



## הסמינר הירושלמי ברגולציה

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**יום שני, 13 בינואר 2020**  
**חדר סמינרים, הפקולטה למדעי החברה, חדר 3720**  
**ליד משרד דיקן**  
**האוניברסיטה העברית בירושלים, קמפוס הר-הצופים**

יו"ר: ד"ר אבישי בניש, בית הספר לעבודה סוציאלית, האוניברסיטה העברית

10.30 – 12.00 פרופ' אמנון רייכמן, הפקולטה למשפטים, אוניברסיטת חיפה, רגולציה, רשות ומערכת: עיון מחודש במשנתו של ליהמן

12.00- 12.30 הפסקה וארוחת צהריים, סנדביצים ושתייה

12.30- 14.00 ד"ר אייל פאר ופרופ' יובל פלדמן (מציג אייל פאר), רגולציה התנהגותית למניעת רמאות: הצהרות מפחיתות התנהגות לא-אתית ומקלות על נטל רגולטורי

14.00- 14.30, הפסקה, עוגה

14.30-16.00 פרופ' אמנון רייכמן, הפקולטה למשפטים, אוניברסיטת חיפה, מה מיוחד בסייבר? על תפקידי הרשות הציבורית ועל מרחבי האסדרה

16.00-16.30 הפסקה, פיצוחים.

16.30-18.00 פרופ' דוד לוי-פאור, המחלקה למדע המדינה וביה"ס למדיניות ציבורית, קווים לתוכנית מחקר, מתווכים רגולטורים בעל כורחם במשטר הלבנת ההון והלחימה בטרור ובמגפת משככי הכאבים.

תקצירים בדף המצורף.

הכניסה חופשית. ניתן לפנות בבקשה לאישור כניסה לרכב  
ניתן להירשם לרשת רגולציה, מדיניות וממשליות באינטרנט בקישור הבא:

<https://listserver.cc.huji.ac.il/listinfo/reggov-il>



## **Regulation, Agency and System: Niklas Luhmann Revisited**

**Prof. Amnon Rechimán,**

University of Haifa, Faculty of Law

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Each discipline, experience shows, has some key questions it fails to answer. The question "what is regulation" appears to be one such question for political scientists, public policy scholars, jurists, sociologists, ethicists, and others interested in the phenomenon. This is not for the lack of trying -- many definitions have been offered. This paper will offer an explanation for the persistence of the question by turning to Luhmann's System Theory. This theory, as refined in the paper, offers not only a better understanding regarding the lack of consensus, but also a better framework within which answers may make sense (and thus be assessed).

## **Is Cyber Unique? On the Roles of the State and on the Regulatory Dimensions**

**Prof. Amnon Rechimán,**

University of Haifa, Faculty of Law

What, if anything, is unique about the challenges posed by Cyber regulation, from a legal perspective? And how should we approach such challenges? As for the first question, the paper will outline the unique roles played by the cluster of public agencies known as "the state". Three such roles will be identified: the user, the regulator and the superuser. These roles are in possible tension with each other, and thus can be understood as an expression of a functional separation of powers. As for the second question, the talk will first offer a conceptual architecture with which to understand the three dimensions of legal regulation more generally, and then show how each of these dimensions may generate a set of tools, or measures, which need to be reconfigured so as to addresses cybernetic challenges.



## **Behaviorally Informed Regulation of Dishonesty: Pledges to Prevent Cheating while Reducing Regulatory Burden**

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**Eyal Pe'er** (Hebrew University of Jerusalem School of Public Policy)

**Yuval Feldman** (Bar-Ilan University Faculty of Law)

A common dilemma in regulation is determining how much trust authorities can place in people's self-reports. Regulators, who are typically risk averse, do not readily confer trust, resulting worldwide in excessive requirements when applying for permits, licenses, and the like. Recent studies in behavioral ethics suggest that asking people to ex-ante pledge to behave ethically can reduce their level of dishonesty and noncompliance. However, pledges might also backfire, if they allow more people to cheat with no real sanctions. Additionally, pledges' effects have only been studied in one-shot decisions, and it is possible they might only have a short-term effect that could decay over time. In a series of experiments, we manipulated whether pledges were accompanied by sanctions (fines), and tested their impact on sequential, repeated ethical decisions. We found that pledges considerably and consistently reduced dishonesty, and that this effect was not crowded-out by the presence of fines. However, pledges seem to exert an effect mostly on people who are already more inclined to follow rules and norms. We conclude that pledges could be an effective tool for behavioral regulation of dishonesty and discuss how pledges could also help policy-makers reduce regulatory burden while fostering a more trust-building relationship between government and the public.



## Governance via Intermediaries:

# A Comparative Study of Regulatory Intermediation in the Anti Money Laundering and Drug Control Regimes

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David Levi-Faur,

Department of Political Science and the Federmann School of Public Policy and Government,

### Abstract

The study of regulation and regulatory governance is one of the most promising arenas for public policy research. Regulation is typically conceived as a two-party relationship between a rule-maker or regulator (R) and a rule-taker or target (T). This paper sets out an agenda for the study of regulation (and policy more broadly) as a three- (or more) party relationship – with regulatory intermediaries (I) at the center of the analysis. Intermediaries play major and varied roles in regulation, from providing expertise and feedback to facilitating implementation, monitoring the behavior of regulatory targets and building communities of assurance and trust. I focus the analysis on two cases of intermediations: a) banks, lawyers and accountants in the money laundering regime and, b) wholesalers, distributors and physicians in the opioids epidemics. My aim is to discuss the politics beyond the design, interest aggregation and enforcement of the duty to report and to avoid harm in the two cases. I suggest that the framework of responsabilization process can be useful in understanding the process of making intermediators as rule-takers and that this process has relevance to the way we think on public policy and the power of the state in public policy processes.