

Military Incompetence Revisited:

The Dark Side of Professionalism

*By Christopher Dandeker**

Who now reads Norman Dixon's *The Psychology of Military Incompetence*, published 40 years ago, and does it matter? Historical examples of military incompetence – sometimes referred to as ‘military blunders’ or in the case of Elliot Cohen and John Gooch,¹ as “military misfortunes” or failures – are legion: the failure of the Royal Navy to defeat the German High Seas fleet at Jutland in 1916 – the absence of a ‘great victory’ that so many had anticipated before the First World War; the British defeat by the Japanese at Singapore 1941-2; the defeat of the French Army and Air Force (and the British Expeditionary Force) by the German Wehrmacht in 1940; the British defeat at Arnhem by the Wehrmacht (Operation Market Garden) in 1944; the failure of the US's attempt to invade Cuba in 1961, known as the Bay of Pigs fiasco.

In 1997, Donna Winslow documented how the Canadian Airborne Regiment's (CAR) culture and initiation rites led to morally incompetent, disgraceful behaviour in the field, including the beating to death of a Somali youth. The unit's culture was based on a stereotyped form of hypermasculine warrior, which had no place in any field operation and so deeply rooted was this culture that the government disbanded the CAR rather than seeking to change its leaders and practices. One aspect of the unit culture is far from peculiar in military and civilian organizations: a belief in the need to rally round to protect peers, subordinates and superior officers from outside enquiry and challenge, and hostility to any ‘whistle blowing’ about incompetence and/or wrongdoing, which is seen as a betrayal of the unit.² Thus, incompetence can involve a breach of technical professional and/or moral rules that underpin the military profession.

A professional, but morally, not just technically, incompetent military can betray not only those who deserve protection in the field, such as civilian non-combatants, but those within the organization to whom it owes a duty of care, not least young soldiers under training. For twenty years the British Army has had to deal with the incidents at the Deepcut soldier training establishment and respond to a number of enquiries investigating the deaths of a number of trainee soldiers and the question of whether or not their deaths were suicides. Issues arising included: whether there was a sufficient number and quality of officers especially NCOs in the establishment, and whether it was wise to place priority on

* The author would like to thank Dr. Karl Ydén for advice on the themes of this article and for the Swedish Armed Forces for financial support (grant AF9225337) of the research that underpins it.

¹ Eliot Cohen & John Gooch, *Military Misfortunes: The Anatomy of Failure in War*, New York, Vintage Books, 1991.

² Donna Winslow, *The Canadian Airborne Regiment in Somalia: A Socio-Cultural Inquiry*, Canadian Government Publishing, 1997.

deploying the best NCOs into the field rather than in home training establishments; whether standards for appropriate relationships amongst soldiers and between soldiers and their superior officers were understood and enforced.³

More recently, the US-led invasion of Iraq in 2003 – especially the post-conflict phase of operations – has been criticized as a defeat or a fiasco : again there were moral not just technical, functional breaches of professional norms. Indeed, in the recently published UK Chilcot Report the British contribution to the campaign was subjected to a withering critique in terms of how the operation was planned, resourced, and implemented. In terms of ‘could have done better’ or as a catalogue of unnecessary errors, it should make for sobering reading by senior military officers, and civilian government officials involved in the decision-making processes.⁴

Yet, paradoxically, in today’s military circles – for example in Sweden, the US and the UK – most talk is focused on professional competence and professional excellence as the basis of the effectiveness of the armed forces, the self-identity of military personnel and the ways in which the military projects itself to the wider society from which it garners resources, including legitimacy, without which it is difficult to perform its missions successfully. One of the latest papers on professionalism makes only a passing reference to failure or incompetence, focusing on the limits of the conceptual lens of hard power to assist the military in thinking through the OODA cycle [“observe, orient, decide, and act”].⁵ Yet, as this article will argue, there has always been what might be called a ‘dark side’ to military professionalism: a potential for incompetence leading to organizational dysfunction, which in turn can lead to death, injury, mission failure and damage to the legitimacy and reputation of the armed forces and of the government which they serve.

The article focuses mainly on technical-functional rather than moral incompetence, although these two dimensions are connected – indeed, as we shall see technical competence depends on moral courage. It proceeds as follows: first, Dixon’s book is discussed and its arguments subjected to critique. Second, the focus turns to the concept of incompetence, and the idea of ‘negligent error’ is explored in detail. Third, the discussion considers whether incompetence in military settings is inevitable and if so to what extent its worst effects can be limited or mitigated. Finally, the paper concludes by drawing out some implications of the discussion for contemporary armed forces, civilian organizations, and the wider society.

³ The key documents are the Blake Report and the British Government’s response, both available on the web at : https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228796/0795_app.pdf, and https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/272303/6851.pdf, respectively (both downloaded 6th August 2016). Public and press comment continue in 2016 – see for example <http://www.independent.co.uk/news/uk/crime/deepcut-allegations-reveal-culture-of-cruelty-where-sexual-assaults-and-rape-were-widespread-at-army-a6815266.html> downloaded 6th August 2016.

⁴ The Report of the Iraq Inquiry was published on July 6th 2016 and can be downloaded in its entirety at <http://www.iraqinquiry.org.uk/the-report/>

⁵ See James G. Stavridis, Ervin J. Rokke & Terry C. Pierce, “Crafting and Managing Effects: The Evolution of the Profession of Arms”, *Joint Forces Quarterly [JFQ]*, vol.81, 2nd Quarter 2016.

