In the years preceding the First World War, Britain and Germany were engaged in a classic arms spiral, pursuing naval fleet expansion programs directed against each other.

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"The German Emperor is ageing me; he is like a battleship with steam up and screws going, but with no rudder, and he will run into something some day and cause a catastrophe."
—Sir Edward Grey

"LOOK in my face; my name is Might-have-been; I am also called No-more, Too-late, Farewell... ."
—Dante Gabriel Rossetti

I. INTRODUCTION

The decade preceding the First World War marked the dawn of the industrial age of warfare. The conduct of war on land and at sea was undergoing rapid transformation and experimentation manifested by advances in force structure, technology, and military doctrine. Protagonists in London and Berlin focused their naval aspirations on the construction of powerful capital warships modeled on the British Dreadnought class.¹ The Royal Navy was preeminent at sea, but its forces were spread thinly throughout the globe. The German High Seas Fleet was an upstart, a challenger that sought to cast into doubt local British naval superiority in Europe. By 1912, Germany was considering the latest in a series of shipbuilding naval bills in the Reichstag to build a fleet that could challenge British naval supremacy.² Britain was determined to cling to its advantage, promising to exceed any German shipbuilding program with even greater construction of its own.³ Nearly a decade of intermittent armament limitation negotiations failed to arrest this classic arms race. The last hope for stopping the spiraling warship competition was an informal diplomatic mission to Berlin by British Secretary of State for War Richard Burton Haldane in February 1912.⁴ The envoy failed to reach an agreement with the Kaiser.⁵

¹ Capital warships included battleships and large armored cruisers or modern battle cruisers less than twenty years in age. Paul Kennedy, Strategy and Diplomacy, 1870-1945, at 154-60 (1983).
² See infra Part III.B.2.
³ See infra Part III.
⁵ Why Lord Haldane Failed at Berlin, N.Y. Times, June 2, 1918, at 60. Prince Lichnowsky, the German ambassador in London, was friendly toward the British position but had little influence at home. James Brown Scott, Lord Haldane's Diary of Negotiations Between
But what if Haldane and the Germans had reached an accord? What would have been the effect of such an agreement to limit the construction of capital warships? These questions are important because their answers broaden our exploration of Anglo-German naval arms control before the Great War and generate observations on the diplomacy of arms control that may be more generally applicable.

When conflict actually erupted in August of 1914, conventional history records that the naval rivalry played out in the theater of the North Atlantic.\(^6\) Ironically, the weapons at the center of the political and naval rivalry—dreadnought battleships—largely proved irrelevant to the war. The two powerful fleets met in only one inconclusive engagement at Jutland in 1916.\(^7\) German submarine strategy dominated the naval war, the only component of the war at sea to shape the war on the continent in any significant way.

We might expect that an Anglo-German agreement in 1912 to limit dreadnoughts would have yielded some appreciable benefit such as a reduction in the risk of war in 1914 or a reduction in the lethality of the war. Instead, perhaps the most likely outcome of such an agreement would have been a re-direction of the German naval effort away from capital warships and a re-channeling of resources into submarines. In that case, Britain would have been worse within an agreement than outside of it. More generally, this counterfactual suggests that arms control negotiators have to be as cognizant of emerging military technology and doctrine as they are of the principles of international law and politics.

Part II addresses the interdisciplinary theoretical approach of this project and conducts some methodological housekeeping related to diplomacy, arms control, and counterfactual models. Part III provides an overview of Anglo-German naval diplomacy before the Great War. Among a series of entreaties and negotiations to reduce the battleship competition between Berlin and London, the Haldane negotiations of 1912 stand out as the final opportunity for naval accommodation. The mission failed, but Part IV explores the counterfactual—what if it had succeeded and an accord was reached to limit capital warships? The counterfactual offers a plausible story about how the

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*Germany and England in 1912, 12 Am. J. Int’l L. 834, 834 (1918).*

\(^6\) *See infra Part IV.A. See generally Robert K. Massie, Castles of Steel: Britain, Germany, and the Winning of the Great War at Sea (2003) [hereinafter Massie, Castles of Steel].*

\(^7\) *Massie, Castles of Steel, supra note 6, at 658-63. See also Geoffrey Bennett, The Battle of Jutland (1964).*
personalities and politics might have aligned to produce a naval arms control agreement. Generally, arms control agreements can be understood as an international public good, generating positive economic and political externalities for the participating states. This study, however, shows that before World War I, an agreement to limit capital warships likely would have incited the Germans to re-channel or re-direct their naval efforts into submarines, leading to potentially disastrous consequences for the British. Part V concludes by exploring the effect of an agreement on the naval rivalry and by offering some additional lessons for arms control more generally.

II. THE INTERDISCIPLINARY NATURE OF INQUIRY INTO DIPLOMACY

This part unpacks the diplomacy of arms control against the backdrop of international relations theory. There are three dimensions to this theoretical review. Subpart A, infra, focuses on the proper location of arms control diplomacy along the realist-liberal divide. The subpart will conclude that arms control is a valuable feature of international relations, drawing theoretical strength from its use of both realism and liberalism. Subpart B, infra, addresses the levels of analysis problem—what is the best theoretical level to serve as a point of departure in understanding arms control diplomacy? Although the world system and state levels of analysis are factors in diplomacy, the critical locus of movement and change in arms control diplomacy is the individual level of analysis, that is, the success or failure of diplomats and leaders. Subpart C, infra, discusses the uses and limits of counterfactual analysis in international law and diplomacy. Counterfactual methodology is associated with some amount of controversy, but leading figures in a range of disciplines, including economics, history, and international relations, have employed counterfactual analysis as a heuristic to open new lines of inquiry and as a means of improving findings within the discipline. Interestingly, while civil and criminal law and the social sciences are increasingly utilizing counterfactual experiments, international law has largely ignored or neglected the methodology. In that sense, this piece represents a new departure in the analysis of the study of arms control and international law.

A. Realism and Liberalism as Guides in Diplomacy

This counterfactual analysis is necessarily interdisciplinary, lying at the intersection of history and diplomacy and extracting insights from interest
group politics, grand strategy, and arms control. The prospect that interdisciplinary scholarship can produce meaningful findings has compelled scholars and practitioners of international law to unapologetically open a dialogue with these supporting disciplines. As part of a broader effort to map the theoretical topography of global politics and international change, scholars have sought to divine the causes of war in the hope of getting out in front and avoiding cataclysm. A variety of theories have been proposed about the nature of international relations and the origin of war, and the two broadest schools of thought are realism and liberalism. The perennial questions are: Why do international events occur? How do events unfold, and who is responsible for shaping them? Competing schools of thought have coalesced around a variety of factors, including character and personality models, imbalances in power relationships among states, deterministic world system models, nationalism, naturally aggressive tendencies of human nature, institutionalist models of cooperation, economic theories of imperialism,

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11 See, e.g., George Modelski, Long Cycles in World Politics (1987); World System History: The Social Science of Long-Term Change (Robert A. Denmark et al. eds., 2000).

12 See, e.g., Kenneth N. Waltz, Man, the State and War 174-79 (1959).


theories of special commercial advantage, environmental stress, and the misbehavior of non-democratic regimes, among others.

Fundamentally, law and politics are at the core of this inquiry. It has been nearly four decades since Louis Henkin observed, "the student of law and the student of politics... purport to be looking at the same world from the vantage point of important disciplines. It seems unfortunate, indeed destructive, that they should not, at the least, hear each other." Despite the renaissance in interdisciplinary international law and international relations scholarship over the previous decade, international law often remains trapped within the confines of formalistic legal structure. Integrating these disciplines within the model of counterfactual analysis offers particular value in informing how states approach the politics of arms control and strategic negotiation.

Working across methodological and conceptual lines of demarcation poses special challenges, causing some international lawyers to abandon the task altogether. In particular, some prominent scholars say the divide cannot be bridged. In mapping the terrain, Professor Jonathan Greenberg of Stanford Law School, for example, refers to the two opposing world views of realism and liberal internationalism and maintains they cannot be reconciled. According to Professor Greenberg, liberal internationalism, which emphasizes the rule of law, state cooperation, and the centrality of the individual, and realism, which focuses on the struggle for power, cannot be simultaneously correct. Today, most scholars accept realism as informing the foundation of modern international relations theory. Professor Greenberg argues that it is the polar opposite of liberal internationalism, to which international law is secured. Attempting to combine the two approaches is akin to intellectual

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16 See F.E. Chadwick, The Anglo-German Tension and a Solution, 6 AM. J. INT'L L. 601, 612-13 (1912) (providing a polemic on colonialism and markets).
19 LOUIS HENKIN, HOW NATIONS BEHAVE: LAW AND FOREIGN POLICY 6 (1968).
21 Id. at 1804-05.
warfare, with scholars on both sides willing to ignore or ridicule the other. Professor Greenberg writes, "[t]hese opposing visions suggest a fundamental dialectic in human thought and culture. This dialectic is our inheritance. It cannot be 'resolved.'" This piece takes exception to that fatalistic conclusion by eschewing pigeon-hole analysis and borrowing freely from both schools of thought.

Perhaps nowhere is the dialectic between realism and liberalism more apparent than in the contradictions of the men in this study. In London, the new leaders were just emerging from the pomposity and sensibility of the Victorian Age. The leaders in Berlin glorified aristocratic nationalism and represented the fading twilight of the ancien regime. Realists to a man, the more perceptive exposed a glimmer of disquiet over the immense military power at their disposal and the urgent need for international accommodation.

B. Diplomacy and the First Image

One of the chief influences of realist political theory is Kenneth N. Waltz's profound exegesis on the causes of interstate conflict, *Man, the State and War*. Waltz approached his study of locating the cause of war through three "images" or lenses—the individual, the state, and the international system. According to Waltz's first image, the primary locus of the most important causes of war resides in the aggressive, selfish, and foolish nature of man.

In recognition of the importance of individuals in diplomacy, David Lloyd George remarked after the First World War, "Had there been a Bismarck in Germany, or a Palmerston or a Disraeli in Britain, a Roosevelt in America, or a Clemenceau in authority in Paris, the catastrophe might, and I believe would, have been averted...." In support of first image analysis, Henry Kissinger

22 *Id.* at 1804.
23 In contrast, Professor Greenberg advocates that liberals should circle the wagons, sustaining a "plurality of voices" in order to fend off realist critiques of liberalism to preserve the dominant "efficacy and influence of liberal international law discourse." *Id.* at 1803-04.
26 WALTZ, *supra* note 12, at 12.
27 *Id.* at 16.
28 DAVID LLOYD GEORGE, *WAR MEMOIRS OF DAVID LLOYD GEORGE*, 1914-1915, at 53
remarked to reporters on background in 1975, "As a professor, I tended to think of history as run by impersonal forces. But when you see it in practice, you see the difference personalities make."  

Second image analysis attempts to discern whether the causes of peace and war are products of good and bad states and their governing regimes. From the vantage of Waltz's second image, the focus of progressive policy should be on changing the present condition or character of states and their governments.

Sovereign states make their way in an anarchic world system, and Waltz's third image posits that warfare is an inevitable consequence of their journey. In the classical world, Thucydides wrote that the cause of the Peloponnesian War was "[t]he growth of the power of Athens, and the alarm which this inspired in Sparta," making war inevitable. At the inception of the industrial age, Marx, Hegel, and Spengler believed that historical forces swept the international system along in an inevitable "march of history." Realist approaches to the third image have dominated modern international relations theory for decades.

This analysis invokes second image factors, such as German and British affairs of state and parliamentary politics, as well as third image factors, such as the geo-strategic dimension of Anglo-German naval rivalry. The final step toward reaching a warship limitation agreement, however, had to be taken by individual leaders. Toward that end, this inquiry returns to Waltz's frequently neglected first image to harvest insights from diplomatic negotiations. First

(1933).

30 WALTZ, supra note 12, at 114.
31 Id. at 159.
33 ISAIAH BERLIN, HISTORICAL INEVITABILITY 10 (1954). See also WILLIAM A. GREEN, HISTORY, HISTORIANS, AND THE DYNAMICS OF CHANGE (1993) (discussing neo-Malthusian demographic models, capitalist, Marxist, and neo-Marxist world systems models, as well as environmental and cultural models of secular change in international affairs).
34 See, e.g., ROBERT GILPIN, WAR AND CHANGE IN WORLD POLITICS (1983) (noting that states seek to alter the international system through territorial, political, or economic expansion until the marginal costs of continuing change are greater than the marginal benefits); WALTZ, supra note 10 (stating that the distribution of power among states is the driving force in international politics). For debates on Waltz's work, see NEOREALISM AND ITS CRITICS (Robert O. Keohane ed., 1986).
35 See, e.g., J. David Singer, The Level-of-Analysis Problem in International Relations, 14 WORLD POL. 77, 84-90 (1961) (providing a false choice between the world-system level of
image analysis suggests that it is people who precipitate war and are in a position to negotiate peace.\textsuperscript{36} The process of Anglo-German arms control offers an exceptional case study in first image analysis. The personalities are vivid, and British and German diplomatic correspondence is well-preserved. The men in London and Berlin were titans, exercising the power and implements of war of the twentieth century while their diplomatic vista held fast to a prior age.

