

PROFESSIONAL MILITARY ETHICS. THE ESSENTIAL FOUNDATION FOR EDUCATING FUTURE OFFICERS IN LAW OF ARMED CONFLICT

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ABSTRACT

This research paper examines the critical role of professional military ethics in educating future officers in the Law of Armed Conflict (LOAC). The author argues that LOAC cannot be taught in isolation, the principles of military ethics representing the bedrock of forging and instilling a specific ethos in future officers that can help them transcend the cold letter of law in operational situations. By examining how military ethics is taught in various countries, the paper analyses the challenges in implementing a military ethics program and proposes a structured approach to military ethics education in the Romanian Land Forces Academy.

KEYWORDS: professional military ethics, law of armed conflict, ethos

“While understanding the law is an essential requirement for everybody, military professionalism also requires an understanding of the ethical thinking that has informed our thinking of war throughout recorded history.”

David Whetham, King’s College London, Centre for Military Ethics (Whetham, 2024)

1. Introduction

The continuous change of character of war that we have been witnessing over the last thirty years or so (from conventional to irregular and back to conventional), the blurred line between war and peace, between international armed conflict and non-international armed conflict and the diverse type of military activities in which armed forces are involved require the equipping of our future officers – leaders of military organizations empowered by the state to apply force – not only with solid technical skills but also with a strong moral background based on values, standards and ethical norms that promote humane and

humanitarian approaches that outlive legal provisions of the Law of Armed Conflict (LOAC).

LOAC was developed during times of traditional state to state conflicts, but modern conflicts are often more complex, involving non-state actors, hybrid and irregular warfare. LOAC is specific and evolutive whereas ethics is enduring, lasting and trusted by the society as a whole. This complexity demands an ethos that is adaptive, resilient, and deeply ingrained in the identity of military forces.

The current discussion on operational ethics is still very much focused on out-of-area, civilian population centric or driven

campaigns in which the centre of gravity was the willingness of this population to support the legitimacy of external interventions and decouple from insurgents or terrorists. Although civilian population will in all circumstances be protected against the belligerent actions and effects of military operations, the large scale military operations specific to territorial defence, which assumes local population to be alongside the defender (as is the case in Ukraine) may put a different weight and pressure on the triangle composed of mission, force protection and protection of civilians, hence a different ethical context.

This paper examines why military ethics education is important for the armed forces, how this can set the scene for the learning and application of LOAC, and how ethics education should be seen as a prerequisite for the proper internalization of LOAC. It examines the weight, breadth and manner in which military education of military cadets in selected countries is conducted and suggest that framing LOAC education within a broader education of military ethics education is essential for developing morally responsible military leaders.

At the beginning we will define military ethics and its components with a view to position LOAC within this construct, then investigate how military ethics education is conducted in a number of military education systems and conclude with a series of proposals aimed to better define military ethics education at the Romanian Land Forces Academy. We believe that only a comprehensive education can shape future military leaders who can navigate the complexities of modern warfare with integrity and respect for international law.

The research for this paper employed a qualitative approach combining several methods to explore the role of professional military ethics in educating future officers in the LOAC. The methodology consisted of three main components: a literature review, a comparative analysis and a case

study. The comprehensive review of academic literature, military doctrines, and policy documents aimed to establish the theoretical foundation of the study, by covering key concepts in military ethics, the relationship between military ethics and LOAC, and current debates in the field of military ethics education. A second research strand consisted of a comparative study of military ethics education systems in multiple countries, drawing from recent investigations. Finally, the research included a focused examination of the current state of military ethics education at the Romanian “Nicolae Bălcescu” Land Forces Academy. This case study involved an analysis of the academy’s curriculum and educational framework, a review of relevant codes of conduct and ethical guidelines and an assessment of how LOAC is taught in relation to broader ethical principles. The findings from the literature review and comparative analysis were then applied to the Romanian context to formulate recommendations for enhancing military ethics education at the Land Forces Academy. However, the study acknowledges that there is a potential for cultural and contextual differences that may affect the direct applicability of international practices to the Romanian military education system.

2. What Is Professional Military Ethics?

2.1. The Just War Tradition

Traditionally, war (lat. *bellum*) has been regulated by ancient customs and more recently by conventional norms, known as *jus ad bellum* (the norms regulating the situations and framework in which states can resort to armed violence) and *jus in bello* (the norms limiting the use of means and methods of war and protecting the vulnerable persons in wartime). In this context, what makes a civilised nation a *just* society, which is one paying due respect to the international

conventional and customary law, is framing its behaviour as a state and that of its agents and individuals regarding the use of force within a normative construct, in the spirit of *Just War Tradition*. According to the theory underpinning this tradition there are seven criteria that should be met for a war (and by extrapolation, any military action or use of force) to be just: right intention, just cause, last resort, a proportionality of ends, a reasonable chance of success, decided upon by a right authority and publicly declared (Baker, 2015, p. 108).

