Explaining the reproduction of illegal drug use control regimes in Japan: The Multi-Centred Governance thesis

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Abstract

Despite current global trends toward diversification in policy responses to illegal drug use, including growing criticism of the War on Drugs, Japan continues to retain an ardently prohibitive approach. This article explains the reproduction of prohibitionist policies in Japan throughout the post-War period through use of the Multi-Centred Governance (MCG) thesis. This thesis acknowledges the facilitative power of exogenous shocks to the policy process, the causal power of particular policy actors, whilst also emphasizing the importance of dispositional power, the rules of meaning and membership that integrate and bind policy actors into rival agendas of crime control, in maintaining policy agendas despite facilitative and agentic pressures for change. In these terms, the MCG provokes discussion of how alleged global trends in crime and control are mediated by a politics of risk and justice, constituted through the interplay of the facilitative, causal and dispositional circuits of power found in particular contexts.

Key words

Japan; drug policy; prevention; multi-centred governance; regime analysis; comparative criminology

Introduction

Over the past few decades, global trends in drug policy concerning the possession and use of substances prohibited under landmark international conventions have witnessed considerable divergence from strict prohibitive models, with the emergence of policy approaches ranging from harm reduction, decriminalization, medicalization through to legalization (Brewster, 2023). Indicative of the breadth of such developments, in 2017 the United Nations (UN) and World Health Organization (WHO) issued a joint statement calling for the "reviewing and repealing of punitive laws" which include "laws that criminalize or otherwise prohibit… drug use or possession of drugs for personal use" (World Health Organization, 2017). In 2018, the Chief Executives Board of the UN, representing 31 UN agencies, adopted a common position on drugs which included the promotion of, "…alternatives to conviction and punishment in appropriate cases, including the decriminalization of drug possession for personal use" (United Nations, 2019: 14).

Yet despite these broader movements, the adoption of "alternative" drug policies has not been evenly spread across countries. In Japan, the 'front end' of approaches towards illegal drug use, namely law enforcement and educational prevention, have, *prima facie*, shown little sign of change with remarkable continuity since the adoption of a prohibitionist agenda in the post-War period. This raises interesting questions about the lack of movement in Japanese drug control policy in response to criticisms of the prohibitionist agenda by the UN and WHO. What might explain the reproduction of a prohibitionist agenda in Japan?

In turn, this alerts us to how these processes can be captured and theoretically articulated. To date, English-language work that has explicitly focused on contemporary drug policy in Japan is rare. Nevertheless, within the broader field of criminology, there is a rich tradition of explaining Japanese crime control through a cultural perspective which stresses the unique context-dependent characteristics of Japanese society, such as 'benevolent paternalism' and 'reintegrative shaming' (e.g. Bayley, 1976; Braithwaite, 1989; Foote, 1992). In contrast, more recent analyses have stressed patterns of convergence with other late-modern countries towards punitive populism, implying a common 'culture of control' (Garland, 2001; Hamai and Ellis, 2006; Miyazawa, 2008). These accounts of crime control exemplify two dominant, albeit limited, tendencies in current comparative criminology: idiographic accounts which emphasise context-dependency, but do so at the risk of providing a falsely unique perspective on the Japanese case; and accounts which emphasise generalizable, therefore context-independent, qualities, but do so at the risk of advancing falsely universal accounts of control irrespective of the particular social conditions for reproducing drug control in Japan (Brewster, 2020; Devroe et al., 2017; Edwards and Hughes, 2005).

This implies a need for an alternative conceptual framework and allied methodological approach to better comprehend and differentiate between the context-dependent and context-independent relations that can reproduce (or disrupt) cultures of drug control. To this end, the paper uses the Multi-Centred Governance thesis (MCG), first introduced in an earlier volume of *Global Crime* (Edwards, 2016), to understand the reproduction of prohibitionist drug control in Japan. We argue that continuities in control approaches in Japan over the past 70 years can be more realistically explained through considering the interplay between dispositional, causal and facilitative circuits of power which shape political competition and agency in drug control regimes. It is argued that through their astute manipulation of these circuits of power, governing actors and organizations, especially central authorities, have been able to resist criticisms of the War on Drugs that have been gathering pace in global policy debates over drug control whilst reproducing a 'penal-moral' regime.

Conceptualising the reproduction of illegal drug use control in Japan: multi-centred governance

The MCG thesis is a reaction to grand theories of social control that portray the social reaction to crime in homogenous and reductive terms as, for example, a 'culture of control' (Garland, 2001), a 'security state' (Hallsworth and Lea, 2011) or a 'neo-liberal rationality' (O'Malley, 2016), arguing instead for a focus on the politics of control in ways that acknowledge the importance of political agency and competition in producing this social reaction. To avoid the concomitant danger of a voluntaristic account of this politics, however, the MCG distinguishes the causal power of political agency from the facilitative power of the institutional conditions and particular contexts that enable or constrain such agency. In addition to this familiar contrast between structure and agency, the MCG acknowledges the less familiar concept of dispositional power: the relations of meaning and membership that bind actors into coalitions advocating discrete policy agendas, such as criminal justice or public health responses to illegal drug use. The MCG argues that continuity and change in the social reaction to criminological problems, such as illegal drug use, is better understood in terms of the interrelationship between the *dispositional* powers that commit political actors to core policy beliefs, which they can renege on but with damaging consequences for their credibility, the *causal* agency of actors with the acumen, charisma and guile to reproduce these dispositions, even in the face of accumulating countervailing evidence for their justification, and the *facilitative* power of changes, including exogenous shocks, in the wider environment of the policy process that may disrupt the predominance of certain dispositions over others.