C. Counterfactual Analysis in International Law and Diplomacy

Looking at what might have been against the template of how events actually unfolded can illuminate the potential benefits of paths not taken, identify disasters averted, and help us to think about how to construct the future. Asking “what if” by posing counterfactuals helps reveal how events in history are interconnected. Doing so increases our degrees of freedom by imagining case histories “in which the presumed causal agent is absent [from reality] but everything else that is relevant [to actual history] is identical.”\textsuperscript{37} The purpose of counterfactual thought experiments is to underscore that there are few inevitabilities in history and to gain “a more sophisticated appreciation of causation.”\textsuperscript{38} History, it has been said, enables us to escape the errors of the dead, inspiring George Santayana to remark, “[T]hose who cannot remember the past are condemned to repeat it.”\textsuperscript{39} History shows us what to avoid, even if it cannot teach us what to do.\textsuperscript{40}

Counterfactual history seeks to leverage actual history, getting more work out of historical events by asking “what if.” Counterfactual analysis has become a useful methodology in history and the social sciences for thinking through options, ascertaining causes, and extracting lessons from case studies. Some of the most prominent contemporary historians have explicitly adopted the counterfactual as a basis for emphasizing the importance of historical forces and personalities and for exploring alternative futures. In employing

\textsuperscript{36} STOESSINGER, supra note 9, at xi, 209-10.


\textsuperscript{38} William H. Honan, Historians Warming to Games of ‘What If’, N.Y. TIMES, Jan. 7, 1998, at B7 (quoting Philip E. Tetlock, a professor of psychology at Ohio State University, commenting on the increasing prevalence of counterfactual scenarios).

\textsuperscript{39} GREEN, supra note 33, at 3.

\textsuperscript{40} B.H. LIDDELL HART, WHY DON’T WE LEARN FROM HISTORY? 15 (1971).
counterfactual analysis, historians have focused particular interest on colonial America.\(^4\) One *New York Times* bestseller, *What If?*, includes counterfactual speculations by distinguished authors Stephen E. Ambrose and David McCullough, among others.\(^4\) Clearly the genre has taken hold in the last few years. *What If?* produced a camp following of similar anthologies and a few novels.\(^4\) Financial historian Niall Ferguson edited a similar volume focusing


\(^4\) In 2004, a collection was released titled, *WHAT MIGHT HAVE BEEN: IMAGINARY HISTORY FROM TWELVE LEADING HISTORIANS* (Andrew Roberts ed., 2004), followed by *WHAT MIGHT HAVE BEEN: ALTERNATE HEROES* (Gregory Benford & Martin Greenberg eds., 2004) and *WHAT MIGHT HAVE BEEN: ALTERNATE WARS* (Gregory Benford & Martin Greenberg eds., 2004). Another war anthology is *Cold War Hot: Alternative Decisions in the East-West Struggle* (Peter Tsouras ed., 2003) (discussing scenarios for how the Cold War could have become a shooting war). In the last few years, a number of novels have been released that employ the counterfactual device, and these include *MACKINLAY KANTOR, IF THE SOUTH HAD WON THE CIVIL WAR* (2001) (dealing with an update on a counterfactual that appeared in *Look* magazine about five decades ago), J.N. STROYAR, *THE CHILDREN’S WAR* (2001) (telling a story as if the Nazis had won World War II), ROBERT CONROY, 1901 (1995) (using the premise that Kaiser Wilhelm II of Germany invades the United States in 1901), Bill Yenne, *A DAMNED FINE WAR* (2004) (exploring what would happen if the Soviets invaded the West in 1945), and Philip Roth, *THE PLOT AGAINST AMERICA* (2004) (pretending that Franklin Delano Roosevelt was defeated by pro-Nazi Republican nominee Charles Lindberg in the 1940 presidential contest).
on British and European historical counterfactuals. These scholars follow in the footsteps of Sir John C. Squire who, in 1931, released *If or History Rewritten*, an anthology which ruminated on questions such as: What if John Wilkes Booth's bullet had missed President Lincoln? Beyond these, there is literally an avalanche of writing in history and political science that explicitly or implicitly invokes historical counterfactual analysis.

Much of modern counterfactual methodology has its roots in economic history. Nearly fifty years ago, for example, E. Cary Brown challenged contemporary historiography that government economic policy in the 1930s was not the result of President Roosevelt's imaginative application of Keynesian policy. This was followed soon after by a stable of seminal counterfactual studies. In 1958, Alfred Conrad and John Meyer challenged the belief that slavery was economically unprofitable, suggesting that the immoral institution would have prevailed well into the 1940s but for the Civil War. Robert Fogel was another pioneer in cliometric counterfactuals. He wrote perhaps the classic counterfactual analysis, challenging conventional belief that the railroad was essential for American economic development. Fogel argued the average American worker would have been only about 4% less productive had the railroad not been invented and people had to rely solely on roads and canals to move goods throughout the country. Building on this
early research, economists have been particularly prone to use counterfactual reasoning. Economic historians, contemporary development economists, and international monetary macroeconomists have all employed counterfactual analysis.

Historians and international relations scholars find it fruitful to employ counterfactual analysis because it eliminates "hindsight bias." Plausible counterfactual reasoning, when grounded in a carefully designed and coherent structure, is a particularly useful device for evaluating courses of action in international law, diplomacy, and international relations. "[T]he assessment of counterfactuals provides a basis for understanding whether what has been (or will be) was, ex ante, the likely path of events." As in the discipline of history, some of the most prominent theorists in international relations, such as Barry Eichengreen & Peter Temin, Afterward, Counterfactual Histories of the Great Depression, in The World Economy and National Economies Between the Wars (Theo Balderston ed., forthcoming), available at http://emlab.berkeley.edu/users/eichengr/research/counter_histories.pdf; Sean Glynn & Alan Booth, Building Counterfactual Pyramids, 38 Econ. Hist. Rev. 89 (1985); J.D. Gould, Hypothetical History, 22 Econ. Hist. Rev. 195 (1969); Christian Stögebauer & John Komlos, Averting the Nazi Seizure of Power: A Counterfactual Thought Experiment, 8 Eur. Rev. Econ. Hist. 173 (2004) (discussing whether fiscal policy could have lowered unemployment in pre-Nazi Germany and undercut Nazi support, thereby preserving Weimar democracy), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=512322. See also George G.S. Murphy, On Counterfactual Propositions, 9 Hist. & Theory 14 (1969).


53 Niall Ferguson, Return of the German Nightmare, Times, Nov. 24, 2002, at 7 (advocating that Germany would experience greater economic growth if its monetary policy were severed from the Euro); Jérôme Hericourt, Has the ECB Been Wrong? A Lesson from Counterfactual Simulations (May 2004) (paper arguing that simulations support finding that ECB monetary policy is preferable to individual state monetary policies), available at http://www.gate.cnrs.fr/t2m2005/Textes%20des%20communications%5CCC92.pdf.


Among the professions, lawyers make perhaps greater use of counterfactual analysis.\footnote{See Robert N. Strassfeld, If...: Counterfactuals in the Law, 60 GEO. WASH. L. REV. 339, 345 (1992) (noting that counterfactual inquiry is pervasive in many stages of legal fact-finding and decision making).} The entire field of negligence in tort, for example, is premised on "but for" causality.\footnote{Michael S. Moore, For What Must We Pay? Causation and Counterfactual Baselines, in CAUSATION AND RESPONSIBILITY (Feb. 28-Mar. 1, 2003) (unpublished paper presented at a symposium on What Do Compensatory Damages Compensate? Institute for Law and Philosophy, University of San Diego, forthcoming).} The reasonable person inquiry is implicitly constructed around counterfactual reasoning.\footnote{See RESTATEMENT (SECOND) OF TORTS § 283 (1965) (requiring one to hypothesize as to what a "reasonable man" would have done under similar circumstances). See also JON ELSTER, LOGIC AND SOCIETY: CONTRADICTIONS AND POSSIBLE WORLDS 180 (1978) (discussing the use of the reasonable man standard).} Litigators seek to shape jurors' thoughts about "what might have been."\footnote{Ken Broda-Bahm, Your Counterfactual Strategy: How You Can Influence Jurors' Thoughts about What Might Have Been, in PERSUASION STRATEGIES, available at http://www.persuasionstrategies.com/Docs/Counterfactual.pdf (last visited Oct. 8, 2005).} Openness to counterfactual analysis requires some reception to storytelling. Formalist and realist legal scholarship traditionally has placed a premium on analysis derived from logos, or logic, rationality, and reason.\footnote{Modern American jurisprudence has its genesis in legal formalism, "the endeavor to treat particular fields of knowledge as if governed by interrelated, fundamental and logically demonstrable principles of science." NEIL DUXBURY, PATTERNS OF AMERICAN JURISPRUDENCE 10 (1995). In one of the first assaults on legal formalism, Oliver Wendell Holmes, Jr. recounted,}
mythos, or the methodology of storytelling and narrative. Although mythos has done most of its work as a supplement to traditional scholarship, some critical approaches rely entirely on the narrative method.  

1. Counterfactual Methodology

Social scientists have brought a fair degree of rigor to counterfactual analysis. Adhering to certain stipulations can separate mere convenient speculation from useful conclusions derived from empirical evidence.  

Counterfactuals require inferences to be made in answering “what if” questions and in estimating causal effects, and those inferences should flow from marshaled data. Counterfactuals should have well-specified antecedents and consequences, logical consistency in connecting principles (cotenability), consistency with well-established historical facts, consistency with well-established theoretical laws and generalizations, and some measure of projectability. This coherent structure serves as a template for the present counterfactual analysis.

Counterfactual scenarios should be bound by parameters of importance and reality. Drawing these limits is an exercise in judgment. It is important not to become carried away with a counterfactual that is so remotely insignificant

"The life of the law has not been logic: it has been experience." Oliver Wendell Holmes, Jr., 14 AM. L. REV. 233, 234 (1880) (book review). Holmes called C.C. Langdell, somewhat unkindly, the "greatest living legal theologian . . . [entirely interested] in the formal connection of things, or logic." Id. at 234.

The critical legal studies movement was perhaps the first to introduce the power of narrative as a legal methodology. More recently, critical race and feminist perspectives have developed and utilized narrative to great effect. For representative scholarship, see, e.g., Brian Owsley, Black Ivy: An African-American Perspective on Law School, 28 COLUM. HUM. RTS. L. REV. 501 (1997), and Patricia Williams, The Obliging Shell: An Informal Essay on Formal Equal Opportunity, 87 MICH. L. REV. 2128 (1989).


Id. at 21-23.

Id. at 23-25.

Id. at 25-30.

Id. at 30-31.
that its proximate connection to causative fact becomes extremely doubtful. The inquiry “becomes progressively more hopeless to the degree that the triumph of civilization hinges on the horse-shoe-nail (or butterfly) effects in battles.” Thus, something possible, but likely to be irrelevant, does not contribute to the counterfactual exercise. On the other hand, it is equally useless to posit something that is at once grand, but impossible. The common supposition, “if pigs could fly,” for example, is not a useful antecedent since it negates our understanding of the laws of nature.

Counterfactual experiments may be organized into distinct ideal types. A particular hypothetical exercise may involve one or more type. First, idiographic case-study counterfactuals highlight points of indeterminacy at specific junctures in time. In the present hypothetical, the Haldane Mission is selected as the most plausible entry point for a diplomatic breakthrough to control Anglo-German capital ship competition.

Second, nomothetic or systemic counterfactuals apply theoretical and historical generalizations to well-defined antecedent conditions. These counterfactuals draw upon the explanatory power of models and assume the logical consequence of their application, such as: What if the United States and Europe rejected trade protectionism in the 1930s? This study employs a paradigmatic model of arms control called “re-channeling” or “re-direction,” which suggests that once states have set arms control limits, they begin to make new strategic choices to optimize their military position within the confines of the treaty. This Article suggests that an Anglo-German naval agreement on capital warships could have precipitated a shift by Germany away from armored, big-gun battleships and toward far less expensive, and yet more lethal, submarines. Such a shift likely would have inured greater advantage to Germany in the First World War. When war came, the German surface navy was ineffectual, but its submarine force nearly knocked Britain out of the war. Third, combined idiographic and nomothetic counterfactuals combine historic case studies with theoretical constructs that seek to identify empirical patterns that can generate theory-informed history. Borrowing

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71 Tetlock & Belkin, supra note 65, at 7-8.
72 Id. at 8-10.
74 Tetlock & Belkin, supra note 65, at 10-12.
from both the first and second types of counterfactuals discussed above, this Article adopts a hybrid model.

Fourth, mental simulation counterfactuals seek to reveal latent psychological gaps and contradictions in cognitive belief systems. Mental simulations acquire persuasive force and rhetorical power through exposing previously unnoticed tensions between explicit and conscious beliefs and implicit or hidden ones. One prominent set of such mental simulations are game theoretical models of decision making, which were used by defense analysts and political scientists to better understand the dynamics of nuclear deterrence, strategic cooperation, and nuclear escalation dominance. The present study skirts the edge of these cognitive and personality models by bringing greater focus to bear on the arms control process.

These methods may be tested through mental thought experiments, computer simulations, and/or table-top war games. War games have long been effectively employed by defense analysts and the military to test operations, doctrine, and force structure. The U.S. Navy, in particular, has a long history of experimenting with table-top war game simulations, which have been used in support of teaching objectives at the Naval War College since 1887. Conducting gaming exercises is an integral part of the development of strategy,

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75 Id. at 13-16.
doctrine and force structure. After World War II, for example, Admiral Chester W. Nimitz wrote,

The war with Japan has been re-enacted in the game rooms at the War College by so many people, and in so many different ways, that nothing that happened during the war was a surprise—absolutely nothing except the Kamikaze tactics near the end of the war—we had not visualized these.\textsuperscript{81}

Today, the effort to "game" alternative future scenarios in the war on terrorism is reminiscent of these earlier efforts.\textsuperscript{82}

To be useful, counterfactuals should have some measure of projectability.\textsuperscript{83} The present counterfactual adheres to a classic form of projectability by assuming the Haldane Accord would have been an impetus for accelerating German submarine innovation and strategy. This method tends to be more plausible than creating a morass of new facts. Moreover, an accelerated German submarine program likely would have had a profound impact on the Allied war effort.