Nevertheless, it would be incomplete to not recognise that war, as a linear activity, has preparatory activities and leave important consequences on people and property affected by violence that should also regulated by norms. The norms regulating the activities and behaviour specific to these two situations are described by George Lucas, citing a number of philosophers preoccupied by this social phenomenon, as *jus ante bellum* and *jus post bellum* (Lucas, 2020, p. 100). According to Lucas, *Jus post bellum* regulates the obligation of the international community (or of the state in case of occupation) to ensure security of civilian population (through rule of law instruments) and respect of basic human rights in the aftermath of conflict, more specific to irregular wars conducted by coalition in Iraq and Afghanistan (Lucas, 2020, p. 96). From this perspective, we can assess that, in Afghanistan, the civilised international community not only abruptly ended the two decades-long stabilisation effort in August 2021 but failed in its ambitions to build that state capable to provide the security to its people.

But it is *Jus ante bellum* (extrapolated from the dictum *Si vis pacem, para bellum*), that is of interest for our paper, in that it refers to duty and obligation of states to ensure preparedness for war, including, not only training, but long-term education of the military officers “toward achieving a

mature understanding of their proper professional role as enforcers of international law and defenders of basic human rights” (Lucas, 2020, p. 101). When done by like-minded states, in a concerted manner, in coalitions, alliances or partnerships like NATO or the European Union (EU), these efforts would contribute to forging an “ethical interoperability”, a key dimension of multinational interoperable forces (Lucas, 2020, p. 101).

At the same time, we should acknowledge that there are voices that criticise the Just War tradition as an obsolescent theory. Critics of this theory argue that the Just War tradition, particularly in the context of World Wars, failed to humanize warfare and contain military force. It became part of a nationalistic legitimization of war that firmly rejected any orientation towards the common good that went beyond one’s own nation. Additionally, the just war criteria had even less effect during the Second World War, with the principles of proportionality and distinction between combatants and non-combatants being disregarded (Thureau, 2023, p. 13-14). This experience led to a discrediting of the Just War tradition and a push for alternative approaches to peace, like the Just Peace, which offer a change of perspective, shifting from a “morality of war” to an “ethics of peace” (Thureau, 2023, p. 19). Moreover, other critics consider that Just War Theory has become less relevant in the 21st century due to the rise of international legal frameworks, the global emphasis on pacifism, and the increasing role of private actors in warfare, which undermine its ethical principles and practical applicability (Taylor, 2021).

2.2. The Scope of Military Ethics

As any other professional ethics, military ethics helps members of the military profession “to think through the moral challenges and dilemmas inherent in

their professional activity and, by helping members of the profession better understand the ethical demands upon them, to enable and motivate them to act appropriately in the discharge of their professional obligations” (Cook & Syse, 2010, p. 119). It has to be acknowledged, however, that military ethics is a broad discipline that is used by many as an

umbrella for discussing issues associated with military profession from multiple angles and specialisations: philosophers, chaplains, researchers, lawyers or soldiers and whose discussions and analyses do not always offer meaningful guidance “*for policy-makers, military commanders and leaders, or operational decision-making*” (Cook & Syse, 2010, p. 120).