In these terms, the MCG can be distinguished from competing state-centred and network-distributed conceptualizations of political power. Disputes between these perspectives arose in relation to the profound social, economic and political disruptions wrought by patterns of globalization and how political authorities have reacted to the apparent limitations of sovereign power in late-modern liberal democratic societies (see for example, Garland, 2001). For some, the nation state has been all but eroded, with governing power disbursed throughout a series of nodes or networks (e.g. Burris et al., 2005). Nevertheless, critics of this de-centring of the nation state have asserted the continued significance of central sovereign power, arguing for a 'reconstruction of Leviathan' with conceptualizations such as the security state (e.g. Hallsworth and Lea, 2011). In the Japanese context, for example, Baradel (2021) explains the introduction of increasingly punitive measures towards organized crime in terms of an "increasingly intrusive" state, which "finds its rationale in the neoliberal system", being

symptomatic of "a political agenda that aims to centralize more power in the hands of the state" (Baradel, 2021: 13-15).

However, this sovereign concept of power misdiagnoses power relations as it fails to recognize "…the grounds for resistance to, and thus variation in, the exercise of power within and across, as well as between nation states" (Edwards, 2016: 245). Recognizing this deficit, it is argued that an appreciation of the interaction between causal, dispositional and facilitative circuits of power better acknowledges the constant political competition to govern. The outcome of this competition may be continuity or change: the successful reproduction of a policy agenda, its reform, transformation or indeed its drift in conditions where rival agendas effectively cancel each other out.

In contrast to other de-centred network-distributed conceptualizations of power (Bevir, 2013), the MCG thesis recognizes asymmetries in the availability of resources to govern which privilege some actors over others (Edwards and Hughes, 2005; Edwards and Hughes, 2012; Edwards, 2016). As such, the MCG views power as "…an ongoing struggle rather than an accomplished state formation", in which there are multiple centres of power which operate as obligatory passage points for the governance of identified problems (Edwards, 2016: 246).

These more abstract concepts of power are grounded through reference to more concrete concepts about the formation, reproduction or failure of governing arrangements found in particular 'regimes' (Stone, 2005). In these terms, governing regimes involve the enrolment of a coalition of actors, groups and organizations into a 'scheme of co-operation' through which preferred policy agendas are advanced, can be contested and thus need to be defended in an ongoing competition (Edwards and Hughes, 2012). Thus, political agency within the policy process and/or alterations to the environment of this process provide opportunities for challenges to established regimes and their policy agendas, to which incumbents wishing to maintain these agendas must respond or else risk de-legitimization.

Thus, that particular centres of governance in Japan have been able to effectively reproduce their preferred, prohibitionist, policy agenda for illegal drug control across different historical periods isn't a refutation of the existence of multiple centres of power that need to be negotiated. Rather, it is a testament to the exercise of their causal powers in better negotiating the relations of power-dependence that necessarily exist between central authorities and the other actors they are dependent on to implement their agendas (Rhodes, 1997). In the renowned formulation of Bruno Latour (1986), the difference between having the potential to exercise power and actually exercising power is, necessarily, the actions of others. This necessary relation is what enables, indeed compels, political competition amongst rivals, as well as

schemes of co-operation amongst supporters: schemes that may result in decades of policy continuity but, even so, can provide opportunities for future changes in direction. This is especially the case where change occurs at other, super-ordinate levels, such as the progress the World Health Organisation has made in challenging the War on Drugs through advocacy of more public health responses to illicit drug use.

In this way, analysis of the politics of control can both escape teleological accounts of some inexorable unfolding of a political rationality, like prohibition, and recognise that even though things are as they are, they needn't be so in the future. Understanding such realistic prospects for change is a central purpose of the more nuanced theory of politics advanced in the MCG thesis. In the remainder of the article, this thesis is used to explain the reproduction of a prohibitionist drug control regime in Japan, notwithstanding various pressures for policy change since the end of the Second World War.

The emergence of the penal-moral regime (1860s-1960s)

Responses to illegal drug use in respect of educational prevention and law enforcement have displayed remarkable continuity over the past 70 years. The overall formation of control during this period may be articulated as a 'penal-moral' regime, reflecting the coalescence of governing agents around a criminal justice disposition in which illegal drug taking is perceived as immoral, which in turn supports a goal of eradicating illegal drugs from society through moral indignation, instruction, and stringent enforcement of drug laws.

Whilst the cementation of this penal-moral regime took shape in the immediate post-war period, its origins can be traced back earlier to at least the 19th century with the introduction of severe punishments – including the death penalty – for the smuggling of opium. Such draconian approaches were deeply connected to the geo-political context of the period. Pertinently, during the middle of the 19th century, not only had the British Empire's victory in the Opium Wars enabled the East India Company to import large quantities of opium to China, leading to rising problems of dependency there, but Western powers also stipulated strict prohibitions on opium trading in treaties with Japan (Edstrom, 2015; Vaughn et al, 1995).

The desire of Western states to open up and monopolise trade in the Far East was not limited to China, with Japan also coming under severe pressure after over 200 years of self-imposed isolationism during the Tokugawa era (1603-1868). The reversal of this policy in the mid-19th century was swiftly followed by radical reforms in the Meiji era (1868-1912), with the new leaders of the era seeking to import Western social systems and demonstrate to Western

imperial powers the 'civilized' nature of the Japanese people (Kingsberg, 2014). The importance of these parallel developments in respect of drug control is that a discourse connecting forms of substance use to weakness, racial inferiority, and dangerous outsider populations emerged. With Japan no longer able to block foreign trade and influence, tough approaches to domestic opium smuggling not only sought to demarcate Japan from her 'racially inferior' Chinese neighbours, but also contributed towards a nationalist projection of the paternalistic state in protecting its citizens from perceived outside threats (Kingsberg, 2014; Vaughn et al, 1995).

