

Indeed, there is no evidence that our institutions, which barely manage to teach reading and writing to children, can do any better with the behavior of adults. I need not mention all the horrors practiced in the name of rehabilitation—such as indeterminate sentences, parole, etc. But even if rehabilitation were effective, or if all non-rehabilitated convicts could be permanently incapacitated, I do not think that the rate of instrumental (rational) crimes would be reduced.

Criminals engage in instrumental crimes such as picking pockets, mugging, tax evasion, car theft, rackets, because of a combination of personality and of comparative benefits and opportunities. A different combination leads others to become dentists or criminologists. Now, if we were to incapacitate or rehabilitate all dentists, or all criminologists, presently practicing, the rate at which dentistry or criminology would be committed would remain the same (in the long run) as long as there is no change in the relative cost-benefit attractions—net gains—that determines that rate. Only if these cost-benefit factors are changed can the rate of instrumental crime be affected. They depend in part on the risk of punishment, a cost factor. Non-instrumental crimes also depend on the size of the reservoir of people attractable to, or capable of, committing the crime. But in practical terms that reservoir is unlimited, for dentists, criminologists, or criminals engaged in instrumental crimes, i.e., for all criminals except those engaged in crime irrationally.

How, then, can the crime rate be reduced? The cost of crime is the severity of punishment multiplied by the probability of its being inflicted. Thus, we will deter, *ceteris paribus*, if we punish more lawbreakers more severely.

Not everyone agrees that punishment is an effective deterrent to others. According to Boswell, Dr. Johnson attended the hanging of a pickpocket and, finding that the pickpocket's colleagues continued to work the crowd, concluded that the death penalty does not deter. The story has been repeated innumerable times. Yet the conclusion is obviously wrong. A punitive threat is deterrent when it reduces the rate at which the threatened crime is committed. The punitive threat is quite unlikely to eliminate altogether the offense being threatened. (Else, high enough penalties could eliminate all crime.) Thus, if Johnson wanted to determine the deterrent effect, he would have had to compare the amount of pickpocketing activity in the crowd attending the hanging with the amount in a similarly sized crowd without the hanging. He didn't. And even if he had not found any reduction in the rate at which the offense was committed, it would not surprise me, nor would it argue against the deterrent effect of the penalty. The pickpockets who were working the crowd were committed to their careers and had made the commitment in view of the risk of the penalty. Why then would the hanging deter them?

Deterrent effects can be expected not with respect to those already committed to their criminal careers and who made the commitment knowing the risks they took. Rather, deterrence reduces the number of new entrants so that there will be fewer than there would be if there were no penalties, or if the penalties were less severe or less certain. This is what is meant by deterrent effect. It is easy to understand why Dr. Johnson took a less than scientific approach. But those who repeat his mistake today should be blamed for their ignorance. □

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Philip M. Seib

## *Nipping Crisis in Yugoslavia*

*The United States must develop a firm policy against Soviet intervention in Yugoslavia—before the scramble for power that will follow Tito's death.*

In 1956, when Imre Nagy's young regime in Hungary faced an onslaught of Russian tanks, and in 1968, when the Dubcek government in Czechoslovakia was struggling for survival, the United States was virtually paralyzed—unable or unwilling to recognize the legitimacy of these governments or even to warn the Russians not to meddle. With little or no Western support for the governments, pro-Soviet officials in both Czechoslovakia and Hungary were able to take full advantage of the chaos in their countries and appeal to the Russians for assistance in restoring order. The Kremlin, in turn, found little to deter its interventionist inclinations.

With this in mind, the United States now must move promptly to make sure nothing similar happens in Yugoslavia. By the force of his personality and his ruthless political skill, Josip Broz Tito has both kept the Soviets at arm's length and prevented his country from crumbling into ethnic and ideological factionalism. But Tito is in his mid-eighties, and when he dies he will leave no heir with commensurate strength. His succession is likely to be plagued by conflicts not only between Serbs, Croats, and the other nationalities of Yugoslavia, but also between Communists of varying degrees of loyalty to Moscow. Just as pro-Moscow Czechoslovaks and Hungarians called for the Soviets to restore

order in their countries, so too it is not difficult to imagine a Soviet invasion in response to calls for a "rescue mission" from pro-Moscow factions in Yugoslavia.

To prevent such an invasion, we must develop a "buffer diplomacy" that will indicate where the United States stands on Yugoslavia—before the time of crisis that will follow Tito's death. This will require no miracle from President Carter, but rather will oblige him only to enunciate consistently and forcefully an American foreign policy that goes beyond the Helsinki Accord. Given that we have, however unfortunately, ratified the Soviet-dominated status quo in Eastern Europe, we must now state to the Kremlin and to the world that the scope of the Soviet sphere of influence can be extended no further, either in terms of physical expansion or political control.

This buffer diplomacy may involve several approaches. Although we often fail to act like it, we generally hold the upper hand in economic dealings with the Communist nations. If we make new efforts to further our economic relations with Yugoslavia while at the same time making clear that we do so believing in and conditional upon a certain degree of Yugoslav autonomy, it will put the Kremlin on notice that the United States *will* respond economically, if not militarily, to Soviet intervention.

