Chapter 11

The Ethics Curriculum at the Netherlands Defence Academy, and Some Problems with its Theoretical Underpinnings

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Introduction

The question of what someone would do if he or she were invisible has been a recurring theme from Plato's tale of Gyges' ring to Paul Verhoeven's movie *Hollow Man* (2000). Both Gyges and the main character of the movie, scientist Sebastian Caine, seem to prove the truth of John Locke's words from the seventeenth century: 'View but an army at the sacking of a town, and see what observation or sense of moral principles, or what touch of conscience for all the outrages they do. Robberies, murders, rapes, are the sports of men set at liberty from punishment and censure' (Locke 1971, I: ii, 9). Locke's belief that man has no innate moral principles made him value something that we today would call a conventional ethic: people generally behave well, but mainly because they are sensitive to peer pressure and concerned about how their behaviour might look in the eyes of others. This visibility that conventional ethics depends on is also its Achilles heel: morality is potentially reduced to a matter of not being caught.

Most ethicists today are therefore probably not too upset that conventional ethics gave way to more demanding forms of ethics, giving central place to the notion of autonomy. People are to be just from a love for justice, not from a fear of losing face, and it is therefore generally seen as a moral improvement that we, contrary to our predecessors, live in a 'guilt culture' rather than in a 'shame culture'. In most military ethics training and education programmes, and the ethics curriculum at the Netherlands Defence Academy (NLDA) is an example, it is virtue ethics and deontological or rule-based ethics, both requiring some form of 'right intention', that are used most often, while there seems to be a general 'agreement that utilitarian ethics do not work well in the military setting' (Bonadonna 1994, 18).

This chapter serves two purposes. The first is to outline ethics education at the NLDA, starting with a few words on the changed context, and then turning to the ethics curriculum. The second is to focus on some problems that follow

from a precept shared by both virtue ethics and deontological ethics (probably shaping the ethics education in most military institutions, including the NLDA, as its underlying predisposition is common to most ethicists): namely judge by the intention, not by the action.

The Context of the Ethics Curriculum at the NLDA

As at other institutions, the ethics curriculum of the NLDA has in recent years adjusted to the changed environment the Dutch armed forces are working in, and some remarks on this altered context are appropriate. As happened to most militaries in the West, the core tasks of the Dutch armed forces were redefined after the collapse of the Soviet empire and the diminished threat of a large-scale conflict in Europe, shifting from the classical task of the defence of the home territory and the NATO-treaty area to the control of international crises in the broadest sense, from peacekeeping to peace enforcement. This dual task of peacekeeping and peace enforcing operations, as well as contributing to Europe's safety, provided the direction for restructuring the armed forces: the organization had to be adapted to be able to participate in peacekeeping operations, resulting in the rejection of military hardware in favour of a greater capacity for deployment. The Dutch armed forces have to be capable of participating for a limited time in a peace enforcement operation with a brigade or its equivalent (e.g. a maritime task group, three squadrons of fighter aircraft, or a combination of these units), or in a maximum of three sustained, simultaneous, peace-related operations involving contributions at battalion level or its equivalent (e.g. a squadron of fighter aircraft or two frigates). At the same time, the Netherlands wants to maintain sufficient reserve strength to defend the NATO-treaty area in a major conflict.

In spite of these ambitions, the Dutch armed forces have had to face several reductions, leaving them with roughly half the amount of personnel compared to the heyday of the Cold War. Notwithstanding these reductions, the armed forces are now better prepared for peacekeeping operations, and they can sustain them for a considerable time. The downside to this structural change is that it is now even more difficult to contribute to a traditional force capable of fighting a major conflict.

Threats like a large-scale war are not considered likely to happen in the near future. In the meantime, the other tasks – humanitarian assistance, peacekeeping, peace enforcing (advancing international rule of law and stability) and assisting civil authorities – have gained importance. As a result, it is to a large extent uncertain where, when, with whom, under what circumstances and for what task the units of our armed forces will be deployed in the future. What is certain, however, is that the tasks of protecting territorial integrity and of promoting international law are beginning to merge into each other because of the emergence of terrorism. Hence, operations are being conducted further from home and often last for years; units must be prepared for operations across the entire spectrum of possibilities (see in particular Wijk 2004).