Yet although the early experiences and reactions to opium domestically may have laid the foundations for what was to come later, amid imperial expansionism and the exogenous shock of the Second World War drug control approaches were transformed during this period. In this regard, state-sponsored trafficking of opium became a crucial source of income for puppet governments installed across mainland Asia, while the production and consumption of methamphetamine was encouraged amongst military and factory workers in order to increase performance and alertness (Edstrom, 2015; Kingsberg, 2014; Yoshida, 2007).

However, defeat in the Second World War marked a further exogenous shock which again transformed domestic approaches to drugs and led to the emergence of the penal-moral regime. The formation of this regime resulted from the enrolment of a set of actors and groups into a stable governing regime driven by a shared criminal justice disposition and aligned around an agenda of illegal drug use eradication. Whilst this scheme of co-operation incorporated a plethora of actors and groups above, within, beyond and below the state, the ability to utilize governing resources to persuade or else coerce others to co-operate in the regime was not equally distributed.

Most pertinently in this regard was the occupation of Japan by Allied Forces between 1945-1952. This gave occupying forces, and in particular the United States, an immense grip over governing resources to shape the reconstruction of Japan in ways which were aligned with broader geo-political strategic goals, leading to the introduction and/or imposition of widespread social and political reforms. In respect of drug control during this period, legal statutes such as the Stimulant Control Law, Narcotics Control Law, and Cannabis Control Law were enacted, underpinned by moralistic notions about drug use and mirroring criminal justice-based frameworks found in the United States, and these remain the core legal foundations of contemporary drug control (Vaughn et al, 1995).

However, whilst the legal structures of the emerging regime may have been shaped by external actors, a criminal justice disposition and the agendas this supported were also aligned

with changing domestic moral discourses towards drugs. This was again facilitated by the social, economic and political fallout of a costly and failed war. Alongside severe social problems and the traumas of war, methamphetamine flooded the domestic black market. It is broadly accepted that use rose significantly to the extent to which it has been termed the first, and most serious, 'epidemic' of methamphetamine use (Edstrom, 2015; Sato, 2008; Wada, 2011). A reading of recorded police data – which is most often cited in support of evolving epidemics of use[1] - indicates that there was a significant increase in arrests, from 17,528 in 1951 to 55,664 in 1954 (Ministry of Justice [MoJ], 2021a).

Within this context, problems of rising drug use took on a new meaning to symbolize a collective identity of defeat, despair, and dependence (Kingsberg, 2014; Edstrom, 2015). At a time when the collective efforts of all were required for national reconstruction, earlier pre-war conceptions about opium were reanimated and expanded, with illegal drug use and users cast as outside threats which were seen to threaten the moral and social order. In this sense, it wasn't just that that the act of choosing to use illegal drugs was deemed to be dangerous to oneself, but that notions of illegal drug taking became intertwined with negative evaluations about the moral character of users. In short, that illegal drug use and dependency was inherently selfish, diminishing a person's faculties to uphold social obligations and contribute towards the good of the group. As Kingsberg (2014: 190) argues, "to regain a sense of nationhood, Japan had to be drug-free". Thus, the conflation between health, intoxication, and immorality in domestic discourse lay in tandem with the emergent prohibitive frameworks of control introduced under occupation rule.

The dissemination of such discourses and enrolment of actors into the penal-moral regime was facilitated through a huge social, legal, and political campaign in the 1950s, instigated by elites in the medical field, law enforcement agencies and national authorities which sought to stigmatize and eradicate the use of methamphetamine and other perceived dangerous substances (Sato, 2008). In respect of prevention, the prohibitive Acts introduced under occupation rule were further revised throughout the 1950s, with criminal justice sanctions introduced and/or increased, whilst in 1955 the Stimulant Countermeasure Promotion Headquarters was formed by the Ministry of Health to promote co-operation between law enforcement, schools and the private sector which further developed into the Narcotics Countermeasures Headquarters in the 1960s. Within this framework, a counsellor system,

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[1] For a critique of the use of such data in discussing levels of drug use, see Brewster (2018).

based upon an existing *tonari-gumi* (neighbourhood association) model, was established, whereby citizen volunteers would serve as counsellors to promote anti-drug programmes.

Thus, reflecting asymmetrical relations of power, occupying forces and national domestic authorities utilised their governing resources to enrol a wide range of organisations and actors into a governing scheme of co-operation. This was facilitated by the shock of defeat in the war and the way in which methamphetamine was constructed as a threat to social stability and post-war reconstruction efforts. This enabled a criminal justice disposition to deeply penetrate social institutions and groups in virtually all spheres of Japanese society.

The maintenance of the penal-moral regime (1960s-2000s)

Although the foundations of the penal-moral regime had become cemented by the 1960s, its strengthening and reproduction thereafter was not a given certainty. Rather, the success of this maintenance regime was rooted in the continued alignment of governing actors around a criminal justice disposition and the utilization of available resources to pursue the goal of eradicating illegal drug use.

This reproduction is better understood through an appreciation of the multiple passage points through which the power to govern problems of illegal drugs operates in Japan. There is the international context, in which organizations such as the United Nations and its ancillary bodies and frameworks represent one such passage point. Between 1961 to 1988, Japan had become a signatory of three international drug conventions. These conventions projected an international consensus and commitment to a "drug free world" through prohibitive control, and incrementally empowered supranational entities such as the United Nations Office on Drugs and Crime (UNODC) and the International Narcotics Control Board (INCB) in the monitoring, incentivizing and ensuring of compliance with this enforcement agenda (Collins, 2018).