A second strategy should make it clear to the Soviets that any attempts at military gamesmanship in the Adriatic or elsewhere in Europe will seriously jeopardize plans for mutual arms reductions.

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This is not to be a retreat to the Dulles-like ploy of brinkmanship. Rather, it is merely a matter of making clear exactly what our foreign policy is.

As a third step, we must end our fearful avoidance of stating a philosophy on which our foreign policy is based. The platitudinous references to human rights included in the Helsinki Accord are noteworthy only for their rarity in the recent history of American foreign affairs. The world should not have to question what the American positions are on basic ideals of human dignity and national autonomy. Jimmy Carter deserves our praise for advancing the cause of morality in politics. He now has ample opportunity to add some substance to his statements.

Although the Kremlin will voice its outrage at the "provocation" implicit in such a policy, other governments are likely to welcome American initiatives from which they might derive benefit in terms of increased autonomy and flexibility. For example, Tito might well be most receptive to overtures leading to increased economic benefits for Yugoslavia, whatever Moscow might think of the idea. Certainly, Tito enjoys playing off the

superpowers against each other as a means of securing his own country's independence.

As a glance at the map will indicate, that independence is of vital strategic importance to the West. The Balkan states traditionally have served as both a political and physical buffer between West and East. The Soviet Union avidly covets Yugoslavia's Adriatic harbors and ready access to the Mediterranean. At present, the most direct route for the Soviet Navy to enter the Mediterranean is through the easily closed Bosphorus and Dardanelles. A new concentration of Russian naval might in the Adriatic would require a response in kind by the United States and NATO. A more prominent Soviet role in Yugoslavia would also add another element of instability to the confused political turbulence in neighboring Italy.

The strategic importance of this area is too great to allow us to pursue a policy of benign neglect. The Carter administration must act forcefully and promptly in order to maintain essential political and military equilibrium. Buffer diplomacy is a policy that is realistic and in America's interest. □

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Patrick Cosgrave

## *Pipelines and Pipedreams*

*Four wishful propositions about the prospects for Middle East peace.*

With the recent pronouncements of Mr. Carter and—at least up to the time of the Cairo food riots—the promiscuous granting of benevolent sounding interviews to Western politicians and newsmen by President Sadat, it is clear that a new Middle East peace season is upon us. True, the shock the Egyptian government has sustained, coupled with uncertain domestic political prospects in Israel, make it now unlikely that a major advance towards settlement will be made in 1977. But some real advantage may be gained by delay, if it means that the Western Powers will use the interval to learn a little more about the realities of the Middle East; and a little more about their own long-term interests in that theatre.

Four propositions have gained increasing influence over Western foreign policy in the Middle East since 1973. It has been increasingly believed, first of all, that all the most important Arab powers really want peace, and that they are prepared to accept the existence of Israel. From this it is concluded that the Arab policy of the Rabat summit—calling for a Palestinian state between Jordan and Israel—is reasonable. Second, the West appears to be convinced—and the French and West German governments have stated as much openly—that Israel is strong enough to make large political and military concessions, certainly to the extent of allowing the birth of a separate Palestinian state, and probably to the extent of retreating to at least the pre-1967 borders. Third, every Western government without exception believes that there are moderate as well as extremist factions within the Palestinian movement, and that the former should be propitiated in order to outflank the latter. So prevalent is this idea that Western writers often seem to believe that murderous gangs like Black September are separate from the organization led by Yasir Arafat. Of course,

like most Arab political movements, the Palestinians are constantly afflicted by violent faction; but the truth of the matter is that Arafat's PLO is an umbrella organization to which all the others belong, and through which they co-operate with each other: their internecine quarrels are of less importance than the fundamental fact of their alliance. Fourth—and this is a conviction held with particular satisfaction by successive American administrations—the U.S. is seen as replacing Soviet influence in Arab countries, particularly in Egypt.

It is hardly conceivable that Western politicians could have come so readily and with such gullibility to accept these propositions were it not for the effect of the use of oil as a weapon in the 1973 war, the effectiveness of Palestinian terror on all countries except Israel, and the competition between the super-powers for influence in the Arab world. Before addressing these increasingly powerful arguments, however, it is worth mentioning that they have had some effect in Israel itself. In that country, of course, there are quite separate reasons for believing that the continued retention of *all* the territory taken in 1967 is unwise, notably the conviction that ultimate peace is unattainable without some concessions, and the fear that retaining a large Arab population would disturb the country's cultural and (relative) racial homogeneity. Wide swaths of Israeli political opinion believe, with Foreign Minister Yigal Allon, that it is highly desirable to encourage the "less aggressive, more realistic" Arab politicians. In addition, they believe that it is unwise of Israel not to make some show of supporting the beliefs and fears of their country's Western friends, especially the United States.

And, indeed, it would be wrong to dismiss the four propositions as being utterly without substance. The Lebanese civil war, for example, led at least some Arab countries to share the view of King Hussein of Jordan that the Palestinians were dangerous neighbors. In September a reshuffle of the Kuwaiti government and the suspension of the country's parliamentary assembly

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