‘POWER AND WEAKNESS’ OR CHALLENGE AND RESPONSE?

REFLECTIONS ON THE KAGAN THESIS

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Introduction

The relationship between the United States and the countries of Western Europe, like most relationships, whether personal or international, is hard to capture in writing. Few of the hundreds of articles devoted to it succeed in presenting in a satisfactory or accurate balance the elements of practice and psychology, of reality and rhetoric, of action and ideology, that compose the whole. There is a constant temptation to exaggerate transatlantic differences or similarities, whether to suit the argument or the prejudice of the writer or merely to reduce the complexities of the true picture to manageable scale for an essay, article or short report. Nor is it easy to capture the dynamics of attitudes on the two sides of the oceans as individual leaders and the political systems and societies they represent try to adapt to changing international realities, including the changing balance of political, military and economic strength within the transatlantic relationship itself.

Robert Kagan’s article ‘Power and Weakness’ struggles valiantly – and in considerable measure successfully – with these challenges. The result is an article that has been more widely discussed and commented upon than any other on the subject in a very long while. Many Europeans have reacted favorably to his article, even though it is in many ways hardly a flattering portrait of contemporary European leadership and policy. And those Americans who are predisposed to think of Europeans as reluctant to shoulder the strategic burdens of an unsettled world, or would prefer that they not do so, have found in it chapter and verse for their previous opinions.

This very success, however, makes a close scrutiny of Kagan’s thesis essential. And such scrutiny, I will argue, reveals an intriguing and insidious combination of important insight, unnecessary innuendo, and historical and analytical inexactitude. One difficulty that his article presents to the commentator is

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1 Christopher J. Makins is President of the Atlantic Council of the United States.
3 Perhaps the most egregious example is this remark: ‘...appeasement is never a dirty word to those whose genuine weakness offers few appealing alternatives. For them it is a policy of sophistication.’ This historically debatable observation hardly shows great sensitivity to European history!
precisely that these elements are so tightly woven together in a finely wrought argument that they are hard to separate. But separated they must be in order to evaluate, and if necessary revise, his conclusions.

The Insights

First the important insights. I would note four in particular.

One of the fundamental pillars of the Kagan thesis is that Europeans are tightly focused on the project of constructing the European Union and that they see the political and other processes they have evolved for this purpose as of broad, if not universal, applicability to other international problems. European pride in the manner in which they have created the Union, often in the face of both other Europeans’ and Americans’ skepticism, and in its distinctive characteristics is a real feature of contemporary Europe. Europeans generally believe two distinct things. First, that the completion of the Union by the accession of more members stretching to the limits of ‘Europe’ broadly defined can have the benefits for others that it has had for the existing members. Secondly, that what they have learned may be applicable by analogy both in other regions of historic rivalries (such as South America) and more generally in working towards a degree of pooled sovereignty in dealing with some broader international issues. But the view that what has been achieved in Europe is of universal application is not by any means unanimous among European policy makers, nor necessarily decisive in shaping European policy towards problems outside Europe.

Kagan oscillates between ascribing to Europeans the belief that their model is universally applicable and the more limited view that it is applicable only in Europe. Late in his article, Kagan admits, quoting the British diplomat Robert Cooper, that Europeans may not really believe that the principles on which they have constructed what Cooper and Kagan describe as the Kantian world of Europe are applicable to the Hobbesian world beyond. But he makes much of their supposed reluctance to accept this lack of universality. Were they to do so, he argues, they would have to admit that the European project itself was threatened and that, as a result, the old ghosts of European wars still walked in Europe. Some Europeans may still have such nightmares (as Mrs. Thatcher’s much noted and little supported anxiety about German reunification made clear). But there is little reason to think that these concerns drive European thinking in the manner Kagan claims. And logically there is no reason why the

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4 While the opposition of Kant to Hobbes may be the canonical one, a comparison with Locke would perhaps have been even more vivid than that with Kant, especially in the context of relations with the United States, which owed so much to Locke in its founding.
fact that the European model may not be applicable beyond Europe should undermine its validity and power in the context of Europe itself.