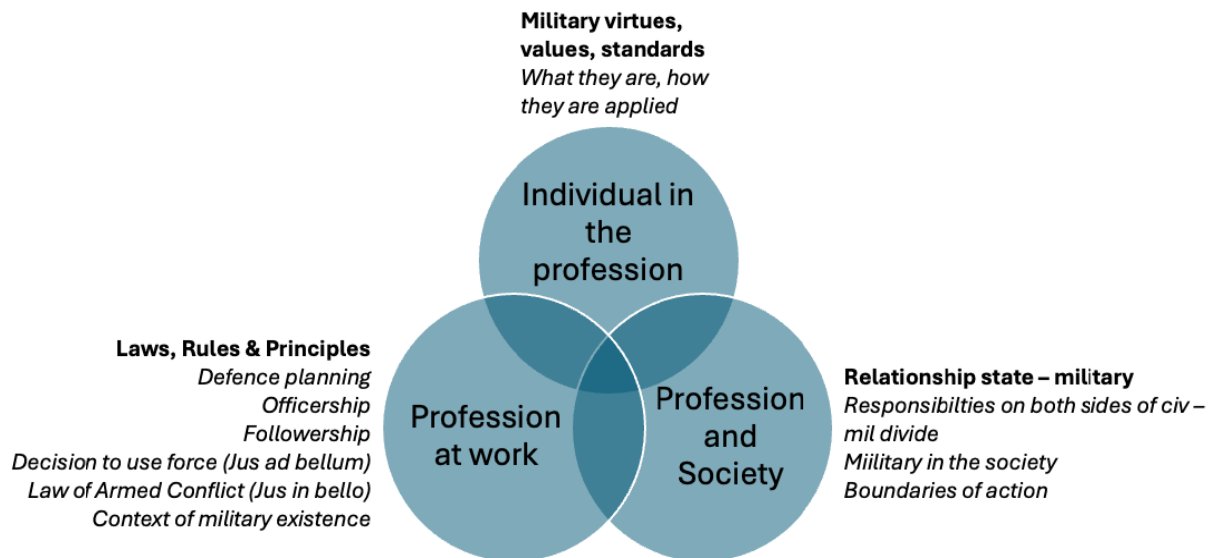


Figure no. 1: *Military Ethics. Components*
(Source: Whetham, 2023, p. 761)

David Whetham provides a comprehensive picture of what military ethics encompasses in one of his recent papers (Whetham, 2023, p. 760-761). As shown in Figure no. 1, activities that are of interest for military ethics can be grouped in three categories: the individual in the profession, the profession at work and the profession and society. *The individual in the profession* focuses on the qualities, values, and standards expected of professional military personnel, by emphasising on virtues like courage, integrity, and loyalty, and how these virtues should be applied in specific situations. *The profession at work* delves into the laws, rules, and principles that govern the work of military personnel at all levels. It covers various aspects, from defence planning and leadership to the use of force and

understanding LOAC. It also explores the political context of military action and the unique permissions, rights, and duties of uniformed personnel acting on behalf of the state. And finally, *the profession and society* dimension examines the relationship between the state and those who serve it. It explores the responsibilities and duties on both sides of the civil/military divide and how broader societal values relate to the military institution. This section also defines the limits of military obedience by clarifying what the military can and cannot be tasked with doing.

2.3. LOAC in the Framework of Military Ethics

One key component of the architecture depicted by figure 1 is LOAC. LOAC is for the military professionals that

specific-to-profession body of law where they can find what is permissible or forbidden to do on the battlefield, hence understanding how these limitations impact on the military operational *modus operandi* is essential for any soldier.

As any other legal normative framework, LOAC is externally imposed on the agents of military activities and should leave as little room for interpretation as possible. However, LOAC cannot cover all the details required for the immediate application on the battlefield, hence the potential leeway for interpretation or freedom of action for military judgement (e.g. the appreciation of military necessity, military advantage, collateral damage, the application of proportionality principle).

On the other hand, LOAC cannot keep pace with the rapid advance and changes in lethal technology and the ways this is operated and needs to be continuously interpreted (Cook & Syse, 2010, p. 120). Military leaders must not only consider how the law applies to new weapons and capabilities but also how to maintain a commitment to LOAC principles in the face of technological ambiguity. On the same token, in a recent debate of the UN Security Council, Joyce Msuya, Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator, speaking in the context of the need to secure full protection for civilian population in conflict, put the finger on the wound and warned the audience that it was time “*to go above and beyond of compliance [with the LOAC]*” (Moffett, 2024).

These are just a few examples when behaviour gaps may occur, triggering moral challenges and dilemma that can be solved by the application of a superior and standing set of principles that military ethics offer. The symbiosis of law and ethics in this case is very well captured by David Whetham noting that “[...] *ethics and the law are closely related, but they are*

also not synonymous. While the law defines what can and cannot be done, professional judgment is required to determine what actually ‘should’ be done in a given circumstance within those, often wide, parameters. This is where professional military ethics informs decision-making and therefore shapes military action” (Whetham, 2023, p. 762).

2.4. Military Ethics in the Romanian Armed Forces

Ethics, in general, is a subject present and *imposed* at every level in the Ministry of Defence and the Romanian Armed Forces, as a formal, normative framework, with a power of *order* – that of the minister, or the chief of a service, or that of a commandant.

The Minister of Defence issued two orders that frame the ethical conduct of its personnel. The first one, issued in 2004 promulgates the *Code of ethical conduct of military and civilian personal from the Ministry of National Defence* (Ministerul Apărării Naționale, M-94, 2004) that identifies a number of general principles required in the context of public service (integrity, legality, objectivity, equal treatment, competence, transparency, loyalty and priority of public interest) and sixteen ethical rules that *must* be followed while carrying out the job duties. The second order, issued in 2019, captures ethics and integrity as standards within a broader context of internal management control in the defence sector and military units and structures. This order defines ethics as “*a set of rules, principles, or ways of thinking that attempt to guide the activity of a particular group*” and then continues to frame ethics in four dimensions as far as public sector in the Ministry of Defence is concerned, namely: “*establishing the role and values of the public service, as well as the accountability and level of authority and responsibility; measures to prevent conflicts of interest and ways to resolve*

them; establishing the rules (standards) of conduct of civil servants and; establishing rules relating to serious irregularities and fraud” (Ministerul Apărării Naționale – Ordin M.100, 2019, p. Glosar). It should be noted that both these orders are very much peace time, administrative-oriented, without specifically mentioning any operational ethical principles dealing with the core business of the armed forces: employment of violent means on behalf of state.

