

The Dark Side of Defence: Organisational Deviance and the Australian Defence Force

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Abstract

The Australian Defence Force has recently undergone its most comprehensive cultural appraisal and reform since Federation. The cultural reviews were instigated by the Skype incident, a sex scandal that rocked the ADF and drew negative scrutiny from the Minister for Defence and civil society more generally. This paper outlines a developing methodology for understanding military misconduct as a catalyst for organisational reform. Since 1970 over 30 reviews and reports have been produced around scandals or negative incidents involving groups of military men. This paper outlines a sociology of scandal drawing on the dark side of organisation literature to establish a basis for military criminology and the study of military misconduct.

Keywords

Deviance, Military, Masculinity, Civil Society, Scandal

The Australian Defence Force (ADF) has recently undergone the most comprehensive assessment of its organisational culture since Federation. However, these reviews are just the most recent in a long line of institutional inquiries that have addressed the ADF's disposition to women, as well as practices of tribalism, abuse and bastardisation. They have also examined the ADF's reporting and incident management practices, their learning culture and the need for reform of the military justice system. The inquiries are always instigated by scandals, often sexual in nature and involving groups of men operating with a sense of tribal licence.

In an attempt to understand these cultural practices, their revelation, management and implications, we draw upon the notion of scandal and literature exploring the 'dark side' of organisations, to begin to develop the field of military criminology as a methodology for researching the character of the military misconduct within ADF. These are first steps, as the field of military criminology is poorly defined globally. Further, the field of military misconduct, while somewhat categorised historically, is poorly explored from a theory standpoint. This is an important subject for research, as a close examination of military scandals can illuminate important social tensions, whose significance goes well beyond the immediate military context.

The Scandal: Mediating the Dark Side

The scandal is an event of particular broader social significance. Sherman (1978), views it as a social force that agitates change. While Sherman focused on the institutional scandals of four United States police forces, he notes the importance of looking beyond the site or circumstance of the scandal and including the social processes that create, contest and mediate it. Sherman (1978: xvii) explains that a scandal is not confined to the organisation itself, "... it can encompass all those interests, groups and other organisations that have a stake in the conduct of the organisation in question."

Adut (2008) approaches the scandal as a moral and sociological phenomenon, with three elements: a transgression, someone who will publicise the transgression and an interested

public (2008: 12). Thompson (2000) approaches the scandal as an historical phenomenon developing in line with the differentiation of the media in the West. He explains that the political scandal occurs: “when activities hitherto kept hidden or secret, and which could be carried out only in so far as they were kept hidden or secret, are suddenly disclosed or made visible through the media” (1995: 144).

These approaches provide a fruitful avenue for exploring Australia’s history of military scandals. In recent decades, there have been many ADF scandals arising from bastardisation, sexual harassment, and military injustice. These have included the *1969 Gerry Walsh Affair*, the 1983 *Officers and Not-So-Gentlemen* scandal, and a series of claims of sexual harassment and hazing at the Australian Defence Force Academy (ADFA), which resulted in the 1998 *Grey Review* of its organisational culture. A key case study event was the Skype Affair in 2011, which brought heavy public and media attention to the ADF and its organisational culture. In this incident six male cadets colluded to broadcast one of their cadet peers having sex with a female colleague, via Skype, to an adjacent room. The sex was consensual, the broadcast was not. The female cadet reported the incident to a commercial television station after internal military action left her unsatisfied. The incident became another military sex scandal and focused on sexism, male dominance and entitlement in the ADF. This evolved into a series of tense interactions between the Minister for Defence and the Chiefs of Defence, showcasing problems in incident and complaint management within the ADF. The scandal circulated through the news media for an extended period of time.

Despite these, and numerous other scandals, the ADF response has been sporadic, unclear, reactionary and disjointed. This is acknowledged by the recent *Personal Conduct* report that describes ADF responses as largely administrative and regulatory, despite recognising that the causes are largely cultural (Orme, 2012:15). The obfuscation of responsibility for the ongoing litany of scandals illustrates the inability of the leadership to understand and therefore manage and mitigate malfeasance. The Skype Affair has motivated a changing articulation of military misconduct by the ADF command, and a seemingly genuine attempt

to assess and reform the military's relationship to the state and civil society. Yet, there has been no foundational assessment of the ADF within a context of a globalising and rapidly changing world.