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When conducting peace support operations, the Netherlands armed forces try to practice something labelled (by the Dutch themselves) as 'the Dutch approach' (see also Onishi 2004), that is to say: non-threatening, culturally aware, transparent, making minimal use of force, mutually respectful, and firm but friendly with the local population. This approach is thought to yield better information and more cooperation from the residents, and thus increased security for the troops. The ethics curriculum is designed within the framework of this approach.

Ethics Education at the NLDA

The NLDA trains officers for the Royal Netherlands Army, Air Force, Constabulary (Marechaussee in Dutch) (all in Breda) and Navy (in Den Helder). Students, who in most cases just left high school and are about 18 years old, can opt for either the short (one year) or long (four year) curriculum, the latter one possibly perceived as enhancing the chances of a long career, ending in the higher strata. The four-year curriculum consists of about six months of military training at both the start and the end, and three years of academic education in the middle. As for the academic part, the Academy switched to the bachelormaster degree system in 2003, in line with civilian higher education. As a result, part of the curriculum enjoys academic recognition; the complete curriculum should have academic recognition by 2008 or 2009. The cadets and midshipmen, as the trainee officers who take the longer route are called, study for bachelor's degrees in Management, War Studies, or one of three technical majors (the major 'chosen' depends to a large extent on the chosen branch; most Army and Air Force cadets choose Management or War Studies, the Constabulary always follows Management, while Navy midshipmen in most cases choose the technical majors). After finishing their studies at the NLDA, the students can enrol in a university to obtain their master's degrees.

The courses given and the textbooks used at the NLDA are in general designed in support of the expeditionary task of the military, and the same holds true for the lectures, courses and dilemmas in the ethics curriculum. Aims, assumptions and basic outlines of the ethics education are laid down in Military Ethics and the accompanying Practice Book Military Ethics (both have appeared in English in a single abridged and updated volume (van Baarda and Verweij 2006)). These two books are primarily aimed at those responsible for training in military training centres and the NLDA. In them, it is stated that the ethics curriculum aims to contribute to the future officer's moral competence (assumed it can be developed) at cognitive, affective and volitional levels. More specifically, this means that moral questions should be recognized as such, and not merely as practical problems; this requires the ability to recognize and analyze moral problems. It also means that military personnel should be open-minded, being able to see both sides of the situation. Finally, moral convictions should be so central to one's identity that one also acts upon them (ibid., 14-18).

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Ethics is not a course in itself, but part of different courses taught at the NLDA, and, in combination with a course on the philosophy of science, adds up to a programme called 'Philosophy and Ethics'. As a starter, a three day Academic Introduction for the first-year students has recently been developed, and it is now given at the very beginning of the academic curriculum in both Breda and Den Helder (as the first year for every aspirant-officer taking the academic route is the same). It should mark the transition from military training to a more studious life and proves the importance attached to ethics, in that it has a major ethics component of about one and a half days, which integrates the different elements of ethics that used to be given in the first year. In this Academic Introduction, students are given lectures on 'the importance of ethics' and on 'courage'. Subsequent to these two lectures, students are presented with a dilemma based on a real-life incident in a military context and are asked, in groups of about seven, to write a short paper applying the appropriate theory (Kohlberg, virtue vs. deontological ethics, etc.) to find a resolution of the dilemma. In a subsequent course on Management, about two months after the Academic Introduction, students are lectured on, and read a chapter on, organizational ethics.

In their second year, students majoring in Management or War Studies attend the course 'Military Leadership and Ethics', the pièce de résistance of the ethics curriculum. The first part of the course is mainly (but not exclusively) on leadership, although ethical issues are addressed; the course starts, for instance, with a meeting at which the television documentary Four Hours in My Lai (1989) is shown and discussed. The remainder of the first part of the course consists of seven meetings (in classes of about 15 students), discussing the compulsory reading for that week, sometimes using some video material. The second part of the course, mainly devoted to the subject of military ethics, involves a lot more in the way of student participation than the first part. At each meeting a group of three or four students has to give a presentation on the required reading. Areas under discussion are, among other things: obedience, courage, moral disengagement, leadership vs. management, and responsibility (see appendix for the set readings on these topics). At the end of the course, they have to submit a paper applying what they have learnt on the case of Srebrenica. For instance: was the mission in Srebrenica realistic, and what should a commander do when he gets an impossible order? Did Dutch military personnel show (a lack of) courage when the Serbs invaded Srebrenica? Were there instances of Dutch military personnel misbehaving in Srebrenica, and what can a commander do to prevent his men from committing war crimes? Was the leadership in Srebrenica effective, and what can the organization do to improve the quality of leadership? To what extent are political and military decision-makers responsible (in the juridical and moral meaning of the word) for what happened? On the whole, the course seems to work, the second, interactive part probably somewhat more so than the first part. In the near future, this course will be updated, with the Srebrenica case probably dropped in favour of a more recent one drawn from events in either Afghanistan or Iraq.