At this point, it is worth recalling the difference between law and ethics as far as their force or social responsibility of following them is concerned. Simply put, (positive) law is a normative construct *imposed* on individual behaviour, and when disobeyed will trigger sanctions, if necessary, by forceful means, by the state agents. Ethics is “*a set of rules, principles, or ways of thinking that attempt to guide the activity of a particular group*” (Ministerul Apărării Naționale – Ordin M.100, 2019, p. Glossary). It results that, as far as their force is concerned, the difference between law and ethics is the difference between an externally imposed and self-imposed behaviour. An order is a powerful tool, and military personnel know that an order, unless illegal, is executed, otherwise criminal, administrative or disciplinary sanctions will be applied. The Code of ethical conduct of military and civilian personal from the Ministry of National Defence (Ministerul Apărării Naționale, M-94, 2004, p. art.6) stresses that breaking the rules may trigger legal liability. This means that once an ethical framework has been adopted in a formal manner, by a public authority, with legal power, it becomes a legal norm, with all consequences that derive from this. If you break one of the rules of that code, you are no longer in a situation of moral dilemma, but you are simply in a situation of obeying or disregarding an order. The point we want to make is that as long as ethical principles are imposed by formal authorities, and not adopted by individuals, internalised, as a

result of a rational process of differentiating between good and wrong, their effect is limited. The consequence of this situation is that ethics may be perceived as law and as with any law, people do not break it because it would be *wrong* to do so, but because it would be *illegal*. The perception in real life is mirrored in the military education and training system, where the code of ethics, for example, is taught and preached as part of Law and General Military Regulations.

Romanian land forces doctrine and regulations include many references to ethics in general, virtues, values and standards that military personnel should observe and follow. All military personnel should know and behave by the ten rules of ethical conduct of Romanian soldier, know the values of the Romanian Armed Forces and national symbols as well as fighting traditions. A strong emphasis is put on duty and military honour and associated principles promoted by the Code of ethical conduct of military and civilian personal from the Ministry of National Defence. Moreover, there is also a code of conduct in case of capture, which military personnel should know and follow.

Nevertheless, we can infer that *military ethics* is not an agreed concept explicitly discussed within the Romanian military thinking or taught in Romanian military education and training system as such, as a body of structured set of themes and topics. There are, however, general ethics-connected themes and topics, centred around values and standards, which are present to some extent in many places and disciplines.

Overall, up until recently, with the accession of Romania to NATO and the European Union and with the launch of the two orders mentioned above, we can assess that there has been a relatively low interest in creating and promoting an ethical framework for military activities. There may be multiple causes for this situation, among them three can be mentioned.

First, it could be the link that this discipline had with the communist past and military culture of Romanian Armed Forces, a time when ethics was perfectly overlapped with the ideological precepts and principles of communist ethics. There was no surprise that with the collapse of communist regime this discipline was abruptly suppressed from the military activities and curriculum, as it was the case with other highly politicised disciplines (i.e. political economy). It would take years that these disciplines (or elements thereof) find a way back in the military life and curriculum once the society showed willingness and tolerance to accept that there was more than ideology in economy or ethics.

Another cause for a limited recourse to military ethics may have been a preference in the military system for a more prescriptive, legalistic approach that stressed on the consequences of not behaving by the norms imposed by the law. It has been easier to proclaim that the ignorance cannot be invoked in one's defence against the sanctions of law (*nemo censetur ignorare legem*) than investing in prevention, self-awareness and character development in Aristotelian terms. That is why, for example, although the Law of Armed Conflict is well represented in the education and training of military personnel, there is no particular discussion of ethical principles associated with the use of force as part of this discipline.

And finally, given that Romanian Armed Forces did not conduct major combat operations since the Second World War and that the only combat experience gained over the last twenty years or so was acquired mostly in crisis response operations, within a stability context, there have been recorded no crimes or grave breaches to international conventions committed by Romanian military personnel deployed in this operational context. Therefore, there was no incentive or pressure whatsoever to discuss or formalise a discipline aimed to regulate the operational ethical behaviour in combat of the Romanian military personnel.