At the heart of questions about military culture and its role in Western liberal democracies is the question of distinction. Are military forces distinct from broader society; if so, how and why? How does this distinction structure the principal focus of militaries – military effectiveness – while also structuring deviance from broader civilian values?

The ADF is located within the general problematic identified by the civil military relations literature that asks how does a military meets its unique responsibilities of prosecuting authorised organised violence but remain accountable to the society that it serves?" (see Caforio 2005, 2007; Feaver, 1996). Essentially, all militaries must operate within an irreconcilable tension caused by their role as agents of violence within a civil society (Connor 2010). The state seeks to encourage good governance within and of the military, and civil society is keenly interested in questions concerning the military's adherence to community standards.

One of the ways the wider Australian public 'sees' the military is through the mainstream media. The media both celebrates the ADF through operational activities, the Anzac tradition and military commemoration, but also seizes upon military misconduct via 'the scandal'.

Using Adut's (2008) three element equation, military misconduct constitutes the transgression. The transgression is one part of the scandal and the status of the transgressor is another. The ADF is a principal institution in Australia and the symbolic capital of the 'digger', the ANZAC, tradition, military history and its relationship to Australian national identity underlies the significance of the military scandal (Adut, 2008:21). The media publicise the scandal, which mediates relations between civil society, the military and the state.

Central to the mediation of the scandal is a critical conception of news media (Thompson, 1995). From previous research in this field (Wadham, 2012; Andrews & Connor, 2013) it is evident that news media mediation of the scandal has evolved over time. New media forms, such as the online opinion piece and the citizen journalist, have enhanced public scrutiny of a traditionally closed institution. Goldsmith's (2010) research on new media visibility in the context of police transgression notes the manner in which the police have come under increasing scrutiny with the advent of new media raising the visibility of all aspects of police cultural practice. In short, the dark side of policing, or in our case soldering and militarism, are exposed via the ability of all to report, publicise and document transgression via the mobile phone, internet and social media.

Military misconduct is the dark side of defence and the dark side of equity and diversity is tribalism and masculine fraternity. The ADF acknowledges in the recent reviews that 'tribalism' is a root cause of military misconduct. Tribalism is a way of describing the intensity of group cohesion that structures military identity and military culture. One expression of this is the manner in which small groups engage in (sometimes violent) self-identification to the exclusion or exploitation of others (Orme, 2012). The character of this tribalism is white and hyper-masculine and has particular consequences for women and others.

Dark side practices are categorised as those that harm individuals and those that harm the organisation (Griffin & O'Leary-Kelly, 2004). The dark side is evident in circumstances in which " ... people hurt other people, injustices are perpetuated and magnified, and the pursuits of wealth, power or revenge lead people to behaviours that others see as unethical, illegal, despicable, or reprehensible" (Griffin & O'Leary-Kelly, 2004, p.xv). These circumstances include aggression, discrimination, sexual harassment, sexuality, side deals, careerism and impression management, drug abuse, retaliation, incivility and theft (Linstead, Maréchal & Griffin, 2014: 167). However, the dark side, or organisational deviance, literature has not been applied internationally to the military. Moreover, it is a subject the

ADF have acknowledged in their recent reviews but have not investigated with any significant depth to inform their programme of cultural change.

The Scandals: Implications for Australian civil-military relations

While there has been a litany of scandals since 1913, the 'Skype' affair is especially instructive because of its intensity, breadth and implications for relations between the state, civil society and the military. Moreover, the Skype Affair brings the history of military misconduct to the surface of public consciousness, generating genuine tensions and debate within the public sphere.