In the third year, students majoring in Management have a meeting on 'integrity', as a part of a course on Human Resource Management (comparing

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a narrow 'compliance strategy' with a broader 'integrity strategy'). In addition, those majoring in Management and opting for the minor Accounting and Control must follow an 'integration ethics course' in which students have to undertake a small research in the field of organizational ethics, aimed at enhancing both methodological skill and knowledge of the subject of organizational ethics. Independent of their major of choice, all students take an optional subject in the final phase of their education, one option being the course 'Perspectives on Violence' that includes literature on the history of warfare, causes of aggression (with literature by Freud and Fromm), and human rights.

As a general rule, students at the NLDA are interested in ethics, and they hold the topic to be important, especially as they expect to be sent abroad after their education, possibly getting some first hand experiences with ethical dilemmas. This probably explains why they have a preference for discussing real life problems, preferably leading to one best solution. They are often somewhat less interested in abstract ethical theory, for instance going into the relative merits of virtue ethics and deontological ethics, and do not want to be bothered too much with long-dead thinkers such as Aristotle or Kant. Nonetheless, the ethics curriculum consists not only of discussing practical problems, but also of studying ethical theory to underpin these discussions.

Theoretical Underpinnings

It is not always completely clear who, to borrow Martin Cook's phrase, 'owns the curriculum'; most courses are given by ethicists and philosophers, but some parts (for instance the Integration Course Business Ethics) are given by lecturers from the management department. Nonetheless, the curriculum does seem to have a 'focus': although students have to be familiar with different approaches in ethics, the emphasis is on virtue ethics.

This should be no surprise: parallel to the renewed interest over the past two decades in virtues in ethics literature, military virtues are now more in the spotlight than they used to be in military ethics (see e.g. Toner 2000; Bonadonna 1994; French 2003; Osiel 1999; Westhusing 2003). A virtue is usually described as a trait of character, not to be understood as an inherited or god-given quality, but as something that can be acquired, mainly through training and practice. References are often made to Aristotle's Nicomachean Ethics, where a virtue is defined as a disposition of character, to be developed by practising virtuous acts, and occupying the middle ground between excess and deficiency, springing from a noble intention, and serving a morally just cause. This latter element is important for Aristotle: by definition, a virtue cannot serve an unethical end, nor can it be motivated by the desire for money or glory, or by the wish to avoid punishment or disgrace. Virtue should be its own reward. In other words: courage is defined as the middle position between rashness and cowardice, to be developed by practising courageous acts, and springing from the right attitude concerning feelings of confidence and fear in the pursuance of (and motivated by) an honourable cause. This Aristotelian view on virtues is still pivotal in many texts on military ethics dealing with the subject, and it has been argued that Aristotelean virtue ethics, with its emphasis on character building, provides a better basis for military ethics than rule-based, deontological ethics or utilitarian ethics, stressing self-interest, even though the Aristotelian requirement that virtue should serve a noble end is problematic, an issue which will be dealt with in the next section.

In the literature used at the NLDA, virtue ethics is presented to the students as being better suited to the military profession than rule-based ethics. The reading material used in the Academic Introduction is for instance more generous to virtue ethics than to deontological ethics. In line with this, the literature for the second-year course 'Military Leadership and Ethics' contains a text on virtue ethics vs. rule-based ethics, which expresses a preference for the former, mainly on the ground that rule-based ethics aims at no more than the ethical minimum, whereas virtue ethics asks for a lot more. In a chapter from the same course, the authors of Military Ethics present virtue ethics-based formation of character as the best way to prevent war crimes by military personnel. International law, standard operating procedures and values imposed by the organization are for different reasons deemed less optimal instruments, mainly because these try to condition behaviour, leaving less room for personal integrity. The chapter on courage in the same book follows Aristotle's account of courage quite closely and, in general, the chapter stresses the importance of virtue ethics for the military profession.

