

**“JACKY” FISHER AND THE 1899
HAGUE CONFERENCE:
*A REASSESSMENT***

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Abstract

It is well known that then-Vice Admiral Sir John Arbuthnot ‘Jacky’ Fisher was Great Britain’s technical naval delegate to the 1899 Hague Conference. But his role and conduct at the Conference has received little scholarly attention. As a result, one of the enduring legacies of the 1899 Conference is the view that Fisher was a determined opponent of peace and a scofflaw toward the laws of war both at the Conference and after. Some historians use this traditional view of Fisher to explain apparent inconsistencies and contradictions between the positions taken by Great Britain at the 1907 Hague Conference and the 1909 London Naval Conference and the Royal Navy’s strategy for war against Germany prior to the First World War. Other naval historians argue that Fisher’s seemingly wild-eyed pronouncements regarding his supposed contempt for the laws of warfare were in fact intended to deter war. This article presents a reassessment of Fisher and the 1899 Conference. It argues that Fisher was not the fanatic of unrestrained warfare as he is traditionally portrayed and that a reconsideration of the facts surrounding his appointment to the British delegation for the 1899 Conference and his actions there support this position.

Introduction

The traditional retrospective view of the 1899 International Peace Conference held at The Hague has been that it generally was a waste of time in terms of positively affecting the laws of war. Calvin DeArmond Davis, in his volume on the conference, concluded, “[T]he conference was essentially a failure” and “achieved little in the way of progress for humanity.”¹ Naval historian Arthur Marder encapsulated it in *The Anatomy of British Sea Power* simply as a “fiasco.”² Indeed, the 1899 Conference began with no one expecting anything of consequence to come out of it. One newspaper correspondent described the atmosphere as “one of frigid reserve, not to say mutual mistrust.”³ Andrew White, head of the United States delegation later wrote, “[S]ince the world began, never has so large a body come together in a spirit of more hopeless skepticism as to any good result.” Some senior European delegates despaired of the adverse impact of the conference on their otherwise unblemished careers.⁴ However, the 1899 Conference was hardly a failure for

¹ Calvin DeArmond Davis, *The United States and the First Hague Peace Conference*. Ithaca, NY: Cornell University Press, 1962, pp. 212, 213. In his later work on the 1907 Conference, Davis softened this view somewhat. See Calvin DeArmond Davis, *The United States and the Second Hague Peace Conference: American Diplomacy and International Organization, 1899-1914*. Durham, NC: Duke University Press, 1975, pp. vii-viii.

² Arthur J. Marder, *The Anatomy of British Sea Power*. New York: Alfred A. Knopf, 1940, p. 341.

³ Special Correspondent, “Close of the Peace Conference,” *The Times* (London), 31 July 1899, p. 5, col. 2. See also Editorial, “The Peace Conference at The Hague Was Formally Opened Yesterday,” *The Times* (London), 19 May 1899, p. 9, col. 3.

⁴ Andrew D. White, *The Autobiography of Andrew Dickson White*. New York: Century, 1922, vol. II, p. 256.

naval warfare. It set the stage for analysis, discussions, and debates regarding the laws naval of warfare for the following ten years.

It is well known that then-Vice Admiral Sir John Arbuthnot “Jacky” Fisher was Great Britain’s technical naval delegate to the 1899 Conference. But his role and conduct at the Conference has received little scholarly attention, and that which it has received has been conclusory. Just as naval historians have given short shrift to the 1899 Hague Conference, they have paid little substantive attention to Fisher at the Conference. Nearly all that has been written about Fisher’s conduct at the 1899 Conference has been based on two pages in an article penned by Fisher’s great friend, William T. Stead, over ten years later to celebrate Fisher’s career upon his retirement as First Sea Lord.⁵ His first biographer described Fisher’s participation at the 1899 Conference in less than three pages, most of which is a lengthy quotation from Stead’s article.⁶ Ruddock Mackay devoted less than seven pages of his biography of Fisher to the 1899 Conference. Most

⁵ See W.T. Stead, “Character Sketch: Admiral Fisher”, *The Review of Reviews* XLI, no. 242 (1910), pp. 117-118. William Thomas Stead (1846-1912) championed the peace movement in the United States and Great Britain. Nevertheless, he and Fisher were close friends, dating from Stead’s journalism in the mid-1880s that helped force additional government expenditures on the Royal Navy. Stead died on his way to a peace congress in New York when the RMS *Titanic* sank on 15 April 1912. Fisher was devastated by his loss. See Fisher to Esher, 22 Apr. 1912, in Arthur J. Marder, ed., *Fear God and Dread Nought: The Correspondence of Admiral of the Fleet Lord Fisher of Kilverstone*, vol. II: *Years of Power, 1904-1914*. London: Jonathan Cape, 1956, pp. 449-450 (hereafter *FGDN II*).

⁶ Reginald H. Bacon, *The Life of Lord Fisher of Kilverstone*. London: Hodder and Stoughton, 1929, vol. I, pp. 120-123.

of his account of Fisher's conduct is based on Stead's article or a report prepared by Germany's naval delegate.⁷

As a result, one of the enduring legacies of the 1899 Conference is the view that Fisher was a determined opponent of peace and a scofflaw toward the laws of war both at the Conference and after.⁸ Fisher himself later claimed that he was appointed to the British delegation to fight against peace.⁹ Some historians use this traditional view of Fisher and his alleged indifference to the laws of war to explain apparent inconsistencies and contradictions between the positions taken by Great Britain at the 1907 Hague Conference and the 1909 London Naval Conference and the Royal Navy's strategy for war against Germany prior to the First World War.¹⁰ As characterized by Avner Offer, Fisher "was no respecter of the laws of

⁷ Ruddock F. Mackay, *Fisher of Kilverstone*. Oxford, UK: Clarendon Press, 1973, pp. 221-224. The report by Captain Siegel, dated 28 June 1899, is reproduced in full in German in Johannes Lepsius, Albrecht Mendelssohn Bartholdy, and Friedrich Thimme, ed., *Rings um die Erste Haager Friedenskonferenz*, vol. 15 of *Die Grosse Politik der Europäischen Kabinette, 1871-1914*. Berlin: Deutsche Verlagsgesellschaft, 1924, pp. 225-230. A partial English translation is contained in E.T.S. Dugdale, ed. and trans., *The Growing Antagonism 1898-1910*, vol. 3 of *German Diplomatic Documents, 1871-1914*. New York: Harper & Brothers, 1930, pp. 78-80.

⁸ See, for example, Barbara W. Tuchman, *The Proud Tower: A Portrait of the World Before the War, 1890-1914*. New York: Macmillan, 1966, pp. 298, 302-303.

⁹ Admiral of the Fleet Lord Fisher, *Records*. London: Hodder and Stoughton, 1919, p. 55.

¹⁰ See, for example, John W. Coogan, *The End of Neutrality: The United States, Britain and Maritime Rights, 1899-1915*. Ithaca, NY: Cornell University Press, 1981, pp. 108-109, 117-121, 239; Nicholas A. Lambert, *Planning Armageddon: British Economic Warfare and the First World War*. Cambridge, MA: Harvard University Press, 2012, p. 95; Avner Offer, *The First World War: An Agrarian Interpretation*. Oxford, UK: Oxford University Press, 1989, p. 277.

war.”¹¹ Offer posits a Machiavellian strategy by Fisher, who had no intention of following any international agreement limiting Britain’s belligerent rights in time of war.¹² Nicholas Lambert, in his monograph *Planning Armageddon*, asserts, “As a plenipotentiary at the previous 1899 conference, [Fisher] had seen at first-hand how legal principles tended to shrivel whenever they conflicted with national self-interest.”¹³ Nicholas Lambert builds on Fisher’s apparent disdain for the laws of war to argue that the Admiralty had a “cavalier attitude toward the sanctity of international agreements.”¹⁴

In contrast, other naval historians argue that Fisher’s seemingly wild-eyed pronouncements regarding his supposed contempt for the laws of warfare were in fact intended to deter war. Andrew Lambert concludes, “Fisher preferred the non-violent approaches because he recognized there were no logical limits to the application of violence in war.” Fisher was “a convinced proponent of peace through deterrence”.¹⁵ Another historian has concluded that “Fisher’s deterrence policy dated to his appointment as British naval representative” at the 1899 Conference, albeit without reviewing

¹¹ Offer, *First World War*, p. 270. See also Avner Offer, “Morality and Admiralty: ‘Jacky’ Fisher, Economic Warfare and the Laws of War”, *Journal of Contemporary History* 23 (1988), p. 100.