Such international influence can be detected in the establishment of a United Nations-funded Non-Governmental Organization in 1987, the Drug Abuse Prevention Centre (DAPC), to promote tough anti-drug messaging such as the '*dame, zettai*' ('no, definitely not') campaign which is based around complete abstention. The strong parallels between this campaign and Nancy Reagan's infamous 'just say no' campaign in the United States in the 1980s is not coincidental. The United States has historically used the topic of illegal drug control to bargain over other geo-political and economic agendas (Vaughn et al, 1995). During the late 1980s, for example, the Bush Administration raised dual concerns about the penetration of Japanese

organized crime groups into U.S. drug markets along with trade conditions which favoured the export of Japanese automobile and electronics goods. According to Friman (1991: 884), given the dependence on exports for domestic economic growth "[Japanese] policy makers appeared to be motivated less by actual drug conditions in Japan than by the desire to seek an area where co-operation with the U.S. could be expanded". As such, pressure to pursue tougher measures on illegal drug trafficking were met with the introduction of legislation targeting *boryokudan* activities (Baradel, 2021).

Yet, as with the origins of the control regime, domestic influences were equally, if not more, important in shaping the direction of drug policy. Especially following post-war occupation, Japanese authorities were not hostages to the will of international entities, but instead were willing and active agents in promoting tough prohibitive controls.

These domestic motivations were underpinned by police-recorded data which showed that following the introduction of tougher measures, arrests for stimulant offences plummeted to a mere 271 by 1958 (Vaughn et al, 1995). From this time onwards, an understanding that punitive and stigmatizing approaches were causally related to, and effective at reducing, illegal drug use became cemented as a dominant narrative in policy discourse (see Furuta, 1990; Yamamoto, 2004).

The numbers arrested for stimulants remained below 1000 until 1970 where another epidemic started to take hold, with arrests increasing to over 20,000 by 1980 (MoJ, 2021a; Wada, 2011). In particular, concerns grew over the increasing individualism and political rebelliousness of Japanese youth, perhaps most typified in the substantial protests by student movements in the late 1960s (Vaughn et al, 1995; Marotti, 2020). Here, exogenous events and contingencies, such as the Vietnam War and growing cross-cultural interconnectedness made possible through advances in instantaneous communication technologies, facilitated the growth of a liberal counter-culture movement that was global in reach.

At this time, the context in which the use of prohibited substances became problematized took place within a rather different socio-economic zeitgeist, occurring at a time of economic prosperity, renewed national confidence, as well as resistance towards state authoritarianism. Nevertheless, the way in which problems of illegal drug use were framed contained important continuities, especially in respect of the individualization of the problem. In other words, the use of illegal drugs was again projected as an individual moral failing albeit placed within the context of a growing schism between the norms and values of pre- and post-war generations. Moreover, those responsible for supplying illegal drugs became linked to particular marginalized and/or threatening ethnic, political and social groups such as ethnic

Koreans, communist party members, and *boryokudan* (organized crime groups), further contributing to the sense of an outside threat to the social order (Sato, 2008; Friman, 1996).

Spurred on by the perceived success of formal legalistic mechanisms of control in reducing the first epidemic (Furuta, 1990), the response thereafter served to reinforce and strengthen the anti-drug frameworks that had emerged in the 1950s. New legislation, such as the Poisonous and Injurious Substances Control Law was enacted, whilst existing legislation was revised, leading to tougher sentences for first-time stimulant offences, the creation of specialized drug enforcement officers, and a crackdown on production and supply by *boryokudan* who had come to dominate the market (Edstrom, 2015; Vaughn et al, 1995). Indicative of the punitiveness of such statutes, possession of stimulants drew a maximum sentence of 10 years imprisonment. Meanwhile, community-based anti-drug programs also grew during the 1960s and 1970s to involve volunteer groups which were appointed by prefectural governors.

The maintenance and strengthening of this penal-moral regime at the front end of control was dependent on law enforcement agencies, educational organizations, and volunteer groups for delivering anti-drug measures and programs. While these inter-dependencies between national and local as well as public and private actors represent potential spheres of policy negotiation, adaptation and resistance, there are little indications that this materialized. Rather, it appears that law enforcement agencies, along with other participants in the regime such as from the medical field, were willing participants in the scheme of co-operation, pursuing the same agendas as central government and being major contributors to knowledge about the nature and extent of drug use problems (Sato, 2008).

In an instrumental sense, support for expanding prohibitive controls was clearly beneficial for law enforcement agencies as it attracted additional financial and organizational resources. Nevertheless, such was the extent of societal stigmatization towards drug taking that continued co-operation in the governing regime by actors within, below and beyond the state can also be understood in terms of genuine commitment to notions of drug use as immoral and dangerous, and drug users and market actors as criminals who ought to be arrested and punished.

In accounting for why and how such narratives were able to be maintained with little contestation, it is again worth considering the asymmetrical relations of power that characterized governance in Japan in the latter half of the 20th century. In this sense, in post-occupation Japan, national decision-making processes arguably represented the most crucial passage point in the circuits of power in illegal drug use control.

The development and realization of drug policy during this period was overwhelmingly driven by national bodies and their bureaucratic processes. Indicatively, the overall direction of drug policy was decided through the multi-ministerial Stimulant Countermeasure Promotion Headquarters (later to be rebranded the Headquarters for the Promotion of Measures to Prevent Drug Abuse and located within the Prime Minister's Office in 1980). Knowledge was steered by government-funded medical research that was almost entirely directed around demonstrating the harmfulness of illegal drugs, with alternative research agendas blocked. The education ministry set the curriculum on moral education and disseminated educational materials on illegal drug use. Finally, the National Police Agency exerted influence on prefectural forces through the standardized training of law enforcement personnel through national training academies (*Buzzfeed.com*, 2021; Vaughn et al, 1995).

