance approach for artificial intelligence." *Minn. JL Sci. & Tech.* 24 (2022): 375. (An Excerpt)
- Reicin, Eric. “The Case for Teaching Industry Self-Regulation in Law, Business and Public Policy Schools.” *Forbes*. November 6, 2024.

**Possible law classes that could incorporate this module:** Law and Technology courses, Consumer Protection Law, Administrative Law, and Business Ethics