¹² Offer, *First World War*, pp. 277-279.

¹³ N. Lambert, *Planning Armageddon*, p. 65. However, Fisher was not a “plenipotentiary” at the Conference, but rather was a technical delegate and so did not have the right to vote of a plenipotentiary. See James Brown Scott, ed., *The Proceedings of the Hague Peace Conferences: The Conference of 1899*. New York: Oxford University Press, 1920, p. 3

¹⁴ N. Lambert, *Planning Armageddon*, p. 100.

¹⁵ Andrew Lambert, *Admirals: The Naval Commanders who Made Britain Great*. London: Faber and Faber, 2008, p. 298. Mackay also suggests Fisher followed a deterrence policy, at least to some extent. Mackay, *Fisher of Kilverstone*, p. 223.

Fisher's conduct at the Conference or addressing the evidence relied upon by others to support a contrary view. He states:

In discussions with German delegates, Fisher became aware of their concern over the vulnerability of Germany's Baltic coasts, ports, and commerce ... Later calls to "Copenhagen" the German fleet at Kiel, to conduct amphibious landings in Schleswig-Holstein, and other well-known Fisherisms ... may have originated within the context of the [1899] conference. It is crucial to realize, however, that beneath the fire-breathing rhetoric lay the key to his deterrence theory. Fisher was not a warmonger by nature.¹⁶

Recently, naval historian Richard Dunley has presented a cogent and well-reasoned analysis of Fisher's statements toward Germany between 1904 and 1908 and concluded that Fisher made outrageous utterances intended to provoke German reaction as part of his policy of deterrence.¹⁷

Which of these views, Fisher as warmonger and scofflaw toward the laws of war or as a man determined to avoid war through deterrence is accurate? This paper presents a reassessment of Fisher and the 1899 Conference. It contends that Fisher was not the fanatic of unrestrained warfare as he is traditionally portrayed and that a reassessment of the facts surrounding his appointment to the British delegation for the 1899 Conference and his actions there support this

¹⁶ Shawn T. Grimes, *Strategy and War Planning in the British Navy, 1887-1918*. Woodbridge, UK: Boydell Press, 2012, p. 60.

¹⁷ Richard Dunley, "Sir John Fisher and the Policy of Strategic Deterrence, 1904-1908", *War in History* 22 (2015), pp. 155-173.

position. First, context will be provided by giving a brief introduction to Tsar Nicholas II's invitation to attend the 1899 Conference and the significance for the Royal Navy of Great Britain's acceptance of the invitation. Next, the traditional history regarding Fisher's appointment to Great Britain's delegation will be corrected to show that Fisher was not appointed to "fight against peace" as later claimed. The Admiralty's preparations for the Conference and Fisher's role and positions taken there then will be reviewed to show that his actions at the Conference were not as extreme and supportive of unrestrained warfare as traditionally claimed. Finally, the evidence from the 1899 Conference typically relied upon to support Fisher's allegedly jaundiced view of the laws of war is analysed. This reassessment shows that Fisher's positions and experiences at the 1899 Conference do not support the traditional view that he "was no respecter of the laws of war." Rather, Fisher's conduct at the 1899 Conference shows that to the extent his pronouncements against the laws of war were consistent with his deterrence theory – to the extent he made any such pronouncements. Fisher was no warmonger or proponent of unrestrained warfare.

The Tsar's Invitation and Great Britain's Response

The decision of the British government to accept the invitation of Tsar Nicholas II to an international conference to seek "the most effective means of ensuring to all peoples the benefits of a real and lasting peace, and above all of limiting the progressive development

of existing armaments”¹⁸ represented a sea-change in the British policy regarding the laws of maritime warfare that had been followed for nearly fifty years. Since the Declaration of Paris in 1856 after the end of the Crimean War, Britain had assiduously avoided any international conference at which restrictions or limitations on the conduct of naval warfare might be discussed. In 1874, Great Britain agreed to attend the Brussels Conference on the laws of warfare only after obtaining assurances from all the nations planning to be present that the discussions would not relate in any way to maritime warfare.¹⁹ In 1893, The Netherlands had approached Britain and suggested an international conference to discuss extension of the Declaration of Paris “by agreeing to the principle that private property of subjects or citizens of a belligerent on the high seas should be exempt from seizure.”²⁰ Prime Minister Lord Rosebery’s answer was a curt response that “Her Majesty’s Government regret that they do not see their way to accede to such a proposal.”²¹

Nicholas II’s invitation of 24 August 1898 generally was met with scepticism and cynicism by the various heads of state and their senior ministers. “The chancelleries of Europe handled it like a parcel that

¹⁸ James Brown Scott, ed., *Instructions to the American Delegates to the Hague Peace Conferences and their Official Reports*. New York: Oxford University Press, 1916, pp. 1-2.

¹⁹ Derby to Her Majesty’s Representatives, 27 July 1874, in Foreign Office, *Correspondence Respecting the Proposed Conference at Brussels on the Rules of Military Warfare, Part II* (Miscellaneous No. 2 (1874)). London: HMSO, 1874, p. 19.

²⁰ Villiers to Rosebery, 28 Jan. 1893, Cabinet Files (hereafter CAB) 17/85, f. 230, The National Archives, Kew, UK.

²¹ Rosebery, Minute on Villiers to Rosebery, *ibid.* See Currie to Bylandt, 11 Feb. 1893, *ibid.*, ff. 230-231.

might contain a bomb.”²² Nevertheless, no country wanted to be the one nation to say “no”. The government of Prime Minister Lord Salisbury carefully surveyed other nations to determine whether they intended to accept the Tsar’s invitation.²³ Most thought they had little choice but to accept. By 10 September, Britain’s ambassador to Russia, Sir Charles Scott, advised Salisbury that seven nations, including the United States and Germany, had already accepted the Tsar’s invitation.²⁴ As of the end of September, Britain still had not accepted. In late September, Salisbury asked Sir Thomas H. Sanderson, the Permanent Under-Secretary of State for Foreign Affairs, “to draft an acceptance in properly sympathetic terms indicating rather vaguely the desirability of a programme of some kind.”²⁵ By 5 October, a draft response had been prepared and provided to the Cabinet for review. It was, as Salisbury desired, a vague document, expressing sympathy with the objects of the Tsar’s invitation and recognizing the increasing amounts spent by many nations on armaments and the desire to reduce the burdens such expenditures caused on the general population.²⁶ Great Britain finally

²² Geoffrey Best, “Peace Conferences and the Century of Total War: The 1899 Hague Conference and What Came After”, *International Affairs* 75 (1999), p. 622.

²³ See, for example, Pakenham to Salisbury, 6 Sept. 1898, Foreign Office Files (hereafter FO) 412/65, p. 10, The National Archives, Kew, UK; Howard to Salisbury, 9 Sept. 1898, *ibid.*; Scott to Salisbury, 10 Sept. 1898, *ibid.*

²⁴ Scott to Salisbury, 10 Sept. 1898, *ibid.*, p. 9.

²⁵ Sanderson to Scott, 28 Sept. 1898, Add MSS 52298, ff. 54-56, Papers of Sir Charles Stewart Scott, Western Manuscripts, The British Library, London, UK.

