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Bryan Schwartz thinks we should have some experiments with private-sector prisons

REINVENTING Government, by Ted Gaebler and David Osborne, was a bestseller last year. It has also proved influential. U.S. President Bill Clinton has made the title a favoured slogan and author Osborne a prominent adviser.

The book enthusiastically reports the emergence of a new style of public administration. Governments concentrate on strategic planning. They avoid bogging down in the day-to-day delivery of programs and services.

After defining public ends, "new governments" look for flexible and efficient means to achieve them.

In guiding industry, "new governments" are wary of issuing detailed regulations. They can be costly to enforce and stifle innovation. Instead, public authorities often rely on incentives. Want people to conserve energy? Don't force everyone to install home insulation and use the bus.

Instead, increase the taxes on energy. People will figure out for themselves the most efficient way to cut back.

"New governments" sometimes turn to private contractors to deliver services. The possible advantages, says Reinventing Government, include flexibility and cost savings. As public needs change, different contractors can be hired or the work can be discontinued. An entrenched bureaucracy, by contrast, might oppose change or resist redeployment.

Prisons are a hard test case for any theory of public administration.

How could they be "reinvented"? Is more private-sector involvement a reasonable option for Canada? Britain opened its first private jail in 1992. New Zealand is about to build one. Many are already operating in the United States.

A bitter past teaches us that governments must effectively supervise private operators. A century ago, in several U.S. states, contractors would add to their profits by using prisoners as slave labourers. Many died from atrocious living conditions and overwork. One modern option would be to regulate the operation of private prisons in great detail. But that leaves little room for innovation. Why bother governing through a marionette?

A reasonable middle course would involve a mix of regulation and incentives. Public authorities would define minimum standards of prison safety and amenity, and keep an official on site to monitor compliance by the private operator. Government could also define incentives. Private operators might

earn a bonus when an inmate completes high school, or a "royalty" for each year that a released prisoner stays out of trouble and employed.

THE experts who write about private prisons seem curiously oblivious to another possible "marketplace" choice: among prisoners themselves. An inmate may best appreciate which prison will help him make parole and then make good. Allowing inmates to choose prisons might be a good exercise for them in taking responsibility and thinking about the future. The pressure of prison selection will work against prisons that are dilapidated or violent, and benefit facilities that offer constructive programs.

Wouldn't giving prisoners some choice encourage private wardens to turn jails into resort hotels? Not likely. The costs of doing so would be prohibitive. Prisons might strive to be somewhat less unpleasant – to serve better food, maintain better recreational facilities - but what if they did? For most people, the fact of being locked up inflicts humiliation and discomfort enough. Inmates who are not demoralized and embittered by living conditions might be more willing and able to focus on getting therapy or training.

Governments could, if they wish, establish general standards of prison austerity. In some cases, a government could rightly insist that a private prison place someone in especially rigorous conditions, such as solitary confinement. The selection of individuals for tough terms of confinement should be an open part of the sentencing process. Under our current "system," there can be vicious extra "penalties," such as sexual assault by other inmates, that are inflicted at random.

Non-profit organizations are another option in the corrections area.

Some half-way houses in Canada are already run by religious or charitable organizations. Federal and provincial governments could also consider turning over some correctional functions to aboriginal governments.

"Private is better" should not be a dogma of prison policy (or any other). Sometimes, the best job can be done by public institutions. The symbolism and security of civil-service work may attract first-rate employees. Political accountability sometimes works better than market discipline.

With prisons, however, it is worth conducting at least some experiments with greater private-sector involvement. It would require us to take a hard look at the current system, which can be costly and destructive, and to define what its goals should truly be.

Bryan Schwartz is a professor of law at the University of Manitoba.