Kagan’s second key insight is that Europeans are more inclined to look to engagement, diplomacy and multilateral action as the first response to international disputes and set great store by international legitimacy and respect for international norms. The question is how far this really sets them apart from Americans. Many of the norms and international institutions that Kagan is implicitly referring to were adopted at the instigation of the United States, which in the periods after both world wars, but most especially the second, set out to create a world based more on law and accepted norms and the institutions that would permit this. Indeed much of U.S. policy today, with its emphasis on human rights and democracy, has resonance in large part because of the norms promulgated through those international organizations over the years. And the growing international tolerance for intervention in what only recently would have been seen as the internal affairs of states is set on the same foundation.

It was not on account of some unthinking attachment to a misguided universalism such as that of which he accuses Europeans that the United States promoted these institutions and norms. Rather it did so out of a broad-minded internationalism that was seen by its practitioners as the best way to promote U.S. national interests. There is no doubt scope for discussion as to whether the great period of the ‘creation’ after World War II led to excesses and imperfections that should now be changed. Even Europeans would mostly be willing to engage in such a discussion. And Kagan does, towards the end of his article, recognize that many Americans – I would suppose a large majority – are still looking towards a more rule-based international system.

To be sure, these U.S. policies were set on a foundation of U.S. – and allied – military and economic strength. The point, however, is that successive U.S. administrations have sought to move towards an international order in which norms and laws play a greater role and military force a lesser one. The argument with what Kagan describes as the current European approach is therefore one of proportions, not, as he often appears to imply, one of absolutes.

Kagan’s third important insight, and the proposition on which more than any other his thesis rests, is that military force is seen differently in European countries than in the United States. Kagan discusses some of the historical roots of this view. He notes, for example, that in the aftermath of World War II, no European country (nor indeed the United States) wanted to recreate a situation in which Germany could project force outside its borders for at least a considerable length of time. The subsequent concentration of European military effort on the territorial defense of Europe was a response to a primarily U.S. design of how the
new Atlantic Alliance should work in order to deal with what by any measure was the principal threat of the period.

There was, however, another aspect of the post-War situation that Kagan does not mention. This is the systematic U.S. pressure on those European countries that were inclined to maintain military forces with extra-European capabilities to abandon the imperial commitments that made such forces necessary. One can argue about the precise mix of U.S. motives that drove this policy. For sure, one was a sense that all, and more, of the effort that European economies and societies were likely to be able and willing to put into defense would be required to deal with the Soviet threat. Nevertheless, for whatever reasons, the United States was a prime mover in bringing about the concentration of European military efforts on a static defense of Europe. Meanwhile, as British and French power projection capabilities atrophied, the United States willingly assumed the burden of developing the only true power projection forces in the free world. As an historian, Kagan might well accept the validity of this point and say that he was merely concerned with the legacy of the earlier period. The problem is that his analysis does not incorporate the dynamics of policies on both sides of the Atlantic at that time and therefore misreads the potential for change in the current situation.

The fourth key insight is that, especially since the end of the Cold War, many European countries have neglected their military establishments and, as a result, are in a state of increasing military weakness by comparison with a United States which, even though it aggressively cashed a peace dividend, nonetheless continued to work on the modernization of its forces more than the allies.

Combining these four insights, Kagan makes his key argument about the importance of power and the fact that, lacking the power that derives from compelling military capabilities, Europeans tend to dismiss military solutions to international disputes. To the extent that his insights have force, and as already noted they do have considerable force, this conclusion cannot be disregarded.

But if Kagan argues that Europeans have a certain predisposition to non-military solutions, the latter can legitimately respond that simply because one has the capability to deal with a problem by force does not mean that force is the right or, in the long run, the most effective way to do so. Many would argue that the experience of recent years in many different situations has shown the importance of a broad range of instruments for managing crises. The United States, in this view, would be well advised to follow the European lead in trying to build up some of those other instruments in order to give itself a broader range of policy options rather than to continue the sterile discussion of whether it should or should not engage in ‘nation-building.’ Kagan’s argument has a certain air of
might makes right – or at least U.S. might makes all U.S. policy right – that abstracts too much from an examination of the other reasons for which there may be transatlantic policy differences on some of the international disputes with which he is concerned. For a country whose president was elected proclaiming the importance of humility in U.S. foreign policy, this is rather a strong position. And as one surveys the problems that the application of U.S. military force in Afghanistan has left behind after the initial sweeping military success, a little more humility and attention to the non-military dimensions of resolving international crises would seem in order.