²⁶ Draft Despatch from Salisbury to Scott, 5 Oct. 1898, CAB 37/48/73.

accepted the Tsar's invitation well after the other Great Powers in late October 1898.²⁷

Little happened regarding the Tsar's proposal for several months. Then, on 11 January 1899, Russia's Foreign Minister provided notes to all the nations that had accepted the invitation, listing subjects for consideration. The note identified two objectives for the proposed conference: "1. To check the progressive increase of military and naval armaments, and study any possible means of effecting their eventual reduction"; and "2. To devise means for averting armed conflicts between States by the employment of pacific methods of international diplomacy."²⁸ The Russian note also suggested eight subjects for discussion, five of which dealt squarely with issues of naval warfare in whole or in part. These included freezing naval budgets with a view toward reducing them; prohibiting new types of weapons; prohibiting the use of submarine torpedo boats "or other similar engines of destruction"; and applying the Geneva Convention of 1864 to naval warfare.²⁹

The Admiralty's response was predictable. First Lord of the Admiralty George Goschen wrote to Salisbury after receiving Russia's proposed topics saying:

If the Tsar's extraordinary conference is to come off soon, it will be necessary for us to talk the matter over in good time, as if

²⁷ Salisbury to Scott, 24 Oct. 1898, FO 412/65, p. 17. See also Best, "Peace Conferences", pp. 621-623.

²⁸ Scott to Salisbury, 12 Jan. 1899, in Foreign Office, *Correspondence Respecting the Peace Conference Held at The Hague in 1899* (Miscellaneous No. 1). London: HMSO, 1899, p. 1.

²⁹ Inclosure, Scott to Salisbury, 12 Jan. 1899, *ibid.*, pp. 3-4.

a naval officer should have to attend as an expert he should need a great deal of coaching.

I presume the great object will be with every Power to make it appear that it is one of the others who causes the inevitable collapse. So we shall have to proceed gravely, as if the proceedings were serious.

The subjects brought forward in the Emp^f circular [show] the absurdity of the whole business conclusively.³⁰

Four days later he again wrote to Salisbury asking: “The F[oreign] O[ffice] have sent us the Russian circular & asked for our observations thereon. Need we communicate on the document at present? We should have to point out absurdities & impossibilities in every line, so is it necessary, or even expedient, to do so early & to put all our objections on record?”³¹ Clearly, the First Lord did not wish to spend time and effort detailing the Admiralty’s objections to Russia’s proposed agenda. However, the Cabinet resolved to accept Russia’s list of topics for the conference. On 14 February, Great Britain “gladly accept[ed]” the Tsar’s invitation for an international conference to discuss reduction of armaments and means for preventing armed conflicts by diplomacy. The government was more cautious regarding the eight points proposed for consideration, stating it “would prefer for the present to abstain from expressing any definite opinion.”³² However, as First Lord Goschen recognized, the

³⁰ Goschen to Salisbury, 18 Jan. 1899, A93, “Admiralty/War Office From & To – 1895-1900”, ff. 98-99, Papers of Robert Gascoyne-Cecil, 3rd Marquess of Salisbury, Hatfield House, Hatfield, England (hereafter Salisbury Papers).

³¹ Goschen to Salisbury, 22 Jan. 1899, Series E, “G. Goschen correspondence, 1899-1900”, ff. 1-4, Salisbury Papers.

³² Salisbury to Scott, 14 Feb. 1899, FO 412/65, p. 30.

government had agreed implicitly to consider questions affecting the Royal Navy, contrary to previous international conferences in the latter half of the nineteenth century.³³

Fisher's Selection to the British Delegation

Once Great Britain accepted Russia's proposed program for the conference and agreed to attend, the question of who would comprise the delegation naturally arose. Speculation in January 1899 was that the delegation would consist of Prime Minister Lord Salisbury, Lord Rosebery (former Liberal prime minister), and the Prince of Wales (the future King Edward VII).³⁴ Having previously asked if he would have to send a naval officer, First Lord Goschen renewed his query on 25 February, telling Salisbury he "may have to bring a naval delegate from a distance, or to make arrangements for keeping one officer here who would otherwise go abroad."³⁵

The facts surrounding Vice Admiral Sir John Arbuthnot Fisher's selection as a member of Great Britain's delegation to the 1899 Conference have not been adequately or accurately examined. Late in life, Fisher attributed his selection to having strongly argued against Lord Salisbury's brother-in-law while serving as director of naval ordnance in 1886. According to Fisher, he was unexpectedly selected by Salisbury, without consultation with Goschen, because Salisbury

³³ Goschen, Minute, 14 May 1899, Admiralty Files (hereafter ADM) 116/98, f. 21, The National Archives, Kew, UK.

³⁴ Holls to White, 3 Jan. 1899, box 20, vol. 19, Frederick William Holls Papers, MS #0606, Butler Library, Columbia University, New York, NY; Holls to White, 21 Jan. 1899, *ibid.*

³⁵ Goschen to Salisbury, 25 Feb. 1899, Series E, "G. Goschen correspondence, 1899-1900", f. 7, Salisbury Papers.

knew from his exposure to Fisher in 1886 that Fisher “should fight at the Peace Conference.”³⁶ Fisher claimed he learned the story of his selection and how it came about from Count Nigra, Italy’s ambassador to Austria-Hungary.³⁷ Fisher’s biographers have generally repeated this story.³⁸ However, the dates of the events related by Fisher (or Count Nigra) do not correspond with the known timeline relating to the 1899 Conference and the events leading up to it, and therefore Fisher’s hearsay-based story is questionable on its face.

Fisher had been appointed commander-in-chief of the North America and West Indies fleet in August 1897, approximately four months after being promoted to vice admiral.³⁹ He was then fifty-six years old and had been in the Royal Navy since 1854. He had served as Third Naval Lord – Controller of the Navy – in the Admiralty from 1892 until his appointment to the West Indies Fleet.⁴⁰ The West

³⁶ Admiral of the Fleet Lord Fisher, *Some Notes by Lord Fisher for his Friends*. London: Westminster Press, 1919, pp. 58-59 (copy No. 1 of 100 in ESHR 17/5, Papers of Viscount Esher (Reginald Brett), GBR/0014/ESHR, Churchill Archives Centre, Churchill College, Cambridge, UK); Fisher, *Records*, pp. 53-55; Fisher, Manuscript notes, FISR 9/2, f. 5104, Papers of 1st Lord Fisher of Kilverstone, GBR/0014/FISR, Churchill Archives Centre, Churchill College, Cambridge, UK (hereafter *FISR*).

³⁷ Fisher, *Some Notes*, p. 58; Fisher, Manuscript notes, *FISR* 9/2, f. 5104.

³⁸ See Bacon, *Lord Fisher of Kilverstone*, vol. I, p. 120; Mackay, *Fisher of Kilverstone*, p. 192; Arthur J. Marder, ed., *Fear God and Dread Nought: The Correspondence of Admiral of the Fleet Lord Fisher of Kilverstone*, vol. I: *The Making of an Admiral, 1854-1904*. Oxford, UK: Alden Press, 1952, pp. 102-103 (hereafter *FGDN I*).

³⁹ Mackay, *Fisher of Kilverstone*, p. 212.

⁴⁰ *Ibid*, pp. 1, 3, 204, 213; *FGDN I*, pp. 99-101.

Indies Fleet was a backwater of the Royal Navy, and Fisher may have expected to retire from that position.⁴¹

However, Fisher had made a favourable impression on Goschen during the approximately two years they served together in the Admiralty (1895-1897), and also had long been a favourite of Queen Victoria.⁴² At least as of 10 March 1899, Salisbury had not yet made up his mind regarding any appointee other than the selection of Sir Julian Pauncefote, Britain's ambassador to the United States, as head of the delegation.⁴³ However, by 17 March, he had decided to appoint Fisher as naval delegate.⁴⁴ Some time prior to that date, Goschen and Salisbury had conferred, and Goschen had suggested Fisher to Lord Salisbury "as probably the best man; and I don't think we could do better. He knows a great deal & is cunning, but I doubt his speaking much French."⁴⁵ By 19 March, Goschen had heard "indirectly" that Fisher's name had been submitted to the Queen and asked for confirmation, so that Fisher could be ordered from the West Indies at once and replaced in his command.⁴⁶ Salisbury apparently confirmed his decision, because Fisher received a telegram from Goschen on 22

⁴¹ But see A. Lambert, *Admirals*, p. 301 (contending that Fisher's appointment to the West Indies station was an "exercise in job creation," intended to keep Fisher on the active list).

