

Theoretical Metric of Civilization: The Case of the International Court of Justice

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Abstract

The usefulness of a theoretical metric for civilization is that it can help to identify the kinds of progress which society can make that is *universalized* for all humanity. Societal systems perform the functions which provide the values and performance of the society, and wherein societal problems occur. In the concept of the level of “civilization” of a society, four kinds of measures can assess the progress of a society in attaining universalized values: Truth, Good, Beautiful, and Wealth. The value of *Truth* in our civilization is methodologically investigated by science. The value of *Good* in our civilization is politically pursued through democracy. The value of *Beautiful* in our civilization is seen in the preservation of the environment of the Earth. The value of *Wealth* in our civilization is generated through industrialization of societal production. We apply the theory to the historical case of the International Court of Justice and Yugoslav War Crimes to examine empirical evidence about the validity of a theoretical metric.

Keywords

Cross-Cultural Studies, Civilization, Societal Metrics, Cross-Disciplinary Social Theory

1. Introduction

Overall, is there progress in civilization? Is the cross-cultural concept of “civilization” a progressive idea or merely a relativistic chauvinism? Are all civilizations equal in value to humanity as a whole? Or are some civilizations superior to other civilizations, of a progressive value to humanity as a whole? If we look at the second postulate (progress in civilization), then there is an important methodological issue of “how to measure progress”. Such a metric about civilization

would be a kind of normative explanation about not only how society exists but also how it should exist. This is the methodological ground for the cross-cultural theory about progress—a “metric for civilization”.

2. Case History—International Court of Justice: Yugoslav War Crimes

About the historical case of the United Nations Tribunal for War Crimes in Yugoslavia, Alec Russell wrote: “... so it became clear that Louise Arbour and Richard Goldstone (prosecutors in the International Court of Justice) had set an extraordinary precedent, climaxing with the indictment in 1999 of Slobodan Milosevic, the Serbian leader....For the first time, a sitting head of state had been indicted for international war crimes.” [1]

The United Nations has the International Court of Justice to prosecute war crimes, to settle legal disputes between member states, and to give advisory opinions to authorized UN organs and specialized agencies. It has a panel of fifteen judges, located in The Hague, Netherlands. The issue of “cultural relativism” or of a “progressive civilization” is nicely illustrated by this case of judicial legitimacy. Does the United Nations have a right to judge leaders of sovereign nations on issues of “war crimes”? Does it represent a progressive right of humanity over the relative values of nations?

The conviction of Slobodan Milosevic was a milestone in this history of international legal progress. Alec Russell wrote: “Was this the dawn of an era of moral universalism? Maybe not. When the court finally closed last year (2017), there had been 90 Yugoslav convictions and 61 Ruandan. Not bad, but there were a lot of willing executioners who got away with it and Milosevic died of a heart attack before the end of his trial.” [1]

We will continue to look at this case, to provide empirical evidence about a theory of a progressive civilization—a metric of progress in civilized societies.

3. Background: Concept of “Civilization” and Academic Tradition

To apply the concept of civilization in cross-cultural studies, research needs to indicate the degree of sophistication of a society. Traditionally, the term “civilization” has been used to denote a high “form” of society—sophistication, complexity, effectiveness, and ethics. Here we use the term in this antiquated meaning of a “sophisticated society”. The term was derived from the Latin “civilis”, meaning “citizen” or “city-state”. Much traditional European history had been told from a myopic perspective of a “Western Civilization”. In that tradition, modern Europe saw the history of the Roman Empire falling to invading barbaric tribes. Of course, this view of history is outdated and certainly not “universalized”.

Writing his dictionary in 1772, Samuel Johnson used the term “civility” as

opposed to “rudeness”. In 1775, Ast’s dictionary used the term “civilization” as the state of being civilized. Adam Smith used the term civilization in his seminal work on economics, *The Wealth of Nations*. However archaic a term (“civility” or “civilized” or “civilization”), one does need a word to indicate the vision of and the hope for a society to be in a high state—high in ethics, in knowledge, in wisdom, in the institutionalization of an effective and fair societal system.

And in modern academia, the term also has a long tradition in European-American thought. The American political scientist, Samuel Huntington, nicely summarized this: “Human history is the history of civilizations. It is impossible to think of the development of humanity in any other terms. The story stretches through generations of civilizations from ancient Sumerian and Egyptian to Classical and Mesoamerican to Christian and Islamic civilizations and through successive manifestations of Sinic and Hindu civilizations. Throughout history civilizations have provided the broadest identifications for people. As a result, the causes, emergence, rise, interactions, achievements, decline, and fall of civilizations have been explored at length by distinguished historians, sociologists, and anthropologists including, among others, Max Weber, Emile Durkheim, Oswald Spengler, Pitirim Sorokin, Arnold Toynbee, Alfred Weber, A. L. Kroeber, Philip Bagby, Carroll Quigley, Rushton Coulborn, Christopher Dawson, S. N. Eisenstadt, Fernand Braudel, William H. McNeill, Adda Bozeman, Immanuel Wallerstein, and Felipe Fernández-Armesto. These and other writers have produced a voluminous, learned, and sophisticated literature devoted to the comparative analysis of civilizations. Differences in perspective, methodology, focus, and concepts pervade this literature.” [2]

But Huntington also added: “... a civilization is a cultural entity.” [2] However, a cross-cultural approach must differ from Huntington to include more than the idea of “culture” in the concept of civilization. For modern history, one needs to also include the concepts of science & technology, of government & politics, of economy & finance, etc. A broad view on the concept of “civilization” is important because what distinguishes our modern civilization is a new and unique capability to create valid knowledge, which is to say, “Truth” based upon science.

No civilization before (not the Sumerian nor Egyptian nor Classical nor Mesoamerican nor Chinese nor Christian nor Islamic civilizations) had any real science, nor used scientific method. They all had the concept of “philosophy” but not that “science”. Yet our modern civilization uses “science” as a basis of discovering and validating knowledge. We continually discover nature and invent new technologies. Past civilizations had some knowledge and some technology, but not technology based upon science—“scientific technology”. This is the big difference! A gigantic difference—between past and present.