It is not all virtue ethics, however. The works of Lawrence Kohlberg and John Rawls are deemed important and useful, especially on the topic of moral development, and *Military Ethics* covers them quite extensively, yet at the same time the book is realistic about both the level of moral development most personnel are on, as well as the progress that can be made.

Both Kohlberg and Rawls are adherents of rule-based ethics, the main alternative to virtue ethics, inspired by the works of Immanuel Kant, and do not see much of a role for traits of character. Rule-based ethics stress the importance of universal, categorically binding moral norms. It asks us to follow these moral rules against our natural (selfish) inclinations, where virtue ethics call for the development of good inclinations: we are virtuous when doing the right thing gives us pleasure. The philosophy of autonomy is sometimes considered less apt for the military because, with its emphasis on rules and duty, it supposedly does not invite the kind of supererogatory acts the military depends on. Rule-based ethics allegedly aims at no more than at the ethical minimum, whereas virtue ethics asks for a lot more. However, although asking no one to go beyond the call of duty, this main alternative to virtue ethics does require quite a lot of military men and women: moral duties are to be followed, not because they are imposed from the outside and are backed by sanctions, but because they accept them by choice, requiring quite an amount of altruism and an universalistic outlook. Despite the popularity of virtue ethics, this view still has its advocates: in a recent plea for educating military personnel to be morally autonomous, based on the work of Kant, Susan Martinelli-Fernandez states that 'it is the mark of a morally mature agent to conform to moral principles voluntarily and for their own sake' (Martinelli-Fernandez 2006, 55-6). Normative rules that are followed

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because of rewards and punishment will often not suffice, because rules are then not followed when no one is around.

Lawrence Kohlberg's influential model of moral development (Kohlberg 1981) is paradigmatic for this line of thought and widely used by military ethicists, including in Dutch curriculum. According to this three level (and six stage) model, people are egoistic and calculating at the pre-conventional level, the one thing keeping them from misbehaving being their fear of punishment. Once at the conventional level, they are also sensitive to peer pressure (at the first stage of this level) and the norms of society (at the second stage), and concerned about their reputation. Adherence to universal principles is deemed the highest, postconventional or 'principled' level. Kohlberg (who, by the way, denounced virtue ethics as a 'bag of virtues approach') mentions Gandhi and Martin Luther King as examples of the post-conventional level.

One military ethicist recently described Kohlberg's model, with its emphasis on the morally autonomous individual, as 'troublesome' in the military context (Toner 2000, 56–7). Inside the military, as is the case elsewhere, most individuals are stuck at the second, conventional level, but most soldiers perhaps function often at the first stage of this level, possibly more inclined to conform to the norms of their peers than to the norms of society. This seems not to have diminished Kohlberg's popularity among military ethicists; the same author who called the Kohlberg model troublesome for the military maintains that the moral education in the armed forces should nonetheless aim at reaching a higher 'Kohlberg stage' (cf Gerhard Kümmel: 'The soldier will have to develop ... some sort of humanitarian cosmopolitanism that exists besides feelings of patriotism' (Kümmel 2003, 432)).

In line with both virtue ethics and rule-based ethics, the importance of 'right intention' is stressed on several occasions in the literature used at the NLDA: in the chapter on courage in the course book Armed Forces and Society students read that military personnel should study the writings of Martha Nussbaum and Amartya Sen in order to develop a more altruistic, universalistic outlook. Although this latter remark is probably a bit too optimistic, the point that a moral act should come from a right intention to deserve that predicate is probably something that is elemental in most ethics education in the military, whether the emphasis is on virtue ethics or rule-based ethics.

The remainder of this article deals with the problems that follow from a policy of judging behaviour by intention.