Despite the value counterfactuals bring to scholarship and real-world policy and planning, their use is not free from controversy. Before we begin to open the Haldane negotiations for closer examination and subject them to counterfactual inquiry, it is useful to engage in a brief encounter with the critics of counterfactual analysis.

2. Criticism of Counterfactual Analysis

Critics assert that all counterfactual analysis represents a methodological fallacy constructed around fictional questions.\textsuperscript{84} Critics of counterfactuals assert, "It is always possible, of course, to convert any historical problem into a nonhistorical one, but why should a scholar go out of his way to make a


\textsuperscript{82} See, e.g., After 9-11-01: Long Term Implications of the War on Terrorism for U.S. Business and Policy (Hudson Inst., 2002) (envisioning three potential "master scenario" outcomes to the war on terrorism: the war on terrorism recedes as history, the war on terrorism becomes a way of life, and the war on terrorism becomes a global nightmare).

\textsuperscript{83} Tetlock & Belkin, supra note 65, at 30-31.

\textsuperscript{84} See, e.g., David Hackett Fischer, Historians' Fallacies: Toward a Logic of Historical Thought 15-21 (1970).
difficult problem impossible? History, is tough enough, as it is—as it actually is.”

According to its critics, the counterfactual merely risks chasing down a “‘methodological rat hole’ . . . [contaminated by] unanswerable metaphysical questions that revolve around the age-old riddles of determinism, fate, and free will.”

Critics argue every hypothetical is equally absurd because each is equally hypothetical. The only distinction between asking, “what if Abraham Lincoln were Tsar of Russia during the First World War,” and, “what if Lincoln had not been shot by John Wilkes Booth,” is that the absurdity of the former is simply more glaringly apparent. Detractors suggest that asking “what if” tends to become blurred with the metaphysical question asking “why”—“why did it happen at all?” Opponents also dislike the lack of rigor and clear objectives attendant to many counterfactuals. The goals of many counterfactual exercises are ephemeral. Sometimes, such questions “[seek] a cause, sometimes a motive, sometimes a reason, sometimes a description, sometimes a process, sometimes a purpose, sometimes a justification.”

Proponents of counterfactuals acknowledge how historical questions shape the conclusions we can reach about what had to be or what could have been. The main objection to counterfactual analysis tends to be directed at efforts to fashion it into a tool of empirical analysis, rather than at more modest applications. Even its fiercest critics admit that counterfactuals can serve as a useful heuristic, similar to metaphors and analogies, to refine conceptualization and integrate theory and history into practice. This manuscript adopts these more modest goals.

Part III, infra, explores the drama of Anglo-German naval diplomacy before the First World War, which culminated in the Haldane mission to restrain German capital warship construction. The strategic context for negotiations was the surging power of Germany relative to Britain and the introduction of the dreadnought class of battleships by Britain in 1906. Bureaucratic and parliamentary politics in both countries played a critical role in shaping the
negotiations. Ultimately, the Haldane mission failed to reach an agreement. Part IV will explore a counterfactual—what if Haldane had reached an accord?—and suggest that such an agreement was likely to have re-directed German naval aspirations into submarine warfare. Part V will assess the impact of such an outcome.

III. ANGLO-GERMAN NAVAL DIPLOMACY BEFORE THE GREAT WAR

By nearly every measure of national, military, and industrial strength, Britain was in decline relative to Germany in the years preceding the war. In 1914, the German population reached sixty-seven million people, far surpassing every European country except Russia. German coal output and energy consumption was higher than every nation on the Continent and was on the verge of surpassing Britain’s. German steel production stood at 17.6 million tons in 1913, while British production was only 7.7 million tons.

The German Army was preeminent on the Continent as early as 1880. By 1910, Berlin had nearly 700,000 men under arms, compared with Britain’s 571,000. Four years later, the gap was wider, with the German Army approaching 900,000 men, and British troop level dropping to 532,000. Germany dominated the Continent; “whatever her precise ambitions might be, the world would lie at her feet if she secured the control of the seas as well.”

The British navy was the sole military force in the world superior to its German counterpart. Churchill declared in Glasgow, “Our naval power
involves British existence... It is the British Navy which makes Great Britain a Great Power." The navy became ever more the darling of British conservatives as the last unassailable expression of British might. German naval tonnage had grown from 285,000 tons in 1900 to 1,305,000 tons in 1914. At 2,714,000 tons, the British navy in 1914 still eclipsed all challengers, but some in London began to worry that the rate of growth in the German fleet would surpass that of the British, a trend that could not long be sustained. The German shipbuilding program, contained in the 1912 Supplementary Navy Bill, or Novelle, was viewed as a challenge to the final respite of British authority, and even Churchill worried—prematurely, in retrospect—that it would make English dominance at sea untenable by 1920.

During the waning days of the nineteenth century, as British war planners concerned themselves with checking French power, Germany sought an alliance with Great Britain in order to exercise a free hand on the Continent. Some British statesmen, feeling France pressing in Egypt and Russia's rising challenge in Central Asia, also sought a formal German-British alliance. In the end, however, the British were unwilling to give up a policy of "splendid isolation." No amount of German courting would entice London into a formal alliance. In order to teach Britain the value of German friendship, and the cost of German displeasure, Germany accelerated its program of naval shipbuilding. The ascendancy of the German fleet began as an expression

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101 WINSTON S. CHURCHILL, THE WORLD CRISIS, 1911-1914, at 101-02 (1923). The inevitability of German ascendency, however, was not a universal idea. Compare Churchill's statement to The Balance of Power in Europe: Germany's Decline, THE LIVING AGE, Oct. 25, 1913, at 135 (predicting the decline of German power).
102 KENNEDY, supra note 96, at 203.
103 Id.
104 WRIGHT, supra note 98, at 670-71.
105 READINGS IN EUROPEAN INTERNATIONAL RELATIONS SINCE 1879, at 250-51 (W. Henry Cooke & Edith P. Stickney eds., 1931).
107 "The most important and vocal spokesman of this group was the Colonial Secretary, Joseph Chamberlain," who envisioned a "‘Teutonic’ alliance" while giving a speech in November 1899. HENRY KISSINGER, DIPLOMACY 185-86 (1994). In October 1900, Lord Lansdowne assumed the post of Foreign Secretary. Id. at 186. Agreeing with Chamberlain, Lansdowne was unable to secure cabinet consensus for a full-scale German alliance. Id.
108 Kevin Narizny, Both Guns and Butter, or Neither: Class Interests in the Political Economy of Rearmament, 97 AM. POL. SCI. REV. 203, 208 (2003).
109 KISSINGER, supra note 107, at 185.
of German power and as a form of diplomacy—a card to be played. Almost immediately, Britain recognized it as a strategic threat.

A. Geo-strategic Politics

In addition to the rise of German power and a pervasive fear in Britain of strategic decline, two other factors were particularly influential in setting the stage for the Haldane negotiations. First, the British had introduced the dreadnought class of warships in 1906. The dreadnought was a breakthrough in design innovation, emplacing only large caliber guns rather than a balanced outfit. While this arrangement magnified combat power and effectiveness, it was not driven by the introduction of new technology. Consequently, other nations immediately began to replicate the ship and build their own dreadnought battleships. The long-standing British lead in warships evaporated as the dreadnought became the new currency of surface naval power.

The second factor was a German diplomatic blunder. A few years after the dreadnought began to revolutionize war at sea, Germany was caught in a clumsy attempt to intimidate France in North Africa. Britain stepped in on the side of France, embarrassing Germany and forcing the Kaiser to back down. The Agadir Crisis fueled the momentum in Germany to build a fleet that could stand up to the British.

1. Dreadnought Battleships

The British laid the keel for the first dreadnought at Portsmouth Dockyard on Monday, October 2, 1905. The ship incorporated “a single type of primary armament—ten 12-inch guns—instead of the mixed armament [of the

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111 See infra Part III.A.1.

112 The United States and Japan, in particular, were moving quickly to develop all-big-gun battleships after the dreadnought concept became public. MASSIE, DREADNOUGHT, supra note 110, at 469. In the United States, the USS Michigan was under development shortly after Dreadnought. Id.


114 See infra Part III.A.2.

115 MASSIE, DREADNOUGHT, supra note 110, at 478.
FEAR GOD AND DREAD NOUGHT

pre-dreadnought types, comprised of] four 12-inch and four 8-inch guns."\textsuperscript{116} The ship integrated the "director" system of fire in which the big guns were in nearly parallel alignment, aimed, and fired electrically and in tandem through a single gunnery officer.\textsuperscript{117} Operationally, the effect was devastating.\textsuperscript{118} The larger guns, coupled with dramatically increased range and accuracy out to twenty thousand yards, made the dreadnought the most powerful weapon in the world.\textsuperscript{119} The all-big-gun, one-caliber battleship ignited the "most celebrated arms race in modern history."\textsuperscript{120}

The dreadnought ushered in a paradigmatic shift in war at sea. Because the dreadnought established a new metric for battleship construction, however, it obviated the enormous British advantage in pre-dreadnought vessels. Beginning at the new starting line, Germany copied the design and began to assemble a fleet that might challenge the British.\textsuperscript{121} Whether the decision to build the dreadnought battleship was a "fatal blunder"\textsuperscript{122} that made Britain's overwhelming preponderance in pre-dreadnought battleships irrelevant or a "prescient anticipation"\textsuperscript{123} of future warship design, it clearly energized the naval race. The basics of the design were easily copied by Germany and the other maritime powers.\textsuperscript{124} Since the dreadnought became the new ship of the

\textsuperscript{116} BRODIE & BRODIE, supra note 73, at 188.
\textsuperscript{117} Id. at 188.
\textsuperscript{118} The dreadnought design was the precursor of behemoths such as the Japanese 65,000-ton Yamato class battleship and the 45,000-ton American Iowa class battleships (BB-61 through BB-66) that would emerge decades later. The six Iowa class battleships were the USS Iowa (BB-61), USS New Jersey (BB-62), USS Missouri (BB-63), USS Wisconsin (BB-64), USS Illinois (BB-65) and USS Kentucky (BB-66). Department of the Navy, Naval Historical Center, at http://www.history.navy.mil/photos/usnshtp/bb/bb6 1 cl.htm (last visited Oct. 8, 2005); Department of the Navy, Naval Historical Center, at http://www.history.navy.mil/photos/sh-fomv/japan/japsh-xz/yamato.htm (last visited Oct. 8, 2005) (indicating that the Yamato and her sister warship, the Musashi, were the largest battleships ever built).
\textsuperscript{119} BRODIE & BRODIE, supra note 73, at 189.
\textsuperscript{120} Nicholas A. Lambert, British Naval Policy, 1913-1914: Financial Limitation and Strategic Revolution, 67 J. MOD. HIST. 595, 595 (1995) (indicating that the Anglo-German naval race is the stereotype of the modern arms race). See also Bernard Brodie, On the Objectives of Arms Control, 1 INT'L SEC. 17 (1976) (identifying the values, limits, and benefits of arms control).
\textsuperscript{121} MASSIE, DREADNOUGHT, supra note 110, at 486. Germany laid the keel for its first all-big-gun battleship, the S.M.S. Nassau, in 1906. Id. In July 1906, Berlin halted construction of the warship to analyze the revolutionary design introduced by the Dreadnought and did not resume work on the warship until the summer of 1907. Id.
\textsuperscript{122} Lambert, supra note 120, at 595-96.
\textsuperscript{123} Id.
\textsuperscript{124} See supra note 118.
line, Germany and Britain began the naval race practically from the same starting point.

Having experienced a breakthrough in battleship design in 1905, Britain's Board of Admiralty spent the next ten years obsessed with the dreadnought—clucking like hens over every aspect of its nurture and development. After unveiling the original dreadnought, the British later introduced two generations of capital warships in years before World War I: the oil-burning super-dreadnought and the fifteen-inch gunned battleship. In reality, the new designs were more of the same, representing evolutionary improvements in quality.

When subordinates within the Royal Navy suggested thinking beyond the battleship by placing a greater emphasis on submarines, the myopic Board of Admiralty scoffed. Likewise, development and countermeasures for naval mines and torpedoes were resisted because the weapons were regarded as unsuitable for a major maritime power. After the Hague Peace Conference of 1907, mines and torpedoes were regarded not only as careless and negligent, but unlawful. Concerns of legality and chivalry worked in collusion with dreadnought obsession to lull the British into complacency.

If the British were blinded by the allure of battleships, the Germans were captive to the bumbling diplomacy that had bedeviled them ever since the Kaiser unwisely dismissed Otto von Bismarck in 1890.


126 MASSIE, DREADNOUGHT, supra note 110, at 781-84.

127 ARTHUR J. MARDER, I FROM THE DREADNOUGHT TO SCAPA FLOW: THE ROYAL NAVY IN THE FISHER ERA, 1904-1919, at 330-34 (1961) [hereinafter MARDER, Volume I]. In contrast, Lambert offers a revisionist history suggesting that both Fisher and Churchill had a deeper appreciation of the value of developing a strong submarine force by 1914. Lambert, supra note 120, at 601, 620. Even if the revisionist theory is accepted, it likely would have come too late to affect the counterfactual at hand.