Snapshots vs. Movies

One of the analytical difficulties of writing about transatlantic differences is that the range of opinions on any given issue in the United States is almost precisely matched in most European countries. What differs is the location of the center of gravity, or of political salience, of those opinions. What matters, therefore, in thinking about transatlantic differences is the distance between the centers of gravity of U.S. and European opinion at any given time or on any given issue. But this is not a matter of a fixed distance between two points. Rather it is a result of the interplay of many factors within democratic political systems in which policy is rarely the result of neat analysis or decision making procedures.

Kagan acknowledges this fact. But he does not admit its full significance for his argument and this failure is at the root of the greatest weaknesses in his conclusions. One of the strengths of his analysis is that he embraces a broad historical range. But almost inevitably, given the short compass of an article, he bases his argument on a set of snapshots of European (and U.S.) opinion and policy at different times, whereas in the real world opinion and policy are part of a movie. A different selection of photographs, chosen from another analytical perspective, might have yielded a very different view. In reality, only by capturing the continual movement of opinions in response to changing national and international circumstances can one understand the dynamic of transatlantic relations and their potential for the future.

Examples of this problem are scattered throughout ‘Power and Weakness.’ Among the more obvious are Kagan’s description of the 1990s, his view of Europe’s assessment of the threat posed by Iraq after the end of the UNSCOM inspection system, his apparent view, despite the rapid change in the evolution of German thinking in particular, that European defense policies are irretrievably stuck in the mode of territorial defense, his belief that no Europeans share U.S. strategic concerns in Asia, and his argument that the European Union is set on a new mission civilisatrice to convince the world of the rightness of its belief in non-military solutions. And on the U.S. side, the same analytical weakness is evident
in the implicit assumption that the ‘Hobbesian’ ideas about international policy characteristic of the current leadership of the Department of Defense and its intellectual supporters inside and outside the government will remain the dominant influence on U.S. policy indefinitely.

As has already been noted, U.S. policy has historically been much more ‘European’ in Kagan’s sense than he would like to admit. And the argument about the respective merits of military power and ‘soft’ power for advancing U.S. interests in the early 21st century is alive and well in the United States, with powerful voices on both sides.\(^5\)

Moreover, contrary to Kagan’s view, the 1990s were something of a high water mark of transatlantic agreement on a range of international issues. The decade opened with extensive European military participation in the Gulf War coalition. After a period of very ‘European’ reticence on the part of the United States, made easier by exaggerated European claims that Europeans could manage the breakup of Yugoslavia on their own, substantial agreement was reached on the need to deal with successive Balkans crises and on the way in which they should be dealt with. That agreement, of course, underscored the lack of credible European military capabilities needed for the purpose. But it also spurred the European awareness of this shortcoming and the (still unconsummated) effort to deal with it through the creation of the European rapid reaction force. Finally, in the late 1990s, Europeans and Americans achieved an unusual commonality of approach towards the Israeli-Palestinian problem that lasted until the collapse of the Camp David/Taba process in late 2000 and early 2001.

But the very same history – and much more that could be brought forward – points to one of the problems that European governments have historically had with U.S. policy – its inconstancy. This is a problem inherent in the relations between a strong country – and alliance leader – and its smaller and weaker allies. But the occasional rapidity and amplitude of the swings in U.S. policy – most recently between the Clinton and Bush administrations – needs to enter into any analysis such as Kagan offers.

More importantly for the present purpose, Kagan neglects the growing willingness of European governments to engage their strategic responsibility outside Europe. He presents the Gulf War as an exclusively U.S. achievement (Mrs. Thatcher, at least, would have much to say about that!). For much of his article he neglects the willingness of Europeans to contribute to the war in Afghanistan and to shoulder some of the most difficult tasks there, although he

does make a belated bow in their direction by referring to their offers as a ‘missed opportunity.’ The remarkable shift in German attitudes and policy towards the use of their forces outside Germany, first in the Balkans and then in Afghanistan, goes completely unnoted. Some might interpret the recent German election campaign as evidence of a relapse of the Germans on this point. But the most immediate outcome is likely to be an intensification of German involvement in Afghanistan. German reservations about the use of military force to achieve a change of regime in Iraq may be stronger than those of other Europeans and Americans, but Germans are certainly not alone in raising questions about such a policy.6

A more complete picture of the dynamics of the relationship would show that thinking on both sides of the Atlantic since the end of the Cold War has been in rapid evolution. This evolution has been further accelerated since the tragedy of September 11, 2001. There is no question that European thinking started further from the ‘Hobbesian’ analysis that Kagan asserts to be typical of the United States (and is certainly typical of a segment of U.S. opinion) and may have moved more slowly than U.S. thinking. But move it has and it is not certain that at the end of the day the gap between the prevailing approaches in Europe and the United States will be as great as his article implies.