Romanian Armed Forces have a limited combat experience, compared to other Western countries with traditions in expeditionary campaigns, but the operations in Afghanistan, for example, revealed the capacity of our troops to think their actions in relation to civilian population through moral lens. The effect of virtue-based ethics education in the Romanian military has been very well captured by the reflections of a veteran of theatre of operations. Talking about his experience with the NATO International Security Assistance Force operation, Gl. (ret) Vasile Roman underlines that the just cause of a military action should be intimately linked to the set of values of the armed forces and that of the individual soldier, who should be convinced that their deeds are valuable, useful and necessary to people they represent and defend. Courage to assume risks, including that of sacrificing own life, trust in comrades, their moral integrity and loyalty to the country and unit to which they belong are all key constituents of the framework of a just military action (Roman, 2021, p. 65-68).

3. Teaching and Training Professional Military Ethics

3.1. An Overview of Various Military Ethics Education Systems

The military ethics community seems to agree that ethics can be approached from three distinct perspectives: *consequentialism* (utilitarianism) that considers good outcomes as the ultimate goal of our actions, *deontology*, that put the importance of following ethical principles above the results and the *virtue ethics* where virtues plays a central place in our life (Baker, 2015, p. 12-39). Baker argues that in reality these three approaches should be triangulated to ensure that all aspects of a situation posing ethical challenges are properly addressed (Baker, 2015).

Although there are many methods of teaching military ethics, the literature on

military ethics show that the education based on the *utilitarian* method is not suitable to the military field and that the prevalent model of teaching military ethics is the one based on *virtue ethics* model, where character development plays a central role in shaping and operationalising a set of virtues and values (Robinson, Lee & Carrick, 2008, p. 12).

Countries around the world have different understanding of military ethics, diverse approaches in teaching and training it, and distinct academic owners and audiences. One of the most recent investigations on how military ethics is included and dealt with in the military education systems from Europe, America and Australia was conducted under auspices of the German Centre of Ethical Education in the Armed Forces in 2023 through a series of articles and interviews with practitioners and educators from several countries (Rüdiger (ed), 2023).

First of all, the study acknowledged two major views of military ethics education: a *functional* one and an *aspirational* one. The former is a very pragmatic approach, focusing on the role of the individual, which does not see any need to forge the character and go beyond ensuring military personnel behave correctly, whereas the latter is more concerned with the individuals themselves, with their character development, which presumably will ensure a stronger ethical background in the long run. This is a theoretical distinction, as in reality countries may adopt both views (i.e. The Netherlands and Australia) with different emphasis put on each of these two models depending on the stage of education (Peperkamp, Loon, Baker & Evered, 2023, p. 5/8).

According to the cited study, in terms of delivery, military ethics may be taught in a wide array of ways, ranging from countries with a very dense, structured, academic style of a theoretical, reflective moral philosophy course, in which cadets are exposed to various ethics theories, with

a large emphasis on Just War Theory (i.e. Australia, USA) (Peperkamp, Loon, Baker, & Evered, 2023) up to systems with very little formal education in ethics that rely on immersing cadets in an environment in which factors like institutional culture, traditions, working atmosphere or peer's pressure effort create an osmotic effect conducive to the ethical profile of the future officers (i.e. United Kingdom) (Robinson, 2007, p. 25). Other methods include motivational speakers, role models, battlefield tours or museum visits, case studies or integration of ethics into other aspects of military training (Robinson, Lee & Carrick, 2008, p. 13).

The use of case studies seems to be one of the most favoured methods of military education institutions which may prove to be efficient in analysing two key institutions of ethics: moral dilemmas and test of integrity. Robinson explains that *moral dilemmas* “involve situations in which a member of the military is faced with a number of options, often all of them bad, and the difficulty arises out of the fact that it is not obvious which of these options is the ethically correct one to follow” and the *test of integrity* can be defined as a situation “in which [military personnel] know which is the ethically correct option to choose, but where there is considerable pressure on them to choose the ethically wrong option” (Robinson, Lee & Carrick, 2008, p. 12).

The interviews with several experts reveal that countries have no common understanding of the scope of military ethics; hence the educational efforts are focused on distinct levels (institutional, individual, external or internal to military life). For example, several education systems put a strong emphasis on the ethical dimension of military decision-making for situations that may occur either in peace time or conflict (i.e. Austria) whereas some limit the scope of military ethics to peace time, organizational context

of workplace for dealing with issues such as integrity, harassment or gender related issues (i.e. Greece). Some countries make it very clear that ethics is to be accessed whenever the law does not cover or regulate a critical situation, thus suggesting that law is limited and cannot be of much help when ethical dilemma occur (i.e. Greece). However, most countries include in their education the institutional or operational dimension of military ethics, dealing with morally acceptable situations to resort to force and employ the violent means on behalf of the state. Then, instilling a specific professional ethos in the armed forces, based on a set of values and standards is quite common throughout military education systems in Europe and America (Rüdiger (ed), 2023).

In terms of entities responsible to teach and train the military ethics as a discipline or learning area in the academic or military training programme (the owners), some countries delegate this role to philosophers, or lawyers, other to chaplains while in some countries this is done by officers with operational experience, most of the time invited speakers (Rüdiger (ed), 2023).