This was not a trait specific to illegal drug policy but reflected political culture in Japan which was heavily shaped by centralized, bureaucratic relations. Contrasting with the more fragmented and devolved systems that have been observed in some Western countries (see Brewster, 2017; Devroe et al, 2017), power relations in Japan provided little space for prefectural or municipal authorities to propose, negotiate or challenge policy decisions. Until 2000, for example, local governments were bound by the agency-delegated function (ADF) system under which approximately 70-80% of prefectural responsibilities were strictly controlled (Furukawa, 2003).

Throughout the post-war period up until the mid-1990s, in the context of promoting national renewal and 'catch-up' economic development, policymaking has been characterized as an 'iron triangle' between the Liberal Democratic Party – who held continuous power from 1955-1993 – big business, and the bureaucracy. Pertinently, it is asserted that Japan operated under technocratic rule, with the civil service, rather than the core executive or Diet (parliament), commanding significant control and influence over policy initiation, development and administration (Nakamura, 2002). This has been put down to a combination of factors, such as: Confucianist-based values which afforded elites a high degree of trust and prestige; the sheer extent of organizational and informational resources that bureaucratic agencies held to collect intelligence and form policy proposals; and processes of consensus-based decision-making starting at the lowest rung of the bureaucratic ladder moving upwards. Taken together, this resulted in most policies being all but decided by the time they reached the cabinet and legislature for formal debate and passage.

Within this context, the institutional cultures of bureaucracies, as well as the sorts of instrumental rationalities and technologies of discipline they gave rise to, also tended to

promote policy continuity over change. One particular point of interest here is political wrangling over career advancement within organizations. The success or failure of sufficiently impressing one's superiors is often reflected in the wide-spread practice of job transfer policies, with all career-track public officials stipulated to move to a different location – which could be anywhere in the country – approximately every two to three years. As Inatsugu (2011: 37) notes in respect of elite bureaucrats, but is equally applicable to other public officials, "[p]ast contributions are gradually accumulated and used as the basis for determining job transfers and promotions", with further implications for post-retirement work in the private sector. With threats to career advancement and/or being sent to far away locations, this technology of discipline serves to instil a conservative instrumental disposition amongst civil servants. This is a key driver of institutional isomorphism in Japanese public administration, curtailing willingness to advance alternative policy agendas and contributing to policy continuity.

Overall, the substantial degree of power afforded to national bureaucracies and elites in Japan appears significant when we consider that many innovations or disruptions to drug control regimes across the globe during this period (and thereafter) originated at local, rather than national levels. In the case of the Netherlands, for example, cannabis 'coffeeshops' in the 1970s, needle exchange schemes in the 1980s, and pill and powder testing services in the 1990s (Brewster, 2017). Thus, the deep asymmetries in power relations in the Japanese case, privileging the core executive over other centres of governance, may partially account for why discourses around illegal drug use remained so constant and why alternative dispositions and agendas failed to gain any meaningful traction.

In sum, the penal-moral regime in Japan was maintained and strengthened during the latter half of the 20th century by the co-operation of a series of international, national, and local institutions who were aligned around an agenda of illegal drug eradication through criminal justice approaches. The stability of the regime was reinforced by a narrative of success, with governmental and other authorities able to utilize various informational, organizational, and financial resources to control messaging about drug policy which was driven from the top down. At the same time, this scheme of co-operation was underpinned by a shared set of moralistic beliefs about illegal drugs and further reinforced by the instrumental goals of involved organizations. Taken together, these tendencies promoted existing modalities of control whilst marginalizing alternative dispositions and agendas.

Change and Continuity in Contemporary Control (2000s+)

Whilst in the post-war years a penal-moral regime of illegal drug control had become established and well maintained, it has come under increasing pressure since around the turn of the millennium. Transformative shifts in both international and domestic spheres have undermined the scheme of co-operation which previously united drug policy actors, generating spaces for contestation and offering room for alternative agendas to emerge. Nevertheless, whilst key actors in the international context, such as the World Health Organisation, began, in this era, to challenge consensus around the War on Drugs, national authorities such as the Japanese Ministry of Health, Labour and Welfare and the Ministry of Justice have managed to resist and adapt to pressures for reform from this and other, sub-national, centres of governance.

Challenges to the Penal-Moral Regime

Following a reported decline of the second epidemic – with arrests for stimulants decreasing from a peak of 24,372 in 1984 to 14,896 in 1994 – a third epidemic took hold thereafter, with arrests increasing to 19,937 by 1997 (MoJ, 2021a). This was also occurring at the same time as wide-ranging economic, political, social, and technological change, affecting the nature and relationship between individuals, the family, work, and the state. These included facilitative shocks, such as the bursting of the 'bubble economy' in the early 1990s and the global economic crisis of 2008 which generated significant economic recessions in Japan, as well as the cumulative impact public scandals involving political, bureaucratic and criminal justice actors and bodies (Hamai and Ellis, 2006; Nakamura, 2002). It has been argued this period is indicative of the emergence of a risk society in Japan, based on flexibilization, mistrust of public institutions, rising fear of crime and ontological insecurity (Suzuki et al, 2010).