What this will mean for the evolution of European defense policies and capabilities is still difficult to foresee. The obstacles that stand in the way of an extensive European rearmament program are substantial. But both Britain and France have recently started to move in this direction. And developments within the Alliance and the European Union suggest a greater willingness on the part of key European governments to look for ways in which they can contribute more extensively to combined operations of the kind dear to the hearts of current Pentagon thinkers. Kagan recognizes this possibility and notes some European voices that are arguing for this. But he does not apparently put much faith in such prospects and, glued to one of his snapshots, allows for little upside potential.7

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6 The survey of opinion in the United States and six European countries published in September by the German Marshall Fund of the United States and the Chicago Council on Foreign Relations sheds interesting light on the similarities in the distribution of public opinion on these and other issues relating to the Kagan thesis. While the results are by no means conclusive, the least one can say is that they are by no means altogether supportive of Kagan's conclusions. The results can be found at www.worldviews.org.

7 He does at one point admit the possibility of an upside, but rapidly dismisses it with the blanket observation (another snapshot crying out to be incorporated into a movie) that the mission of the European Union is to 'oppose power'!
Almost as important as the flaws in the Kagan analysis are the elements that he leaves out of consideration altogether.\(^8\)

The most important of these is the role of economics, and especially trade and investment, in post-World War II U.S. policy. The central point for the present purpose is that the United States has championed the development of a rule-based international trade order because it overwhelmingly benefited from it. Admittedly the domestic U.S. consensus on this point has eroded in recent years, starting in the 1970s, and we continue to witness friction around this point (witness the steel issue and the reluctance of the Congress to renew ‘fast track’ trade negotiating authority). But this has been a consistent and central purpose of U.S. policy – one might, in the Cooper/Kagan parlance, say that the United States has consistently promoted the creation of a Lockean order in that aspect of international affairs on which its superiority arguably depends even more than its second-to-none military strength. Paradoxically, many of those Americans who are the most inclined to urge the need to apply the Kagan doctrine to the world outside Europe are also the most inclined to advocate the critical importance of a liberal, though strictly enforced, trading and investment order. But such an order requires rules and procedures for peaceful dispute resolution not so different from those on which Europeans have set out to build their Union.

Furthermore, while this is certainly not a universally accepted view, many Europeans firmly believe that it was U.S. economic self-interest as much as anything else that prompted the United States to take its principled stand in the

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\(^8\) One such omission is Vietnam, a word that does not appear in his article. I will not discuss this issue in detail in this article because it is of only limited significance for understanding current European thinking with which I am principally concerned here. It does, however, have a good deal to do with the evolution of the thinking of an important segment of the U.S. elite with which Kagan is concerned. Some of the discussion about an invasion of Iraq has brought this sensitive matter closer to the surface. One side of this debate was graphically portrayed by Maureen Dowd in the *New York Times* on 22 September when she wrote: “The Bush hawks don’t simply want to go back in a time machine and make Desert Storm end with a turkey shoot. They want to travel back even farther to the Vietnam War and write a more muscular coda to that as well. Exterminating Saddam is about proving how tough we are in a world that thinks we got soft when that last helicopter left the roof of the American embassy in Saigon in 1975.” The continuing argument about the so-called ‘Powell doctrine’ for the use of U.S. military force is another manifestation of the persistent influence of the Vietnam experience on the U.S. debate about the issues that lie at the heart of the Kagan thesis.
post-War period on the ending of the European colonial empires. They would of course have ended anyway, for the reason Kagan offers that European societies lacked the strength to maintain them. But the way in which they ended was considerably influenced by a U.S. policy that at the least had a considerable element of economic interest.