The Psychology of Military Incompetence : Critique and Evaluation

While incompetence is worrisome in any organizational setting, it is especially so in the military context. This is because the armed forces are authorized to exercise lethal force via a command hierarchy that facilitates collective action in a disciplined fashion. Errors of senior officers can result in untold misery in terms of military and civilian casualties, material damage to society beyond the battlefield as well as potentially the loss of reputation or worse of the armed forces. Dixon makes an important consequentialist point: the impact of military incompetence is normally much more serious than errors in other contexts. The cost of military error is, somewhat playfully, contrasted with that in academic circles (betraying the context of the 1970s in which he was writing): “*So relatively trivial and unimportant are most academic decisions that it would be arrogant to discuss them in the same breath*”.⁶ That said, Dixon argues that, even though decision pay-offs vary depending on the organization in question, the principles apply to all organizations.

Dixon says that there is “*no reason to suppose that incompetence occurs more frequently in military subcultures than it does in politics, commerce or the universities*”.⁷ However, we should worry because of the more serious pay-off costs in the military setting. Indeed, there is a propensity for authoritarians, who are, as we shall see, prone to incompetence, to join the military and for the military to reward them. With the public’s inability to regulate a relatively insulated military – this regulating function being performed by politicians –, we are left with the problem of how to restrict the flow of authoritarian people into the military and limit their negative effects once they have arrived.

As one of his reviewers put it in 1981, Dixon, as an ex-Army officer, focuses mainly on the conduct of senior officers in mainly British military history to claim that...

the incompetence demonstrated in battles ranging from those in the Crimea to those in Viet Nam by a minority of senior generals can be traced to a set of common personality characteristics.⁸

Dixon’s methodological assumptions are, first, that although incompetence has many causes, it is not unreasonable to focus on one set of factors – in this case “*psychological determinants*” – to observe their effects, and second, an historical argument drawing attention to continuities in military incompetence: the “*characteristics that distinguish competent from incompetent senior commanders have shown a significant lack of variation over the years despite changes in other factors which shape the course of history*”.⁹

Drawing on a range of theories but especially Adorno’s idea of the authoritarian personality, Dixon highlights the key features of authoritarianism that, he claims, account

⁶ Dixon, p.21.

⁷ Dixon, p.21. Emphasis added.

⁸ Donald D. Penner, Review of Norman Dixon, *The Psychology of Military Incompetence*, Pimlico, 1976, in *Administrative Science Quarterly*, vol.26, n°2 (June 1981), pp.307-310.

⁹ Dixon, p.18.

for a good deal of the military incompetence that one can observe in history. Incompetence might appear to comprise “stupid acts”, but these are rarely caused by stupidity or stupid people and much more likely to be the result of authoritarianism. This term refers to a cluster of psychological attributes:

The authoritarian general is described as one who is conforming, submissive to authority, punitive, sexually inhibited, over-controlled, ethnocentric, anti-intellectual, assailed by doubts as to his virility, anal-obsessive, superstitious, status-hungry, rigid, possessed of a closed mind, and saturated in discipline. Given this basic personality core, several other characteristics such as fear-of-failure and group-think are derived as logical extensions.¹⁰

These characteristics are likely to lead to trouble if a combat commander in possession of them has to deal with the fast moving complexity of the battlefield. However, such characteristics are, in fact, well-suited to the context in which armed forces spend most of their time – namely at peace and conducting peacetime routines. The military profession is most unusual in that, unlike other professions, generally speaking, it spends most of its time training for war rather than actually practicing it.¹¹ One recurrent feature of military organizations is that, when faced with the reality of war, commanders who seemed perfectly acceptable in peace prove hopeless in war and have to be removed. In sum, Dixon’s thesis is that the military has a tendency to attract a minority of individuals who might prove damaging at higher levels of command ; that militarism accentuates their authoritarian traits and that this minority of individuals will actively seek out the military precisely because of the convergence of their traits with the culture of the peacetime military.

Despite his suggestion that “...*Dixon’s analysis resides, perhaps, in the margins between scholarship and mischief...*”, Andrew Gordon draws on it in his own account of the failings of the Royal Navy’s professional leaders in the second half of the nineteenth century and their conduct of operations at Jutland.¹² In doing so, he develops the distinction [which in fact can be viewed as a spectrum – this can be inferred from Dixon’s thesis¹³] between authoritarian and autocratic commanders, although the word autocratic is used by Dixon in a peculiar and not altogether helpful fashion. By coincidence, given Gordon’s naval focus, Dixon himself illustrates the opposite of authoritarianism with the example of Admiral Jacky Fisher, the driving force behind the all big gun battleship Dreadnought and

¹⁰ Penner, p.308.

¹¹ However, it is true that the press of operations on the military profession – in the US, UK, France in particular since 2001 has been an unusually intense challenge for military personnel and defence organizations.

¹² Andrew Gordon, *The Rules of the Game : Jutland and British Naval Command*, London, John Murray 1996, p.178.