2. The Agadir Crisis

Although not involving a capital warship, the affair at Agadir was symptomatic of reckless German hubris and naval brinksmanship—annoying and alerting the British and French. In July 1911, in response to a French armed expedition to strengthen their control in Morocco, Germany impulsively sent the gunboat Panther to loiter off Agadir, a tiny Moroccan market town and sleepy Atlantic port. Paris argued that under the Entente Cordiale of 1904, London was bound to support France. The ensuing crisis—the second concerning Agadir in six years—further cemented French control over the tiny North African kingdom.

The Panther made no explicit demands, and the primary motive appeared to be German anxiety from loss of prestige over perceived French violations of the Franco-German Moroccan Agreement of 1909. The move came after several years of strained relations between Paris and Berlin over the balance of power in Morocco. It was evident as early as 1906 that Germany was becoming diplomatically isolated on the issue. In the second Agadir Crisis, the Germans overreached, asking France for part of Gabon and the entire French Congo in exchange for a reduction of German influence in Morocco. Although the naval significance of the Panther deployment was negligible, the ill-considered display of force against French interests in Africa produced a great sensation on the Continent and was viewed as a test of the Franco-British Entente. Britain intervened, delivering a stern warning against German

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131 MASSIE, DREADNOUGHT, supra note 110, at 710-11.
132 Id. The Entente Cordiale was comprised of four documents, the most important of which was the Declaration between the United Kingdom and France Respecting Egypt and Morocco. See FirstWorldWar.Com, Primary Documents: Entente Cordiale, 8 April 1904, at http://www.firstworldwar.com/source/ententecordiale1904.htm. Article 2 of the agreement recognized French authority in Morocco. Id.
134 See STEVENSON, supra note 133, at 183.
135 Russia, Spain, England, and Italy stood firm with France at the Algeciras Conference in Spain in December 1905, when France was recognized as the controlling authority for managing Moroccan ports and the banking system. John H. Latané, International Law and Diplomacy, 1 AM. POL. Sci. REV. 107, 107-09 (1906).
136 MASSIE, DREADNOUGHT, supra note 110, at 738-39.
"expansionism." In the face of such resolve, the Germans bitterly backed off. The event would incite the Germans into a new round of naval expansion.

B. Bureaucratic and National Politics

1. British Negotiating Strategy

The Liberal government in Britain desperately sought a naval arms control agreement to reduce the cost of maintaining naval superiority. In 1906, the Liberals came to power and embarked on an ambitious and costly progressive political and social agenda. Herbert Asquith was appointed Prime Minister in 1908 and set about introducing a series of modern social reforms. The program included the establishment of elderly pensions in 1908 and unemployment insurance in 1911.

In order to pay for these new social priorities, the Labor and Liberal parties sought to control naval spending. In particular, they wanted to avoid a naval armaments race and worked together to reject legislation to fund four new dreadnought keels annually. As early as 1909, however, it was clear that greater naval construction would be required to counter the rapidly expanding German fleet. After much debate, the cabinet exercised the option of building four additional dreadnoughts, for a total of eight. The massive increases in social and defense spending were embodied in the controversial "People’s Budget" of 1909.

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138 There was particular concern that Germany planned to acquire a naval base on Morocco’s Atlantic coast, “[threatening] Imperial sealanes to South Africa and around the Cape.” MASSIE, DREADNOUGHT, supra note 110, at 729.
139 May, supra note 137, at 13.
142 See generally MORRIS, supra note 141; Weinroth, supra note 141.
143 MASSIE, DREADNOUGHT, supra note 110, at 499; JON TETSURO SUMIDA, IN DEFENCE OF NAVAL SUPREMACY: FINANCE, TECHNOLOGY AND BRITISH NAVAL POLICY, 1889-1914, at 186-87 (1989).
144 Michael Howard, The Edwardian Arms Race, in EDWARDIAN ENGLAND 145, 145-61 (Donald Read ed., 1982).
146 Id.
Albert Ballin, the head of the Hamburg-American Line and confidant of the Kaiser, convinced the Kaiser to invite British Foreign Minister Sir Edward Grey to Berlin to discuss the spiraling naval race in February 1912.\textsuperscript{147} He knew the German government intended to lay a new navy law before the Reichstag that would undermine relations between the two countries. The British were not optimistic, and Grey thought the talks foredoomed.\textsuperscript{148} Consequently, the Foreign Minister declined to go and instead arranged for Secretary of State for War, Haldane to serve in his place.\textsuperscript{149}

In London, the negotiations had deep domestic, political implications. The diplomacy was an exercise in preparing the home front for the expected sacrifices necessary to continue the naval competition. No matter what the outcome of the mission, Asquith and Grey could point to the overture as concrete evidence of their effort at accommodation. This could preempt criticism from the Radicals regarding escalating military expenditures. "[A]s long as it was not revealed that the negotiations had failed of agreement on the fundamental problem, the party leaders could say, as they did say quite correctly, that the negotiations initiated by Haldine [sic] were being continued."\textsuperscript{150}

The British sent Haldane but insisted on a measure of insulation. Grey, in a letter to Sir George Buchanan\textsuperscript{151} in early February 1912, called the visit "private and unofficial."\textsuperscript{152} Ostensibly, Haldane hoped to make inquiries about university education because he presided over an education commission in England.\textsuperscript{153} Yet, Grey admitted Haldane would engage in a "frank interchange of views with the German Chancellor" to explore the prospects for better relations between the two countries.\textsuperscript{154} The informal capacity in which

\textsuperscript{148} Letter from Sir Edward Grey, Foreign Minister, to Sir E. Goschen, Ambassador to Germany (Mar. 5, 1912), in 4 BRITISH DOCUMENTS ON THE ORIGINS OF THE WAR 1898-1914, at 707 (G.P. Gooch & Harold Temperley eds., 1930). Grey thought that it would be nearly impossible for the British position to be accepted in Berlin. \textit{Id.}
\textsuperscript{149} FAY, \textit{supra} note 147, at 302.
\textsuperscript{150} ORON JAMES HALE, PUBLICITY AND DIPLOMACY, WITH SPECIAL REFERENCE TO ENGLAND AND GERMANY, 1890-1914, at 425 (1940).
\textsuperscript{151} Buchanan served as the British Ambassador in St. Petersburg, Russia from 1910-1918.
\textsuperscript{153} \textit{Id.}
\textsuperscript{154} \textit{Id.}
Haldane went to Berlin protected the cabinet from the ramifications of failure, while still permitting them to claim credit for any unexpected benefit.

Buchanan replied to Grey in a telegram a few days later. He wrote, "[I]f Germany now rejected [the] olive branch which His Majesty’s Government were holding out, [the] fact of their having taken this initiative would greatly strengthen [the] hands of His Majesty’s Government should they have, in consequence of Germany’s attitude, to present increased naval estimates."

In another exchange, the British Ambassador in Paris, Sir Bertie, wrote in a letter to the Permanent Undersecretary of State for Foreign Affairs Nicholson that the mission was "absurd." He wrote, "[A] foolish move, intended I suppose to satisfy the Grey-must-go radicals." The Radicals viewed British policy on Germany as one rooted in hysterical fear, and the Haldane negotiations assuaged those suspicions. From the outset, Asquith and Grey molded the visit to further their domestic political agendas. If Haldane were rejected, it would reinforce the leverage of the cabinet. To accomplish the complicated ruse, Churchill, in the midst of the Haldane discussions in Berlin, delivered a bold and insensitive notice to Germany. Churchill declared that to the British, the navy was a necessity but "from some points of view the German Navy [was] to them more in the nature of a luxury." The infamous oration was regarded in Berlin as a transparent bullying tactic to compel the Germans to drop the Naval Supplement. The London Times proclaimed, “It is evident that both Mr. Churchill’s speech and Lord Haldane’s conversations with the German Emperor . . . have been arranged and are part of a plan.”

Against the backdrop of Anglo-German talks, London was warming to Paris. The two countries began further cementing their special relationship. While negotiating with the Germans, the British “were forging links with the

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155 Telegram from Sir G. Buchanan, Ambassador to Russia to Sir Edward Grey, Foreign Minister (Feb. 9, 1912), in 4 BRITISH DOCUMENTS ON THE ORIGINS OF THE WAR 1898-1914, supra note 148, at 671.


157 Id.


159 HERWIG, supra note 95, at 77. The British had long wondered what the Germans would say if England began to assemble a large continental army, “but the word ‘luxus’ in German has disagreeable connotations,” increasing the effect of the insult. Richard Langhorne, The Naval Question in Anglo-German Relations, 1912-1914, 14 HIST. J. 359, 360 (1971).

160 Churchill May Mar Haldane’s Peace Aim, supra note 158, at 3 (citing an editorial in The London Times).
Dual Alliance that would make participation in a war against Germany more than a mere contingency . . . . [P]ublicity [was] moving on one level and policy on another." This arrangement was crafted by Churchill and Grey, and it permitted Britain to withdraw its naval forces from the Mediterranean to reinforce the North Sea fleet. France would protect all of Britain's interests in the Mediterranean. In turn, Britain would protect the French Atlantic coast. In Parliament, the new maritime division of labor was widely criticized by groups as diverse as the Radicals, the Imperialists, and the Conservatives. Despite domestic opposition, the leadership viewed the arrangement as necessary to preserve dominance in the North Sea.

The decision to send Haldane to Berlin was designed to flatter Germany. Not only was he Secretary of State for War, but he had been a student at Göttingen and had co-translated Schopenhauer's multi-volume philosophical

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161 HALE, supra note 150, at 426-27.
162 FAY, supra note 147, at 320-24; MASSIE, DREADNOUGHT, supra note 110, at 823-25.
163 FAY, supra note 147, at 320-24.
164 Id.
165 HALE, supra note 150, at 431. The Radicals feared the agreement involved secret treaties, the Imperialists argued the move abandoned British vital interests to an uncertain power, and the Conservatives opposed the British flag's absence in the Mediterranean. Id.
166 The moderate Manchester Guardian attacked the political implications of the plan in articles on September 12 and 14, 1912, writing, "And this tremendous revolution in our national policy . . . has been made without the knowledge of Parliament by a little knot of men working by methods of evasion and equivocation. Ministers in the past have been impeached for much less." Id. at 430.
168 Richard Burton Haldane served as Secretary of State for War from 1905-1912. In that post, he succeeded in transforming the British military. The reforms largely tracked the recommendations of the Committee on Imperial Defense (the Esher Committee), which evaluated the British military system in light of its experiences in the Boer War. The Esher Committee finally settled on a formula to divide the land forces into the National Army, composed of an expeditionary force of regulars, and the Territorial Army, comprised of the militia, yeomanry, and volunteers, for home defense. See The United Kingdom Parliament Defence Committee Publications, Defence-Eighth Report (Sept. 3, 1998), http://www.parliament.the-stationery-office.co.uk/pa/cm199798/cmselect/cmdfence/138/13802.htm. Because of the reforms, Britain doubled the size of its deployable force, which became the finest army for its size in the world. The centerpiece of the service was the British Expeditionary Force (BEF), an elite group of professional soldiers numbering only 160,000 men. VISCOUNT HALDANE, BEFORE THE WAR, 35 (1920). In the initial Battle of the Marne in 1914, the BEF would play a decisive role in destroying the sense of German invincibility that had pervaded the Continent since 1871.
treatise, *The World as Will and Idea.*\(^{169}\) He spoke fluent German “with ease, correctness, and elegance.”\(^{170}\) He was, therefore, thought to have been “made in Germany,” possessing broad knowledge of its history and culture.\(^{171}\) Haldane would be unsuccessful, however. The Germans would prove unable to decouple the naval issue from their desire to have a free hand on the Continent. The British, rung through with paranoia, endlessly calculated the strategic impact of an additional German warship every two years through to 1916.\(^{172}\)

2. *German Negotiating Strategy*

Berlin sought to convert Germany’s ascendant power into influence. In 1896, Kaiser William II had used the Transvaal Crisis as inspiration to boldly and impulsively introduce Germany as a world empire on par with Britain.\(^{173}\) Germany was ready to lay claim to world power status, he believed, and this was a position that progressed naturally from continental hegemony and an expanding naval fleet. The Kaiser asserted that no important global decision should be taken without the deferential consideration of Germany.\(^{174}\) Whereas the British navy had dominated the world in the eighteenth and nineteenth centuries, the Imperial German Navy would realize *weltmacht,* or world power, for Berlin in the twentieth century.\(^{175}\)

The navy was the Kaiser’s chief hobby,\(^{176}\) and his vision to develop a blue-water capability captured widespread support among liberal, nationalist, and middle-class sentiment.\(^{177}\) The Reichstag, too, supported the Kaiser.\(^{178}\) Unlike

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\(^{171}\) *Id.*; Anglo-German Understanding, N.Y. Times, Feb. 20, 1920 (explaining that Haldane was a student of German life and literature and was well-known in scholarly and political circles).

\(^{172}\) In the spring of 1909, royal advisor Sir Ernest Cassel wrote Albert Ballin, saying German shipbuilding was the “Alpha and Omega of English mistrust.” MASSIE, DREADNOUGHT, *supra* note 110, at 801.


\(^{174}\) *Id.* at 17 (citing ERNST JOHANN, REDEN DES KAISERS (1966)).

\(^{175}\) *Id.*

\(^{176}\) Langhome, *supra* note 159, at 369.