⁴² Mackay, *Fisher of Kilverstone*, pp. 173-74, 213.

⁴³ Salisbury to Pauncefote, 10 Mar. 1899, FO 412/65; Hay to McKinley, 11 Mar. 1899, series 1, reel 6, William McKinley Papers, microfilm 12,411-98P, Library of Congress Manuscript Division, Washington, DC.

⁴⁴ See Barrington to Welby, 17 Mar. 1899, A93, "Admiralty/War Office From & To - 1895-1900", ff. 191-192, Salisbury Papers.

⁴⁵ Goschen to Salisbury, 19 Mar. 1899, Series E, "G. Goschen correspondence, 1899-1900", ff. 9-10, *ibid.*

⁴⁶ *Ibid.*

March advising he had been selected as the naval delegate to the conference and that afterwards he would become commander-in-chief of the Mediterranean Fleet. Fisher feigned disappointment at having to leave the West Indies, but acknowledged that the Mediterranean Fleet “is *the* tip-top appointment of the Service, and, of course, if there’s a war, there’s a peerage or Westminster Abbey.”⁴⁷

The day after receiving the telegram, Fisher sent a letter to then-Captain Wilmot Fawkes, who was serving as private naval secretary to Goschen. Fisher’s letter suggests that his selection as naval delegate had not come as a complete surprise and intimates that Fawkes may have played some role in Fisher’s choice and promotion to command the Mediterranean Fleet.⁴⁸ Moreover, in a letter sent while the 1899 Conference was in progress, Fisher proposed that Fawkes lobby Goschen on certain personnel selections and further stated he did not “know if it entered into Mr. G’s calculations *when he selected me*, but the fact of my being nominated as Commander-in-Chief of the Mediterranean has fetched all the foreigners very much ... and it has helped us along very much.”⁴⁹

Thus, contrary to Fisher’s later “recollection” as repeated by his biographers, his appointment to the 1899 Conference was the result of deliberate discussions between Goschen and Salisbury. Despite his deficiencies in the language of diplomacy (French) and his lack of previous diplomatic experience, Fisher was selected because he was

⁴⁷ Fisher to Neeld, 23 Mar. 1899, *FGDN* I, p. 139 (emphasis in original).

⁴⁸ Fisher to Fawkes, 23 Mar. 1899, *FISR* 1/1, ff. 62-63.

⁴⁹ Fisher to Fawkes, 4 June 1899, *FISR* 1/1, ff. 64-65 (emphasis added).

“cunning.” Fisher was not appointed to fight against peace at the Conference, but because he was the best candidate available and appointing him as a delegate freed him to lead the Royal Navy’s most important command, the Mediterranean Fleet, after the Conference ended.

The Admiralty’s Preparations for the Conference

Weeks after Fisher’s selection as the technical naval delegate for the British delegation, the Admiralty finally got to work on responding to the Foreign Office’s request from January asking for its views on the topics proposed for the conference. Captain Reginald N. Custance had been appointed Director of Naval Intelligence (DNI) in March 1899, a position he held until November 1902. He was the first in a series of DNIs who considered the implications of the laws of naval warfare vis-à-vis naval strategy in the first decade of the twentieth century. At the time of his appointment, Custance was well regarded for his intellect in the naval community. He is now remembered primarily as an advocate of the study of war and as a vocal critic of the Admiralty in the last years of Fisher’s administration as First Sea Lord. He was an advocate of Alfred Thayer Mahan’s vision of sea power, but rather muddled and simplistic in his views and resistant to changes in naval technology and thinking.⁵⁰ Custance was responsible for preparation of the

⁵⁰ Matthew Allen, “Rear Admiral Reginald Custance: Director of Naval Intelligence 1899-1902”, *The Mariner’s Mirror* 78, No. 1 (1992), pp. 61, 71-74; Andrew Lambert, “Custance, Sir Reginald Neville (1847-1935)”, *Oxford Dictionary of National Biography*. Oxford, UK: Oxford University Press, 2004 (<http://www.oxforddnb.com/view/article/32687>). See generally “Barfleurl”

Admiralty's position paper. No evidence exists in the Admiralty files that Fisher was involved in the preparation of the document.

Custance received no assistance in his endeavour from the Foreign Office. A request to see dispatches relating to the Geneva Convention of 1864 was met with a short response advising Custance that if he would "depute a gentleman to come and examine them at this Office, the Librarian and Keeper of the papers will be happy to shew [*sic*] them to him any day between the hours of 12 and 5 P.M."⁵¹

Custance never obtained the documents. Nevertheless, he prepared a nine-page attack on every object and nearly every proposed topic for the conference.⁵² The one topic that met his approbation was the Tsar's proposal to outlaw submarines and "other similar engines of destruction." Custance recommended that the Admiralty support that topic because:

The submarine boat is the arm of the weaker navy. It would be to our interest to prohibit it, as well as mines and torpedoes of all kinds, because the efficiency of our blockades would be much increased. The fact is that the advantage which the superior Navy gained by the use of steam has been counterbalanced by what it has lost through the introduction of mines and torpedoes.⁵³

(pseudonym of Custance), *Naval Policy: A Plea for the Study of War*. Edinburgh: William Blackwood, 1907.

⁵¹ Custance to Foreign Office, Draft letter, 2 May 1899, f. 17, ADM 116/98; Foreign Office to Secretary to the Admiralty, 10 May 1899, ff. 18-19, *ibid*.

⁵² Custance, Memorandum, 10 May 1899, ff. 23-32, *ibid*.

⁵³ *Ibid*, f. 26.

The day after Custance submitted his first analysis and draft response, Goschen again sought guidance from Salisbury regarding the latter's intentions for the upcoming conference. Goschen asked Salisbury if he intended to provide any instructions to the delegation, "& if so, are they to bring disarm [*sic*] up?" Goschen also asked if there should be a meeting regarding any instructions. Finally, he surmised, "Of course, the primary instruction will be: Initiate nothing, & let the other Powers make the first move. I should in any case like to leave Pauncefote as to some of the questions outside of reduction of armaments which are sure to arise."⁵⁴ Goschen did not receive a response from Salisbury.

Goschen provided comments on Custance's draft and recommended additional arguments against certain of the topics proposed for the conference. After Custance and Goschen met, Custance prepared another draft incorporating Goschen's views. The Admiralty "assumed" the delegation would be instructed not to enter into any agreements without asking the government first.⁵⁵ Goschen added a sentence to Custance's second draft, stating that the delegation should pay attention to any effect an agreement on international mediation and arbitration of disputes might have on "permissible and prohibited naval and military movements during the period of mediation."⁵⁶ The Admiralty finally sent its formal response

⁵⁴ Goschen to Salisbury, 11 May 1899, Series E, "G. Goschen correspondence, 1899-1900", ff. 11-12, Salisbury Papers.

⁵⁵ Custance, Draft B Response to Foreign Office, 15 May 1899, ff. 39, 41, ADM 116/98.

