



THE AMERICAN TRADITION

13. *To Agree To Disagree*

CLARENCE B. CARSON

IT IS CUSTOMARY nowadays to list all sorts of things as social problems. If children are disobedient to their parents, if deaths occur on the highways, if some people lack housing that suits their taste, these are not only likely to be described as social problems but also, if the incidence is widespread at all, "national problems," or, better still, "international problems." Having described the problem, having given it the largest possible scope, then the standard operating procedure is to name "fact-finding" committees, distribute lurid and imaginative accounts of it to the press, and to prepare "stop-gap" legislation to

deal with the emergency, pending more nearly definitive solutions. Our politicians have come to resemble hordes of Dutch boys, rushing from hole to hole to stem the tide of an ocean of "problems" by sticking their fingers in the holes. Even the millions of bureaucrats who are hired to stand with their fingers in the holes, though it is not always clear whether they are plugging or making holes, have to be continually augmented.

It is my belief that many of these "problems" are the products of an ideological orientation. The symptoms are often distressingly real, but the diagnosis only aggravates them. Undoubtedly, there are problems which transcend the scope of individuals and of families. There may well be some that could be more effectively dealt with by communities, or even

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Illustration: National Archives

larger social and political units. But to extend the scope of all problems to the utmost limits is the result of an elemental failure to distinguish among them. Most of those that are now called "national problems" could be readily reduced to individual and family problems. If all the misconduct of children is lumped together as "juvenile delinquency," it assumes massive proportions. But parents can discipline their own children, regulate their hours outdoors, and call them to account for their misconduct. Our dikes are not stemming an ocean tide; they are only hard put to contain all the dirty water we persist in emptying into a common pool, encouraged by many intellectuals and politicians.

Enduring Problems

The great social problems do not change much, if at all, with the passage of time. Our ways of defining them may change. The conditions within which they make their appearance change, and the symptoms will vary depending upon the direction that is taken to solve them. The problems remain the same because they arise from enduring facts of life. Namely, each one of us is different from every other person. Each of us is endowed with a will to have his own way. We have desires, preferences, values, needs, wants,

beliefs, prejudices, and customs which are always at the least potential sources of conflict. Most of us desire the company of others — are social beings — yet prize our privacy and independence. The sources of conflict are quite often further increased by our attachments to particular cultures, countries, classes, churches, rituals, and habits. We live in danger of assault by others and are ourselves prone to intrude in the affairs of other men. There are undertakings which we like, even if we do not need, to do with others. We are so constituted, and are so situated in the world, that we must have the help of others in protecting ourselves.

The social problems which arise from these facts about people and the universe can be stated in the following manner: How can people, who are potentially in conflict with one another, live together in peace and harmony? How can they achieve sufficient unity for protective, social, and economic purposes? How can room be left for the development and fulfillment of the individual without giving license to the aggressive wills of these same individuals? To put it another way, the problems are to find ways of maintaining both order and liberty, of harmonizing unity and diversity, of permitting both social coopera-

tion and individual independence, of protecting people from aggression without crushing their initiative and creativity.

The history of the world is dotted with the graveyards of city-states, nation-states, kingdoms, and empires which have failed to deal with these problems effectively enough to survive. Peoples have yielded up their liberty for national glory, been bedazzled by the splendor and pomp of monarchs, sold their independence for the promise of security, concentrated power to subdue anarchic groups, suppressed differences which they believed threatened their social organization. Peoples have tended to vacillate between the extremes to which the *demos* is given and the confining autocracies of monarchies.

From this viewpoint, the American experience is particularly significant. Of course, Americans did not *solve* the problems described above. Nor is it likely that any people will ever solve them. It is a prominent superstition of our age that problems which arise from the nature of man, of human relationships, and the nature of the universe can be finally solved. Such solutions could only be achieved by getting rid of all people. The most that we can hope and work for is to provide a social framework within which

these problems can be kept to manageable proportions, within which there can be a tolerable degree of harmony, a maximum of liberty with a minimum of friction, and an adequacy of unity for security against aggressors without choking out diversity.

The Unique American Experience

There was an American tradition for such a framework. I am calling it here the tradition to agree to disagree. By these words, I mean to describe the essence of the tradition, to sum up the many aspects of a whole tradition. It sums up, too, the only way that I know of that offers much hope of satisfactorily dealing with the problems of human existence enumerated above. The matter should not be put in a pessimistic tone: the American tradition was a creative and artistic rendering of human experience into a way for securing both order and liberty. It was an exhilarating vision which our forefathers had, and an inspiring example which Americans set for a time.