Military ethics may be a discipline as such or could be contextualised within the leadership, law or pedagogy framework of studies. The frequency and length of study range from country to country from ninety minutes each month (i.e. Germany) to a long semester course on “Introduction to Military Ethics” (i.e. Australia), others require at least one course with a heavy emphasis on military ethics and the Just War Theory (i.e. USA), while some expose the future officers over the 4-year long programme to two courses on ethics in addition to the course on LOAC and practicing ethics during field exercises (i.e. Belgium) (Rüdiger (ed), 2023).

LOAC education is treated by some countries as an integral part of the broader construct of military ethics locating the

origins of LOAC within the ethical theories such a Just War Theory (i.e. USA). Countries with an old tradition in regulating war introduced relatively recent in their education the study of LOAC and LOAC did not make the study of military ethics redundant or superfluous. On the contrary, since LOAC is silent or generic in many contexts, the only source for decisions is to be sought in the ethical principles of various theories. Other countries deal with LOAC as a distinct discipline that may offer opportunities to discuss ethical aspects of the use of force (Rüdiger (ed), 2023).

An important take away from the interviews mentioned above and that can also indicate where this discipline focuses its efforts are the issues considered the most important or pressing to be addressed by military ethics. These are: making decisions that take into account “*effectiveness, legality, and legitimacy/morality*”, “*definition of human and professional values that constitute soldier’s moral compass*”, an introspective self-awareness of the rationale of actions carried out by soldiers with impact on others (i.e. Germany), the use of artificial intelligence in war and the moral implications of employing the autonomous weapons on the battlefield (Belgium, USA, Finland), teaching military ethics in the future security landscape (Finland), the relationship and dynamics between ‘*jus post bellum*’ and ‘*jus ad bellum*’ (UK) or strengthening soldiers’ autonomy of thinking in the terms of Just War Theory (Hungary) (Rüdiger (ed), 2023, p. 58-60).

At the same time, several countries admit that while there are good topics in their curricula the military ethics education as a whole is not done in a cohesive and focused manner, hence a more structured continuous military ethics curriculum may be needed (Peperkamp, Loon, Baker & Evered, 2023, p. 9).

The close association of Ukraine to NATO and PfP Consortium community of

practice established to support NATO partner countries in the reform of their military education systems and more recently, the Russian aggression against Ukraine, have accelerated the efforts to implement several reference curricula developed in this framework, including a military ethics programme. However, we note that like many other countries from the Eastern bloc, the practical implementation of such a programme by the Ukrainian Armed Forces would be hindered by institutional inertia, technocratic thinking, and a lack of understanding of the importance of ethical education among military personnel (Sevruk, 2021, p. 333).

Most education providers admit that teaching LOAC would vary from country to country influenced by the culture, priorities or audience to be taught. At the same time, they admit that the teacher or trainer is also a key asset in the process of delivery the specific content since it takes educators that firmly believe in the values intrinsic to LOAC, *“their personal commitment and conviction [being] crucial for the success of education”* (Sassòli, Bouvier, Quintin & Grignon, 2014).

3.2. Professional Military Ethics Education at Land Forces Academy

Ethics at the Romanian “Nicolae Bălcescu” Land Forces Academy is framed by the Code of academic ethics, which by its name has a limited scope, focused on the institutional activities connected with the academic field (e.g. corruption and conflict of interests, transparency, collegial relationships). However, the Code integrates the ten-rule Code of Romanian soldier as an indicator that the Academy’s military personnel are first of all bound by the general ethical rules of Romanian soldier. As with other similar codes, although the code acknowledges that it offers a general framework for professional ethics principles, having an *indicative-adjusting role* in guiding the service-related

activities associated with the status of military personnel, it concludes reminding the reader that breaking the rules may lead to sanctions.

Military ethics is not an academic or military training discipline per se at the Land Forces Academy. There are, however, general ethics-connected themes and topics, centred around values and standards, which are present to some extent in several connected disciplines. Students are exposed to principles of academic ethics and integrity, mostly focused on professional relationship among the academic community, plagiarism, fair evaluation, standards and regulations of scientific research. Very few hours are spent as part of Leadership-related disciplines with a focus on the character of military leader and Legal liability discipline when cadets study the Code of ethical conduct of military and civilian personnel in the Ministry of Defence, with a focus on professional duties and crimes, corruption, conflict of interest and certain incompatibilities for the military profession.