⁵⁶ *Ibid*; Goschen, Insert to Draft B, 15 May 1899, f. 40, *ibid*.

to the Foreign Office's demand for "observations" on the Tsar's proposed topics on 16 May, nearly five months after it was requested.⁵⁷

On the same date, Lord Salisbury delivered his instructions to the head of Britain's delegation, Sir Julian Pauncefote. In general, the instructions expressed no definite views regarding seven of the eight topics proposed for the Conference. Salisbury informed Pauncefote the government had abstained from expressing any definite opinion on the eight points set forth in the 11 January note, other than support for the mediation and arbitration of international disputes.⁵⁸ The instructions concluded by telling Pauncefote to keep the government constantly informed as to the proceedings of the conference.⁵⁹ The Admiralty was not provided with copies of the instructions or any of the documents supplied to the British delegation. It had to request copies from the Foreign Office a week after the conference convened, after reading about the documents in an article in *The Times*.⁶⁰

Whether Fisher met with Goschen to discuss his instructions prior to departing for The Hague is uncertain. No record of such a meeting has been located in the Admiralty's files. Fisher allegedly told Germany's naval delegate during the Conference of a conversation

⁵⁷ MacGregor to Sanderson, 16 May 1899, FO 83/1700; Admiralty to Foreign Office, 16 May 1899, FO 412/65, f. 69.

⁵⁸ Salisbury to Pauncefote, 16 May 1899, *ibid.*, f. 70. See Salisbury to Scott, 14 Feb. 1899, *ibid.*, f. 30.

⁵⁹ *Ibid.*, f. 71.

⁶⁰ Admiralty to Foreign Office, 25 May 1899, f. 51, ADM 116/98

with Goschen after arriving in London from the West Indies.⁶¹ However, Fisher's description of what he claims to have told Goschen, as will be seen, is inconsistent with his reaction to news of his appointment.

Fisher at the 1899 Conference

On 18 May 1899, the delegates from 26 countries convened the conference.⁶² The conference divided its work into three "commissions." The First Commission was devoted to the items on the Russian agenda relating to limiting armaments and certain types of weapons, the Second Commission to revising the laws of land war and extending them to naval warfare, and the Third Commission to devising a peaceful means for the resolution of international disputes. Fisher was a member of the First and Second Commissions, including the sub-commission of the First Commission relating to naval affairs.⁶³ He was a "technical delegate," and could only advise Britain's two plenipotentiaries, Pauncefote and Sir Henry Howard.⁶⁴ He did not have the right to cast votes on behalf of Great Britain absent directions from one of them. Relatively soon, Fisher reported,

⁶¹ Siegel, Report, 28 June 1899, in Lepsius, *et al.*, ed., *Rings um die Erste Haager Friedenskonferenz*, pp. 229-230.

⁶² See Scott, ed., *Conference of 1899*, p. 9.

⁶³ See Pauncefote to Salisbury, Inclosure, 25 May 1899, in Foreign Office, *Correspondence Respecting 1899 Conference*, pp. 16-17; Pauncefote to Salisbury, 17 June 1899, FO 412/65, p. 165.

⁶⁴ See James Brown Scott, *The Hague Peace Conferences of 1899 and 1907*. Baltimore, MD: The Johns Hopkins Press, 1909, vol. I, p. 113; Scott, ed., *Conference of 1899*, pp. 2, 3.

“It’s very hard work here. It’s a case of *Britannia contra mundum!* But we are more than holding our own.”⁶⁵

In the First Commission, Fisher argued in favour of banning submarine boats and the construction of new ships equipped with rams if all nations agreed. He obtained the support of a majority of delegates, including Germany and Russia.⁶⁶ The Admiralty entirely approved of this effort.⁶⁷ However, with the United States and France leading the opposition, the proposals failed for lack of unanimity.⁶⁸ On efforts to limit the on-going arms race, Fisher asserted that any limitations on the development or type of weapons that might be used in war “would place civilized peoples in a dangerous situation in case of war with less civilized nations or savage tribes,”⁶⁹ language taken almost verbatim from the Admiralty’s position paper to the Foreign Office. He did not explain more precisely how that danger might arise. Fisher noted that if new weapons and explosives were prohibited, nations would have to disclose their present designs and compositions, which no country would do.⁷⁰

The United States’ naval delegate, renowned naval historian and strategist Alfred Thayer Mahan, became notorious for his opposition to a proposed ban on the use of projectiles whose sole purpose was to

⁶⁵ Fisher to Fawkes, 4 June 1899, *FGDN I*, p. 141.

⁶⁶ Scott, ed., *Conference of 1899*, pp. 367-368; Fisher, Memorandum, Inclosure 1 to Pauncefote to Salisbury, 31 May 1899, FO 412/65, p. 120.

⁶⁷ Custance, Minute, 2 June 1899, ADM 116/98.

⁶⁸ Scott, ed., *Conference of 1899*, pp. 367-369; Fisher, Memorandum, Inclosure 1 to Pauncefote to Salisbury, 31 May 1899, FO 412/65, p. 120.

⁶⁹ Scott, ed., *Conference of 1899*, p. 360.

⁷⁰ *Ibid.*, pp. 360-361.

spread asphyxiating or deleterious gases. On behalf of the United States, he cast the only negative vote before the sub-commission considering the declaration. He asserted that any such ban was premature, because no such shells presently existed. He argued that, “from a humane standpoint it is no more cruel to asphyxiate one’s enemies by means of deleterious gases than with water, that is to say, by drowning them, as happens when a vessel is sunk by the torpedo of a torpedo-boat.” “Such projectiles,” he contended, “might even be considered as more humane than those which kill or cripple in a much more cruel manner, by tearing the body with pieces of metal.”⁷¹ He adamantly refused to reconsider his position throughout the debates on the proposed prohibition, saying it was “a question of principle.”⁷²

In contrast, Fisher originally voted to ban poison gas shells in the sub-commission. He thought it unlikely such a weapon would ever be developed.⁷³ However, he soon learned diplomacy often involves a *quid pro quo*. Another sub-commission had proposed and passed a declaration banning bullets that flatten or expand inside the human body. This proposal was directed against Britain’s use of the “dum-dum” bullet. Only Britain had opposed the declaration before the sub-commission.⁷⁴ When the proposed ban on poison gas shells came before the full conference committee, Fisher voted against it in order to gain the United States’ support and vote against the declaration to

⁷¹ Ibid., pp. 283, 366.

⁷² Ibid., p. 328. See also *ibid.*, pp. 283-284, 296, 366-367.

⁷³ Ibid., p. 367.

⁷⁴ Ibid., pp. 332, 343-344.

ban “dum-dum” bullets.⁷⁵ The press understood a deal had been struck between the American and British delegates.⁷⁶

On 5 June, Fisher was prepared to agree to the revised rules of naval warfare, because “they give greater freedom to belligerents than the Articles of 1868 and are generally of a more satisfactory character to Great Britain.”⁷⁷ However, the Admiralty was not so certain. It took nearly ten days to examine the proposed laws of naval warfare. While the Admiralty was ruminating, the text of the new convention was finalized. Both Fisher and Pauncefote recommended approval.⁷⁸ While DNI Custance found the new rules to be an improvement over the 1868 Geneva Convention, he rejected the idea of embodying them in the form of an international convention. Instead, he proposed that the laws “should be accepted on the understanding that they are not rules having the binding force of an International Treaty, but permissive and in the nature of instructions to be issued by Y[our] L[ordships] to the naval forces.”⁷⁹ The Admiralty concurred and opposed adoption of the new laws of naval warfare as a binding convention.⁸⁰ Prime Minister Salisbury agreed with the Admiralty’s views.⁸¹

⁷⁵ Ibid., pp. 79, 87; Pauncefote to Salisbury, 20 July 1899, FO 412/65, pp. 331-332; Pauncefote to Salisbury, 21 July 1899, *ibid.*, pp. 334-336.

⁷⁶ “The Peace Conference: Asphyxiating Shells and Expansive Bullets”, *The Manchester Guardian*, 22 July 1899, p. 7.

⁷⁷ Fisher and Ardagh, Memorandum, 5 June 1899, Inclosure 1 to Pauncefote to Salisbury, 5 June 1899, FO 412/65, pp. 127-128.

⁷⁸ Pauncefote to Salisbury, 17 June 1899, *ibid.*, pp. 165-66.