Thus the problem of thinking about civilization as only “culture” is that this does not fit empirically with modern history. European civilization leaped ahead in sophistication over Asian civilization in the 1500 - 1600 centuries, because Europe developed the new method of “science”. It was a new way to truth, the

scientific method. Also, from science came new technology; and from new technology came the industrial revolution which, after three hundred years from the 1800s through the 2000s, has overtaken the world.

Yet our new civilization (with truth based upon scientific method) has not turned out to always yield a humane society. In the history of the twentieth century, civilized society was degraded by several ideological dictatorships in Europe, and in Asia. Dictators' societies were inhuman: Lenin's and Stalin's terror, Hitler's racial genocides, Mao's preference for violent campaigns of humiliation, brutality and famine, Pol Pot's urban extermination, Milosevic's and Karadzic's "ethnic cleansing". This is an important question. Why were so many modern societies in the twentieth century "inhuman"—instead of civilized?

These earlier ideological dictatorships empirically demonstrated that good civilized societies don't just happen, despite "science". Bad civilizations can happen even with "science". Governments of the inhumane sort have systematically used terror, brutality, and genocide as official policy. Accordingly, civilized societies must be deliberately constructed and operated—if we wish to live in a "humane society"—a society humane both to people and animals, as well as nature. Although still an antiquated term, it is useful for cross-cultural studies to indicate the conditions of a "high" society, a "humane" society. This is the contemporary cross-cultural problem. *Why, so far, have modern societies historically displayed so much civilized technical knowledge and so little civilized wisdom?*

4. Constructing a Metric of Civilization

It would be useful to construct a civilization "metric" with concepts going back into the history of civilizations, so that ideas in ancient societies can be compared to ideas in modern society. And a starting point for this is the concept of the "All" in Plato's philosophy. This is particularly useful, since modern scientific epistemology traces back to ancient Greek philosophy. The European philosophic tradition in its Medieval Universities (from which science emerged) drew upon the two ancient Greek schools of Plato and Aristotle.

Plato lived in Athens from 423-348 BC and founded a school for teaching philosophy, an academy. Plato was a student of Socrates and wrote about Socratic philosophy. Socrates was also an Athenian, living from 470-399 BC. Socrates' ideas were transmitted primarily through Plato's writings. Socrates had emphasized that all dialogue (thinking and arguments) rests upon implicit underlying assumptions; and his technique of interrogation (Socratic Method) was to continually ask questions of the person posing the argument—to uncover the assumptions being made in their argument. In addition, Plato called the depiction of the basic underlying forms (the assumptions of the universe) as the "All" of the universe. The "All" was composed of three kinds of forms of the "True", the "Good", and the "Beautiful". Thus the basic forms of the universe were those about truth, goodness, and aesthetics.

For Plato, finding such *underlying-assumptions* became his epistemological approach (method of inquiry). Socrates had been influenced by an earlier philosopher, Parmenides. Parmenides lived in the Greek colony of Elea (now in modern Italy) in 515-460 BC. Parmenides had argued that all reality rested upon forms which were unchangeable, “eternal forms”. Plato’s philosophic position was Socratic-Parmenidean, that reality should be explained in eternal *underlying-forms*. Basic reality was “*permanence of forms*” underlying the appearances of reality. Nietzsche later called this Greek philosophic approach as “Being”; and the *Being* of the universe is the *permanence of the underlying forms of existence*. *In modern physics, we call such basic permanence in underlying forms as “theory”*.

For example, the theoretical formula $E = mc^2$ explains the theory that mass can be converted to energy. It is the underlying theory in nuclear reactions, explaining the power of nuclear explosions (compared to chemical explosions). Parmenidean philosophy is one philosophical tradition in the theme of epistemology (method-of-inquiry) which led to modern scientific methodology—science explains nature by finding the underlying theoretical forms of nature.

However, just prior to Parmenides, another Greek philosopher, Heraclitus, had started a different philosophical tradition. Heraclitus lived in the Greek colony of Ephesus (near the Aegean coast in modern Turkey) from 535-475 BC. Heraclitus argued that reality was always changing “*change*” as opposed to “*permanence*”. For example, living beings are always changing; a tree grows from a seed to a sapling to a mature tree and then dies, rots and decays. Nietzsche later called this Heraclitian view of totality of “change” as a philosophy of *Becoming* (as opposed to the Parmenidean philosophy of *Being*). In Greek history, Heraclitian philosophy jumped past Socrates and Plato and down to Aristotle.

Aristotle was born in Macedonia, north of Greece, and lived from 384-322 BC. He moved to Athens at the age of eighteen and joined Plato’s Academy. There he remained until the age of thirty-seven; and then he tutored Alexander the Great in 343 BC. In contrast to Plato’s Parmenidean belief in a static universe, *Being*, Aristotle followed the Heraclitian tradition of *Becoming*. Aristotle argued that, in a world of *change*, one could learn about the universe, by observing the universe. Aristotle took an “empirical approach” (observation) to epistemology (method-of-inquiry)—in contrast to Plato’s “theoretical approach” (searching for underlying forms).

Later in the eleventh through fifteenth centuries, the founding of medieval universities in Europe occurred. Through Arabic translations, European scholars rediscovered the ancient Greek philosophers and followed either Platonic or Aristotelian approaches to knowledge in medieval faculties of Natural Philosophy. From these two epistemological traditions, European science evolved as both theoretical (Platonic) and empirical (Aristotelian). This theoretical-empirical

scientific approach was crystallized in the sequence of researches on the solar system by Copernicus, Brahe, Kepler, Descartes, and Newton. It resulted in Newton’s quantitative model of the solar system, which provided the first scientific paradigm of “mechanism” (or Newtonian physics). *In science, theory explains experiments and experiments validate theory—scientific method. By the 1700s, science was launched in Europe as the new scientific disciplines of physics, chemistry, biology, and mathematics.*

For example, much later in 1939, the physicist Lise Meitner analyzed the splitting of the uranium nucleus as to the energy released in the fission, using the theoretical equation, $E = mc^2$. Experimentally, there was less total mass in the resulting atoms after the fission of the Uranium atom than before the Uranium atom split. Meitner called this the “missing” mass; and she calculated that it was equal to the energy released, according to Einstein’s formula of $E = mc^2$. The experiment of the fission of the Uranium 235 atom provided empirical evidence for verifying Einstein’s theoretical formula. *When scientific theory is constructed upon experimental results, it is called “grounded theory”—scientific theory grounded in empirical reality.*

Now we use the Platonic ideas for constructing a modern metric for civilization. But from a modern logic approach, we note that Plato’s concepts should be now as “four” rather than only three. As a taxonomy for a metric, Plato’s trinity of ideas (*True, Good, Beautiful*) is logically missing a fourth idea.