Related to these broader changes, there have been a series of decentralizing and privatizing reforms which have impacted governing relations between central government and local authorities (Ikawa, 2008). This, crucially, has opened-up the *potential* for central government's stranglehold on drug policy to be challenged and subverted through the granting of further constitutional-legal, financial, and organizational resources to prefectural and municipal authorities. For example, the supervisory function of central authorities was abolished in the Local Autonomy Law, enshrining a principle that intervention should be kept to an absolute minimum. Moreover, it granted greater freedoms to prefectures and municipalities, especially in respect of education, including removing the necessity to seek approval from the Minister of Education for the appointment of education board superintendents (Ikawa, 2008). Further, under the 2016 Act on the Promotion of Recidivism

Prevention, prefectural authorities are now required to establish and implement locally tailored Recidivism Prevention Promotion Plans which have at their core a commitment to social reintegration (MoJ, 2021b). At the time of writing, 46 prefectures have published a plan, whilst the remaining prefecture, Nara, has gone further by enshrining their plan into a local ordinance. In addition, 246 cities, towns and districts have also published plans encompassing recidivism prevention (MoJ, 2022). Thus, as prefectures and cities gain greater importance as sites of democratic competition as well as policy autonomy, the relatively unified alliance around an exclusionary criminal justice disposition which once flowed through national, regional, and local public and private drug control stakeholders has become increasingly open to contestation, fragmentation, and ambivalence (Brewster, 2020).

Indeed, there are indications that competing agendas are taking hold. Tertiary-level responses, once predominantly based around punishment and 'correction' and driven through the criminal justice system, are now embracing a set of approaches which contain much greater emphasis on treatment and support. This can be seen in the rapid expansion of cognitive behavioural therapy programs for drug dependency in prison and community settings across the country, as well as in the development of regional multi-agency partnerships – such as the Osaka Addiction Centre – which bring together criminal justice, health, and welfare organisations to provide seamless support for drug users (Maruyama, 2018). Such agendas are not only embedded in policy discourse and measures, but have also penetrated practitioner perspectives (Brewster, forthcoming).

This reflects a growing recognition that responses to social problems, including illegal drug use, need to address structural barriers for social participation, especially those experienced by repeat offenders (MoJ, 2021a; 2021b). In this latter respect, another increasingly prominent policy agenda is that of risk management: alongside managerial talk about the problem of recidivism rates, new techniques of control – such as stipulating mandatory drug testing as a condition of probation and partially suspended sentences – have been introduced nationwide, specifically targeted towards repeat drug offenders (Maruyama, 2018; MoJ, 2021b).

Such developments thus appear to signal growing divergence between the front and back ends of control, with rival dispositions penetrating and reshaping responses to drug use. It is important to stress here that many of these legal and policy reforms have been primarily instigated from the Ministry of Justice at the national level. In one respect this may indicate a growing divide between, and competition with, the Ministry of Health, Labour and Welfare over the governance of illegal drug use. Yet, how nationally instigated policy changes are

actually reflected in local governance arrangements remains unclear, representing a key area for future empirical research. As the multi-centred governance thesis suggests, however, contingent relations and agency are crucial in shaping the availability and utilisation of resources for governing across different centres of power. Thus, with the potential for advancing alternatives to punitive approaches to illegal drug use being enhanced below the central state, it is a plausible conjecture that governance across national and local levels, as well as between different locales, may be becoming more diverse.

The emerging opportunities to resist and challenge the penal-moral regime on a domestic front are even more apparent at an international level, where alternative approaches such as harm reduction, decriminalization and legalization have emerged (Brewster, 2023). Here, challenges to prohibitive regimes in individual countries around the globe have often capitalized on mounting evidence demonstrating the disconnection between drug policy and drug use, with punitive policies seen as at best irrelevant, and at worst, counter-productive to social, welfare and public health aims (Reuter and Stevens, 2008). Indeed, contrary to underpinning assumptions that rigorous law enforcement could eradicate illegal drug problems, criminal actors have been able to continue to outflank and subvert enforcement efforts.

Relatedly, the hyperconnectivity made possible through technological advances in digital communications has only served to widen this disconnection, through use of the dark web for drug transactions (Berry, 2018). These digital technologies have also facilitated the extension of knowledge production to a broader range of actors than have typically been the focus of the authorities, and are transforming the ability to consume, disseminate and share information about drug taking from across the globe thereby disrupting hitherto insular, allegedly exceptional, cultures of control.

The effect of these cumulative exogenous changes to drug markets and policy in the international community has been to question and undermine the international infrastructure of drug control that was cemented during the 20th century. More so, as key representative organs of the international community which possess the capacity for exerting pressure, the recent advocacy of harm reduction and decriminalization policies by UN bodies (United Nations, 2019) represents a significant shock to claims made by advocates of the penal-moral regime that national drug policy needs to be in line with international drug control conventions. Thus, countries such as the Netherlands who were once pariahs in the international drug policy community face less pressure, whilst countries such as Japan are, at least amongst developed nations, becoming outliers.

With other countries coming to embrace alternatives to strict prohibition, the position of key international bodies shifting, and a growing inability of governing organizations in Japan to control messaging, the dissemination of alternative narratives has in turn provided opportunities for rival dispositions to gain traction domestically. In this regard, key figures from psychiatry, law and journalism have become increasingly vocal in their criticism of the government's *dame, zettai* approach, instead calling for alternatives including harm reduction and decriminalization (see *buzzfeed.com*, 2021; Ishizuka, 2022). In addition, the Japan Advocacy Network for Drug Policy, established in 2015, actively engages in activities to protect civil liberties, speak up against existing societal attitudes, and formulate proposals for alternative policies which are based on principles of health, welfare, dignity and rights (see www.nyan-jp.net). Finally, it is also important to note the growing activities of a range of other actors in civil society (see Koto et al, 2020). Recent years have seen the emergence of annual 'recovery parades' in larger cities across the country involving activists, stakeholders, and people who use illegal drugs, which aim to raise awareness of recovery from drug dependence and the problems associated with stigmatisation.

In sum, exogenous shifts over the past two decades have, to a meaningful degree, altered the standing conditions between policy actors involved in illegal drug policy. This has enhanced the political competition over defining problems and solutions to illegal drug use, with mounting criticism of dominant discourses about punitive enforcement-based approaches to control.