Two Problems

Although in many ways different, the two dominant strands of thought in military ethics, virtue ethics and rule-based ethics, both stress the importance of 'right intention', implying that good conduct should not be a result of peer pressure, fear of punishment or concern for reputation, nor of a desire for praise, esteem or approbation. There are two possible problems here. First, this might set the bar too high. The decision to join the military is, according to some, to a considerable extent motivated by post-traditional reasons such as salary and the longing for adventure, and not by the wish to further morally worthy goals, for instance freedom and democracy (see Janowitz 1960 and Cafario 2003). Similarly, in actual combat, patriotism and abstract ideals do not seem to be the motivating factor (see Stouffer et al. 1949 and Wong et al. 2003). It is probably a bit too optimistic to think that the global village will be the kind of community that soldiers are willing to run risks for.

The second problem is that military men and women actually have little to say about the causes they are fighting for. Even though Aristotle maintained, and most contemporary ethicists maintain, that acts are only laudable insofar they serve a morally just cause (see e.g. Toner 2000, 111–14), in general soldiers are instruments of politics, and do not necessarily subscribe to the causes they are fighting for. In fact, they do not have a say in what these causes are, nor do they want to have a say in such matters. In theory, it is and should be irrelevant to the professional soldier whether he is sent abroad to spread freedom and democracy, or for more base reasons such as oil or electoral success. On the other hand, '[n] o political leader can send soldiers into battle, asking them to risk their lives and to kill other people, without assuring that their cause is just – and that of their enemies unjust.' Modern princes 'work hard to satisfy their subjects of the justice of their wars; they "render reasons", though not always honest ones' (Walzer 1992, xi–xii and 39).

Clearly, there is a discrepancy here; what should motivate military men according to most military ethicists (from both the deontological and the virtue ethic schools) – i.e. working for morally just causes – is not always the same as what really makes them tick, nor is it what should concern them according to what is considered to be normal civil-military relations nowadays. In practice, armies have found a way to close this gap between theory and practice by using social cohesion and peer pressure as motivators (see also Osiel 1999, 212–13), thus making irrelevant the fact that abstract causes do little to motivate or are not of the soldier's own choosing. Working with peer pressure as a motivator, however, also means falling back on a form of conventional ethics which most of today's ethicists hold in contempt. Even so, in spite of the military ethicist's misgivings, both the training and organization are aimed at enlarging cohesion (see Keegan 1993, 53 and 72–3). Unfortunately, armed forces have thus far not paid too much attention to the drawbacks of the conventional ethics that result from stimulating social cohesion.

Drawbacks of Conventional Ethics

From the ethicist's point of view, one objection is that a virtuous act undertaken for fear of losing face hardly deserves to be called moral, and so the term seems somewhat out of place in such a case. On a more practical level we see that conventional ethics may even be reduced to a matter of 'not being caught'. In that case, when no one is around, everything is permitted – a downside already mentioned in the introduction. Another possible objection is that conventional ethics further

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physical courage yet do not invite moral courage (the type of courage often condemned by peers) which is in today's military is probably needed as often as physical courage.

The recent wars in Afghanistan and Iraq excluded, peacekeeping and humanitarian missions are becoming the core business of most of the militaries in the Western world, and it seems that troops who are trained for combat can experience difficulties in adjusting to less aggressive ways of working needed to win 'the hearts and minds' of local populations after major combat is over. In these new operations we sometimes see that the group cohesion this peer pressure depends on can lead to the kind of in-group favouritism that is dangerous to the people the military are supposed to protect, as well as to the conformism (or lack of moral courage) that can bring people to keep silent about any misbehaviour. Possibly, that which can be a factor contributing to the success of the initial phase of an operation might be an obstacle in stabilizing and rebuilding a country. In other words: efforts at further increasing group cohesion make sense from a warwinning perspective, but might be detrimental from a peace-building prospect. Stressing cohesion too much could be at odds with an open approach such as the Dutch military endorses.

Possible Solutions to These Drawbacks

Some solutions to these problems are now offered. First, military education should not only be aimed at group cohesion, but also at group members being able to develop relations with people outside the own group (see Soeters 2007). Although research into the behaviour of US military personnel in Somalia suggested that non-homogeneous units, i.e. including gender and ethnically diverse personnel, often do a better job in this than homogeneous groups do (see Segal and Kestnbaum 2002, 445), the need for cohesion has in fact been used over the last decades as an argument for closing the military to, respectively, ethnic minorities, women, and homosexuals.