¹³ As Penner (p.309) points out, “*Dixon asserts that authoritarianism is a continuum ranging from very low to very high*”. It is also worth remembering that, generally speaking, it is far easier to find examples of military incompetence in the Army than it is in the Navy (and by the same token air forces) because, as Andrew Gordon points out, “[t]he sea-service was professionalized two centuries earlier than the Army, and the necessities and hazards of daily shipboard life demanded a higher degree of basic vocational competence”. Andrew Gordon, *The Rules of the Game*, pp.178-179.

the reorganization of the Royal Navy to focus on the main threat posed by the German High Seas Fleet. Fisher was “*autocratic but non-authoritarian, highly motivated to achieve but not deflected by the fear of losing the approval of others*”.¹⁴

Continuing the naval theme, one can consider Rear Admiral Markham, the unfortunate flag officer in command of a division of ships, based in his flagship HMS Camperdown and under the overall command of the Commander in Chief of the Mediterranean station, Vice Admiral Sir George Tryon, whose flag flew in HMS Victoria. On June 22nd 1893, HMS Victoria was rammed by HMS Camperdown when the latter ship sought to obey what was an impossible command in terms of being within a safe turning circle given the current disposition of ships, especially the distance between their lines. The critical point here was – and remains – whether an officer should always obey an order even if, although legal, it appears to be the result of incompetence and technically impossible to obey without causing danger and loss of life, as was the case in this instance.

Markham, for Dixon and for Gordon, was a classic authoritarian. Like others of this type, he drew...

self-esteem from the status imparted by his rank and uniform. He defers naturally to seniority and orders to the letter, loves order and ceremony, is meticulous in attention to detail and is often paranoid about cleanliness. He is strong in sequential reasoning processes, suppresses his imagination, rejects information which conflicts with his [and his seniors'] pre-conceptions and is fearful of using his initiative (...). He keeps an unblotted copybook and thus gains unhindered advancement in peacetime.¹⁵

Markham was placed in a situation that was for him personally very difficult. As Professor Andrew Lambert has remarked:

Never underestimate the inability of weak characters in subordinate positions to challenge intellectually powerful superiors, e.g. Markham and Tryon, who was a commanding persona, and very clever. Markham was brave, and capable, but utterly out of his depth dealing with Tryon.¹⁶

Andrew Gordon shows that Markham was merely one significant and consequential example of a type of officer that the long peace of the nineteenth century from Trafalgar to 1914 tended to encourage with a focus on routine and ‘spit and polish’ – especially in the fleet context in contrast to the more lively independent operations associated with ‘gun boat diplomacy’. The emphasis in the Fleet [and even more so after the HMS Victoria disaster] was on parade ground skills in the naval context rather than on using such foundational or primary skills for the secondary competence associated with preparing for real warlike

¹⁴ Dixon, p.337. Two further naval autocrats come to mind in the post-1945 era : Admiral Hyman Rickover of the US Navy, who drove the nuclear submarine programme with utter ruthlessness, and Admiral Louis Mountbatten of the Royal Navy, who as First Sea Lord and with assistance from Rickover and the USN, ensured that the Royal Navy acquired nuclear submarines as a key part of the UK's defence. See Peter Hennessy & James Jinks, *The Silent Deep: The Royal Navy and the Submarine Service Since 1945*, London, Allen Lane, 2015, pp.132-194.

¹⁵ Andrew Gordon, *The Rules of the Game*, p.177.

¹⁶ Personal communication to the author.

operations in which initiative would be at a premium in the fog of war.¹⁷ Vice-Admiral Tryon was trying to establish a system in which subordinates should know how to use their initiative given the tactical situation and the commander's intentions that had been communicated beforehand – exactly the point that lay behind Nelson's philosophy of command up to and including Trafalgar. As Gordon puts it pithily, “[f]ar from seeing individual responsibility as a source of danger, Tryon saw it as an agent of safety”. Early on in his Mediterranean command, Tryon had “issued a memorandum which began with a misquotation of England's greatest soldier”, Wellington, General Order 11th November 1803, which stated

It may frequently happen that an order may be given to an officer, which from circumstances not known to the person who gave it at the time he issued it, would be impossible to execute or the difficulty or risk of the execution of it would be so great as to amount to a moral responsibility.¹⁸

Gordon draws a link between the authoritarian officer who tried to obey an impossible order rather than questioning it as impossible, with another naval officer, Rear Admiral Sir Hugh Evan-Thomas, who also did not use his initiative in order to turn more rapidly than he did to come to the aid of Beatty's battlecruisers in their engagement with the forward elements of the German High Seas Fleet. Possibly, a more decisive victory could have been achieved if he had done so.

Notwithstanding the value of Gordon's application of some of Dixon's ideas about authoritarianism to the Royal Navy between Trafalgar and Jutland, there are some reservations to be made about Dixon's approach. In the first place, Dixon's analysis of the dynamics of military incompetence and authoritarianism verges on the tautological. As Penner argues with regard to Montgomery, Kitchener, and Haig,

Dixon asserts that for these commanders success came from an ability to overcome authoritarian tendencies while failures resulted directly from their expression. Certainly at this point, as at other places in the book, the author's reasoning appears somewhat circular. While his statements are always that incompetence and authoritarianism are merely positively correlated phenomena, the impression that he generates is that they are one and the same.¹⁹

Indeed, empirically, authoritarian tendencies can produce failure and success by the same commanders: consider General Douglas MacArthur, who as Elliot Cohen and John Gooch (p.9) have argued,

so utterly misjudged the likelihood and imminence of China's entry into the Korean War was, after all, the same Douglas MacArthur who first conceived and then implemented the Inchon landing in the teeth of strong opposition from his subordinates.