Adaptation and Continuity in the Drug Control Regime

Whilst old agendas might be being challenged, however, the new agendas are still nascent and yet to be established. In the face of increasing divergence from the international community, for example, Japanese officials have repeatedly been dismissive of approaches such as harm reduction on the basis that countries should remain committed to drug eradication and that such approaches should not be imposed on individual countries (Koto et al, 2020). Yet, it is not just that national authorities are rejecting and departing from shifting international norms through policy rhetoric, they are also using their resources to promote prohibition and marginalize rival agendas. For example, the Japan Advocacy Network for Drug Policy is entirely dependent on funding from the Open Society Foundation, receiving no funding from official Japanese sources and has little-to-no influence on government decision-making. Contrast this with the Drug Abuse Prevention Centre, which was initially funded by the United Nations and is now a

publicly funded foundation authorized by the Prime Minister's Office and occupies a central role in drug prevention campaigns.

Such defensive manoeuvres which seek to protect the existing regime are also related to how established governors have reacted to other events affecting the domestic social, economic, and political landscape, with governing actors seeking ways in which to protect and strengthen their own positions. For example, the 'collapse of the myth of the secure society' resulted in greater public scrutiny and distrust of bureaucratic elites, as well as a disruption to the political monopoly held by the Liberal Democratic Party (Kawai, 2004; Hamai and Ellis, 2006; 2008a). In turn, political susceptibility to populist-driven reactionary short-termism has led to a decline in bureaucratic influence in policymaking, with bureaucrats increasingly seeking to placate the demands of politicians in order to guarantee their own survival and relevance (Hamai and Ellis, 2006; 2008a; Harding, 2018; Nonaka, 2020).

In respect of crime and justice – a key sphere of public insecurity – these demands became particularly accentuated in the 2000s, with the mass media playing a pivotal role in illuminating as well as exploiting political scandals and issues of law and order (Miyazawa, 2008). Illegal drug use is a recurrent target of media attention, reaffirming moral positions towards drug taking and driving calls for punitive responses. For criminal justice agencies, these pressures are particularly pertinent given the paradoxical co-existence of substantial decreases in overall recorded crimes over the past 15 years and stubbornly high levels of fear of crime (MoJ, 2021a). Accordingly, whilst the administrative rationale for maintaining criminal justice expenditure is increasingly questionable, such agencies are under sustained pressure to maintain and even enhance resources in order to satisfy safety and reputational concerns, thus limiting the political viability of pursuing other strategies of control (see Hamai and Ellis, 2008b). Yet, the continued allegiance to a criminal justice disposition also reflects the resilience of core beliefs in prohibiting illegal drug-taking. In this sense, punitive display complements the representation of illegal drug use, users, and market actors as outside threats which threaten both the individual and social order (Friman, 1996).

This prohibitionist disposition is maintained through a dominant narrative that illegal drug use and its associated problems are far less prevalent in Japan than in other advanced liberal democracies and that stigmatizing educational strategies and punitive law enforcement efforts are the cause of this success. As a consequence of these dynamics, and in spite of international challenges to the War on Drugs, government authorities and law enforcement agencies have been able to continue utilizing this narrative to legitimize existing approaches

domestically when it is politically expedient or otherwise rationalize the emergence of problems as external threats that warrant greater investment in tougher controls.

Indicatively, the identification of a methamphetamine epidemic in the late 1990s was partially attributed to a "decline in moral standards" (HPMPDA, 1998:1). In response, the government has sought to reaffirm and strengthen existing approaches through greater systematization and co-ordination of policy responses, publishing a *Five-Year Drug Abuse Prevention Strategy* since 1998. Since this initial strategy, a commitment to the core objective of complete eradication has been consistently renewed, with approaches continuing to enrol a variety of actors into the governing regime. For example, annual drug prevention education classes from elementary to high school constitute a core element of preventative activities, and the longstanding nationwide *dame, zettai* campaign, involving governmental, non-governmental and community organizations, further engages in "awareness raising and guidance on drug abuse prevention at gatherings of younger generations" (CPMPDA, 2018:7),

Reflecting continued asymmetrical relations of power, national government plays a significant role in producing and shaping the diffusion of knowledge concerning illegal drugs, increasing the coverage of drug prevention classes, systematically monitoring student views toward drug taking, and distributing educational guidebooks to parents, schools, and community groups (CPMPDA, 2018). An example from a typical 'enlightenment' brochure, produced by the Ministry of Health, Labour and Welfare (2017: i), contains the following headline: "There are roads which you should not follow, and there are also roads which you cannot return from. The use of cannabis = destruction. Stop the cannabis". Such discourses and responses are similarly reflected in relation to law enforcement. Indicatively, the Narcotics Control Department's stated mission is to "…fulfil the duty of realizing a wholesome society free from drug pollution" (MHLW, n.d.), whilst drug strategies continue to state that the goal of law enforcement activities is to eradicate illegal drug use through "thorough control of end users" (CPMPDA, 2018: 19).

As such, there is little to indicate a softening approach towards users as has been witnessed in various other countries across the globe. Rather, the model of criminalization and stigmatization appears to continue unabated, and despite overt recognition that the illegal drug situation is "not overly serious compared to other countries" (Nakamura, 2016: 539), governing authorities are extremely sensitive to any indications of increases in use.