One of the central educational academic programmes is that of Military Leadership, a 4-year bachelor’s degree composed of an academic component and a military training component. The overall goal of this programme is to prepare future officers from combat arms *“able to exercise the roles of military specialist, military leader, fighter, educator and citizen in the service of the nation, devoted to the supreme values: Homeland, Honor, Duty”*. Although the programme includes a transversal competence related to ethics as an overarching framework within which the officers should operate and accomplish their professional tasks (i.e. CT2 – Responsible performance of professional tasks, respecting professional values, ethics, and deontology) there are no associated learning outcomes to this competence.

LOAC is a consistent distinct discipline, which is approached in a legalistic manner with no specific emphasis on its

connection with the ethics and Just War tradition principles, as an overarching framework for the use of force and regulating behaviour on the battlefield. The curriculum provides mostly for theoretical sessions with no particular emphasis on practical application of ethics on the battlefield.

Although the Academy hosts several research centres none of them has specific objectives to research on and promote military ethics and there is no handbook, course or guidelines to be referenced and used coherently by teachers when touching on various issues of military ethics.

Overall, the model of teaching (elements of) military ethics at Land Forces Academy is the virtue-based approach. This is not only specific to Romanian military education, but many countries around the world follow this approach by cultivating a set of values (such as integrity, legality, objectivity, competence, transparency, loyalty) that would hopefully, through incremental exposure and examples, make cadets able to differentiate bad from good in a critical situation (Whetham, 2023, p. 766).

4. Professional Military Ethics as a Background for LOAC

Teaching law is important not only to stimulate legal thinking but to promote “justice” in armed conflicts as well (Sassòli, Bouvier, Quintin & Grignon, 2014). Justice as in “just war” theory approaches conflict and the use of force from an ethical perspective, and most importantly recognizes and preserves the interests of human beings. Training LOAC consolidates skills and facilitates the automation of actions on the battlefield, but it is education that shapes the attitudes by emphasizing the moral ground on which the actions should be framed.

Even before initiating the discussion about LOAC principles of military necessity or proportionality, or the means and methods of war, officers should first be educated on the ethical principles of just

war (or just peace) and using force for the moral good of defending the nation and humanity, in general. The application and implementation of LOAC or *jus in bello* needs a solid moral foundation, which is captured during dedicated training and education sessions on professional ethics, in what was termed *jus ante bellum* (Lucas, 2016).

There are a number of ethical principles and values that should be grasped and internalized by cadets who are about to take their first lesson of LOAC, for them to frame the far-reaching consequences of using force against civilian population and participants out-of-action. First of them is the meaning of self-sacrifice. To protect the lives of those who should be defended against aggressors or the lives of innocent civilians, soldiers should understand their particular professional role and accept that they may risk their lives up to the supreme sacrifice. Then, cadets should be clear that while behaving in a humane way in all circumstances is not always easy, humanity as a trait of character should prevail before soldier’s duties. Finally, cadets should be educated that in the military, the highest professional pride could be achieved through self-imposed constraints on using force.

LOAC may be perceived as legalistic and as a consequence it could be if not rejected at least not properly internalised. Ethics on the other hand is connected to the notion of GOOD which is learned and delivered in many other environments such as family or church. “*It is not good, or it is wrong*” to do a bad thing may be more powerful in the longer term than “*it is not lawful to do a bad thing*”.

If soldiers do not have a solid ethical foundation to justify their actions, it is likely that the law will not work for the law is imposed from outside. “*Moral responsibility is a wider notion than strict legal culpability*” (Crawford, 2013, p. 72). In trying to find effective ways to reduce collateral damage in operations, Crawford focuses less on “*finding culpability or*

punishing the guilty” but more on searching for “*responsibility as a tool of moral analysis*” (Crawford, 2013, p. 72). The moral compass of a soldier becomes a useful tool when some lawful acts may be immoral under certain circumstances. Killing child soldiers who fire weapons against own troops or an innocent boy who inadvertently witnessed a covert reconnaissance mission may prompt soldiers to solve tough moral dilemmas. There are several real-life situations from conflicts around the world, in which soldiers chose the riskier of the two options by showing a humane attitude at the expense of their own lives. Relevant examples are the cases of Botswanan soldiers and child fighters in Central African Republic or US special operations forces’ reconnaissance mission in Afghanistan as analysed and justified by the survivors of those incidents (Lucas, 2016).

Virtues are character ingredients and what keeps these all together is what is known as *ethos*, which is very much dependent on leadership philosophy of an army. Military ethics education emphasizes on the character of military leaders, having the intended outcomes: *military leaders of character*. This approach envisages leaders who consistently demonstrate ethical behaviour, moral courage, and adherence to core values, even in the challenging and often morally ambiguous circumstances of battle. It emphasizes that ethical leadership in military contexts goes beyond mere compliance with rules and regulations, requiring internalized values and the ability to make sound moral judgments under pressure.