¹⁷ The distinction between primary and secondary skill sets is an invaluable aspect of Gordon's discussion.

¹⁸ Gordon, *Rules of the Game*, p.212. Note the misquotation substitutes moral responsibility for the actual wording *moral impossibility*, indicating that Tryon's view on initiative was diametrically opposite to that held by Wellington. See footnote 73 in Gordon, p.643. Note also that Tryon said in his orders that “*Risks that are not only justifiable, but are demanded during war, are not justifiable during peace*” (Gordon, p.213).

¹⁹ Penner, p.309.

The problems are only magnified when one considers Dixon's argument that the authoritarian tendency in the British Army is rooted in the public school environment to which middle and upper middle classes sent their children and from which the military class was drawn. He does not provide an adequate account of why only some but not all of the members of this officer class were characterized by authoritarian traits to the extent to which their military conduct was affected significantly. A focus on historical and organizational context would help to answer these questions instead of relying on a tautological appeal to psychological universals.²⁰

This conclusion is reinforced by other arguments. Even if it were true that peacetime militaries tend to attract authoritarians who will normally flourish in such organizational structures, Cohen and Gooch suggest it is by no means certain that there are more authoritarians to be found in the military than in other kinds of organization. Despite Dixon's observation that there is no reason to suppose incompetence does occur more frequently in the military than elsewhere, Cohen and Gooch argue that his theory would imply that this is indeed what should happen because of the peculiar attraction of military organizations to authoritarians and the ways in which they are rewarded once they have joined.²¹ It also remains puzzling why, if there are so many authoritarians in and drawn to the military, military failure or disaster is not more common than it is.²² Once again, an approach focusing on the immediate and wider social contexts rather than on universal psychological traits is likely to prove more fruitful.

Nonetheless, Dixon's work has enduring value because it alerts us to the phenomenon of military incompetence, prompts us to consider why it occurs when it does and what might be done to prevent it or at least mitigate its effects. In that regard, the spectrum ranging from authoritarian to autocratic can be useful, especially as commanders are normally a composite of traits drawn from this continuum. It might well be that the commanders least prone to disaster are not autocrats *per se* but what can be termed assertive leaders with a clear sense of direction and a capacity to listen to subordinates and carry them with him or her. Even here context looms as a challenge to Dixon's methodology and approach: he focuses on the potentially disastrous consequences of authoritarian senior military leaders, but can provide no real sense of the changes in the conduct of war since 1945, especially the compression in the levels of command. His approach is now dated because the pace of communications and 24/7 media mean that relatively minor actions by junior personnel in the chain of command can have major consequences as when checkpoint errors leading to the death of non-combatants can have strategic repercussions for the reputation of the military and even the government itself.²³

²⁰ This is why Gordon's application of some of Dixon's ideas has the force that it does – it is rich with historical and organizational context.

²¹ See note 7 above.

²² *Ibid.*, p.10.

²³ A key theme in Christopher Dandeker, "From Victory to Success: The Changing Mission of Western Armed Forces", in Jan Angstrom & Isabelle Duvesteyn (eds.), *Modern Warfare and the Utility of Force*, London, Routledge, 2010, pp.16-38.

One of the key questions Dixon leaves us with is not just the nature of authoritarian and autocratic commanders and their propensity to cause or avoid military incompetence, but the nature of incompetence itself: what is the underlying concept?

What are Competence and Incompetence, Whether Military or Not?

The complexity of the concept of competence – and its opposite, incompetence – is revealed when one considers that it can refer to the functional capability to perform a role, in the sense that one is capable, efficient and possessing the qualities and qualifications needed to discharge one’s obligations and duties, or the *eligibility* to do so. For example, in legal terms, in the US, “*a judge may rule that a person lacks the mental or physical capacity to sufficiently care for person and property whether temporarily, intermittently or permanently. This term is often used interchangeably with the word ‘incompetent’, although the former traditionally describes medical status while the latter is a legal finding*”.²⁴ Or, a professional might lose the right to practice because of no longer being eligible through being struck off a professional register.

In sociological terms, competence is a key concept used by Max Weber, and highlights the distinction between competent and *non-competent* authority in his account of “*legal authority with a bureaucratic administrative staff*”.²⁵ Competence is about jurisdiction and knowledge or expertise, the latter being underpinned by technical training. Weber’s discussion also highlights a key dilemma in organizations: that authority based on ranked jurisdictions can be in tension with that based on knowledge.

For Weber, “[t]he *fundamental categories of rational legal authority*” include :

[1] A continuous rule-bound conduct of official business. [2] A specified sphere of competence (jurisdiction). This involves : (a) A sphere of obligations to perform functions which has been marked off as part of a systematic division of labour. (b) The provision of the incumbent with the necessary powers. (c) That the necessary means of compulsion are clearly defined and their use is subject to definite conditions [p.218]. (*Each office has a clearly defined sphere of competence in the legal sense* [p.220, emphasis added]). [3] The organization of offices follows the principle of hierarchy ; that is, each lower office is under the control and supervision of a higher one [...].