Disagreement was not, of course, the goal or ideal. No one but a sophist could take pleasure in disagreement. Certainly, Americans were quite often people of conviction and given to enthusiasms. And, men of conviction

find it extremely difficult to understand why others do not agree with them. To agree to disagree may even be called an expedient, for that is what it is and was. It was a very practical expedient when Americans began the United States. There were in America people from many lands, accustomed to diverse practices, and zealously missionary in spreading their ways. There were several races, a multitude of religious sects, people of an independent and adventurous spirit alongside those who wanted to live in communities separate from the "world." There were Puritans, Quakers, Mennonites, Baptists, monarchists, democrats, slaveholders, abolitionists, establishmentarians, disestablishmentarians, physiocrats, mercantilists, Germans, Jews, Scotch, English, Dutch, Swedes, Negroes, alcoholics, and total abstainers. There were those who would base the elective franchise upon property or wealth, while others favored only the arrival at manhood. There were individualists and communists, and many other persuasions with vigorous advocates. A "United States" was only possible if men could agree to disagree about a great many things.

What was expedient for them is, however, an essential of liberty. Theoretically, it might be

desirable for all men to agree on everything, though I doubt it. Practically, such agreement would only be possible if all individual wills were crushed and subjected to a single will. The effort to do this is always in the direction of the well traveled road to despotism. The alternatives are agreement to disagree or despotism.

If men simply agreed to disagree, however, there is great likelihood that disorder, chaos, and oppression would follow. The strong would oppress the weak. Men would form bands to prey upon and subdue others. Disagreement would soon be something bought at a high price. Far from being something simple to achieve, free disagreement must be provided for by subtle and creative social arrangements and protected by powerful inner sanctions of the individual. These things the American tradition provided. It is from this point of view that I would like to sum it up.

Government Must Be Limited

The first essential for effective disagreement is that governments be strictly limited in what they are to do. Governments *are* necessary to the maintenance of order and protection of the individual, but they may easily become instruments of oppression and use

their powers to produce unwilling assent. A written constitution was the device adopted by Americans to contain and limit government. Many current "liberals" hold the position that, except for the rights of certain "pet" minorities, disagreement is adequately provided for by allowing freedom of speech and press and maintaining a voting mechanism by which the actions of governments may be altered or reversed. But insofar as the agreement to disagree encompasses liberty, the provision for mere verbal disagreement does not begin to be enough. And, it is by no means all that the United States Constitution established. The Constitution attempted to limit governmental action by listing matters beyond the jurisdiction of the federal government, by denying certain powers to the states, and by providing that all those powers not specifically granted to the federal government were reserved to the states or to the people. Thus, it provided for substantive liberty as well as verbal disagreement.

The most important political provision for disagreement was the federal system of government. By this system, powers were not only dispersed, thus further limiting the governments, but also a way was opened for following quite different policies locally.

Thus, if the people of a state decided to do so, they might have laws and customs quite different from an adjoining state or from any other state. Variety and diversity were possible. But the free movement of people (excepting slaves, when and where slavery was established) and goods placed practical limits upon what could be done by a state. If a state passed oppressive laws, the chances were good that it would lose population and wealth. If it had higher taxes than neighboring states, its merchants would lose trade to those of other states, particularly along the border. If any group were given special privileges to the disadvantage of other citizens, these citizens might retaliate by leaving the state.

Republican Form of Government

Agreement on some essentials is necessary to providing conditions within which people can be at liberty, develop their own ways—in effect, disagree. They must agree upon the establishment of a framework for liberty. Obviously, constitutionalism and federalism must be widely accepted in order to survive. The Founding Fathers thought one other structural condition was necessary: republican forms of government. The Constitution not only established a republican form for

the central government but also prescribed that all states must have governments that were republican in form. Basically, this meant that the actions of government stemmed initially from the electorate, and that the people would act through representatives. Such governments would have a popular base, but, it was hoped, the worst effects of direct government would be prevented by the necessity of acting through representatives. Efforts were made, also, to prevent or delay precipitate majority action by representatives. By having two Houses in the national government, each of which had to pass legislation by majorities, by providing for presidential vetoes, by requiring that legislation passed over vetoes be passed by at least two-thirds of each House, by creating an independent judiciary which would apply the laws, the Founders hoped to prevent all government action which did not have widespread support. In short, there was an effort to limit government to that action upon which there was general agreement. The effect of this should be to limit to a few matters the action actually taken. This would keep the area of individual liberty large while satisfying the requirement that government be by agreement.

Those who have written about

American traditions have usually paid far too much attention to the political (or governmental) tradition and far too little to the customs, habits, folkways, and beliefs which lay outside the political realm. For in the American tradition most things were left to individual and voluntary group decision. But it was in the area outside of legal imposition that agreement to disagree really worked. It was here, too, that the underlying support for tradition lay. The belief in and practices which we associate with individualism were not the least of these. The tradition of individualism embraced private rights, individual responsibility, respect for the individual, and the belief that ultimately the individual is the only thing of final importance. Herein lies the final significance of the agreement to disagree. If individuals are to be held responsible for their acts, if these acts are to have moral content, individuals must be free to choose their courses of action. This means that they must be permitted to disagree. Choice is the important thing, but the possibility of disagreement is necessary to choice.