Indicatively, arrests for cannabis offences have doubled from 1555 in 2013 to over 3000 in 2017, since rising to over 5000 in 2020 (MoJ, 2021a). For governing authorities, the increase in cannabis offences has been attributed to the "fragmentary information" flowing from

overseas which it is claimed is causing young people to gain false perceptions about the harmfulness and illegality of cannabis (NPA, 2018: 52-53). In one sense this appears to confirm the transformative effects of technological advancements in facilitating dissemination and consumption of rival knowledges surrounding drug use and control. At the same time, formal recognition of this as a policy problem reveals the way in which domestic authorities are using informational resources to adapt to the hyperconnectivity of digital communications in the 21st century and trends of international cannabis policy reform. In response, and again utilizing constructions of an outside threat, national bodies have launched coordinated educational campaigns that provide the 'correct' information based around established drug prevention messaging, and a proposal to revise the Cannabis Control Act to criminalize the use[2] of cannabis is also being advanced (Matsumoto, 2022).

In sum, responses to illegal drug use in educational prevention and law enforcement over the past 20 years appear to have been corralled further into entrenched approaches. Facilitative movements in international and domestic policy environments may have provided opportunities for contestation, resistance, and subversion of the penal-moral regime from above, beyond, within, and below the state. However, aided by asymmetrical power relations, the Japanese Ministry of Health, Labour and Welfare and its coalition of supporters have skilfully limited the space available for counter narratives to emerge. This reflects their continued success to maintain and even strengthen the prohibitionist agenda, as well as the relative weakness of rival actors and, thus far, their failure to take advantage of opportunities for increased political competition.

Discussion

Manifestations of education and law enforcement practices in illegal drug use control in Japan have demonstrated a remarkably strong degree of continuity over the past 70 years. In accounting for why this is the case – in the context of a broader movement away from strict prohibitive models in the international community – neither assertions of idiographic characteristics of Japanese culture nor global convergence around a culture of control sufficiently capture the complex interactions that have produced variegated responses to illegal drug use. In moving beyond tendencies toward false uniqueness and false universality in the claims of comparative criminological research, an application of the MCG thesis provides a more realistic analysis of the interaction between context-dependent and context-independent

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[2] Under the original Cannabis Control Act, only cannabis *possession*, not *use*, was criminalized.

relations and how these structure the agency of those seeking to govern. This has been further supplemented through conceptual tools drawn from regime analysis, which have allowed for an appreciation of the ways in which a wide variety of groups within, above, below and beyond the state have coalesced around a loose scheme of co-operation to form and maintain a governing regime largely based around a criminal justice disposition.

Nevertheless, the perspective of strategic power that distinguishes the MCG thesis from accounts championing sovereign power reminds us that the power to govern drug use is never a fixed state but reflects evolving political competition. It is precisely through recognizing the room for political manoeuvre that is generated through relations of power-dependence, that it is possible to appreciate the potential for challenges to, subversion of, failure and drift in, or the replacement of, regimes. In the case of Japan, as in many other advanced countries, exogenous shocks and contingencies in the social, economic, political and technological environment of the policy process have led to a reshaping of relations between international, national and subnational authorities. International bodies have loosened their allegiance to notions of drug eradication through enforcement of criminal laws in favour of more socially inclusive objectives. The hyperconnectivity of the digital age has made knowledge more accessible, and prefectures have gained greater responsibilities for governing in a range of relevant areas. These processes and events have opened a space in which existing ideas about drug use and its control are more contested, with concepts of social justice and risk management beginning to challenge the predominant criminal justice agenda.

Even so, policy continuity has been aided by a widespread fear of the harms of illegal drugs as well as a firm belief that punitive and stigmatizing responses are effective in reducing levels of use. With recorded rates and visibility low, drug use remains largely hidden in Japanese society and rarely features in the everyday realities of citizens. Over time, this has served to designate illegal drug use, users, and market actors as an outside threat in which these others are seen to threaten the foundational constitution of 'normal' society. Such is the strength and prevalence of this moral positioning that even where alternative dispositions have become more pronounced in other parts of the drug control system – such as social justice – these often share with a criminal justice disposition an objective of drug use eradication. In this sense, rival dispositions have, for the most part, not radically challenged the fundamental ways of doing drug control but have been subsumed into a governing admixture which allows for variations on a theme.

The continuity of the penal-moral regime has also been achieved through the skilful adaptation of governing actors and organizations to contemporary societal shifts. Thus, the

backlash against overseas "fragmentary information" and a desire to further embolden current approaches can be understood as a governing strategy which confirms and reproduces the dominant narrative surrounding drug use and serves to secure a range of resources for involved groups. Considering the contemporary political environment of heightened sensitivity about law and order, there appears to be little political reward for questioning the effectiveness of existing approaches. Likewise, this restricts the political space available for counter narratives to develop and take hold, resulting in a lack of coordinated resistance.

Nevertheless, whilst the driving forces of policy continuity currently remain stronger than those of change, the possibilities for disruption to the existing governing regime at the front end of illegal drug use control in Japan are arguably greater than they were 20 years ago. Prospects for reform, if not transformation, of the penal-moral regime will depend on whether those advancing rival dispositions and agendas are able to seize opportunities to dispel the narrative of the drug use-formal control relationship and import the growing international scepticism about the War on Drugs into domestic Japanese policymaking. Certainly, as the subnational sphere becomes a more significant passage point for this policymaking, this raises the potential for greater variation in control regimes *within* Japan.

In Japan, successful maintenance of tough prohibitionist approaches to illegal drug use control lies in contrast with other contexts across the globe where there have been significant reforms to national and local drug policies, such as the introduction of drug consumption rooms, 'tolerated' cannabis cultivation, as well as legal regulation (Brewster, 2023). Such variations cannot be sufficiently explained through accounts emphasizing either the idiographic qualities of cultural exceptionalism or generalisations about a culture of control, but require instead an approach that acknowledges the relations of power through which the penal-moral regime has been reproduced. Analysis of this politics of control is not just important for more accurately mapping contemporary processes of governing problems of drugs, but also for anticipating future change and identifying opportunities for more humane, rational and just approaches to emerge and flourish.

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