This is so, because in modern logic, taxonomies are constructed as sets of ideas, pairs-of-ideas, called a “philosophical dichotomy”. A philosophical dichotomy is a “pair-of-ideas” which divides an argument into two parts. And in modern logic, the “totality” upon which an argument is based is called a “universe-of-discourse”. A dichotomy divides the whole of a universe-of-discourse, into two parts; so that all things in that universe belongs either to a set of “this” or into an opposite set of “that”. For example, the pair-of-ideas of “self” and “world” divide the psychological universe-of-discourse into two groups: one’s self and the rest of the world (self & world).

What are the two dichotomies, out of which Plato’s set of ideas can be constructed as a taxonomy? Logical taxonomies need constructed from a set of dichotomies; so taxonomies should be constructed as 2^n . Two dichotomies construct a four-fold taxonomy, **Figure 1**.

To find the fourth concept, we next construct a modern taxonomy for the

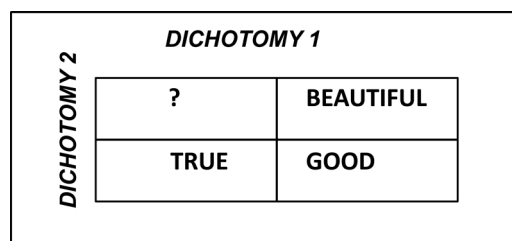


Figure 1. Plato’s Concept of the “All” Expressed as a Logical Taxonomy.

ancient Platonic “All”. We can do his with two dichotomies: *empirical & normative* and *substance & form*. Both dichotomies are relevant to the “universe of discourse” about epistemology; and epistemology is philosophic essence of “scientific method”.

“Epistemology” is the traditional European philosophical term for the knowledge of method—methodology, which in the modern world is the *methodology of science*. The methodology of science involves 1) observations and experiments with nature and also 2) the abstraction of principles found in the observations/experiments to be generalized as theory—*experiments and theory*. Experiment describes nature; and theory explains nature. *Developing theory based upon and verified by experiment is the basis of scientific method*. Theory developed upon and verified by experiment is called ‘empirically-grounded theory. In science, theory which is not grounded and verified, by experiment is called “speculation”.

Thus in the universe of discourse of the philosophy of science, all scientific explanations are either *empirical* or *normative*. In the social sciences, *empirical* explanations describe what really occurred; and *normative* explanations describe what should have occurred. *Empirical explanations describe the facts in a historical event; and normative explanations describes the values of participants in a historical event*.

For example, Hitler’s minions of Nazi Germany in the 1932-40s exterminated Jewish families—genocide happened—*empirical explanation*. But at the end of the war in the Nuremberg trials, the Allies tried leading Nazi officials, charged with “war crimes” of genocide—*normative explanation*. The normative judgement by the Allies was that genocide should not be allowed in societies in the world. From this normative (value) judgment, after the war, the International Criminal Court in The Hague was established to prosecute future war criminals, **Figure 2**.

Also in the philosophy of science, one can divide all discourse about nature between *substance* and *form*. For example the *substance* of salt has a *chemical form* of a molecule of two atoms, sodium and chloride (NaCl). The substances of the world include animal, vegetable substances, all of which have chemical and physical forms.

Next we use these two epistemological dichotomies (empirical & normative, substance & form) to construct a modern version of Plato’s taxonomy of the Parmenidean “All”, **Figure 3**.

Now when we think of Plato’s concept of what is *True* in the world, we can see that truth is empirical (what exists) and it is about substance (what substances exist in the world). For example, the chemistry of modern substances can be constructed as molecules formed from the Chemical periodic table, **Figure 4**.

Next when we think of the Platonic *Good*, we can see that it is also about *substance* (substantial things and events which exist) but it is also about placing



Figure 2. Nazi War Crimes of Genocide and Nuremberg Trials.

		EMPIRICAL	NORMATIVE
FORM	SUBSTANCE	TRUE αλήθεια	GOOD αγάθων
		BEAUTIFUL αισθητική	WEALTH πλούτος

Figure 3. Modern Taxonomy of Plato’s “All”.

Group→1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	
↓Period																		
1	1 H																	2 He
2	3 Li	4 Be										5 B	6 C	7 N	8 O	9 F	10 Ne	
3	11 Na	12 Mg										13 Al	14 Si	15 P	16 S	17 Cl	18 Ar	
4	19 K	20 Ca	21 Sc	22 Ti	23 V	24 Cr	25 Mn	26 Fe	27 Co	28 Ni	29 Cu	30 Zn	31 Ga	32 Ge	33 As	34 Se	35 Br	36 Kr
5	37 Rb	38 Sr	39 Y	40 Zr	41 Nb	42 Mo	43 Tc	44 Ru	45 Rh	46 Pd	47 Ag	48 Cd	49 In	50 Sn	51 Sb	52 Te	53 I	54 Xe
6	55 Cs	56 Ba	* 71 Lu	72 Hf	73 Ta	74 W	75 Re	76 Os	77 Ir	78 Pt	79 Au	80 Hg	81 Tl	82 Pb	83 Bi	84 Po	85 At	86 Rn
7	87 Fr	88 Ra	* 103 Lr	104 Rf	105 Db	106 Sg	107 Bh	108 Hs	109 Mt	110 Ds	111 Rg	112 Cn	113 Uut	114 Fl	115 Uup	116 Lv	117 Uus	118 Uuo
			* 57 La	58 Ce	59 Pr	60 Nd	61 Pm	62 Sm	63 Eu	64 Gd	65 Tb	66 Dy	67 Ho	68 Er	69 Tm	70 Yb		
			* 89 Ac	90 Th	91 Pa	92 U	93 Np	94 Pu	95 Am	96 Cm	97 Bk	98 Cf	99 Es	100 Fm	101 Md	102 No		

Figure 4. Chemical periodic table.

human *value* on these things/events. Good things happen or bad things happen.