⁷⁹ Custance, Minute, 15 June 1899, ADM 116/98.

⁸⁰ Admiralty to Foreign Office, 21 June 1899, FO 412/65, p. 200.

⁸¹ Salisbury to Pauncefote, 21 June 1899, *ibid.*, p. 201.

However, Pauncefote and Fisher did not simply accept the directions of the Admiralty and British government to oppose the proposed international convention. Pauncefote appealed to Salisbury and the Admiralty to reconsider their position.⁸² While the Admiralty still thought it would be disadvantageous to accept the new laws of naval warfare as an international convention, it reluctantly agreed “as a matter of policy to withdraw their objections” based on an amendment that had been made to one proposed article after they had initially reviewed the proposed convention.⁸³

Another proposed convention concerned the treatment of the shore-ends of telegraph cables in time of war. The British delegation, including Fisher, supported requiring such cables to be treated the same as telegraph lines on land.⁸⁴ However, the Admiralty successfully opposed consideration of this issue. It advised that, “the question of submarine cables in time of war is at present unsettled, and that it is to the advantage of Great Britain that it should remain so, because control of them at such a time will really rest with the Power which holds the command of the sea.”⁸⁵ As a result, Fisher and the British delegation changed their position and succeeded in having all questions relating to submarine cables deferred to another conference.⁸⁶ Similarly, consistent with the Admiralty’s views, the

⁸² Pauncefote to Salisbury, 22 June 1899, *ibid.*, p. 210.

⁸³ Custance, Minute, 26 June 1899, ADM 116/98; Admiralty to Foreign Office, 27 June 1899, FO 412/65, p. 240.

⁸⁴ Pauncefote to Salisbury, 21 June 1899, *ibid.*, p. 202.

⁸⁵ Admiralty to Foreign Office, 6 July 1899, *ibid.*, pp. 306-307.

⁸⁶ Fisher, Memorandum, 22 July 1899, Inclosure 1 to Pauncefote to Salisbury, 26 July 1899, *ibid.*, pp. 367-368.

conference did not consider the question of the bombardment of undefended harbours and coastal towns by naval forces or the United States' promotion of the principle of the immunity of private property at sea in time of war. Those issues were likewise deferred to a future conference.⁸⁷

Both Great Britain and the United States were keen on cooperating toward an agreement on arbitration of international disputes.⁸⁸ Consistent with the Admiralty's concerns expressed in its "observations" on the conference topics,⁸⁹ Fisher told Ambassador White when they first met that while "[h]e favored arbitration", he "feared it as detrimental to England."⁹⁰ The readiness for action of the Royal Navy gave it an advantage over other powers that it would not want to give up by agreeing to such a plan. However, Fisher was inclined to try arbitration at least to some extent.⁹¹ Fisher's views were reported to Lord Salisbury by one of the British delegation's secretaries soon after the Conference began. The secretary was concerned about Fisher's position and thought Great Britain would have lost half of the advantage it possessed against France during the Fashoda Crisis in Africa the previous year if mediation had been required.⁹² Salisbury quickly dismissed the issue. He concluded,

⁸⁷ Pauncefote to Salisbury, 7 July 1899, *ibid.*, p. 307; Scott, ed., *Conference of 1899*, p. 49.

⁸⁸ Salisbury to Pauncefote, 16 May 1899, FO 412/65, p. 70; Scott, ed., *Instructions to the American Delegates*, pp. 14-16.

⁸⁹ Admiralty to Foreign Office, 16 May 1899, FO 412/65, p. 69.

⁹⁰ White diary, 24 May 1899, box 228, Andrew Dickson White Papers, #01-02-02, Kroch Library, Cornell University, Ithaca, NY.

⁹¹ *Ibid.*; White *Autobiography*, vol. II, p. 268.

⁹² Maxwell to Howard, 30 May 1899, FO 83/1700.

“Our preparedness is excellent against attack – but is there any even remote probability of our suddenly attacking one of the Great Military Powers without giving an opportunity for mediation?”⁹³ Britain could not conceive of not providing a formal declaration of war as expected under existing international law or not allowing for mediation if it entered into an international agreement for arbitration of disputes.

Although Great Britain did not sign any of the three proposed conventions and three declarations at the conclusion of the conference, nations in attendance were allowed until the end of the year to sign.⁹⁴ The proposed conventions received a full ventilation and analysis within the British government. Fisher was not involved in any of the internal discussions regarding whether to sign any of the agreements. He had left the conference on 26 July to return to England before assuming command of the Mediterranean Fleet.⁹⁵ The Admiralty opposed the convention adapting the 1864 Geneva Convention to maritime warfare unless one article was removed.⁹⁶ Eventually, Prime Minister Salisbury decided that all three conventions, including the one providing for the international arbitration of disputes, would be signed, but with the reservation that Britain did not accept the one article of the convention on maritime warfare to which the Admiralty objected.⁹⁷

⁹³ Sanderson, Minute, endorsed by Salisbury, 30 May 1899, *ibid.*

⁹⁴ Scott, ed., *Conference of 1899*, pp. 220-221, 233.

⁹⁵ Pouncefote to Salisbury, 30 July 1899, in Foreign Office, *Correspondence Respecting 1899 Conference*, p. 222.

⁹⁶ Admiralty to Foreign Office, 9 Sept. 1899, FO 412/65, pp. 486-487.

⁹⁷ Salisbury to Pouncefote, 25 Oct. 1899, *ibid.*, p. 503; Howard to Salisbury, 29 Dec. 1899, FO 83/1701.

Great Britain viewed the conference as a “considerable success.”⁹⁸ Pauncefote told Salisbury it “greatly surpassed the expectations of its most enthusiastic supporters.” Although no agreements were reached on disarmament or limitation of armaments and budgets, “on all other points success was achieved,” particularly because of adoption of the convention on arbitration of disputes.⁹⁹ Before Fisher left to take command in the Mediterranean, he wrote two memoranda for the information of Lord Salisbury and the Admiralty. Neither memorandum suggests that Fisher was the rabid opponent of the laws of war at the Conference as he is typically portrayed.

His first memorandum was a general discussion of the naval subjects at the conference that followed his previous reports and the decisions in each commission and sub-commission on which he served. Fisher reiterated that the convention adapting the 1864 Geneva Convention to maritime warfare “should not permit any embarrassment to the belligerents if they make free use of their powers.” He noted that Pauncefote had successfully prevented consideration of rules for the bombardment of unfortified locales by naval forces and treatment of the shore ends of submarine cables, as well as the United States’ proposal for the immunity of private property at sea. In conclusion, Fisher stated, “all the Naval Delegates have worked together most cordially and harmoniously.”¹⁰⁰

⁹⁸ Salisbury to Pauncefote, 30 July 1899, in Foreign Office, *Correspondence Respecting 1899 Conference*, p. 222.

⁹⁹ Pauncefote and Howard to Salisbury, 31 July 1899, *ibid.*, pp. 353-354.

¹⁰⁰ Fisher, Memorandum, 22 July 1899, Inclosure 1 to Pauncefote to Salisbury, 26 July 1899, FO 412/65, pp. 367-368.

His second memorandum, marked “Secret,” was more revealing and expansive. Fisher provided summaries of his conversations with various delegates – all of which “took place under the pledge of secrecy,” as well as his analyses of those conversations. There was not “the slightest inclination” on the part of any of the naval delegates to agree to any international inspection or controls to ensure compliance with any limitations of armaments or budgets. Fisher’s analysis of the focus of foreign navies showed the necessity for Great Britain to remain vigilant and promoted the importance of the Royal Navy’s Mediterranean fleet, his new command. Russia’s naval forces would be kept in harbour in case of a war only against England. Of course, naval operations in a war of France and Russia against England would be quite different. Russia’s naval delegate said its naval construction program was directed solely toward Japan and Germany, not England. The distribution of the French Navy showed France thought a war with England was more likely than against Germany, while Italy feared French bombardment of unfortified locations in the Mediterranean. France’s naval commander “is said to be an advocate for an instant offensive against the English Mediterranean fleet.” The expansion of other powers’ navies also had to be watched. The United States’ naval expansion “must influence that of Great Britain if of no other Power.” The German Emperor intended to build a large navy, with the Germans closely monitoring French naval strategy.¹⁰¹

¹⁰¹ Fisher, Memorandum (Secret), 22 July 1899, Inclosure 2 to Pauncefote to Salisbury, 26 July 1899, *ibid.*, pp. 368-370.