Those systems that adopted a character development programme or approach focus on instilling in military cadets an *ethos*, a specific thinking, a culture of reflecting virtues in their behaviour. It refers to the distinguishing character, sentiment, moral nature, or guiding beliefs of a person, group, or institution.

The effective implementation of LOAC requires more than just training military personnel in the rules and regulations. It necessitates an ethos that permeates through the ranks of the armed forces and becomes an integral part of their culture. This ethos is not merely about following the letter of the law but embracing the spirit of the LOAC in every aspect of military conduct. As Parker Hays put it in a paper on the effectiveness of LOAC “*Effective implementation of LOAC requires more than LOAC training. It requires an ethos*” (Parks, 2002, p. 988). This statement is still valid as it appears from the literature on the topic promoting and revalidating the virtue-based ethics training models as a more solid ground than simply the legal-oriented training (for example, Cronshaw, D. (2022). Good Soldiering and Re-Virtuing Military Ethics Training. *International Journal of Public Theology*, 16 (3), 337-358; van Baarle, E., Hartman, L., Verweij, D., Molewijk, B., & Widdershoven, G. (2017). What sticks? The evaluation of a train-the-trainer course in military ethics and its perceived outcomes. *Journal of Military Ethics*, 16 (1-2), 56-77; Anthony Pfaff, C. (2023). Virtue and Applied Military Ethics: Understanding Character-Based Approaches to Professional Military Ethics. *Journal of Military Ethics*, 22 (3-4), 168-184; Snow, N.E. (2023). Teaching Virtues in the Military. *Journal of Military Ethics*, 22 (3-4), 185-199).

5. Conclusions and Proposals

The integration of professional military ethics and the LOAC in military education and training is indispensable for shaping morally responsible officers. Officers as leaders are role models for their subordinates. They not only provide tactical direction to their subunits but represent veritable moral compass in action for their subordinates. Therefore, one cannot expect moral behaviours from the troops without ethical leaders.

As modern warfare grows more complex, it is critical that military leaders are equipped not only with technical proficiency but also with a deep ethical foundation. Such an approach ensures that legal principles are internalized and operationalized, rather than being perceived as mere external constraints.

The literature review exposed in this paper showed that there is significant variation in how countries approach military ethics education, ranging from structured academic courses to more informal methods that rely on institutional culture and traditions. This diversity highlights the need for a tailored approach that considers each country's specific context and needs.

In the Romanian context, there is a need for a more structured and comprehensive approach to military ethics education, particularly at the Land Forces Academy. Based on the findings of this paper, we appreciate that a more formal and structured discussion could be initiated by the academic and military training community in various fora by also associating the operational structures, the future beneficiary of our graduates. In anticipation of such a potential discussion, we propose the consideration of the following proposals:

o *Develop programme-level learning outcomes for military ethics at relevant bachelor studies programmes.* The best place for that would be in the autonomy and responsibility section of the learning outcomes, given its horizontal relevance for the officer education. Such learning outcomes would have a transversal value and relevant discipline heads would break them down under more specific intended learning outcomes within their disciplines. A similar approach has been recently implemented in case of digital competence, when all programmes and disciplines have been implemented in their curriculum subordinated learning outcomes aimed to

endow our graduates with capabilities to fight and live in a digital world.

o *Consider allocating a distinct space in the bachelor studies programmes for military ethics.* Military ethics could be a standalone discipline delivered sometimes at the beginning of the academic path (like Introduction to Military Ethics), and later during the programme specific topics should be inserted into other disciplines. The individual topics should be prepared and made available to the discipline leader by a military ethics coordinator to ensure the overall cohesiveness and rationality of the topic.

o *Designate a military ethics coordinator/programme leader.* This would act as a central point of expertise in the area of military ethics, and ensure coherence, alignment and monitor progress of learning along the study cycle, based on a coherent ethics education programme.

o *Adopt a long-term, career-oriented approach by adapting existing generic curricula to the Romanian Land Forces requirements.* Implement selected components of military ethics as suggested by generic or core curricula for military officers (e.g. Ethics portion of the Leadership and Ethics Reference Curriculum developed by NATO Defence Education Enhancement Programme (DEEP) and Partnership for Peace Consortium of Defence Academies and Security Studies Institutes (NATO DEEP & PfP Consortium, 2024), thus contributing to an interoperable model of learning and training in NATO and the EU countries. This effort may result in a Military Ethics Core Curriculum (MECC) focusing on the main stages of a land forces officer career (cadet, junior, intermediate and senior) that can be validated over a series of workshops and conferences with national and international experts on ethics. This may require mapping the current disparate lessons, sessions and units related to military ethics delivered at military education and training institutions and then adjusting and reviewing current modules in accordance with MECC.

O *Encourage a more active approach* in teaching military ethics with simulations, case studies, possible using programmes

like *Leaders of the Future* (Ministerul Apărării Naționale, 2024).

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