Now going to the bottom role of the taxonomy, we can see that the *Beautiful*

(*aesthetics*) is both about *form* and about *existing things* (form and empirical). For example, Leonardo da Vinci's painting of the Mona Lisa, (which is displayed in Louvre Museum in Paris) is really beautiful, **Figure 5**. Leonardo was not as pretty as Mona Lisa, but he was an artistic genius—aesthetics.

Now finally, we can analyze what should be a fourth idea for Plato's the All. What is both *normative* and *form*? It can be *Wealth*—a monetary “value” and transactional “form” (in terms of investments, ownership, productivity, etc.). After the industrialization of the world (1700s-2100s), the societal system of economics has become one of the dominant concepts of our age—wealth, investment, money, property, productivity, profits, capitalism.

Wealth is a functional value to us, which is essentially different from that in Plato's “Greek civilization”. Although trade was essential to the Greeks, in our modern “Scientific civilization” it is economic production & trade that is vital.

Ancient Greek civilization was a set of city states scattered around the Mediterranean to facilitate trade. Trade occurred in wine, wheat, furs, flax, bronze, gold, etc. Greek colonies were situated in bays opening to a valley in which local agriculture was possible. And Greek traders distributed goods around the region and had emerged from the Mycenaean civilization, which had followed after the collapse of Minoan civilization. The Minoan civilization had dominated the trade for bronze in the European Mediterranean, necessary for the weapons of the Bronze Age. But in 1500 BC, this civilization was destroyed by a tsunami from the volcanic eruption of Thera (modern Santorini). The distinctive cultural feature of ancient Greece was that it evolved the first complete phonetic alphabet, with both consonant and vowel sounds. From the ease of its learning and use as a phonetic complete alphabet, then writing extended (from scribes in other

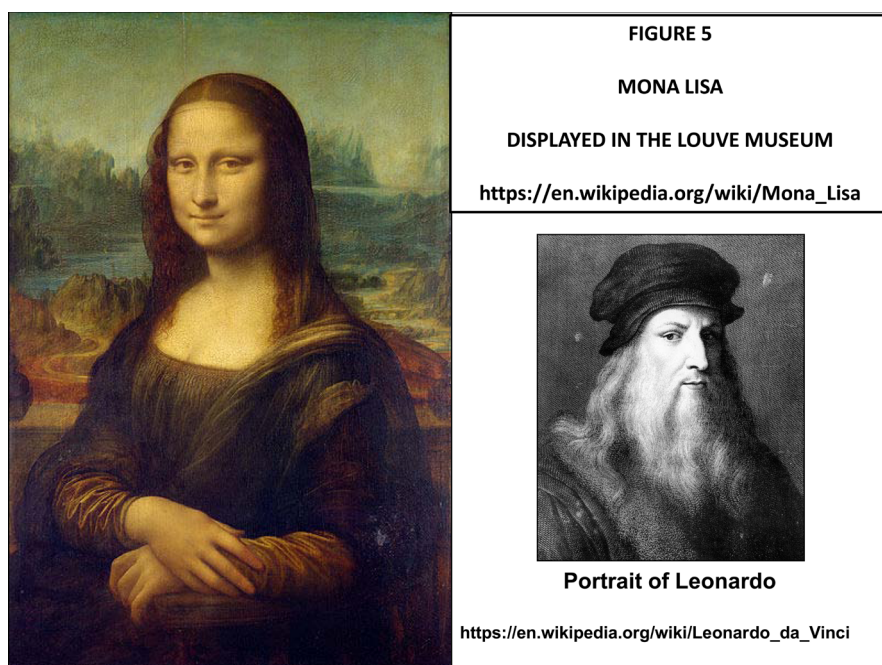


Figure 5. Leonardo and His Famous Picture, Mona Lisa.

civilizations) to aristocrats in Greek civilization. Consequently, Greek writers pioneered in the secular literary forms of philosophy, drama, poetry, history, mathematics.

In the values of civilization between ours and the Greeks, the “True” has become the “Scientific” and the fourth category of “Wealth” has been added. While money has always been important to trade, the industrial revolution changed the means of economic production so completely that modern civilization requires a financial system to operate functionally, properly, and consistently. One needs only to think of the Global Financial Crisis of 2007-08 in the United States and the Euro Crisis in Europe from 2010 to 2015, to understand the central importance of money (finance) to modern civilization. Money is a pure “form” indicating the “normative value” of wealth. Money acts as an accounting of and store of “wealth”.

For industrialized societies, a modern economic and financial system is vital and far more important than ever trade was to earlier civilizations, such as the Greek, wherein an economy was nearly all agriculture and a little bit of trade for the aristocracy.

5. Case History (Continued)—International Court of Justice: Yugoslav War Crimes

To provide empirical evidence about the usefulness and validity of this theory of a civilized metric, we now continue the case of the International Court of Justice and Yugoslav War Crimes. In this case the challenge is whether or not international law can be established in a multi-national world—can these exist universal justice above nations’ “balance of power”—wherein, only “might” makes “right”.

The decision at the end of World War II to establish the International Court of Justice was based upon the precedent of the Nuremberg Trials. At the end of the Second World War the winning Allies (Great Britain, United States and Union of Soviet Socialist Republics) decided to fix blame, in trials for war-crimes, on German officials—the “Nuremberg Trials”.

The decision to conduct judicial trials occurred after many discussions among the Allies—when some wanted to simply execute Nazi officials and others wished to first try them. For example, the U.S. official, Treasury Secretary Henry Morgenthau Jr., argued that captured Nazi leaders should be summarily executed and Germany reduced to an agricultural state. U.S. Secretary of War, Henry Stimson thought that such a solution would violate the U.S. belief in law: 1) against the presumption-of-innocence-of-individuals-until-provided-guilty and 2) collective punishment of everyone for specific crimes of a few. The President of the U.S., Franklin Delano Roosevelt, asked Murray Bernays (a lawyer serving in the Army) to find a compromise solution. Bernays suggested holding trials for Nazi officials, in order to discredit the actions of all serving under them. The trials would document the evidence for atrocities. The legal position would be that all subordinates are still ethically responsible, even when acting

under official orders. President Roosevelt agreed to the idea, and the other Allied leaders also agreed.