Fisher surmised that the United States' delegates were instructed not to participate in discussions on restricting budgets in contrast to the "active part" they had taken regarding specific armaments. He expressed some surprise Russia made no real effort to support the proposal to ban submarines, even though that subject was explicitly mentioned in the Tsar's list of subjects for consideration. Restating and paraphrasing Mahan's vehement opposition to the declaration to ban the use of poison gas shells, Fisher concluded, "No doubt an American invention will shortly appear on these lines, and chloroform has already been suggested as the base." Fisher declared the new convention on maritime warfare was "in favour of England, as being the strongest belligerent." Regarding the United States' attempt to introduce discussion of the immunity of private property at sea at the conference, Fisher noted that in addition to opposing the topic, Mahan also favoured privateering and opposed the Declaration of Paris's principle that a neutral's flag protects an enemy's goods on board. Finally, Fisher reported that foreign naval delegates had been impressed with the Royal Navy's readiness for war during the Fashoda Crisis. He understood the arbitration convention allowed "absolute freedom of action" during any period of arbitration and that how well prepared a nation was for war would influence any arbitration.¹⁰²

¹⁰² Ibid, pp. 369-370.

Fisher received accolades for his work,¹⁰³ as well as more personal thanks. After receiving Fisher's memoranda, Salisbury thanked him for his "important services" and invited him to the Foreign Office before departing to his new command.¹⁰⁴ Pauncefote told him "there were many enquiries about you & pleasant things said" at the concluding dinner Fisher had missed at The Hague.¹⁰⁵

Reassessing Fisher at the Conference

Fisher's conduct at the 1899 Conference must be assessed and examined on two levels: his actions at the formal proceedings and his conduct outside those sessions, during personal or "off the record" conversations. A careful examination of the evidence in 1899 on either level does not support the traditional view of Fisher's attitude toward the laws of war.

In considering Fisher's asserted conduct, it should be remembered that he was a combat veteran who had lost men under his command. When he met the head of the United States' delegation early in the conference, Ambassador Andrew D. White, Fisher told him "that he was thoroughly for peace, and had every reason to be so, since he knew something of the horrors of war."¹⁰⁶ Avowed peace activist Baroness Bertha von Suttner regretted Fisher's absence from a party

¹⁰³ See Pauncefote and Howard to Salisbury, 31 July 1899, in Foreign Office, *Correspondence Respecting 1899 Conference*, p. 354; Foreign Office to Admiralty, 9 Aug. 1899, *ibid.*, p. 355; Neale to Fisher, 14 Aug. 1899, *FISR* 1/1, f. 73.

¹⁰⁴ Sanderson (on behalf of Salisbury) to Fisher, 28 July 1899, *FISR* 1/1, f. 71.

¹⁰⁵ Pauncefote to Fisher, 30 July 1899, *FISR* 1/1, f. 72.

¹⁰⁶ White, *Autobiography*, vol. II, p. 267.

more than half way through the conference, because “he is one of the jolliest of the dancers.”¹⁰⁷ Frederick Holls, also a peace proponent and the secretary to the United States delegation, grew fonder of Fisher every time he saw him.¹⁰⁸ Holls and Suttner’s favourable views of Fisher are unlikely if he was the rabid advocate of unbridled war as he later portrayed himself and as characterized by others.

Fisher’s work in the Conference’s formal proceedings does not indicate he acted as an advocate against peace or was a scofflaw toward the laws of warfare. Notwithstanding the suggestion to the contrary made late in life in his memoirs, Fisher generally presented the Admiralty’s views on the topics under discussion consistent with the government’s instructions. However, on some issues he disagreed with the Admiralty’s positions and adopted a more lenient or agreeable approach. The Admiralty did not always follow Fisher’s recommendations and on occasion criticized his views.¹⁰⁹ Fisher’s secret memorandum written at the end of the Conference reveals his focus on potential enemies and their likely actions and implications in a future conflict, not a focus on ignoring the laws of naval warfare or minimizing their implications for naval strategy.

Fisher – and the Admiralty’s – positions were consistent with a realization that the laws of naval warfare would apply in any potential

¹⁰⁷ Bertha von Suttner, *Memoirs of Bertha von Suttner: The Records of an Eventful Life*. Boston, MA: Ginn, 1910, vol. II, p. 314. See also W.T. Stead, “What the Peace Conference Has Done,” *The Daily News*, 29 July 1899, p. 7.

¹⁰⁸ Holls, “Reminiscences [sic],” container 364, p. 61, Frederick William Holls Papers, MS Am 1308, Houghton Library, Harvard University, Cambridge, MA.

¹⁰⁹ See, for example, Custance, *Minute*, 2 June 1899, ADM 116/98.

conflict and so could not simply be ignored. The Admiralty's preparations for the Conference show that while it would have preferred no discussion of the laws of maritime warfare, it finally realized it had to address and plan for consideration of such rules. The positions ultimately taken reveal that to the extent possible, the Royal Navy desired international rules would favour it in time of war, such as the abolition of submarines and torpedoes. Deferring discussion of international rules that might harm or impede its wartime actions or strategy, such as the treatment of the shore-ends of telegraph cables or the immunity of private property in time of war, allowed Fisher and the Royal Navy to postpone discussion of such critical issues and to allow further preparation of the Admiralty's positions. Further, Fisher surely understood that the Royal Navy was constrained by its civilian masters. Neither he nor the Admiralty could ignore an international treaty or limitations on naval warfare simply because it might suit them in time of war. Only the British government, not some individual or even a department, could make a decision of such importance.¹¹⁰ Nicholas Lambert recognizes this fact

¹¹⁰ Christopher Martin, "The Declaration of London: a matter of operational capability", *Historical Research* 82 (2008), pp. 748-749, 752-753. Even Lord Hankey, in opposing Great Britain's ratification of the 1909 Declaration of London, rejected the idea that international conventions could simply be ignored, undoubtedly with reference to Fisher. See Hankey, "The Effect of the Declaration of London on Food Supply", Feb. 1911, HKNY 7/5, f. 12, Archives of Lord Hankey of the Chart (Maurice Hankey), GBR/0014/HNKY, Churchill Archives Centre, Churchill College, Cambridge, UK.

but dismisses it.¹¹¹ However, “Britain took law enormously seriously”.¹¹² International agreements could not blithely be ignored.

Contemporary descriptions of Fisher’s conduct at the Conference also do not support the assertion that he violently opposed agreements to limit and regulate warfare or thought them of no moment. One newspaper ascribed to Fisher “a great deal of statesmanship.”¹¹³ Stead described Fisher’s performance shortly after the Conference:

In the debates he took very little part. ... At the very opening of the Conference he was one of the few delegates who believed that something would be done, and who was resolute that so far as he was concerned it would be done, and that right well. Among the sailor men at the Conference he was looked up to with an affection, and almost veneration, which was very pleasing to behold. This was not gained by any hesitation on his part to assert the naval supremacy of his country.¹¹⁴

Fisher undoubtedly advocated positions intended to maintain the Royal Navy’s supremacy at sea. But he, like the Admiralty, was “playing defence” against the inevitable tide of limitations on maritime warfare after Lord Salisbury’s government agreed to participate fully in the Conference – not ignoring the on-rushing waters.

¹¹¹ N. Lambert, *Planning Armageddon*, p. 100.

¹¹² Isabel V. Hull, *A Scrap of Paper: Breaking and Making International Law during the Great War*. Ithaca, NY: Cornell University Press, 2014, p. 3.