After initially being unhappy with the response of the military, the female cadet 'Kate' at the centre of the scandal went to the news media. The media reported the incident, framing it in terms of wider on-going misconduct, operational failure and general problems within the ADF. Spirited debate across media forms ensued. Defenders of the military weighed in, attacking the character of 'Kate', arguing that the question of military culture was erroneous, and that the event was the fault of a few bad apples. The then Minister for Defence, Stephen Smith, frustrated at persistent military misconduct and the lack of accountability of the ADF, intervened decisively (Wadham, 2012).

That intervention involved the questioning of ADF military justice procedures, the key matter being that ADFA persisted in hearing charges against Kate at a time when she was significantly traumatised. Other alleged matters included the alleged 'bishing' - being subjected to peer opprobrium for transgressing the military code of silence. For the military, Smith's intervention was a transgression of the separation of powers between executive government and military, while for civil society it was executive government calling an obdurate public institution to account. Smith forced the Commandant of ADFA to stand aside, announced the removal of all gender barriers to women's employment in the ADF, and instigated seven inquiries that constituted the ADF cultural reviews.

This conflict between Smith and the ADF raises the important question of democratic control of the military- a complex field of enquiry (Feaver, 1996). In brief: two key ideas simplify

the literature. First is Huntington's (1957) notion of divergence or objective civilian control, political leaders direct military form and function, the military operationalize it. Second is Janowitz' (1960) notion of convergence or civil-military integration. Military personnel are bound by professional values to serve civil society, and to have a meaningful integration with civilian values. In contemporary times both are evident, but blurred (Booth, Kestenbaun & Segal, 2001). The key point is that civil-military relations based on these ideas must be developed, and continually be part of civil-military discourse. They cannot be allowed to take care of themselves.

The ADF's sense of independence was clearly affronted when the Minister for Defence intervened in the Skype Affair. The Australia Defence Association (ADA) was very critical of the Minister's actions and called for an inquiry into the Minister's handling of the matter (ABC, AM, 2011). In particular, Neil James argued that the Minister overstepped the line by pillorying the commandant of ADFA and for attempting to quash a disciplinary hearing (ABC, Q&A, 2011), claiming that:

...the minister's public statements have put a strain on defence management and interfered with the military justice system (The Australian , 2011).

This shows the deep tensions within Australian civil-military relations, with many in the ADF and most of their external supporters demanding more autonomy and seemingly believing that they are not accountable to the government, but directly to the Queen (ABC 7.30, 2011). In 2002 the then ADA Executive Director, Michael O'Connor argued that: "The armed forces have to be responsible and loyal to the government but they must always be seen to stand apart from government because they are the permanent protectors of the national interest, whereas the government is just its temporary custodian" (The Australian 2011. This position appears to support the argument by ABC journalist Chris Uhlmann that "there's a lingering belief in the military that they're accountable to the Governor General and not the government of the day because of the oath of the allegiance they swear" (ABC 7:30, 2011).

The events themselves are indicative of the dark side of an organisation, trapped in a tribal, masculine culture. The lineage of deviance extends from the newest recruits to senior officers, with the culture aggressively reproduced (Gofman, 1991, Scott, 2010). The distrust that senior ranks hold regarding their political masters and civilians more generally is echoed down the ranks with the view that ‘civvies’ don’t understand and support the ‘troops’. Merely questioning misconduct condemns the interlocutor to allegations of disloyalty.

Current Status: Line in the sand

In 2013, after the seven culture reviews had been tabled, the form and character of military misconduct had been cast in a different light. The DLA Piper review received around 1300 cases of physical, sexual or other abuse and reported 785 to the Minister for Defence falling within their terms of reference. The Defence Abuse Response Taskforce (DART), an investigative and compensatory agency looking at, and extending the findings of the DLA Piper report, has received around another 2500 reports. Notably both entities explain that their investigations are merely representative. The Broderick Review of Treatment of Women at ADFA and in the ADF outlined changes in military culture but also persistent barriers to women’s integration and significant resistance to the ongoing integration of women across all defence employment. The Kirkham review into incident management and complaint handling indicated failings, and the need for a more supportive culture of reporting and recording and a protocol that suitably addressed the grievances of those experiencing defence abuse.