In 1945, President Roosevelt died, and the next U.S. President, Harry Truman, implemented the plan. President Truman appointed Robert Jackson, then a U.S. Supreme Court Justice, to run it. Jackson organized an International Military Tribunal to hold the war crimes trials in Nuremberg, with one military judge each from the U.S., Great Britain, USSR, and France. The first trial began on 20 November 1945 in the Bavarian city of Nuremberg.

Robert Jackson acted as prosecutor. When the trial began, Jackson produced documented evidence about “war crimes”. The Allied military had found files of Alfred Rosenberg (47 crates of files) hidden in a castle. They found tons of diplomatic papers hidden in caves in the Hartz mountains. They recovered hundreds of works of art looted from occupied countries in Goring’s estate. They found Luftwaffe records stored in a salt mine in Obersalzberg. They found notes made by officials of Nazi government meetings. And they had American movies documenting the liberation of concentration camps at Bergen-Belson, Dachau, and Buchenwald. These movies showed the starving survivors as nearly skeletons. They showed the stacks of naked corpses of victims that had been shoveled into mass graves. They also had the records of the Nazi genocide program, with its minutes of a meeting to plan the program.

As one historian, Robert Shanayerson summarized: “The scale of Hitler’s madness was almost beyond imagination. The documents showed that after conquering Poland in 1939, he ordered the expulsion of nearly nine million Poles and Jews from Polish areas... the SS unleashed hundreds of Einsatzgruppen—killer packs assigned to spread terror by looting, shooting and slaughtering without restraint.... these SS action groups murdered and plundered behind the German Army as it advanced eastward.” [3]

A historically important role of the Nuremberg trials was to acquire and record documentary evidence of the Nazi policies of aggression and genocide.

In January 1946, Jackson began bringing in witnesses. The first was Otto Ohlendorf, former commander of an Einstazgruppe in Russia. Jackson asked questions and Ohlendorf answered:

"Q. How many persons were killed under your direction?

"A. Ninety thousand people.

"Q. Did that include men, women, and children?

"A. Yes.

"Q. Did you have any scruples about these murders?

"A. Yes.

"Q. And how is it they were carried out regardless of these scruples?

"A. Because to me it is inconceivable that a subordinate leader should not carry out orders by the leaders of the state.” [3]

This was the ethical issue. Are subordinates ethically responsible for carrying out evil acts under evil policies of their superior officials. This is an ethical connection between the acts of an individual under the governmental policies of a

society.

There were a series of trials. In the first trial, twenty-four Nazis were tried and judged. Those involved in the founding of the Nazi Party were charged with conspiring to launch World War II and related atrocities. Others were accused of planning aggressive war. Eighteen were charged with war crimes and crimes against humanity (such as genocide).

During the trial, one judge, Donnedieu de Vabres argued that the defendants acted not so much in complicity but in bondage to a “megalomaniac”. He restricted the charge of “conspiracy” to be applied only to eight of the defendants who knowingly carried out Hitler’s war plans from 1938 onward. Also the Judges ruled that guilt could not be assigned for only belonging to a Nazi organization. Any trial for other participants must be run in evidence of personal responsibility for crimes: “But since the Nuremberg judges ruled them all innocent until proven guilty, relatively few were ever tried—the prosecutorial job was too formidable.” [3]

The twenty-four Nazis leaders received the following verdicts:

- Herman Goring—Commander of the German Air Force—death sentence.
- Karl Donitz—Admiral of the German Navy—prison sentence.
- William Keitel—Head of Hitler’s Military Command—death sentence.
- Alfred Jodl—Keitel’s second in Command—death sentence.
- Erich Raeder—Admiral of the Germany Navy before Donitz—death sentence.
- Ernst Kaltenbrunner—Highest surviving SS leader—death sentence.
- Martin Borman—Nazi Party Secretary and Hitler’s chief of staff—death sentence.
- Albert Speer—Minister of Armaments—prison sentence.
- Julius Streicher—Nazi Head of Franconia and publisher of Nazi paper—death sentence.
- Hans Frank—Nazi Governor of occupied Poland—death sentence.
- Arthur Seyss-Inquart—Nazi Governor of occupied Netherlands—death sentence.
- Wilhelm Frick—Nazi Minister of Interior, author of Nazi Race Laws—death sentence.
- Hans Fritzsche—Deputy Leader of Nazi Propaganda Ministry—death sentence.
- Alfred Rosenberg—Nazi Minister of Occupied Territories—death sentence.
- Fritz Sauckel—Head of Nazi slave labor program—death sentence.
- Julius Streicher—Publisher of Nazi newspaper—death sentence.
- Robert Ley—Head of the German Labor Front—committed suicide before trial.
- Rudolf Hess—Hitler’s deputy—prison sentence.
- Baldur von Schirach—Head of Hitler Youth—imprisonment.
- Joachim von Ribbentrop—Nazi Ambassador—death sentence.

- Konstatin von Neurath—Previous Minister of Foreign Affairs—imprisonment.
- Franz von Papen—Chancellor of Germany before Hitler—acquitted.
- Gustav Krupp—Major industrialist and Nazi supporter—not tried due to ill health.
- Hajalmar-Schacht—President of Reichsbank and Economics Minister—acquitted.

In this list, one can see that the first trial focused upon Nazi leaders 1) in the German Military, 2) in the Nazi Party, 3) in the Nazi government, and 4) Nazi industrial supporters. Of twelve sentenced to death, ten were hung. Goring poisoned himself the evening before his scheduled execution. Borman had not been captured and was sentenced in abstentia—but he was already dead, with his remains being discovered a decade later.

Adolf Hitler, Head of the Nazi Party and the German Government, was not tried because he had committed suicide. Goebbels, Nazi Propaganda Minister, also had committed suicide, along with his wife and five children. Heinrich Himmler, Head of the SS, at the end of the war had been captured and committed suicide. Eichmann, Head of the Nazi Jewish extermination program, escaped to Argentina (but was captured in 1960 by Israeli officials, tried in Israel and executed). Josef Mengeles was a Nazi doctor who performed inhuman experiments on people; and he also escaped to Argentina but lived out his life, evading capture.