¹¹³ “Parting Reflections – Chiefly Personal,” *The Manchester Guardian*, 1 Aug. 1899, p. 7.

¹¹⁴ Stead, “What the Peace Conference Has Done”, p. 7. See also W.T. Stead, “The Hague Conference in Its Outcome”, *The American Monthly Review of Reviews* XX (Sept. 1899), p. 314.

What little examination that has occurred regarding Fisher's participation at the 1899 Conference is based on uncertain evidence resulting in questionable conclusions. For example, Ruddock MacKay overstates Fisher's actions regarding the proposed convention on the peaceful settlement of international disputes. MacKay claims "that Fisher, who knew that Goschen was a 'determined opponent' of the proposal, worked in the lobbies against it."¹¹⁵ Mackay bases his assertion on a partial English translation of a report by Count Hatzfeldt to German Chancellor von Hohenlohe.¹¹⁶ But that report in turn is based on White's autobiography, which does not support Mackay's broader assertion.¹¹⁷

Mackay also relies on a report prepared by Germany's naval delegate, Captain Siegel. Siegel's report of his conversations with Fisher as originally published in German does not provide reliable evidence of Fisher's purported opposition to the laws of war. Fisher spoke to Siegel in the greatest confidence and more than once asked that his conversations be treated as confidential and not disclosed to Pauncefote or other delegates.¹¹⁸ Fisher allegedly claimed that after arriving in London from the West Indies, he told Goschen that only "might makes right," and if Goschen did not agree with his views, he could appoint someone else to command the Mediterranean fleet.¹¹⁹

¹¹⁵ Mackay, *Fisher of Kilverstone*, p. 222.

¹¹⁶ See *ibid.*, p. 222, note 1.

¹¹⁷ See Dugdale, ed. and trans., *The Growing Antagonism*, pp. 75-76; White, *Autobiography*, vol. II, p. 268.

¹¹⁸ Siegel, Report, 28 June 1899, in Lepsius, *et al.*, ed., *Rings um die Erste Haager Friedenskonferenz*, pp. 225, 230.

¹¹⁹ *Ibid.*, pp. 229-230. See Dugdale, ed. and trans., *The Growing Antagonism*, p. 80.

Given Fisher's joy at receiving the "tip-top" command in the Royal Navy, it is unlikely he said anything of this nature to Goschen. Moreover, Siegel's complete report reveals that his conversations with essentially Fisher consisted of arguments why Germany should not support the United States' position on the immunity of private property at sea and why French plans for a "cruiser war" against England would fail. Fisher was concerned Germany had agreed to support the United States on immunity and was lobbying Siegel not to do so. He also was trying to convince Germany that following in France's footsteps by planning a *guerre de course* would not succeed.¹²⁰

Stead's laudatory article, written a decade after the conference when Fisher retired from the Admiralty, is the basis for an alleged statement Fisher made at the Conference that "was considered totally unfit for publication," responding to another delegate's speech about "the humanising of war."¹²¹ If Fisher had uttered the statement, some contemporary record of it should exist, particularly in some newspaper article. But none has been found. As Mackay noted, the alleged pronouncement "is coloured with Fisher's phraseology of the post-1904 period."¹²² Stead also quotes Fisher as saying if you tell the

¹²⁰ Siegel, Report, 28 June 1899, in Lepsius, *et al.*, ed., *Rings um die Erste Haager Friedenskonferenz*, pp. 226-229. See also Dugdale, ed. and trans., *The Growing Antagonism*, pp. 78-79 (partial English translation).

¹²¹ Stead, "Character Sketch", p. 117. See also Fisher to Esher, 25 Apr. 1912, *FGDN* II, pp. 453-454, in which Fisher expresses "lasting regret" that his statements were "deemed inexpedient to place on record (on account of their violence, I believe!)"

¹²² Mackay, *Fisher of Kilverstone*, p. 222. See Fisher to unknown, 22 Feb. 1905, *FGDN* II, pp. 51-52 (using nearly identical words). The unknown correspondent probably was Stead. See MacKay, *Fisher of Kilverstone*, pp. 222-223.

enemy you “intend to be first in and hit your enemy in the belly and kick him when he is down, and boil your prisoners in oil (if you take any!), and torture his women and children, then people will keep clear of you.”¹²³ As Mackay further concluded, “The implication that Fisher declared these views in a formal session of the conference should be treated with considerable reserve.”¹²⁴

There is no evidence of other officers in the Royal Navy possessing or asserting opinions contrary to acceptance of the laws of warfare in the years preceding 1899, and no evidence that Fisher expressed or possessed such views prior to or at the 1899 Conference. At least a hint exists, however, regarding the source of his later-expressed deterrent theory. At the Conference, Fisher became “great friends” with Germany’s military delegate, Colonel von Schwarzhoff.¹²⁵ Schwarzhoff espoused views at the Conference against application of rules of law to warfare.¹²⁶ Fisher may have taken a lesson from Schwarzhoff when he later asserted indifference toward, and opposition to, the laws of naval warfare beginning in 1904 and 1905. Moreover, in 1899 Great Britain viewed France and Russia as the most likely enemies of Great Britain. When Stead attributed Fisher’s statements as having been made more than ten years earlier in his 1910 article, Britain had recognized Imperial Germany as its greatest threat and likely opponent in war. Stead’s attribution, as well as

¹²³ Stead, “Character Sketch”, p. 117. See Fisher to unknown, 22 Feb. 1905, *FGDN* II, pp. 51-52 (again using nearly identical words).

¹²⁴ Mackay, *Fisher of Kilverstone*, p. 223.

¹²⁵ Fisher, *Records*, pp. 55-56.

¹²⁶ Hull, *Scrap of Paper*, p. 82.

Fisher's later claim in his memoirs written after the First World War, to having opposed limitations on warfare at the 1899 Conference and to having recognized that international laws would be ignored in war, endowed him with an unlikely prescience.

Conclusion

"Fisher was fond of saying things in a way to make them stick without much caring whether his hearers would take him seriously or not."¹²⁷ Fisher's fondness has created difficulties for historians to discern whether he really meant what he was writing or purportedly saying at a particular time. Fisher's statements often have been accepted without carefully considering their context or his actual intentions. Most if not all of his pronouncements were made for effect. As a means to deter war, his statements were calculated to convince his listeners that here was someone (and a navy and nation) who would do anything in war, regardless of legality. As Fisher stated in 1905:

My sole object is PEACE in doing all this! Because if you "run it in" both at home and abroad that you are ready for instant war with every unit of your strength in the first line, and intend to be "first in" and hit your enemy in the belly and kick him when he's down and boil your prisoners in oil (*if you take any!*) and torture his women and children, then people will keep clear of you. "*Si vis pacem para bellum*" is what Julius Caesar said, and it's quite true still!¹²⁸

Thus, a careful examination of Fisher's actions at the 1899 Conference does not reveal him as the proponent of unrestricted

¹²⁷ Stead, "Character Sketch", p. 117.

¹²⁸ Fisher to unknown, 22 Feb. 1905, *FGDN* II, p. 51 (emphasis in original).

warfare that he, and others, later described him to be. Fisher's alleged war against peace is belied by his conduct as a negotiator and go-between with the Admiralty and the government during the Conference. All with whom he worked, as well as observers, applauded Fisher's efforts. Fisher took the laws of naval warfare seriously and understood their implications for naval planning far more than has been the traditional interpretation. His outlandish statements, first expressed some years later, railing against the laws of war are more properly understood in the context of his deterrence theory and as directed principally against Imperial Germany. This reassessment thus undercuts the reliance by many historians of the pre-First World era on Fisher's alleged contempt toward the laws of warfare to support their arguments regarding the Royal Navy's plans for war against Germany in the years preceding the First World War. "Jacky" Fisher's conduct at the 1899 Conference does not support the conclusion that he was "no respecter of the laws of war."

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