\(^{177}\) The drive to develop a force that could stand up to the British should not be attributed solely to “the customary scapegoats: the reactionary Prussians, the diabolical General Staff, [or]
Britain, Germany had no coordinating War Cabinet, and the Kaiser's decision making generally was dispositive. If the vision was the Kaiser's, the plan belonged to Admiral Alfred von Tirpitz. Commander of the German squadron in the Far East, Tirpitz rose to become State Secretary of the Imperial Naval Office, or Reichsmarineamt (RMA) in June, 1897. He inherited a coastal defense navy similar in force structure to the navies of Sweden and Denmark. Determined to build an ocean-going force, Tirpitz would become the father of the German High Seas Fleet. Taking the first step toward his dream in 1898, Tirpitz proposed and passed a naval law that called for two squadrons of eight battleships each, plus a fleet flagship. This fleet of seventeen ships would "constitute 'a considerable force even against a fleet of the first rank.'" The fleet would match the French fleet and gain the attention and respect of the British. "Even the greatest sea state in Europe would be more conciliatory towards us if we were able to throw two or three highly trained squadrons into the political scales," Tirpitz said. His next significant move was the Second German Navy Law in June 1900, which was enacted while the British were preoccupied with the Boer War. The Second Navy Law proposed construction of thirty-eight battleships, comprised of two flagships and four squadrons of eight battleships, with four battleships in reserve. This Second Law provided the basic framework for German shipbuilding up to the war. It was amended by three Supplementary Navy Laws, or Novelles—the first in 1906, which added six large cruisers, and the second in 1908, which decreased the retirement age of the battleships and thereby effectively expanded the size of the fleet. The third Novelle, coming
on the heels of German humiliation in the 1911 Agadir Crisis, proposed the creation of a third naval squadron.\textsuperscript{188}

Tirpitz built battleships to overcome the Reich's extremely unfavorable maritime geographic position, which denied free access to the shipping lanes of the Atlantic Ocean.\textsuperscript{189} During the first decade of the twentieth century, subsequent naval plans expanded the German fleet even further, eventually achieving a High Seas Fleet of more than forty battleships.\textsuperscript{190} Tirpitz had even greater plans, hoping eventually to create a large battle fleet of as many as sixty modern capital ships.\textsuperscript{191} Such a fleet would give "rough parity to Germany with regard to Britain in . . . the North Sea."\textsuperscript{192} This force could intimidate the British, deterring London from interfering with German hegemony on the Continent. These developments caused great anxiety in London, and the developing drama was closely followed as far away as the United States and Japan. The German Naval Supplementary Bill of 1908 triggered a "naval scare" in Britain the next year, gripping the country in hysteria over an impending German amphibious assault.\textsuperscript{193} "[T]he whole world was . . . watching the rivalry between German and English shipbuilding," Grey told the German ambassador in 1908.\textsuperscript{194} By 1910, the High Seas Fleet was emerging as the principal foe of the Royal Navy. The naval rivalry had become acute—the epicenter of military tension in Europe.\textsuperscript{195}

\textsuperscript{188} Id. at 183.
\textsuperscript{189} HERWIG, supra note 95, at 89.
\textsuperscript{190} MASSIE, DREADNOUGHT, supra note 110, at 183.
\textsuperscript{191} Maurer, supra note 140, at 287.
\textsuperscript{192} Id.
\textsuperscript{193} The naval scare in Britain is memorialized by Erskine Childers's 1903 novel. ERSKINE CHILDERS, THE RIDDLE OF THE SANDS: A RECORD OF SECRET SERVICE (Oxford Univ. Press 1995) (1903). The novel sounded the warning of an imminent German invasion across the North Sea. The book has been credited posthumously with both awakening the British to the German threat from the sea at the turn of the century and generating a frenzy of mass panic over a most unlikely threat. It was also made into a movie, The Riddle of the Sands, directed by Tony Maylam in 1988.
\textsuperscript{195} To speak of a single arms race before the war obscures the fact that there were two principle competitions—one on land and one at sea. In the half-decade before the war, the Anglo-German naval race was the most dangerous and dynamic rivalry, but in the few years immediately preceding the war, army spending by the Continental Powers dominated European armaments. STEVENSON, supra note 133, at 9.
Following the second Agadir Crisis, the resourceful Tirpitz used the incident as leverage in the Reichstag to propose an increase in warship construction, which was reflected in the Novelle of 1912.196 Drafts of the bill were circulating in Berlin as early as the summer of 1911. Imperial German Chancellor Bethmann-Hollweg "insisted upon postponing" any legislation for naval increases until [after] the Moroccan negotiations were completed, whereupon Tirpitz turned to a higher authority, the [K]aiser.197 At the time, both Tirpitz and William II felt that Bethmann-Hollweg was inadequate. "Deep down in his heart he was a pacifist and was obsessed with . . . arriving at an understanding with England," wrote the Kaiser a decade later.198

Whereas Tirpitz led the campaign to benefit from the Agadir Crisis, the German army stood to benefit the most, not the navy.199 The navy had maintained construction of four new capital ships per year between 1908 and 1911, but army requirements were growing, and by 1911, Tirpitz was resigned to a tempo of only two new keels per year beginning in 1912.200 The Agadir embarrassment provided special impetus for the 1912 Novelle, which would authorize an additional warship laid every second (or third) year for a total of three additional warships in the out years.

In late September 1911, in the wake of Agadir, Tirpitz caught the attention of the Emperor by resurrecting a clever negotiating ploy. He proposed a linkage strategy, which had been developed several years before by the Foreign Office and Imperial Chancellor Bülow—Bethmann-Hollweg's like-minded predecessor. The bargain was this: cuts in the German shipbuilding program might be traded for political concessions from Britain. Germany would offer a two-part "political agreement" and would agree not to attack England. Germany also would accept a ratio of 3:2 between the British fleet and the German fleet.201 The increases in the German fleet would be fulfilled through the Novelle, but they would remain within the agreed ratio. Above all, Germany hoped that something could be achieved that would insure Britain would not intervene against Germany in a future continental war. Adoption by Tirpitz of Bülow's old strategy signaled that the admiral was opening to a

196 See MASSIE, DREADNOUGHT, supra note 110, at 183-85.
199 Stevenson, supra note 133, at 195.
200 Id. at 195-96.
201 Langhorne, supra note 159, at 359, 359-65.
package deal, such as a compromise on dreadnoughts and a shift toward submarines in exchange for an improved political relationship.

The demand for a political agreement with Great Britain constituted the dominant German bargaining position throughout the spring of 1912. The Kaiser, for example, sent Churchill a courteous message through an intermediary indicating that any arrangement to control naval construction "would only be possible between allies."\(^{202}\) In effect, Germany hoped to displace France in Britain's balance of power equation. Britain, however, would reject the possibility of a well-defined political accommodation.

Just before Haldane arrived in Berlin in the spring of 1912, Kaiser William II released the details of the third *Novelle*. The army would receive most of the new money, but the planned increase in the naval estimate captured the greatest share of attention in London. The bill would create a third naval squadron to augment the two squadrons of the High Seas Fleet already in operation. The third squadron would be formed from five existing reserve ships and three new ships; these three new ships would be constructed over the next six years, and they represented a net increase of three capital ships over the 1908 naval shipbuilding program. Whereas the 1908 plan had called for new keels for two capital ships to be laid down annually between 1912 and 1917, the Supplementary Navy Bill of 1912 proposed adding an extra ship in 1912, 1914, and 1916.\(^{203}\) This tempo did not achieve Tirpitz's desire to build three capital ships per year from 1912-17, which would have resulted in six additional capital warships, but it still represented an increase over the pre-Agadir schedule of two warships per year.\(^{204}\) The British response was that by adding a third squadron, the *Novelle* opened a new dimension in Anglo-German antagonism. The 1912 legislation became a rallying point for British leaders who feared an erosion of London's naval supremacy on which the entire empire depended.\(^{205}\) At this precise moment the British cabinet arranged to send Haldane to Berlin.\(^{206}\)

\(^{202}\) CHURCHILL, *supra* note 101, at 80.

\(^{203}\) FAY, *supra* note 147, at 301.

\(^{204}\) See STEVENSON, *supra* note 133, at 195.

\(^{205}\) *Tells Germany Why England Fears Her*, N.Y. TIMES, May 26, 1912, at C3.

C. The Haldane Negotiations

The matter of Anglo-German naval limits was discussed at the Hague Conference of 1907, and the British engaged in efforts during the summer of 1908 to re-initiate discussions. There were protracted negotiations from 1909 to 1911, and the Haldane mission in 1912 was the final focused opportunity before the war. Winston Churchill called for a "naval holiday" in 1912 and 1913, and the Germans launched a bid to promote tacit arms control in 1913, but these were not serious efforts. The final attempt by both countries to control naval armaments was in the spring of 1914, but by then the Balkan Wars and the Russo-French and Austro-German pacts overshadowed the naval race.

Coming at the height of naval antagonism, the Haldane negotiations were the most detailed and serious efforts to achieve an agreement. The two governments exchanged several draft texts. Britain was unwilling to tie its hands in neutrality should war erupt, suspecting German adventurism on the Continent. Germany was unwilling to forego naval construction without a concrete promise of British neutrality. The negotiating positions were a composition of bureaucratic politics and naval strategy. In Britain, the Liberal government sought to arrest the naval armaments race in order to preserve its naval dominance and to divert spending into social reform. In Germany, as the army continued to secure a greater share of resources, professional naval officers searched for a less costly method of challenging the British at sea. Leaders in both countries began to raise doubts about their countries' respective diplomatic isolation, imposed on Germany as punishment for Berlin's heavy-handed diplomacy and adopted in London in pursuit of power politics.

In a telegram to Count von Metternich, the German Ambassador in London, Bethmann-Hollweg wrote, "[T]he British government was prepared to continue the discussion supposing it were possible to undertake so to modify the Supplementary Law as to enable England to renounce fresh great expenditure on the Navy. . . . In this event . . . Haldane would at once come

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207 Maurer, supra note 140, at 286.
208 Id.
209 Id.
210 See Scott, supra note 5, at 834-38.
211 Id. at 836-38.
212 Id. at 837.
213 Narizny, supra note 108, at 211.
privately to Berlin. . . .” Upon arriving in the German capital, Haldane’s first talks were with Bethmann-Hollweg on February 8th. Haldane would later recount what he told to the Imperial Chancellor:

[T]here had been a great deal of drifting away between Germany and England, and . . . it was important to ask what was the cause. . . . Germany had built up, and was building up, magnificent armaments, and with the aid of the Trip[le] Alliance she had become the centre of a tremendous group. . . . We used to have much the same situation with France when she was very powerful on the sea that we have with Germany now. While the fact to which I referred created a difficulty, the difficulty was not insuperable; for two groups of powers might be on very friendly relations if there was only an increasing sense of mutual understanding and confidence. The present seemed to me to be a favorable moment for a new departure.

Bethmann-Hollweg “replied that he had no reason to differ from this view.” Despite the lofty introduction, from the start, the British focus remained narrowly focused on the third squadron. Bethmann-Hollweg, the most amenable of the German leadership, wrote immediately before Haldane arrived that his side expected something more.

[W]e think it possible to meet the British wishes, if at the same time we receive sufficient guarantees that British policy will be friendly towards us. It would have to be expressed in the Agreement that [n]either power engages to be concerned in . . . schemes, combinations or war-like complications directed against the other.

214 Telegram from Chancellor Bethmann-Hollweg to Count von Metternich, German Ambassador at London (Feb. 4, 1912), in 4 GERMAN DIPLOMATIC DOCUMENTS, 1871-1914, supra note 206, at 72-73.
215 Why Lord Haldane Failed at Berlin, supra note 5, at 60.
216 Id.
217 Telegram from Chancellor Bethmann-Hollweg to Count von Metternich, German Ambassador at London, in 4 GERMAN DIPLOMATIC DOCUMENTS, 1871-1914, supra note 206, at 73.
Haldane engaged in more substantive talks with the Kaiser and Tirpitz, emphasizing the necessity for Britain to have a fleet sufficient to protect her global commerce and vital supply of food and raw materials. He noted that Germany was free to build as she pleased, but so was England, and England would “probably lay down two keels to [each] one” which Germany added to her program.

The tone of the interview between the Emperor and Haldane was friendly, with the Kaiser turning at one point to ask Haldane what he should do. There were two interrelated issues under discussion: Germany’s construction of a third squadron and the possibility of a political accommodation between Germany and Britain. Haldane replied, in response to the Emperor’s question as to what he would suggest, that the Kaiser “might . . . drop out a ship” or “spread the tempo” of construction over several more years.

Tirpitz remarked that Britain’s two-keels-to-one policy was “a hard one for Germany.” At that point, Haldane opened the door to a political agreement, asking whether a third squadron would be necessary, “if [they] had a friendly agreement.” “An[y] agreement would be prejudiced if Germany carried out its program of a third ship every second year, inasmuch as Great Britain would feel itself obliged to lay down two for every German keel.” Haldane suggested that “the world would not believe in the reality of the agreement unless the shipbuilding program was modified.” The door was ajar, but Tirpitz still blocked the entrance.