The legacy of the Nuremberg trials was important to establishing a international legal tradition. For example later in 2006, Henry King, Jr. (who had been one of the Nuremberg war crimes prosecutors) wrote: “A milestone passed quietly—the 60th anniversary of the judgments rendered by the International Military Tribunal at Nuremberg against the key Nazi figures that led the world in the chaos of World War II... It is right and proper that we reflect on this seminal event in legal history, an event that became the cornerstone to modern day international criminal jurisprudence.” [4]

The Nuremberg trials established the precedent for the founding of the International Court of Justice as part of the United Nations in 1945. The Count is composed of fifteen judges elected to nine-year terms by the UN General Assembly and the UN Security Council and is located in the Hague, Netherlands. It has continued the tradition of Nuremberg in prosecuting later events of genocide.

For example, on 25 May 1993, the United Nations established International Criminal Tribunal for the former Yugoslavia to prosecute war crimes committed during the Yugoslav wars.

Later the International Tribunal for the Former Yugoslavia (ICTY) wrote: “So far, 132 individuals have appeared in proceedings before the Tribunal. Forty have been found guilty, another 43 are currently awaiting trial, nine are at trial, while cases against 14 individuals are currently before the Appeals Chamber of...

By holding individuals accountable regardless of their position, the ICTY's work has dismantled the tradition of impunity for war crimes and other serious violations of international law. The ICTY is the first international tribunal after World War II to hold high-level leaders accountable for their crimes. The ICTY has indicted a head of state (while still in office), prime ministers, army chiefs-of-staff, interior ministers and many other high and mid-level political, military and police leaders from all sides of the conflict. Some, such as former Herzeg Bosna Vice-President, have been convicted and are serving their sentences. Thanks to the ICTY, the question is no longer whether leaders should be held accountable, but rather how can they be called to account." [5]

Earlier as a nation, Yugoslavia had existed less than a century from 1918 to 1989. After 1989, Yugoslavia had dissolved into six states: Slovenia, Croatia, Bosnia-Herzegovina, Macedonia, Montenegro, Serbia (with Kosovo and Vojvodina as two autonomous provinces within Serbia). The dissolution of Yugoslavia occurred after the death in 1980 of Josip Broz Tito, the President of Yugoslavia. At the end of World War II, Tito ruled Yugoslavia under a communist government, after Italian and German forces were ejected from the Balkans. Fighting against the German army, Tito had been leader of the Communist Partisans. Tito re-founded the nation of Yugoslavia, calling it the Socialist Federal Republic of Yugoslavia. Tito was a nationalist and a communist and a pan-Slavic, believing in different ethnic groups living together in Yugoslavia. In 1974, Tito created a group to succeed him in rule as a group of eight heads-of-state—one each from the six republics of Yugoslavia: Slovenia, Croatia, Bosnia-Herzegovina, Macedonia, Montenegro, Serbia (and two from the provinces of Serbia, Kosovo and Vojvodina). Each head would act as Yugoslav President for a year, with rotation among them.

Yet after Tito's death, Yugoslavia dissolved violently. Slobodan Milosevic became President of Serbia. Franjo Tudjman became President of Croatia. Bosnian President Alija Izetbegović became President of Bosnia-Herzegovina. Lojze Peterle became Prime Minister of Slovenia. Radovan Karadžić led the Bosnian Serbs.

The violence in the separation was because each leader appealed for their power on the idea of an ethnically-homogeneous-territory as the ideological basis for a nation. But in fact no territory in the former Yugoslavia was ethnically homogeneous. Over the previous four hundred years, all the regions of Yugoslavia had every ethnic group living in the different regions of Yugoslavia. Consequently upon separation, civil wars broke out between Slavic militia, Croatian militia, and Bosnia militia, which were brutal and murderous. They called it "ethnic cleansing", but it was really just a form of genocide, because people were not moved, but murdered.

Upon this breakup of Yugoslavia, the Bosnian War occurred in Bosnia and Herzegovina, from 1992 to 1995. Formerly the Socialist Republic of Bosnia and Herzegovina were inhabited by Muslim Bosniaks (44%) and Orthodox Serbs

(32.5%) and Catholic Croats (17%). Then the Serbian government of Slobodan Milosevic and the Bosnian Serbs led by Radovan Kardizic determined on ejecting Muslim Bosniaks from the territory, as “ethnic cleansing”. Ratko Mladić, was chief of staff of Bosnian Serb forces from 1992 until 1996, during the civil wars and ethnic cleansing.

Afterwards on March 24, 2016, Radovan Karadžić was found guilty of genocide, war crimes and crimes against humanity, and sentenced to 40 years imprisonment. He was found guilty of genocide for the Srebrenica massacre, which had intended to kill the Muslim males in the town of Srebrenica, systematically exterminating the Bosnian Muslim community. Karadzic was also convicted in connection with his campaign to drive Bosnian Muslims and Croats out of villages claimed by Serb forces.

Tim Hume, Tiffany Ap, and Milena Veselinovic wrote: “Radovan Karadzic, nicknamed the “Butcher of Bosnia,” was sentenced to 40 years in prison Thursday, after being found guilty of genocide and other crimes against humanity over atrocities that Bosnian Serb forces committed during the Bosnian War from 1992 to 1995. A special U.N. court in The Hague, Netherlands, found the 70-year-old guilty of genocide over his responsibility for the Srebrenica massacre, in which more than 7000 Bosnian Muslim men and boys were executed by Bosnian Serb forces under his command.” [6]

Describing the Srebrenica massacre, Hume, Ap and Veselinovic wrote: “In July 1995, tens of thousands of Bosnian Muslims had sought refuge in the spa town of Srebrenica—designated a U.N. ‘safe area’—as the Bosnian Serb army marched toward them. But with only about 100 lightly equipped Dutch peacekeepers there for protection, the town was overrun by Serb forces. Delivering the verdicts, presiding Judge O-Gon Kwon said the tribunal found that about 30,000 Bosnian Muslim women, children and elderly men had been removed to Muslim-held territory by Bosnia Serb forces acting on Karadzic’s orders. Karadzic’s forces then detained the Muslim men and boys in a number of locations before taking them to nearby sites, where they were executed by the thousands. The tribunal found that Karadzic was the only person within the Serb Republic with the power to intervene to prevent them being killed, but instead he had personally ordered that detainees be transferred elsewhere to be killed. It found he shared with other Bosnian Serb leaders the intent to kill every able-bodied Bosnian Muslim male from Srebrenica—which amounted ‘to the intent to destroy the Bosnian Muslims in Srebrenica,’ the tribunal said.” [6]