Another omission in Kagan’s historical canvas relates to the policy of détente in the Cold War. Kagan generally treats this as if it were a creature of power-deficient Europeans imposed on a reluctant, power-playing United States. In reality, of course, the policy of détente arose from a combination of the activism of U.S. scientists and intellectuals, who believed it to be a necessity and persuaded even the skeptical Republican administration of Richard Nixon to adopt it, and the advocacy of European social democrats who believed that there was merit in seeking to blunt the edge of East-West hostility. The Harmel report in NATO in 1967 and subsequent allied policy innovations led to results that, by the testimony of many Eastern and Central Europeans, played a significant beneficial role in the evolution of their countries. In short, there may be times when a judicious combination of the power-based and the norm-oriented approaches offers the most promising policy. Fast forward to today, when we find Europeans substantially converging on precisely such an approach in their attitudes towards Iraq and also Iran.

Thirdly, there is a pragmatic question about Kagan’s presentation of U.S. attitudes. While the United States, with its superior military power, may have been able and willing to embark on a number of policies alone, it has normally come to see the importance of the involvement of its allies along the way. This has been true consistently in the Gulf since 1990 and rapidly emerged as significant in Afghanistan in the Fall of 2001, a fact that the ‘unilateralists’ in the Bush administration have often somewhat disingenuously downplayed. It will be even more true as we move into the inevitable ‘nation-building’ phase of current policy towards Iraq and Palestine, just as it applies to the reconstruction of Afghanistan. George W. Bush came to power on a promise not to do nation-building and the U.S. body politic may well lack the stomach for the kind of prolonged commitment to a presence in Iraq after a military operation to depose Saddam Hussein\(^9\) that could ensure that the country does not relapse into the military authoritarianism that has been its characteristic form of government for so long. How helpful it would be if there were a stronger standing international

\(^9\) For what it is worth, European experts estimate that this phase could last upwards of ten years in Iraq. And they currently show little enthusiasm for picking up the pieces left by a U.S. invasion undertaken without clear international authority and what they apprehend may be a subsequent premature withdrawal.
capability for this purpose, something that fits well with the ‘European’ philosophy sketched, and on the whole deprecated, by Kagan.

This applies both in strategic and financial terms. Kagan is dismissive of the financial burden that greater application of military power would impose on the U.S. economy and sees no threat that the Paul Kennedy thesis of imperial overstretch could realistically affect the United States. Yet even the Gulf War was considered by the U.S. body politic a greater expense than the United States could conveniently shoulder alone, with the result that it was largely financed by the Gulf states and U.S. allies in Europe and Asia (to the tune of at least $50 billion in direct payments to the United States, not to mention the other costs that they bore on their own budgets). And in the West Bank and Gaza both the United States and Israel appealed to the EU to pay the costs of developing the institutions that, to the chagrin of the Europeans, have recently been destroyed by Israeli attacks.

We have not yet started to measure the real costs of the long term projects of nation-building in the Middle East implied by current and likely U.S. and Western policies. No doubt Iraqi oil revenues will be expected to bear much of the cost there, but elsewhere that solution will not be available. Not to mention the greater sums that many believe will be needed to address the problem of poverty and economic deprivation that threaten to undercut the benefits of what, for want of a better word, is called ‘globalization.’ At a time when the U.S. federal budget seems headed towards a prolonged period of substantial deficits, those costs may loom larger and more forbidding that Kagan allows.

The Way Ahead

The transatlantic imbalance of force and policy that Kagan describes will exist for many years to come, even if, as is likely, NATO adopts new policies that lead to more capable European power projection forces and the EU acquires something resembling a true rapid reaction force capability with significantly enhanced components capable of, and intended for, power projection beyond Europe. The United States will remain in the vanguard of policy formulation in relation to crises outside Europe and the Europeans will probably remain reluctant partners in the application of military force to resolve some of these situations. No

10 For a compelling statement on this subject, and its connection to the problem of international terrorism, see the remarks of Robert Rubin at the Atlantic Council’s annual awards dinner on May 14, 2002, available at www.acus.org/publications/speeches.

11 Although there may be others, for example in Africa, in which the United States would be the reluctant partner.
doubt the charges of U.S. unilateralism and European weakness will be heard again across the ocean.

In the long term, of course, the best possible outcome would be a situation in which both Europeans and Americans had at their disposal the full range of military and other instruments for addressing international crises and a political consensus on their use in judicious combinations. In such a situation the existence of similar, but not identical, interests across the Atlantic could be managed with fewer crises of identity and psychology than have marked the relationship in recent decades.