Bethmann-Hollweg confided in Haldane that the Admiralty was “very difficult.” While Tirpitz was fanning public furor over Agadir and Churchill’s inauspicious “luxury” comment, a group of maverick navy leaders and army officials were emerging to oppose Tirpitz’s grand strategy. Like Bethmann-Hollweg, they were deeply concerned about both the financial and diplomatic consequences of Tirpitz’s plan. Army leaders were growing

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218 Scott, supra note 167, at 593-94.
219 Id. at 595.
220 Id. at 594.
221 Id.
222 Id.
223 Id. at 89.
224 Id. at 594.
225 Id.
226 Id.
227 Id.
228 HERWIG, supra note 95, at 77.
229 Id. at 68.
wary that the navy would siphon scarce resources, an issue made far more urgent by the increasing prospect of a two-front war against France and Russia.\textsuperscript{230}

The parties were quite close to reaching a compromise; had the Germans tinkered with the \textit{Novelle}, an agreement would have been reached. Haldane related at the time,

After much talking we got to this, that, as I insisted that they must not inaugurate the agreement by building an additional ship at once, they should put off building the first ship till 1913 [instead of 1912], and then should not lay down another till three years after (1916,) and not lay down the third till 1919.\textsuperscript{231}

The momentum evaporated, however, and they abandoned discussing shipbuilding programs and ratios and turned toward political issues. The Emperor felt that, after a political settlement was reached and published, he would have the leverage to go to the Reichstag and ask for a delay in laying the three new keels—sliding them from 1912, 1914, and 1916 to 1913, 1916, and 1919.\textsuperscript{232} Mirroring the Haldane schedule, this was progress, leaving only the terms of political accommodation unresolved. Later, when Grey began to distance himself from this common ground, the Emperor would be furious:

If Metternich understood his duties properly, he ought to have told Grey a week ago that his [new] proposal meant a complete disavowal of Lord Haldane's negotiations [sic] with His Majesty . . . ; [Metternich] had to negociate [sic] on a political agreement and not our Supplementary Bill all by itself, for this meant interference with Germany's free right of decision and control of the functions of the supreme War Lord! . . . [The British have turned] away \textit{sans façon} from the Haldane basis which we accepted and demand more or less that we drop the Supplementary Bill [altogether], and [they] do not make us the slightest offer with regard to anything binding about neutrality!\textsuperscript{233}

\textsuperscript{230} \textit{Id.}
\textsuperscript{231} \textit{Why Lord Haldane Failed at Berlin, supra} note 5, at 60.
\textsuperscript{232} Memorandum from Emperor William to Chancellor Bethmann-Hollweg (Feb. 9, 1912), \textit{in 4 German Diplomatic Documents, 1871-1914, supra} note 206, at 75.
\textsuperscript{233} Memorandum from Count von Metternich to Chancellor Bethmann-Hollweg (Feb. 24, 1912), \textit{in 4 German Diplomatic Documents, 1871-1914, supra} note 206, at 77.
The Germans began to suspect Haldane had gone to Berlin to deliver an ultimatum: Germany would have to abandon the *Novelle* in exchange for any chance of improved relations. Grey understood that he was placing the Germans in an untenable position. In a letter after the negotiations, he wrote,

> The German Government could not be expected to discuss naval questions as an isolated issue, if they did not see any prospect of coming to a satisfactory political agreement. The German increase in shipbuilding was only one new battleship in three years: this was very moderate. . . . An attempt to cut down “personnel” needed for existing units, and to drop altogether the three [new] battleships needed for the completion of the third squadron,—the building of which battleships was to be spread over a long period—would be a thing that public opinion in Germany would not accept, especially as the German Government could not point to any corresponding concession from England.\(^{234}\)

After some delaying action by Bethmann-Hollweg, the German government publicly submitted the Supplementary Navy Bill to the Reichstag. The *Novelle* induced retaliatory appropriations in Great Britain. The only concrete impact of the missions was the giving up of a future dreadnought by Tirpitz in good faith. Churchill, with unsurpassed alacrity and cheekiness, responded, “We therefore ‘sacrificed’ two hypothetical ships, and our programmes, which would have been increased to 5,4,5,4,5,4, were ultimately declared at 4,5,4,4,4,4.”\(^{235}\)

Before the German *Novelle* had been formally introduced or even publicly announced, Churchill drew up the new British retaliatory estimates and presented them to the House of Commons. The German Emperor had discreetly provided a copy of the *Novelle* to Haldane during his visit.\(^{236}\) Because it would have been a breach of faith with the German Emperor to let on that the British already knew of the text of the *Novelle*, Churchill was obliged to make his speech on naval matters on a purely hypothetical basis. Churchill explained what the British would do if no further increases were

\(^{234}\) Memorandum from Sir Edward Grey to Sir E. Goschen (Mar. 6, 1912), in *4 British Documents on the Origins of the War (1898-1914)*, supra note 148, at 707.

\(^{235}\) Churchill, *supra* note 101, at 111.

\(^{236}\) Langhorne, *supra* note 159, at 359 n.5.
made in the German fleet: he would have to present a Supplementary Estimate

to the House, however, if the rumors were proved true.\textsuperscript{237} Churchill would go

on to deliver Supplementary Estimates in the House of Commons in 1912 and

again in 1913.\textsuperscript{238}

Tirpitz was indignant, writing to the Emperor, “The real purpose of the

English government to wrest Germany’s sea defenses out of her hands without

any real concessions became clearer than ever. The purpose of the whole

action—the obliteration of the \textit{Novelle}—has thereby been clearly expressed.

Naturally [any] English [follow-up] proposal will be rejected.”\textsuperscript{239} The Kaiser

made a note in the margin: “Right.”\textsuperscript{240}

After Haldane left Berlin, the chance for an agreement disappeared. On

March 20, Churchill renewed his proposal for a “naval holiday” in which

neither side would build any new ships for a year.\textsuperscript{241} The ratio of capital

warships would be frozen. By this point, the Germans were unwilling to

accept fresh proposals.\textsuperscript{242} The British, too, realized the opportunity was lost.

As late as May 1914, the Emperor invited the First Lord of the Admiralty

and the Sea Lord to Kiel for an official visit.\textsuperscript{243} Churchill was willing, but Grey

killed the idea. From 1912 until the war, the two states were listless in

deadlock over capital warship construction. Haldane had been the last realistic

opportunity for agreement.

IV. THE HALDANE ACCORD: WHAT IF HALDANE HAD SUCCEEDED?

What if Haldane had been successful and the two parties had signed an

accord? Would a naval arms control agreement have affected the Anglo-

German relationship? As a general rule, we expect arms control agreements
to generate direct benefits and positive externalities for the parties and regional

neighbors. Arms control agreements are designed to be part of a new fabric

of international relationships in which weapons become a less critical index of

great-power status.\textsuperscript{244} Norwegian diplomat Johan Jørgen Holst observed that

\begin{footnotes}
\item[237] See id. at 359-60.
\item[238] MASSIE, DREADNOUGHT, \textit{supra} note 110, at 822.
\item[239] READING S IN EUROPEAN INTERNATIONAL RELATIONS SINCE 1879, \textit{supra} note 105, at 259.
\item[240] Id.
\item[241] Langhorne, \textit{supra} note 159, at 363-64.
\item[242] Id. at 364.
\item[243] Id. at 368.
\item[244] EMILY O. GOLDMAN, SUNKEN TREATIES: NAVAL ARMS CONTROL BETWEEN THE WARS 270 (1994).
\end{footnotes}
arms control is, "a currency for restructuring political influence." Among the more than twenty potential benefits of arms control agreements are: a reduction in the probability of regional conflict, a decrease in the intensity of a potential conflict, a discouragement of conflict escalation, a decrease in reliance on military force, a discouragement of the use of advanced or inhumane weapons or tactics during war, an expansion in opportunities for diplomatic solutions, a reduction in military and defense forces and infrastructure, an encouragement of defense conversion, an expansion of international trade, closer and deeper foreign relations, a reduction in distrust, and an increase in confidence between adversaries. The Haldane Accord would have been unlikely to produce these benefits and positive externalities. Instead, the agreement would have exposed the British to greater insecurity. By considering the counterfactual Haldane Accord, we can better understand the arms control process within the context of the Anglo-German naval rivalry, and we can extract some general lessons to be applied in developing stabilizing agreements.

The Germans could have obtained the political benefits of an accord, however slight, while increasing their ability to threaten British supremacy at sea through a re-channeling of resources away from battleships and into submarines. The British might well have fared worse than they actually did when war erupted two years later.

A complex medley of strategic, economic, personal, and bureaucratic factors shaped the Haldane negotiations. Political actors and organizations compete within governments to create policy, personality, and serendipity; and fashionable or persuasive models of thinking often are dispositive in crafting an agreement. Closely considering the relationship among these factors shows how the Haldane Accord was plausible. Germany was the revisionist power occupying the pivotal role. Bethmann-Hollweg, Metternich, and Ballin were all proponents of an agreement, and in hindsight, Bethmann-Hollweg was the wisest on the German side. The savvy Tirpitz was the main obstacle to Berlin accepting a deal. It was evident by 1912, however, that Germany was

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losing the conventional naval race with Britain, even with the Novelle.\textsuperscript{248} Tirpitz was crafty enough to turn an accord to his advantage by reconsidering his ambivalence over a submarine strategy. Tirpitz could have exchanged three dreadnoughts for a vast expansion in submarines. The Navy Staff was working to convince him to expand the submarine force at the same time that Bethmann-Hollweg was extolling the value of a political agreement. Turning an accord to his advantage, the admiral would have dramatically increased German offensive sea power. Moreover, Bethmann-Hollweg was right about the political value in signing an accord. While the failure of the Haldane talks proved immaterial for Britain, for Germany the failure was profound. French and British foreign relations were moving toward a virtual alliance.

\textit{A. The Actual German Submarine War}

By 1914, Germany had a fleet comprised of thirteen dreadnoughts, sixteen pre-dreadnoughts, and five battle cruisers.\textsuperscript{249} The admirable German effort to emulate the British and build a balanced fleet around a core of capital ships was essentially wasted. German warships were never able to challenge the Royal Navy's supremacy on the high seas. Before the war, the Germans hoped Britain would lay on a close blockade and be drawn nearer German waters in the vicinity of the Helgoland Bight, "where German mines and torpedoes could be used advantageously."\textsuperscript{250} The British never complied with these expectations, although Germany's focus on mines and torpedoes shows some reception to an asymmetrical maritime strategy.

Against Tirpitz's dreams of a decisive naval engagement, the German Naval Staff and Chief of the Naval Cabinet, Admiral Georg Alexander von Müller, preferred protecting the battleships through a cautious policy of maintaining a "fleet in being."\textsuperscript{251} Germany deferred decisive surface combatant action until after the British fleet could be whittled down through night attacks, submarine warfare, mines, torpedo boats, and hit-and-run

\textsuperscript{248} For example, by 1913, Tirpitz was forced to accede to British superiority in warships due to competition for resources from the Army. MASSIE, DREADNOUGHT, supra note 110, at 848.
\textsuperscript{249} SCHMITT & VEDELER, supra note 106, at 31.
\textsuperscript{250} Id. at 118.
raids.\textsuperscript{252} Despite the exhaustive political machinations to develop and expand the capital ship force structure, when war came, Germany relied on \textit{kleinkrieg}, or guerilla war at sea. The submarine was the new capital ship,\textsuperscript{253} and German commerce raiding turned out to be the most effective maritime strategy on either side of the war. German submarines also deterred the most powerful and valuable British dreadnought warships from freely roaming the seas.\textsuperscript{254}

The actual German submarine campaign needed only a slight nudge to make it the dominant economic weapon it could have been.\textsuperscript{255} As the war began in the summer of 1914, an alarming prophesy of submarine commerce warfare by Arthur Conan Doyle in \textit{The Strand Magazine} imagined that Britain was defeated by eight German submarines that were able to starve the island nation into defeat in six weeks.\textsuperscript{256} The "first practical impetus toward submarine commerce raiding was provided by reports of the vulnerable flow of British and neutral shipping observed by U-boat commanders on their return from Channel and Irish Sea operations against the Grand Fleet."\textsuperscript{257} The German staff also was influenced by abundant journalistic evidence of British nervousness about the danger of German submarines from reports in the media.\textsuperscript{258} The submarine war on commerce did not actually "[begin until] October 20, 1914, when a U-boat [stopped and scuttled] a small steamer, the

\begin{footnotesize}
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\item See Kennedy, \textit{supra} note 251, at 188.
\item \textsc{Arthur J. Marder}, \textit{2 From the Dreadnought to Scapa Flow: The Royal Navy in the Fisher Era, 1904-1919}, at 69-71 (1965) [hereinafter \textit{Marder, Volume 2}].
\item \textit{Id}.
\item Lundeberg, \textit{supra} note 255, at 107.
\end{enumerate}
\end{footnotesize}
In the first six months of the war, "U-boat commanders, on their own initiative, sank only [ten] merchant ships." This method was regarded as humane and preserved the small store of six torpedoes onboard the submarine. Protests from neutral countries, including the United States, compelled the German admiralty to issue increasingly restrictive rules of engagement.

It was not until February 4, 1915, that the Kaiser gave the order to sink commercial vessels and that the war on maritime commerce began in earnest. Declaring a submarine blockade of the British Isles, the campaign lasted only six months and was formally ended under heavy protest by the United States. As a result, many of the U-boats were sent to the Mediterranean, sinking a large number of Italian and French ships. Diverting U-boats from the vital North Atlantic sea lanes, however, was a British strategic success.

The British gradually began to arm their merchant vessels and deployed heavily-armed merchant ship decoys called "Q-ships," which made it increasingly more difficult for German submarines to operate under prize rules. During the war, Q-ships sank only twelve U-boats, but their greatest effect was in complicating attacks on merchant vessels since a submarine could never be certain when it had sighted an unarmed merchant or a heavily armed Q-ship decoy.

Germany continued to develop U-boat technology, and the newer boats put to sea with eight to twelve torpedoes, giving the submarines greater flexibility.