The *Personal Conduct* review explains its intention to develop an institutional code of conduct for an operations focussed culture, that is four tiered, including: a just culture, an inclusive culture, a reporting culture and a learning culture. This report reflects a qualified adjustment of the traditional individualising rhetoric of defence response to military scandals.

The Personal Conduct Report highlights this well, explaining that:

It is important to make this point because there is a strongly-held informal view within the ADF that the events in question are not only isolated but represent a failure of individuals rather than a failure of culture (Orme, 2012:16).

The critique of this individualising view was put most forcefully by Lt General Morrison in

June 2013, responding to the Jedi Council scandal. The Jedi Council were a group of 100 Army personnel ranking from Corporal to Lt Colonel using the defence network to distribute images and commentary on women they had been engaging in preying on, and having sex with. Lt General Morrison posted the now viral 'Line in the Sand' speech that said:

Those who think that it is okay to behave in a way that demeans or exploits their colleagues have no place in this army... If that does not suit you, then get out.

(Morrison 2013)

However, despite this clear and resolute stand by the Chief of Army, the defence establishment continues to demonstrate their disregard for public perception and the validity of the facts at hand. Indeed, it may be a case of perception management and marketing as opposed to real structural and cultural change.

In response to Lt General Morrison, ex-General Jim Molan penned an article in *The Australian* entitled *A few bad apples don't create a culture* (Molan, 2013). Molan rejects the argument that military misconduct is cultural, and restates that it is down to a few 'silly people'. Molan reflects the tradition of denial and deceit and reinforces the old guard command disposition to civil society and the media when he states: "You would expect condemnation from anti-military feminists but why from the media?" Molan demonstrates why defence requires reform, why they must be overseen by executive government and why they are unable or unwilling to reflect upon their dark side.

Nonetheless, the Personal Conduct report, sitting alongside the clear and resolute position of the Chief of Army, highlights the contemporary rhetoric of the ADF working toward cultural evolution. At least the first pillar of military misconduct has been exposed when Orme reports:

The down side to military tribalism is that while those who are in the tribe belong; those who are not, are considered to be outsiders (those "others") and somehow lesser contributors.... This sense of belonging, or not belonging, of being 'same' or

'other' underpins much of the experience of women in the ADF Orme cited in Broderick, 2012: 76).

Tribalism is marked by separation and distinction. While the Personal Conduct report recognises this at the level of groups of male soldiers, it has failed to acknowledge this as a cultural form that pervades the entire institution and the defence establishment itself. Defence sees itself as distinct from civil society, from the state, and accountable to its own rules of engagement. The question remains as to how far cultural evolution can go for a closed institution, operating on its own cultural logic, inured to independent scrutiny and critique. It may be that this disposition is so structurally determined and locked in by immutable loyalty to the principle of military effectiveness, that real change is ultimately impossible. This is a question that military criminology and critical military studies can begin to explore, map and answer.

Conclusion

Since the Skype incident the traditional few bad apples account has been, and continues to be, articulated but the ADF have also drawn a line in the sand. The reviews have acknowledged the dark side of defence and described it as tribalism. While some continue to argue this is the behaviour of a few bad apples leaders such as Lt General Morrision, Chief of Army, have come out strongly against their men behaving badly. The question is to what extent will their shift in disposition endure and manifest in real change. The scandal is a window into hitherto hidden tensions within the civil-military relationship in Australia, and it is invaluable in illuminating values and attitudes operating at all levels of the organisation.

Scandals are enunciated by the media, as an agency of civil society, and bring the state, the military and civil society into conjunction. The scandal is a window into these relations, and the ways in which each of the clausewitzian triad – the government, the people and the military are disposed toward each other and themselves. These interactions mobilise accounts of the matter at hand, and the context within which it occurred and ultimately review and reform. The dark side of organisations literatures brings criminology to the sociology of the

military. The scandal finds a new way of framing civil military relations. Together these are novel ways of attempting to understand an unscrutinised field – military criminology.

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