It took years before Karadzic was captured. Hume, Ap and Veselinovic wrote: Radovan Karadzic used a disguise of a beard and glasses while in hiding. Serb officials revealed that Karadzic had been hiding in plain sight—working in a clinic in Belgrade, the capital of Serbia, under a false identity as a “healer.” He had also managed to publish a book of poetry during his time on the run. He was extradited to The Hague to face charges and pleaded not guilty. He initially tried to represent himself, leading to delays in his trial, but eventually was forced to accept an attorney. Thursday’s verdict comes more than a year after the end of his

trial in 2014. The 500-day trial included evidence from 586 witnesses and more than 11,000 exhibits. Karadzic's former army chief, Ratko Mladic, who was arrested in 2012, is facing charges of genocide and war crimes committed during the conflict. A judgment in his case is expected in 2017." [6]

Earlier in 2001, another of the Serbian leaders responsible for the "ethnic cleansing" policy had been captured. BBC News reported: "Former Yugoslav President Slobodan Milosevic has been arrested and taken to prison, where he is due to face questioning later on Sunday. His arrest came in the early hours of the morning, after a heavily-armed standoff at his Belgrade villa, where the ex-leader had been surrounded by police for nearly 36 hours... Serbian Justice Minister Vladan Batic said Mr Milosevic had not yet been formally charged, but would face questioning by an investigating judge on charges of abuse of power and financial corruption... Mr Milosevic is wanted on war crimes charges by the International Criminal Tribunal for the former Yugoslavia..." [7]

Later during his trial in the Hague court, Milosevic died in his cell. Marlise Simons wrote: "An autopsy showed that a heart attack killed Slobodan Milosevic, the United Nations war crimes tribunal said here on Sunday evening in a terse announcement. The statement served only to deepen the mystery over the circumstances surrounding Mr. Milosevic's abrupt death just as his prolonged trial was finally nearing an end." [8]

Marlise Simons also wrote: "Although the 66-count indictment of Mr. Milosevic dealt with the wars in Bosnia, Croatia and Kosovo, he devoted almost all of the time allotted for his defense to Kosovo, a Serbian province. As president of Serbia and commander in chief of its security forces, he would be legally accountable for crimes committed by them. He dismissed events in Bosnia and hardly touched on those in Croatia, because, he said, those were separate countries not under his command or control. But prosecutors said he had instigated many crimes in Bosnia and Croatia through proxy armies which he supplied and financed. Ms. Del Ponte said 'of course, we are very sad and frustrated' by the unfinished prosecution, mainly because it had deprived the victims of the wars a verdict. She said the trial, which had taken up 466 days of hearings and in which testimony was heard from 295 prosecution witnesses, 'represents a wealth of evidence that is on the record.' The trial was not only about a conviction but also about facts and truth', she said." [8]

Ratko Mladić was a third major figure prosecuted for war crimes. Owen Bowocott and Julian Borge wrote: "The former Bosnian Serb commander Ratko Mladić has been sentenced to life imprisonment after being convicted of genocide, war crimes and crimes against humanity." [9]

It was twenty years after the Srebrenica massacre that Mladic was brought to international justice, but it was done. He was convicted of ten offences involving extermination, murder and persecution of civilian populations.

Owen Bowocott and Julian Borge wrote: "As he entered the courtroom, Mladić gave a broad smile and thumbs up to the cameras—a gesture that infu-

riated relatives of the victims. His defiance shifted into detachment as the judgment began. Mladić played with his fingers and nodded occasionally, looking initially relaxed. The verdict was disrupted for more than half an hour when he asked the judges for a bathroom break. After he returned, defence lawyers requested that proceedings be halted or shortened because of his high blood pressure. The judges denied the request. Mladić then stood up shouting ‘this is all lies’ and ‘I’ll fuck your mother’. He was forcibly removed from the courtroom. The verdicts were read in his absence... Among those present was Fikret Alić, the Bosnian, who was photographed as an emaciated prisoner behind the wire of a prison camp in 1992. ‘Justice has won and the war criminal has been convicted,’ he said after the verdict. Others were reduced to tears by the judge’s description of past atrocities.” [9]

The Tribunal convicted many others of the war crimes in Bosnia. Aljazeera reported: “Goran Hadzic was last of 161 people indicted by UN court in The Hague for crimes against humanity during 1991-95 Croatian War. Boris Tadic, Serbia’s president, said on Wednesday that Goran Hadzic was arrested in the mountainous Fruska Gora region of northern Serbia. ‘With this, Serbia, has concluded its most difficult chapter in the cooperation with the Hague Tribunal,’ Tadic said in a televised statement. Tadic said his country has now concluded its ‘legal duties... as well as its moral duty’, meeting EU demands that it track down and arrest all war crimes fugitives... Hadzic was a key figure in the breakaway Krajina Serb republic in Croatia and was also Serbia’s last remaining figure sought by the United Nations war crimes tribunal in The Hague. The indictment alleged that Hadzic committed the crimes with an aim to drive the Croats and other non-Serbs from the territories controlled by his self-styled authorities... He is notably wanted in connection with the massacre of about 250 civilian refugees taken from a hospital in Vukovar, an eastern city on the border with Serbia, in November 1991.” [10]

These events, occurring after the Second World War, under the institutionalization of a court for International war crimes, established and convicted instances of genocide. *This empirically demonstrated that some progress had been accomplished in modern civilization, particularly about the universal All of humanity as the Good as Justice.*

6. Conclusion: To Address Problems in Modern Civilization

We have looked at historic progress in the metric of the Good (Justice) to empirically provide evidence that a metric for civilization can be theoretically useful for cross-cultural studies. The usefulness of a theoretical metric is that it can help to identify the kinds of progress which society can make—that is *universalized* for all humanity. Societal systems perform the functions which provide the values and performance of the society, and wherein societal problems occur. In the concept of the level of “civilization” of a society, four kinds of measures can assess the progress of a society in attaining universalized values: Truth, Good,

Beautiful, and Wealth. The value of *Truth* in our civilization is methodologically investigated by science. The value of *Good* in our civilization is politically pursued through democracy. The value of *Beautiful* in our civilization is seen in the preservation of the environment of the Earth. The value of *Wealth* in our civilization is generated through industrialization of societal production. Applying the theory to the historical case of the International Court of Justice and Yugoslav War Crimes, we have examined empirical evidence about the validity of a theoretical metric of civilization.