259 Contra BRODIE & BRODIE, supra note 73, at 182. See also MASSIE, CASTLES OF STEEL, supra note 6, at 523 (noting that "German submarines attacked Allied merchant shipping before the war-zone proclamation was issued").
262 See BRODIE & BRODIE, supra note 73, at 182.
263 Id.
264 Id.
265 Lautenschlager, supra note 260, at 112.
266 MASSIE, CASTLES OF STEEL, supra note 6, at 717-25.
267 Id. at 722.
in attack profiles and avoiding nasty confrontations with Q-ships. In February 1917, Germany began its second unrestricted submarine campaign in an effort to knock Britain out of the war. The next six dismal months produced a slaughter at sea, with German U-boats sinking an average of over six hundred thousand tons of merchant shipping per month, and most of that inflicted in the North Sea.

If the Germans were too slow to initiate an effective submarine campaign, the British were even more derelict in addressing the threat. Pre-war opinion in the Admiralty did not view submarines as a serious menace to warships or merchants. The result was that by 1917, the British had progressed little in the development of anti-submarine weapons, tactics, or strategy. Had Germany exploited this exposure earlier and with greater force, the consequences would have been devastating.

The Q-ship was never an effective response to the submarine threat. It was not until the introduction of the convoy in May 1917, that the British finally struck upon an effective system for protecting merchant vessels. The convoy grouped large numbers of merchant vessels into a mass formation, accompanied by a protective screen of destroyers. Maintaining the integrity of a convoy was difficult work, as the vessels had to formation steam at night and in the fog without lights, often while zig-zagging to avoid submarines. On May 20, 1917, the first convoy from Gibraltar reached England safely, and, by August, all homeward-bound ships from America, the South Atlantic, and Gibraltar, with a speed of less than twelve knots, were convoyed. With the convoy, the British learned that the most effective anti-submarine strategy was not sinking submarines, but protecting merchant ships. By October 1917, more than 1,500 merchant vessels had been brought into port under convoy, with the loss of only twenty-four vessels. With the introduction of the convoy, submarine commerce raiding lost its previous momentum. The

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268 Lautenschlager, supra note 260, at 112.
269 MASSIE, CASTLES OF STEEL, supra note 6, at 715.
270 See id.
271 MARDER, Volume 2, supra note 253, at 349.
272 Id.
273 SCHMITT & VEDELER, supra note 106, at 240-42.
274 GIBSON & PRENDERGAST, supra note 261, at 176.
275 BRODIE & BRODIE, supra note 73, at 185-87.
276 Of the twenty-four vessels lost, only ten went down while in convoy formation, with the remainder having been sunk after they were separated from the convoy. GIBSON & PRENDERGAST, supra note 261, at 177.
strategy was never able to completely blockade England because it was applied intermittently for the first thirty months of the war.277

B. German Submarine Innovation and Experimentation

After the war, critics of the lackadaisical performance of the High Seas Fleet repeatedly asked what would have happened if the Germans had a large fleet of U-boats available at the outset of the war and effectively employed them as commerce raiders.278 Since the early technology was so unreliable, many respond that the submarines of 1914 were incapable of a sustained offensive against British trade routes.279 The Reichsmarine’s last peacetime maneuvers revealed that the submarine was limited to fleet reconnaissance and use as a torpedo unit, capable of providing an equalization factor against the larger British fleet.280

At the time the Germans negotiated with Haldane, however, they were on the cusp of several breakthroughs in submarine development. Submarine doctrine was rapidly developing. A staff study by the Submarine Inspectorate at Kiel, prepared in May 1914, examined the requirements for a U-boat campaign against British shipping.281 The report, written by Kapitanleutenant Ulrich-Eberhard Blum, was presented to Tirpitz in June, and it projected that a force of two hundred submarines could stop all British shipping.282 Had the Germans shifted toward a submarine strategy in response to limits on the High Seas Fleet imposed by the Haldane Accord, submarine technology and the development of force structure and tactics would have progressed more quickly. While Haldane was in Berlin, the Germans entered the zenith of submarine warfare innovation and development.

From the turn of the century, maritime nations were experimenting with submarines. By 1912, German submarine technology already had taken the lead.283 The first submarine to serve as an effective offensive platform was the Imperial German Navy’s fifth Unterseeboot, commissioned in 1910 as U-9.284

277 Gayer, supra note 258, at 621-29.
278 See Lundeberg, supra note 255, at 105-06.
279 GIBSON & PRENDERGAST, supra note 261, at 13.
280 See Gayer, supra note 258, at 625.
281 See generally id.
282 The force level may be regarded as highly realistic in light of Germany’s subsequent wartime levels of construction. See id. at 622; see also Lundeberg, supra note 255, at 106-07.
283 See Lautenschlager, supra note 260, at 102-03.
284 Id. at 103.
It had a submersible range of 3,200 nautical miles and was armed with six fairly reliable torpedoes. Among other early German submarine engineering breakthroughs was the progression from gasoline to diesel engines. Gasoline engines were extremely dangerous, had severely limited cruising ranges, and emitted thick clouds of black smoke that revealed the submarine's position. Germany began experimenting with diesel engines in its U-boats in 1905. It was not until 1913, however, that Germany successfully launched a diesel-powered U-boat. By 1914, Germany had ten diesel U-boats, with seventeen more under construction.

When the Germans introduced the U-19 in October 1912 (it was commissioned in early 1913), the British had no idea that it had a range four times that of its predecessor, which was commissioned less than nine months earlier. Submarines built after the U-19 had a range of over 9,000 nautical miles. These boats could remain on patrol for a month and travel 2,500 nautical miles from their base. Comparable cruising ranges were not achieved by American and Japanese submarines until the 1920s, by British submarines until the 1930s, and by Soviet submarines until the 1950s. The Germans also were well ahead of the British in torpedo and mine development. "The relationship between weapons and strategy is of course a two-way affair: the appearance of a new system can affect strategic planning as much as planning affects the search for new systems." A treaty to limit dreadnoughts would have provided additional momentum and added a sense of urgency to leverage submarine development into an effective maritime strategy.

There is an action-reaction phenomenon to arms control and technology. Once it became apparent that the German navy would not develop the number of dreadnoughts to credibly challenge the British fleet, German resources and
energy for naval innovation would flow to more promising systems. "The rate of utilization of an innovation is governed by the extent of uncertainty [about the innovation] when [it] first appears and the expected rate of reduction of that uncertainty."\(^{296}\) The uncertainties for early submarines centered on cost, feasibility, and expected competitive or strategic advantage.\(^{297}\) In the case of submarines, by 1912, Germany was making dramatic progress in each of these areas.

C. Germany Adopts a Submarine Strategy

The 1912 Novelle had pushed German capital ship construction to the limits. The cost of the nascent dreadnought fleet put the High Seas Fleet in extreme financial straits. Even before Agadir, the high cost of building an effective surface navy was being reconsidered in Berlin. It was becoming apparent that the navy was losing the initiative in warships against Britain. In response to the 1908 Novelle, the Liberal government in London laid down three dreadnought battleships or battle-cruisers in 1906-07 and 1907-08, and two in 1908-09.\(^{298}\) But in 1909-10, Britain began construction on more dreadnoughts, and ten keels were laid in 1910-11 and 1912.\(^{299}\) Despite its best efforts, Germany was falling behind. The main reason Germany could not keep up was the requirement—which would grow between 1912-14—for an enormous land army. The accelerating British warship construction undermined Tirpitz because it gave the impression that the Reichstag was spending huge sums on the navy without any possibility of altering the strategic equation at sea. Resources to continue the naval competition would be better spent on addressing the balance of power on land, the army argued, as it grappled with a more urgent armaments race of its own against Russia and France.\(^{300}\) The army was gaining traction in the Reichstag, and opposition to the capital ship program began to grow.\(^{301}\) These events strengthened the hand of Bethmann-Hollweg. Prince Bernhard von Bülow, Bethmann-Hollweg's predecessor who had resigned in 1909, was never able to control Tirpitz.\(^{302}\)

\(^{296}\) Id. at 514.

\(^{297}\) Id.

\(^{298}\) Stevenson, supra note 133, at 165.

\(^{299}\) Id.

\(^{300}\) See id. at 165-78.

\(^{301}\) See Lundeberg, supra note 255, at 105 (citing Andreas Michelson, Der U-Bootskrieg, 1914-1918, at 1-3 (1925)).

\(^{302}\) See Stevenson, supra note 133, at 171.
Billow consistently argued that it would be wiser to spend more money on torpedo-boats and submarines—to which England would have no objection—than dreadnoughts, which provided for the central irritant in London. After Billow's departure, Bethmann-Hollweg continued to play this role, but he, too, was stymied by Tirpitz, who became an implacable political enemy.

In November 1913, William II informed Tirpitz that the 1912 Novelle had "exceeded the limits of available personnel, to say nothing of the purse." The monarch hoped for a way out of the naval race, calling it a "screw without end." The armor plating for German battleships was produced by private industry. Tirpitz constantly struggled with the German steel industry, which sought to exercise monopolistic pricing power. There were considerable resource arguments that augured in favor of stepping out of the dreadnought competition and shifting the resources into submarines. For the steel necessary to build one dreadnought battleship, the High Seas Fleet could have produced between fifteen and twenty submarines.

The Kaiser was willing to bend on dreadnought construction, stating that a political agreement was "the key to everything." All that remained was to craft language that bridged the gap—something less than an actual alliance favored by the Germans, but something more than the empty platitude advocated by the British. In the end, the language would not have been as important for either side as the reality of the accord. The British certainly were open to something short of an alliance, favoring an informal entente relationship that would include Germany. London, moreover, felt under pressure from France in Egypt and Russia in Central Asia.

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303 See generally FAY, supra note 147, at 236.
304 STEVENSON, supra note 133, at 171-73.
305 HERWIG, supra note 95, at 89.
306 Id. When it was reported—incorrectly, as it turned out—that the British were considering lowering the caliber of their heavy guns, the Kaiser immediately proclaimed relief stating, "That would be a blessing." Id.
308 See Lambert, supra note 120, at 595 (citing a pre-publication draft manuscript by Sir Winston Churchill, indicating that he could transform two super-dreadnoughts into "thirty or forty submarines and torpedo-craft").
309 Scott, supra note 167, at 595.
310 KISSINGER, supra note 107, at 182-83.
311 Id. at 185.
the relationship with Germany would serve as a counterweight to these encroachments.

The Kaiser was the final authority on adoption of an asymmetrical strategy of submarine warfare. With his "sabre-rattling" and "blustering speeches," the Kaiser certainly lacked Bismarck's well of strategic thought. He did, however, have a deep respect for modern technology and industry. This fed his imagination and made him more amenable to an imaginative submarine strategy. "As early as October 1914, [he] had recognized 'that no more Dreadnoughts should be built.'" With his patience regarding the hopeless dreadnought race wearing thin, the Kaiser was vulnerable to Bethmann Hollweg's influence. More importantly, the Kaiser was pliable, and often mere chance dictated which way he would go. Albert Ballin would always say, "Whenever I have to go and see the emperor, I always try and find out whom he's just been with, because then I know exactly what he's thinking." "He changed his mind with bewildering frequency." Bülow agreed, calling the Kaiser "not false, but fickle. He was a weathercock whose direction at any moment very largely depended on the people with whom he happened to associate." Assuming Bethmann Hollweg had gotten to him during Haldane's visit, an accord would have been signed.

In the actual negotiations, Haldane had met one last time with Bethmann Hollweg to work out a formula. In this meeting, the Imperial Chancellor warned Haldane that "forces he had to contend with were almost insuperable. Public opinion in Germany expected a new law and the third squadron." It occurred to both men, however, that an accord should remain silent on defining a standard proportion of naval strength and shipbuilding. After the accord was signed, the Emperor could announce to the German public that this entirely new circumstance of an Anglo-German political relationship now modified the need for the fleet as originally conceived.

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312 HERWIG, supra note 95, at 3.
313 Id.
314 Id. at 223.
315 MASSIE, CASTLES OF STEEL, supra note 6, at 5.
316 Id.
317 Id.
318 Scott, supra note 167, at 595 (citing a June 1918 article that appeared in The New York Times).
319 Why Lord Haldane Failed at Berlin, supra note 5, at 60.
D. Interwar Naval Arms Control Re-channeling as a Model

In order to better appreciate the nature of the counterfactual history posed here, it is useful to take a short detour into a subsequent period of naval arms control diplomacy. German re-direction into submarines in this counterfactual follows a model established in the wake of the interwar arms control.

During the period between the two world wars, the Washington Treaty of 1922 fixed battleship ratios for all of the maritime powers. While the agreement actually did slow the construction of capital warships, it also had the perverse effect of creating conditions and incentives to re-direct naval ambitions into other systems that were not explicitly controlled. This phenomenon is called "build-around," "re-direction," or "re-channeling." The Washington Treaty is used as a model to show how a naval agreement can incite re-channeling and how re-channeling can actually increase military capabilities for some parties to the agreement at the expense of other parties. This model serves as a useful theoretical backdrop to the counterfactual Haldane Accord by showing how adoption of an arms control agreement and a plausible shift in German strategy during the Haldane negotiations would have increased offensive German naval power at the expense of British security.