Weber observes that the “*role of technical qualifications in bureaucratic organizations is continually increasing*” and emphasizes the importance of writing as a basis of rational administration. “*Administrative acts, decisions, and rules are formulated and recorded in writing, even in cases where oral discussion is the rule or is even mandatory... (...) The combination of written documents and a continuous operation by officials constitutes the ‘office’ [Bureau] which is the central focus of all types of modern organized action*” [p.221]. “*Persons are appointed to these official positions on the basis of free contract and on the basis of technical qualifications*” [p.220]. “*In the most rational*

²⁴ This is widely discussed in legal advice circles – see for example Karyn Maier, “Legally Incapacitated vs. Legally Incompetent” : <http://info.legalzoom.com/legally-incapacitated-vs-legally-incompetent-21238.html>.

²⁵ Max Weber, *Economy and Society*, two volumes, translated by Claus Wittich & Guenther Roth, vol.1, pp.217-226, Berkeley, University of California Press, 1977.

case, this is tested by examination or guaranteed by diplomas certifying technical training or both. They are appointed, not elected”. “The rules which regulate the conduct of an office may be **technical rules or norms**.²⁶ In both cases, if their application is to be fully rational, specialized training is necessary. It is thus normally true that only a person who has **demonstrated an adequate technical training** is qualified to be a member of the administrative staff of such an organized group and hence only such persons are eligible for appointments to official positions” [p.218, emphasis added].

It is here that a key dilemma occurs. It is possible for a person to be in a position of competence in the legal, jurisdictional sense, while being incompetent in a technical-functional sense – that is, in the application of technical rules or norms. The person may fall short of the standards required even if at some time before appointment he or she might have performed to the right standard (even assuming the right standard is the ‘right’ one for the needs of effective functioning, which raises questions about training regimes, appointment criteria, etc.). In any case, technical competence does not guarantee error-free performance. In addition, performance is influenced by colleagues’ – superiors’, peers’ and subordinates’ – perceptions of whether the technical and normative competence is *deserved* or *merited*. As every military person knows, when a new commander is appointed, that new person’s competence will be scrutinized with regard to gaps between their formal qualifications and actual performance. Will the new officer be ‘tough’ or not ; will he or she be perceived as trusting and inclusive or not ; as professionally competent or not ; as relying more on the legal powers invested in his or her jurisdiction than on their professional knowledge and professional competent performance ; will the person be knowledgeable about the technical rules and norms, but not be able to apply them successfully?

The newcomers (and existing officials in their roles) have to generate *legitimacy*. There are internal dynamics of legitimacy within the military and external considerations relating to the military’s connections with wider society ; and these are usually intertwined. In generating legitimacy, as has been illustrated in the context of peacekeeping military operations, three interdependent components are involved : the rules (legal and other) of a person’s mandate ; the support of organizational groupings and wider audiences ; and more or less successful performance of a task or mission. A person may well have a legal mandate but lack support and be ineffective in action. A person may be successful in action but lack support in prosecuting it and may do things that are not well-rooted in the mandate. Success may even be illegal or questionable in terms of a mandate despite someone having a good deal of organizational support. Meanwhile, competent performance can help to generate organizational support and buttress the mandate in terms of people’s belief in it.²⁷

²⁶ Here, the editors of Weber’s treatise provide a comment on his silence as to what this distinction means : “By a ‘technical rule’ he probably means a prescribed course of action which is dictated primarily on grounds touching efficiency of the performance of the immediate functions, while by ‘norms’ he probably means rules which limit conduct on grounds other than those of efficiency. Of course, in one sense all rules are norms in that they are prescriptions for conduct, conformity with which is problematical” (Wittich & Roth, note 2, p.300, emphasis added).

²⁷ Christopher Dandeker & James Gow, “The Future of Peace Support Operations : Strategic Peacekeeping and Success”, *Armed Forces & Society*, Spring 1997, vol.23, n°3, pp.327-348.

Whichever audience is judging performance, what is the standard of competence and incompetence being applied? The field of negligence suggests that incompetence can be understood as ‘negligent error’. Much depends on whether the professional group concerned is housed in a client-controlled organization (as is the military in State-controlled armed forces) and the extent to which individuals are more or less insulated from scrutiny and judgement by agencies outside the employing organization. Transparency and wider regulation have become dominant norms, so that once relatively insulated professionals such as academics and the military are no longer as well protected. In the UK, for example, the Supreme Court rulings of June 2013 confirmed that the Ministry of Defence could be sued for negligence; the scope of Human Rights was extended into military space, particularly operational areas; and there was a narrowing of the interpretation of the idea of combat immunity.²⁸

The wider context of negligence is relevant here. From a legal point of view, this involves three elements, which together entail an obligation to pay compensation for loss: the person must be shown to have a duty of care for the client; the action or failure to act must be demonstrated to have fallen below the standard expected of a competent person equivalent to the person under investigation for negligence; and the breach of duty must be shown to have caused loss – either financial or in some other significant way, for example physical damage to a person and/or the property of that person.²⁹

What is especially interesting about the legal field of negligence are two trends: first, the spread of claims for negligence in society because more people make use of a variety of professional experts in their daily life. In many areas, the business to be carried out has become more technically complex as well as demanding time that many citizens feel would be better spent by them on other duties – not least work and family; and citizens have become more aware of their rights and less trusting or more sceptical of authority figures, including the very experts on which they have to rely in their lives.

