



# CENTER FOR THE STUDY OF LAW AND SOCIETY

## BERKELEY LAW

### CSLS Visiting Scholars Speaker Series

Wednesday, December 5, 2018

#### NIR KOSTI

Hebrew University of Jerusalem (Israel)

#### “The Puzzle of Legislative Division of Labor”

Rules growth is an understudied area in the field of Regulation and Governance. Scholars have failed, so far, in developing concepts and datasets that can serve for comparative analysis of state rules. This study attempts to overcome these challenges, showing that there are distinct national patterns of rules production. More specifically, it illustrates that countries differ substantially in their propensities to produce primary legislation (legislation made by legislatures) and secondary legislation (legislation made by executive branches). Surprisingly, these differences – while still to be substantiated– exist for countries with similar legal origins and similar attitudes to liberalization and deregulation. In discussing those differences, the study offers important insights into the legislative division of labor between primary and secondary legislation across different countries, over time and across issues.



#### YASUHIRO MARUYAMA

Rissho University (Tokyo, Japan)

#### “Towards Japanese Penal Welfarism: Drug Treatment without Punishment?”

In Japan, it is widely believed that illegal drug users are criminals who should be punished. Most addicts have relatively few opportunities to receive medical treatment or support from welfare workers. However, recently new treatment-oriented drug policies have been introduced within the criminal justice system. These include an increase in private support groups, such as Drug Addiction Rehabilitation Center (DARC), that provide drug rehabilitation programs in prisons. There has also been a growth in other policies, including, *inter alia*, an extension of compulsory drug testing as a condition of probation and parole, in addition to mandatory participation in drug treatment programs in both custodial and community settings. Based upon a literature review, analyses of key documents produced by the Ministry of Justice, and informal interviews with DARC staff, this paper will critically explore these developments and consider the extent to which they represent “criminalization of welfare” or “welfarization of criminal justice”. The central questions I seek to resolve are: what is an appropriate punishment for a drug abuser in the criminal justice system? Is it preventive detention or a form of welfare?

PLACE Selznick Seminar Room, 2240 Piedmont Avenue  
TIME 3:00 – 4:30 p.m. Beverages and light refreshments provided.  
INFO <https://www.law.berkeley.edu/centers/center-for-the-study-of-law-society/>  
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