Second, and on a more fundamental level, it is necessary that norms are internalized: the actual presence of others is no longer needed, the gaze of 'imaginary others' suffices for them to function. Although this idea of 'internalization' tackles most of the drawbacks of conventional ethics, it also brings it closer to Aristotelian and Kantian accounts of morality; it somewhat resembles the solution of the ethicist stating that moral education should aim at reaching a higher 'Kohlberg stage'. One might wonder how realistic this is. On the other hand, even in paradigmatic shame cultures, shame is to a certain degree internalized (see Williams 1993, 81–2).

Third, and most importantly, although it might look as if social cohesion fosters anything from overly warrior-like behaviour to overzealous protection, in general not the sort of behaviour that gives a central place to the interests of the local population, one has to bear in mind that social cohesion in itself does not make unethical behaviour more likely to occur; the opposite can equally be the case. It all depends on what the culture of the dominant group in question endorses (see Osiel 1999, 227–9). From this viewpoint, conventional ethics itself might be part of the solution. It only works, however, if such a conventional ethic consists in more than how the behaviour will look in the eyes of the group members, and also has some substantive content, for instance in the form of a standard or a code with do's and don'ts. Although such a standard or code makes it more demanding, it is still much less demanding than an ethic based on abstract notions such as human rights, freedom, and dignity (see Ignatieff 1997, 6).

Conclusion

All things considered, the ethics curriculum at the NLDA is fairly comprehensive for those who follow the Management or War Studies major, but the great majority of midshipmen who follow the technical majors are considerably less well off (as least as far as ethics education is concerned); for undisclosed reasons their ethics education, as part of their academic training, is limited to what happens in the first year, which is one-and-a-half days of ethics training during the Academic Introduction. Missing (and this is probably due to the wish to be practical) is anything substantial on just war theory. What is also missing is a good student textbook, or books, since Military Ethics and the Practice Book Military Ethics are primarily aimed at those responsible for the teaching of ethics (though they are nonetheless prescribed as reading material at different moments during the education at the NLDA).

On a more theoretical plane, there are some problems concerning the feasibility of what ethics training is trying to teach, both at the NLDA and elsewhere. These problems are inherent in the two schools in ethics that dominate most ethics curricula, namely virtue ethics and rule-based ethics, both stressing the importance of right intention. On the one hand, the subject matter of ethics is how people ought to behave, and not how they actually do behave; yet, on the other hand, any persuasive account of what makes men willing to fight ethically must be compatible with a more general account of what makes them willing to fight at all' (Osiel 1999, 202). It is a commonplace that one should separate 'is' from 'ought', but a military ethics that does not take men's actual motives into account seems a bit too academic. For the educating of ethics such an overly academic approach would, first, mean that the education would be ineffective and, second, that the above-mentioned drawbacks of social cohesion would go unattended.

So, perhaps we should be somewhat less stringent, accepting that insistence on 'right intention' is too ambitious. This would mean aiming a bit lower, no longer going for higher Kohlberg levels. This in turn implies accepting that moral rules are followed, not because they are moral, but because not following them brings disesteem, and that virtues are practised, not out of a love of virtue per se, but because virtuous conduct is rewarded with praise, esteem and approbation (Osiel takes this approach; see Osiel 1999 passim). Such an approach would be somewhat less demanding, and, contrary to the approach stressing the right intention, has the advantage of being consistent with military training and organization outside 4c1f260a1599b461ddda97ff73764b2a the ethics curriculum.

The objection that a good action undertaken for considerations of reputation does not in every respect deserve the predicate moral will not be satisfactory resolved. Abandoning the requirement of the right intention definitely falls short of the ideals put forward by Aristotle, Kant and Kohlberg; from their point of view, settling for conventional ethics would mean settling for a 'lesser' level of moral development. This objection is something probably only ethicists are bothered by; for those at the receiving end, in for instance Iraq and Afghanistan, it probably does not matter a lot. As outlined above, there are some other drawbacks that do have real consequences, and which are especially troublesome in today's missions that hardly resemble the wars of the past. The solution to these shortcomings lies not in trying to teach soldiers to rise above the conventional level, but probably has to be found within its framework. In the absence of more altruistic motives, that might be our best bet.

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