A second trend is a change in the standard of competence generally expected of those in professional work. For example, in the English medical field this is highlighted by the difference between the ‘Bolam and Bolitho Tests’. In the former, “*a medical professional is not guilty of negligence if he has acted in accordance with a practice accepted as proper by a responsible body of medical men skilled in that particular art*”. In simple terms, this means that a medical practitioner has not been guilty of negligence if it can be shown that in the same circumstances, most practitioners would have taken the same course of action³⁰:

²⁸ Christopher Dandeker & Simon Wessely, “Beyond the Battlefield”, in Anthony King (ed.), *Frontline : Combat and Cohesion in the Twenty-First Century*, Oxford, Oxford University Press, 2015, p.303. By way of illustration, a commanding officer, reflecting on operations in Sangin, Afghanistan, remarked in 2008 that it would take a lot of consideration for him to tell his men *not* to wear body-armour even though he knew the armour reduced their effectiveness because it slowed them down when having to move quickly – for example under fire. This was because if one of them was killed he would potentially be liable. Anonymous Battalion Commander, British Army.

²⁹ Definitions of negligence in the legal literature are legion but these are the three key aspects. See for example : <https://www.wrighthassall.co.uk/knowledge/legal-articles/2015/04/23/what-definition-negligence/>.

³⁰ See : <http://www.claims.co.uk/common-questions/medical-negligence/what-is-clinical-negligence>.

The most recent interpretation of clinical negligence, known as the Bolitho Test, is based on a consideration of ‘what ought to be done’ rather than simply whether what was done would have been done by most practitioners. In cases such as these, whilst taking on board expert medical opinion on matters such as diagnoses and treatment, the court will then consider whether alternative courses of action would have produced a more positive result and whether, by rejecting or failing to consider these courses of action, the practitioner concerned behaved negligently.

The social and political implications of this change in the English legal context are profound: negligence law in England means that a professional’s ‘closed shop’ defence on grounds that “I am doing what average level of competence indicates is appropriate” is no longer sufficient as a defence against claims.³¹ This change reflects a less deferential society that places more scrutiny and demands on professionals and greater tests for their capacity to defend their expertise and of jurisdiction. And this has happened at the same time as awareness of rights and increasing professional, services-based society. Thus, we live in a knowledge society on which we depend, but we have more conditional and fragile trust in professional experts on whom we rely.

Can Incompetence be Prevented and Its Worst Effects Mitigated?

As observed earlier, one of the implications of Dixon’s analysis is that military incompetence flows less from stupidity and more from authoritarianism, which requires preventing such personalities entering the armed forces and, failing that, limiting their influence once there. This is especially difficult in a peacetime military where the convergence between authoritarian personalities and organizational culture is at its highest. It is well known that, in a shift to war conditions, peacetime authoritarians can be ill-suited to fast moving operational environments; but the reverse may also be true: war-time leaders may be deficient in the skills required to manage peacetime routines. Interestingly, there is a similarity between some of Dixon’s authoritarians and the military personnel discussed by General Erich von Manstein, in particular what he calls the stupid and hard-working. As discussed by Henrik Bering, in a famous matrix von Manstein combined two axes: hard-working vs. lazy and intelligent vs. stupid:

*“There are only four types of officer. First, there are the lazy, stupid ones. Leave them alone, they do no harm (...). Second, there are the hard-working intelligent ones. They make excellent staff officers, ensuring that every detail is properly considered. **Third, there are the hard-working stupid ones. These people are a menace and must be fired at once.** They create irrelevant work for everybody. Finally, there are the intelligent lazy ones. They are suited for the highest office”, i.e., suited for the top job since they are likely to choose the simplest solutions – and hence the easiest to translate into action on the battlefield – and they are good at delegating.*³² [Emphasis added]

³¹ See the excellent discussion of the legal issues in John L. Powell Q.C., “Professional Negligence : The Changing Coastline of Liability”, March 2000 : www.4newsquare.com/Files/PDF/Article/JP%20article.doc.

³² Henrik Bering, “The Perfect Officer”, *Policy Review*, The Hoover Institution, August and September, 2011. Bering is referring to von Manstein’s book *Lost Victories, Lost Victories : War Memoirs of Hitler’s Most Brilliant General*, Minneapolis, Zenith Press, 2004.

As Gordon argues, a key to countering the overly restrictive and unimaginative conduct of authoritarians is to encourage conditions under which more (in Dixon's terms) "autocratic" – but here referred to as professionally assertive and independent – action can flourish. Key examples of such action are those which challenge impossible, incompetent orders – ones that will lead to unacceptable risk such as death and injury of personnel and the destruction of an aircraft, ship or other unit.

There are many examples of this phenomenon, especially in the field of civil aviation, one of which concerns the literature on the "cross-cockpit authority gradient". It is striking that, in Andrew Gordon's more recent reflections on Jutland, he shows how officers under Beatty in 1913 were encouraged to act in ways that "*entailed reflex-responding to certain situations – taking their orders from the enemy – unless told otherwise*". Gordon uses an analogy with jazz,³³ observing that...