Professor Emily O. Goldman has identified three separate, yet interdependent forces that contributed to re-direction in the Washington Treaty. First, re-direction became an unintended consequence of the treaty terms by freeing resources and influencing parties to reexamine previously discarded warship platforms. Second, re-channeling was driven by technological and bureaucratic imperatives, stimulating development of new technologies. Third, the treaty facilitated creation of fresh thinking by members of the military leadership so they could more effectively execute their strategies within the confines of the arms control system. Predictably, there

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321 GOLDMAN, supra note 244, at 154.
322 See generally id.
323 Id.
324 Id. at 154-55.
325 Id. at 155.
appeared to be less re-direction or even outright cheating with the primary status quo power, Great Britain. This is because status quo powers generally seek to protect their investments through incorporation of rules that restrain potential challengers.\footnote{Medieval constraints on crossbows and later restrictions on firearms served to protect existing elites from revolutionary military technology. In 1139, for example, Pope Innocent II declared that the use of the crossbow was forbidden because it was “hateful to God and unfit for Christians.” BRODIE & BRODIE, supra note 73, at 35-36.}

Between the wars, re-direction was shaped within the context of three sets of geopolitical circumstances. These circumstances match a corresponding state of affairs prior to World War I that makes comparison with this study quite uncanny. Naval competition in the interwar period was marked by contrasting or asymmetrical agendas between Great Britain, the status quo power, and the United States, Japan, and France, all revisionist powers in their own way. Great Britain and Germany filled these same roles in the years before the Great War. Britain’s complacency, born from the comfort of status quo dominance, is evident before both world wars. As between the pairing of the United States and Japan, the United States was the status quo power and Japan the revisionist power. In the 1920s, the United States adopted large aircraft carriers; as the rising challenger, Japan developed mid-ocean submarines and sophisticated destroyer tactics such as night fighting.\footnote{Ernest Andrade, Jr., The Cruiser Controversy in Naval Limitations Negotiations, 1922-1936, 48 MIL. AFF. 113, 113 (1984).}

The Washington Treaty was perhaps most significant for what it did not provide. “By failing to establish quantitative limits [for cruisers and submarines, the treaty] affected greatly the naval situation up to and even beyond 1939.”\footnote{GOLDMAN, supra note 244, at 155-56.} Asymmetries in threat perception and the strategic environment in the interwar period caused the United States to develop large cruisers which posed a challenge to British cruiser superiority.\footnote{GOLDMAN, supra note 244, at 154-55.} In order to preserve its dominance at sea against challenge from the upstart Americans, Britain was compelled to follow the same path—for the first time building large, long-range cruisers.\footnote{Id. at 155-56.}

Asymmetries in doctrine also emerged between France and Great Britain in the interwar period. While Britain gravitated toward matching United States’s cruiser development, France realized it could not compete in that category, and therefore it intentionally re-directed its efforts toward submarine
warfare. Again, the parallel of Great Britain as the status quo state facing an asymmetrical challenge from a naval challenger comports with the Anglo-German interface in this study. In the interwar period, only the French had the foresight to abandon a battleship force structure and steadily build submarines instead. If the French were the first to purposefully develop a submarine force structure during the interwar period, the Japanese were the first to integrate submarines into coherent force packages in furtherance of theater strategy. By the mid-1920s, the Japanese had the largest ocean-going submarine fleet in the world, with a higher average speed and a greater cruising radius than their British or American counterparts. Building high-speed submarines with greater range and more reliable torpedoes, the Japanese developed a mid-ocean attrition strategy to keep the U.S. Pacific Fleet out of Asia. 

In the case of the Haldane Accord, an accelerated submarine program would have been a classic re-direction away from capital warships. Further, it is likely Germany could have dramatically increased its submarine force with impunity. There was an emotional need behind German naval expansion. "The navy was the [principle] vehicle for technological advances of the late nineteenth century and technological prowess was one of Germany's chief means of power. She would, like her ruler, have concealed a withered arm if she had not deployed that prowess on the water." Britain likely would have stood idly by while Germany embarked on a program to expand its submarine force by an additional fifty to sixty U-boats, much as she did in the interwar years when London failed to confront Italy and Germany for clear violations of the Washington Treaty, the Treaty of Versailles, and the Anglo-German Naval Agreement of 1936.

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331 *Id.*

332 *Id.* at 168. To a lesser extent, Japan would focus on developing its submarine fleet as well, and both the United States and the Japanese would gradually, if not entirely accidentally, explore a force structure built around the aircraft carrier. *See id.* at 174-75.

333 *Id.* at 182.

334 *Id.*

335 The Japanese intended to conduct massive night torpedo attacks against U.S. task forces transiting the Pacific Ocean. *Id.* at 182-83. Through experimentation at the Naval War College, the U.S. Navy was able to develop a tactical doctrine to address the threats. *See* Trent Hone, *Building a Doctrine: USN Tactics and Battle Plans in the Interwar Period*, 1 INT'L J. NAVAL HIST. (2002), *available at* http://www.ijnhonline.org/volume1_number2_Oct02/articles/article_hone1_doctrine.doc.htm.


337 Office of the Assistant Secretary of Defense, *The Naval Arms Control Record, 1919-1939*:
Under the terms of the Washington Treaty, Italy agreed to limit cruiser construction to 10,000 tons standard displacement and 8-inch batteries. Between 1925 and 1933, Italy built seven “treaty cruisers” supposedly within the limits established in the agreement. The British suspected the vessels exceeded the treaty terms, and in reality the cruisers displaced 11,000 to 12,000 tons, exceeding treaty limits by 10-20%. In 1936, Britain acquired a unique opportunity to verify its suspicion when the Italian “treaty cruiser” Gorizia suffered an explosion and put into the British shipyard at Gibraltar. The British precisely measured the vessel as displacing 11,900 tons—19% over treaty weight. Since displacement is the key metric of warship capability, the violations were militarily significant, but the British ignored them.

Similarly, Britain failed to react to German naval armament violations in the interwar period. Following the abrogation of the Treaty of Versailles by Germany in 1935, the British concluded the Anglo-German Naval Agreement that same year. The agreement limited the German navy to 35% of the Royal Navy and required Germany to conform to the rules of the Washington Treaty. At the time the 1935 agreement was signed, and to the utter disbelief of Churchill, Germany was finishing three pocket battleships that displaced almost 12,500 tons—20-25% over treaty weight. More German violations went unchallenged, culminating in the construction of five heavy cruisers displacing 14,500 tons, surpassing treaty limits by 45%.

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338 The term “displacement” was a new, treaty-defined unit of account meaning the amount of water a warship displaced when fully equipped for war but without oil, fuel, reserve feed and water, or a normal load of ammunition. 
339 Naval Arms Control Record, supra note 337, at 4-7.
340 Id. at 4.
341 Id. at 4-5.
342 Id. at 8-10. During the interwar period, the British elites as well as the general public had a surprisingly high level of faith in international agreements to secure the peace. See Hines H. Hall, III, The Foreign Policy Making Process in Britain, 1934-1935, and the Origins of the Anglo-German Naval Agreement, 19 Hist. J. 477, 478 (1976).
345 Id. at 11.
The circumstances surrounding the dynamics of naval development in the interwar period in many ways were analogous to Anglo-German rivalry preceding the Great War. The Haldane Accord, much like the Washington Treaty twenty years later, was likely to have made Britain even more complacent. Germany, the revisionist state, likely would have focused on developing innovative, asymmetrical platforms, force structure, and doctrine to increase its naval combat power under the treaty.

V. CONCLUSION: RE-CHANNELING AFTER THE HALDANE ACCORD

The Haldane mission is a particularly powerful optic through which to view naval diplomacy, the naval armaments race before the Great War, and the unstable naval power structure in Europe. While conventional historiography and international relations theory attempt to expose the fault lines of power and decision, counterfactual history introduces new variables or events into history to bring to the surface hitherto unrecognized patterns and weaknesses of conventional analysis. Historical figures and contemporary social scientists have implicitly argued that controlling the naval rivalry would have purchased greater security. Indeed, one previous study, implicitly employing "what if" reasoning, examined the Anglo-German naval rivalry from the perspective of a lost opportunity for meaningful arms control.\(^3\)\(^4\)\(^7\) The findings of this study, however, show that even if a naval agreement had been reached before the war, it is most plausible the benefits one might normally associate with arms control would have been negated by a German policy of re-direction or re-channeling into submarines.

The Haldane Accord sought to limit German dreadnought shipbuilding, ostensibly for Germany and Great Britain to avoid a reckless drive toward war. In reality, naval arms control was viewed on both sides of the North Sea as a euphemism for maintaining British dreadnought superiority. The single-minded purpose of the British approach—driven solely by the metric of dreadnought construction—left Britain exposed to maritime threats outside of that paradigm. Unlike the Washington Treaty, which acknowledged American parity with Britain, and SALT I, which recognized Soviet strategic nuclear parity with the United States, the Haldane Accord did not acknowledge German ascendancy. Whereas the latter agreements promoted confidence-

\(^3\) See generally Maurer, supra note 140.
building independent of their effects on limiting weapons systems, the Haldane Accord would have left Germany dissatisfied.

The Haldane Accord also exhibited a lack of imagination in arms control. The British pushed for a selective and finely-tuned prohibition on a particular class of warship rather than focusing on controlling German offensive naval capabilities. This approach created fertile conditions for classic re-channeling by Germany. At the same time, Britain was stingy on the confidence-building aspects of the agreement, leaving Germany unfulfilled. The negotiating positions and structure of the Haldane Accord were designed to lead to failure.

After 1912, Germany determined that offensive action at sea should not be undertaken except under favorable circumstances. This directive virtually guaranteed that there would not be a decisive surface naval battle. The Admiralty Staff was dissatisfied with Tirpitz's cautious "fleet in being" strategy, arguing that in order to defeat the British at sea, the German navy would have to leave port and give battle. In reality, after 1912, the Imperial German Navy was committed to a defensive strategy, dashing the chance for a glorious naval victory.

The German Admiralty Staff, much to its credit, never gave up pushing for a more aggressive maritime strategy. An agreement limiting capital ships would have strengthened the Admiralty Staff in its effort to convince the Kaiser to rapidly develop submarines in the two years preceding the war. This would have enabled the Germans to unleash a furious U-boat campaign early in the first year of fighting. The opportunity for German success against the British navy was greatest in the first few months of the conflict, particularly between November 1914 and February 1915, when the British were without eight of their capital ships. Instead, the British were quite surprised at the

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349 See generally Gelber, supra note 295, at 531.
350 Kennedy, supra note 251, at 188.
351 Id. at 192.
352 MASSIE, CASTLES OF STEEL, supra note 6, at 72-73, 76-77.
353 See id. at 193.
354 MARDER, supra note 253, at 43-44.

[T]owards the end of October 1914, the [British] Grand Fleet was without eight of its capital ships: a mine had sunk the Audacious; the Ajax and Iron Duke had developed leaky condenser tubes; the Orion was having turbine trouble; the Conqueror was refitting; the requisitioned Turkish ships, Erin and Agincourt, were not ready for action, having been too recently
passivity of the German Fleet. "It was," according to Admiral James, "a matter of the greatest surprise to all of us in the Grand Fleet that there were not more 'tip and run' sorties from Wilhelmshaven. Repeated excursions might have seriously weakened us."

At the end of the war in 1919, as the High Seas Fleet was interned in captivity at Scapa Flow, a German naval staff officer reviewing German operational naval plans came across the 1912 phrase "under favorable circumstances," and angrily wrote in the margin: "The mistake lies here! This restriction upon the freedom of action (of the fleet) existed until 1908, then we conquered it, now it is there again. The central point of the question is: one cannot know beforehand if the opportunity is favourable, Result: wait, wait, wait!"

If an accord had been signed, Germany could have been expected to further advance submarine technology, operational art, and strategy. Innovations were already in motion, and limits to their dreadnought fleet would have sent the Germans searching to re-channel into effective substitutes. In time, it would become evident that submarines, along with torpedoes and mines, had rendered the dreadnought obsolete. The real threat to Britain was in protecting maritime commerce; for that mission, nimble destroyers were most appropriate. In the war over maritime commerce, the dreadnoughts proved to be a liability since they were at risk of being attacked by submarines and required their own screen of escorts siphoned off from protecting merchant shipping.

A naval arms control agreement in 1912 between London and Berlin might have diminished competition in capital shipbuilding, eased political tension,
and promoted cooperation. But arms control agreements do not always usher in an improvement in relations or add strategic stability to the balance of power between adversaries. The alternative history here makes a plausible—hopefully convincing—case that a Haldane Accord was more likely to inspire German efforts to re-channel its designs from capital warships, in which it had fallen irretrievably behind, to submarines, in which it was surging ahead.

The final lesson is not about the utility of an agreement, but about the structure and expectations of negotiation—to bring the practice of re-channeling or re-direction into focus for closer examination. The conduct and progress of effective arms control negotiations are closely tied to a sophisticated awareness of the development of emerging and advanced technologies, new war fighting concepts, and experimental doctrine. The British, in particular, lacked the imagination to appreciate how advances in these areas would undo the status quo.

Prior to the Great War, the German capital ship naval program began as a form of harassment against the British to punish them for their unwillingness to join an Anglo-German alliance. But the means gradually controlled the ends, as there was nothing as certain to turn the British against Berlin as the creation of a large fleet of capital warships. By 1912, it was becoming apparent that the battleship program was not serving Germany’s interests. “For the privilege of building a navy which, in the subsequent world war, had only one inconclusive encounter with the British fleet in the battle of Jutland,” Kissinger wrote, “Germany managed to add Great Britain to its growing list of adversaries.” The effect of the Haldane Accord would have been that Germany accepted second-place status in the dreadnought naval race while re-directing resources into submarines. In reality, Germany reached the same conclusion early in the subsequent war, so the counterfactual merely advances the decision by about eighteen months. The consequences of such an accord in 1912, however, could have reshaped the entire war at sea in 1914. Indeed, it could have been the fulcrum on which the course of the war—and the nature of the peace—would pivot.

359 Maurer, supra note 140, at 285-86.
361 KISSINGER, supra note 107, at 185.
362 Id.