But even in the absence of such a happy development, it should be possible to achieve a great deal of common action in dealing with crises in the Middle East and elsewhere. Attitudes are changing on both sides in line with the familiar pattern of challenge and response that has recurred throughout the period of the modern transatlantic relationship. Europeans may well come to see a greater role for the use of military force in several of the circumstances we will confront. And the United States may come to see greater value in a more strenuous policy of diplomatic engagement and multilateral action in the attempt to forestall the need for such military engagement and enhance the probability of its success when it becomes unavoidable. Kagan reluctantly admits late in his article that Americans as well as Europeans may have an interest in, as he puts it when criticizing the European view, ‘devaluing and eventually eradicating the brutal laws of an anarchic, Hobbesian world where power is the ultimate determinant of national security and success.’ That interest may be weaker for the ‘only surviving superpower,’ but it is assuredly not non-existent. And it is not simply, as he goes on to assert, that ‘For Americans, who stand to lose at least some freedom of action, support for universal rules of behavior really is a matter of idealism.’ It is also, as has been argued earlier, a matter of self-interest.

But even this relatively benign outcome of the dilemma posed by Kagan will only come about if the process of challenge and response which has driven attitudes and actions on both sides of the Atlantic for many years continues to operate effectively. This means, in particular, that:

- Europeans will need to match their changing rhetoric about military capabilities with action. This does not mean only increased expenditures (although some of that would be welcome and is already happening, albeit on a very modest scale compared with the recent increases in the

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12 U.S. policy towards Iraq has, albeit much later than would have been desirable, taken this course since the President’s speech of 12 September at the U.N. General Assembly.
U.S. defense budget). It also means smarter defense programs aimed at the restructuring of their forces to meet the new needs that both NATO and the EU have outlined.

- Both sides must be willing to engage the debate in a more systematic and intensive manner across the Atlantic. There are reasons why both are reluctant to do this. Internal divisions and disagreements on both sides make it hard to engage in substantive and definitive consultations and planning. European concerns about the state of the transatlantic relationship itself incline European leaders to pull their punches in exchanges with U.S. leaders, while those in the U.S. administration who believe that European governments will not willingly endorse robust policies see little to be gained by consulting them before U.S. policy is set. There are those on both sides who fear that consultations could draw them into approaches that they would wish to avoid. At the same time, Europeans have few new policy ideas, and certainly few on which they can agree, to deal with what both they and the U.S. administration accept as the real problems of the Middle East. Yet both are aware that in the last analysis, if only in the interests of protecting their relationship, Europeans are likely to go along more or less reluctantly with U.S. initiatives, including the use of military force. These are not, however, compelling reasons for the lack of more serious consultations, especially when set against the potential value of more cooperative policies. To achieve this would require some new practices on the part of the bureaucracies on both sides. But that should not be impossible to bring about.

Above all, there is a need to tone down the rhetoric of a public debate in which, in recent months, Europeans have accused Americans of being simplistic unilateralists and Americans have accused Europeans of being, at best, irrelevant wimps. This is never an easy project when issues are controversial not only between the United States and European countries, but also among Americans and Europeans alike. Achieving it will require changes of both attitude and practice.

As to attitude, Europeans will need to strengthen and reconfirm their political will to accept strategic responsibility alongside the United States for the pressing challenges of our time. On its side, the United States will need to accept that it is no more able or willing now than in the past to undertake alone the task of

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13 These points are more fully developed with respect to the Middle East, which is where most of the problems that are implicitly at issue for those who think like Kagan, in *Elusive Partnership: U.S. and European Policies in the Near East and the Gulf*, by Rita Hauser *et. al.*, The Atlantic Council of the United States, September 2002.
addressing these issues in all their manifold dimensions, including the non-military ones.

As to practice, there is a need for a renewed effort at quiet and serious engagement among those outside governments, like Kagan himself, who have devoted so much effort to understanding European and U.S. attitudes. That knowledge can be invaluable for the practical task of bridging transatlantic gaps of assessment and policy. Such gaps will always exist. To some extent they reflect differences of interest that need to be accurately measured and discussed. But almost more importantly, they derive from the fact that political cycles and pressures on the two sides of the Atlantic will only rarely be synchronized. The best interests of both sides lie in ensuring that those gaps of policy, and the underlying differences of interest and assessment, are not allowed to mask the greater similarities of interest. For the differences are not as large or as structural or as enduring as Kagan’s provocative article would have one believe.