[w]here the gradient is steep, the co-pilot is reluctant to intervene when he thinks the senior pilot may be doing something wrong; and, allegedly, those airlines are the safest which foster the shallowest gradients.³⁴

As is well known, the gradient issue is connected with the culture not only of the organization but that of the wider society: this is a key theme in the cross-cultural work of Hofstede, especially on the relative power-distance relations in difference cultures – compare the low ones of New Zealand and Ireland relative to Korea, which theory has been thought relevant to help explain air accidents in the 1990s involving Korean pilots.³⁵

In a military environment, challenging an order is no small matter as can be seen in the following reflections by a Royal Navy engineering officer; these echo some of the themes of Gordon's critique of authoritarianism, especially the need to be imaginative, bold and take risks:

...how do we judge which rules we ought to break and when? (...) When should we obey them and inform our superior commander that we are unable to comply with his or her instructions? The answer (...) is to take risk. But risk is something very specific. It is not a cavalier gamble, that is simply negligence; rather it is a careful analysis of the likelihood and impact of an adverse situation manifesting itself. Once these are understood, mitigations should be devised and implemented to reduce both the likelihood and the impact of an undesirable outcome. This must then be weighed carefully against the likelihood and benefits of success. A sensible, balanced and defensible decision can then be taken. Where this course of action contravenes the rules you, as the decision maker, need to take responsibility and reassure your subordinates that you are doing so.³⁶

³³ In a King's College London lecture in 1992, Air Vice Marshal Brian Burridge remarked on the shift from the Cold War to the Post-Cold War context that it was like a movement from classic symphony to jazz: with no conductor, formal order and sequence of movements; rather the focus is on improvisation and lack of clarity on what the mission(s) should be.

³⁴ A. Gordon, "The Battle of Jutland and the Cross-Fleet Authority Gradient", *Naval Institute Proceedings*, forthcoming. For a case study, see Wing Cdr. Atul Gupta, "Trans-Cockpit Authority Gradient in Flying Training: A Case Report", *Indian Journal of Aerospace Medicine*, vol.48, n°1, 2004, pp.41-46.

³⁵ The findings of Geert Hofstede are at <https://geert-hofstede.com/countries.html> (retrieved 2 August 2016).

³⁶ @fightingsailor, <https://twitter.com/fightingsailor?lang=en-gb>, the text is from Kings of War blog at <https://medium.com/cclkow-prochat/cclkow-the-officer-s-guide-to-breaking-rules-13fc061b5464#.wnflkklh7>.

This is a practical example of how the military can blend professional expertise and bureaucratic authority based on rank. Indeed, in high-technology, high-risk environments such as a nuclear submarine, “[p]rofessionalism transcends rank on board. Rank is there and exists but professionalism is all-important”.³⁷ In times of crises or out of the ordinary situations professionalism is essential. “Ninety-five per cent is drills that make you reasonably good. But in this business, success or failure is in small margins”.³⁸ As is well-known, such military environments are examples of ‘high-reliability organizations’. These operate...

in hazardous conditions where potential failures may have far-reaching, potentially catastrophic consequences. Such organizations will be typically characterized by *interactive complexity* (i.e. interaction among system components is unpredictable and/ or invisible) and *tight coupling* (i.e. high degree of interdependence among a system’s components including people, equipment and procedures).³⁹

Such organizations are *not* ‘accident-free’, or organizations where there is zero incompetence. However, they do invest heavily in the effective management of the inherent risks in dangerous technologies. This involves anticipating what might go wrong even if it is unlikely and dealing with the unexpected when established routines do not necessarily provide the answer to a problem. This requires...

having in place back-up systems in the event of failures and cross-checking of important decisions (*redundancy*), allowing people with expertise, irrespective of rank, to make safety-critical decisions in emergencies, whilst during routine operations there is a clear hierarchical structure and an understanding of who is responsible for what (*deference to expertise in emergencies, oscillation between hierarchical and flat organisational structures*), investment in training and technical competence and use of well-defined procedures to cover all possible unexpected events.⁴⁰

As Lekka argues, competent and professional management of these organizations depends on a high-trust environment, especially what she terms a...

just culture characterized by open reporting systems for near-misses and accidents without fear of punishment, follow-up of accident investigation outcomes by implementing corrective actions, empowering staff to abandon work on safety grounds and fostering a sense of personal accountability for safety.⁴¹

Such a trusting environment can encourage professional self-confidence when challenging questionable orders. In the UK in 1972 an investigation into an air accident observed that the airline was involved in an industrial dispute that created an atmosphere in which “pilots showed a reluctance to take advantage of the method whereby reports of

³⁷ Exchange between officers as they observed candidates on the ‘Perisher’ submarine commanders’ course. Hennessy & Jinks, p.15.

³⁸ *Ibid.*

³⁹ See the excellent paper by Dr. Chrysanthi Lekka, “High-reliability Organizations : A Review of the Literature”: <http://www.hse.gov.uk/research/rrpdf/rr899.pdf> (downloaded 30th July 2016), p.17.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

incidents could be made confidentially and anonymously".⁴² This had a bearing on the failure of the crew "to monitor the speed errors and to observe the movement of the droop lever", to diagnose the reason for the stick pusher operation and the concomitant warnings' and other flaws in professional knowledge with regard to configuration stall of the aircraft.⁴³

A "just culture" environment based on trust can be a response to a history of fatal accidents involving a platform or programme. The Swedish Air Force has developed this culture and a philosophy of learning by error. Here the basic judgement is that more lives would be saved by relying on a report rather than a hide-error culture.⁴⁴ The injunction is to report problems and errors, not to hide them. Consequently, after an enquiry corrective actions can be implemented and there is a process of collective learning which in this way requires a non-punitive and trusting culture.