In the taxonomic framework of the totality (the All) of a civilization (Figure 6), one can see the usefulness at describing the values dominant within a civilized society.

The True and the Wealth are now a grand achievement and hallmarks of our new scientific-technology based civilization. For example, Francis Fukuyama nicely summarized our civilization’s achievement of wealth: “Modern global capitalism has proved to be productive and wealth-creating beyond the dreams of anyone living before the year 1800. Later in the period following the oil crises of the 1970s, the size of the world economy almost quadrupled and Asia, based on its openness to trade and investment, saw much of its population join in the developed world.” [11]

However, this achievement has problems. As Fukuyama trenchantly emphasized: “But global capitalism has not found a way to avoid high levels of volatility, particularly in the financial sector. Global economic growth has been plagued

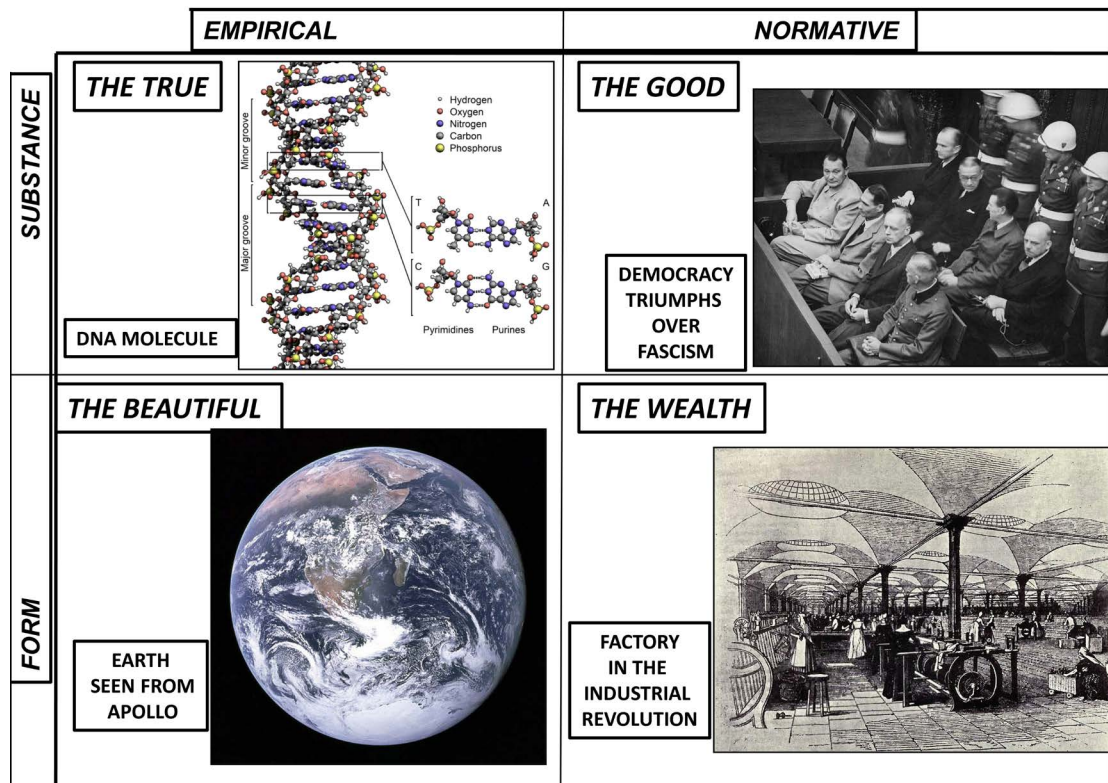


Figure 6. The “ALL” of Modern Civilization.

by periodic financial crises, striking Europe in the early 1990s, Asia in 1997-1998, Russia and Brazil in 1998-1999, and Argentina in 2001. This instability culminated, perhaps with poetic justice, in the great crisis that struck the United States, the home of global capitalism, in 2008-2009. Free markets are necessary to promote long-term growth, but they are not self-regulating, particularly when it comes to banks and other large financial institutions. The system's instability is a reflection of what is ultimately a political failure, that is, the failure to provide sufficient regulatory oversight both at a national and an international level." [11]

The values of our civilization, as indicated in this Platonic taxonomy, have major problems. In terms of the True, the societal systems of science and technology have been performing well; whereas although wealth has been expanding, wealth generation is not yet stable, nor fairly distributed.

How is our civilization doing on the marks of the Good and the Beautiful? In terms of the Good, the twentieth century was an era of conflict between democracy and brute dictatorships. World War II was fought between Western democracies and fascism. The Cold War was a standoff between Western democracy and Soviet communism. Democracies have been winning, but democratic processes need vast improvement. Still, even in the twenty-first century, terrorism and tyrannical warlords (some under religious banners) have terrorized some countries.

In terms of the *Beautiful*, modern aesthetics about the Earth have been very poor. We have created one of the most massive destruction of species in the history of the earth, subsequent to the extinctions of the asteroid hits of 65 and 250 million years ago. Also in terms of aesthetics, we have been desiccating the environment and generating global warming, through excessive CO₂ emissions.

It is useful to have this Platonic taxonomy to use as an index about civilization because it can be generalized over all the civilizations for the last several millennia—a long, long time. And time-span is one of the key choices in constructing a cross-cultural history of civilization.

Future research can use the multi-valued metric to analyze the challenges our present scientific civilization faces over this current century, the 21st, for survival. In particular, in a next paper, we can examine the 4 E challenges of contemporary civilization: Energy, Environment, Employment, Equity. What progress (in Truth, Good, Beauty, and Wealth) must now be accomplished for civilized survival to the challenges?

Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

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