Two final points on maximising competence can be made : one is to do with learning, the other with leadership and communication. It is imperative that personnel are committed to learning, to the analysis of mistakes, avoiding complacency and too uncritical an approach to well-established routines. All of this requires effective professional leadership and strategic communication of concepts of competence to everyone in the organization. One of the most difficult problems is how to create space – temporal and psychological – for personnel to reflect on what they are doing before and after they act. Even in the most stressful and high-pressure environments, such as an aircraft in difficulties with only seconds to act, personnel must think before they do so. This was a key point in the investigation into an air accident at Kegworth, UK, in 1989.⁴⁵ As a Swedish Air Force officer remarked in a conversation with the author, it is impossible to have real competence unless sufficient time is allocated for professional reflection.

Conclusion

Essentially, incompetence entails doing what one could and should have done but did not, either because of ineptitude or an ill-founded refusal to obey, or evade legitimate orders. It can be defined as 'negligent error', that is in breach of either technical rules or moral norms or both, and that causes damage to other people in the unit or further afield, for which the person responsible can and should be held to account. There is a blurred boundary between incompetence and insubordination, and they can be similar in effects although different in intentions : the first means that one is incapable – technically or

⁴² Accidents investigation Branch, Department of Trade and Industry, Trident I G-ARPI, Report of the Public Inquiry into the Causes and Circumstances of the accident near Staines on the 18th June 197 : https://assets.publishing.service.gov.uk/media/5422f154ed915d1371000365/4-1973_G-ARPI.pdf.

⁴³ *Ibid.*, Conclusions: summary, pp.54-55.

⁴⁴ Discussions with SAF personnel.

⁴⁵ "The speed with which the pilots acted was contrary to both their training and the instructions in the Operations Manual [...]; both pilots reacted to the emergency before they had any positive evidence of which engine was operating abnormally". Report n°4/1990 on the accident to Boeing 737-400, G-OBME, near Kegworth, Leicestershire, on 8 January 1989 : <https://www.gov.uk/aaib-reports/4-1990-boeing-737-400-g-obme-8-january-1989> (downloaded 13th July 2016), p.98.

morally – of carrying out the orders ; the other is, for whatever reason, to refuse to do what one is asked even if one knows how to perform it and knows the order comes from a competent (in both legal and functional terms) authority. As we have seen, the key problem is when one's professional knowledge leads one to conclude that an order is either impossible to follow because of the questionable functional competence of the person issuing it, and will materially damage the unit and one's mission.

Although professional incompetence is inevitable, we can reduce its incidence and its effects can be mitigated. The sources of incompetence are to be found less in psychological universals and more in the contexts in which individuals are located. Incompetence is less likely in high-risk yet high-reliability organizations. Nonetheless, it remains the case that small errors can have catastrophic consequences, and the potential damage through error by military decision makers is not confined to senior command levels.

Competence is based not only on knowledge and practice of routines, essential though these are for competent performance, but imagination and flexibility to deal with the sudden and unexpected. This is the heart of true professional judgement. It will not flourish unless there is a high-trust, 'just' culture with time allowed for professional reflection. Effective organizations blend professional expertise and the authority of rank to best respond to crisis or tensions epitomized by the military distinction between peacetime and wartime. Whatever the organization's approach to competence, strategic competence needs to be communicated to all personnel and disconnects between one part and level of an organization and another avoided. This is a major requirement of professional leaders.

Assertive professionalism (what Dixon called autocratic leadership) is essential to countering 'authoritarianism' in an organization and a retreat to the safety of routine. Self-confidence needs to be nurtured and protected from the dead hand of authoritarianism. In terms of military professionalism, the three priorities are team-building in an organizational setting, ensuring professionalism is displayed to key audiences within and outside the organization, and ensuring that competence is developed and improved on a continuous basis. Moral courage – one of the military virtues – is an important buttress of professional competence and a basis for challenging incompetence. Complacency rots professional competence: as actors and teachers are aware or should be, the true professional knows that one is only as good as one's last performance.⁴⁶

Public toleration of incompetence has decreased in a less deferential, more transparent, knowledgeable, litigious and risk-averse social climate. The social and legal dimensions of this climate need to be analyzed in more detail and organizations need to be sensitive to it and prepare accordingly. The risks entertained by government – for example in undertaking dangerous operations, especially ones with a risk of high casualties and unclear political objectives – have to be proportionate to the level of trust the public has in government institutions. If not, the public is likely to be very unforgiving of perceived incompetence at political and military levels.

⁴⁶ Discussions with SAF personnel.

Future research could focus with profit on competence and incompetence processes: how they are measured; how competence is developed and sustained ; how incompetence is identified and weeded out. Comparison of different military units (across Services and within them, including differences associated with Regular, Reserve and Special Forces) would be useful as well as research on military-civilian contrasts and similarities.