Equality Before the Law

The corollaries of individualism are equality before the law, voluntarism, and some means of civil-

izing groups. If the individual is to assume his responsibilities to look after himself and his own, if he is to exercise his rights, he needs to be legally equal to all other men. To put it negatively, he needs to be free of any imposed disabilities. When the law acts impartially toward all individuals, all will not fare equally, of course. But they will have mainly themselves to blame for such inequalities as exist. Some individuals will not be able to look after themselves, however, because of disabilities inherited or acquired. In the American tradition, they were supposed to be taken care of mainly by the voluntary activity of individuals and groups. All sorts of voluntary groupings were permitted and promoted for doing things which individuals could not do alone, charitable, educational, business, and so on. Groups are potentially dangerous to individuals, however, not only because groups differ in their nature from individuals but because they can overpower and suppress the individual. In America, there was a tradition for civilizing them. Mainly it consisted of denying them the right to use force to have their way, of avoiding direct political action by groups, and of breaking them up into individuals to deal with them.

Free economic intercourse was a very useful adjunct to individu-

alism; indeed, it was a corollary of equality before the law and an essential condition to disagreement in economic matters. People differ greatly from one to another as to what goods are wanted, in what quantity and of what quality they should be made, whether they should be produced by hand or by machines, how labor should be employed and paid, and so forth. If economic intercourse is free from control, these matters will be settled by the customers, each man deciding for himself so far as it lies within his power and by agreement with others when more than one person is necessary to the decision. If men want to make money, and many appear to, the market will provide many of the answers to otherwise unanswerable questions. Men may disagree, even with the market, but they will pay heavily for their disagreement.

Self-Discipline Required

The American tradition, then, was one of liberty for men to seek their own well-being as they saw fit, to do so alone or in the company of others, to exert their wills in their own behalf, perchance for self-expression and individual fulfillment. But such liberty does not dispose of all social problems; it even raises some. Both individuals and groups, when they are free,

are apt to exert their wills upon others uninvited, to oppress them, and to seek their personal or group interest at the expense of others.

The American tradition provided for these eventualities also, in two important ways. First, the American tradition was one of government by law. This meant that all men were under the law, and that they must act in accordance with certain rules, or be punished if they were caught. They must not use force on another who has not first provoked the act by use of force. They must live up to the terms of their contracts. They must not commit fraud or practice willful deceit.

A Tradition of Competition

Second, there was a *tradition of competition* in America. I have not discussed this elsewhere in detail, but it was probably the most important tradition for bringing harmony out of potential conflict. So far as we know, many men *are* aggressive by nature. They are capable of committing aggression upon others. Some have believed that the way to handle this bent is to suppress it, to close off all outlets to express it. The American way, however, was to channel and direct it through competition, to permit a legitimate mode for the expression of the desire to

best others. Indeed, this was the mode of American progress. Through competition, conducted according to rules, men were striving continually to do something better than anyone else had done or would do, to build a better product, to write a better book, to invent, to discover, to create, to accumulate, to originate, to perfect, to overcome, to outplay, and to excel. The competition motif pervaded American business, education, arts, charity, games, social life, and religion. The consequences were the achievements for which America became known around the world.

But competition was the cornerstone of the agreement to disagree. The very disagreement and difference spurred the achievement, but the underlying agreement was expressed in this aphorism: "May the best man win." Each man could pursue his own interest, but the result of this was often more and less expensive goods, new and improved products, more comfortable transportation, swifter communication, more alert teachers, more zealous ministers, more vigorous athletes, and so on. True, there would be those who would not be captivated by many of these achievements, or even reckon them to be achievements, but so long as they were not forced to contribute to them

by government, their disagreement was protected, and their opposition as effective as their powers of persuasion.

This whole tradition to agree to disagree was knit together and given inner vitality by a tradition of virtue and morality. The belief in a moral order in the universe gave metaphysical support to the American way. It made liberty an imperative, for choice was the mode for the individual's participation in this moral order. It supported, too, the virtues—i.e., industry, thrift, frugality, self-respect, independence, respect for others—which made the system work. In the final analysis, the belief in a moral order in the universe made the agreement to disagree acceptable, for the final triumph of righteousness would not be thwarted by differences among men. Men would suffer, if and when they were wrong, but not the moral order.

The agreement to disagree was facilitated in relations among nations by the system of nation-states and the tradition of foreign relations in the nineteenth century. Internally, the peoples of a nation could pursue whatever ways suited them. Externally, they could carry on relations with others, so long as they did so in a civilized manner. The condition of dealing with others was the agree-

ment to do so in a regular and civilized manner, to respect the nationals of other countries within their borders, to see that their citizens honored contracts, to concur in those practices which would facilitate trade, commerce, and intercourse on equitable terms.

It is not my contention that this tradition made men perfect, that it removed all abrasiveness from human relations, or that it solved all problems. It did, however, provide a framework for people to live in harmony with one another, offer opportunities for the fulfillment of individuals, impose checks upon the licentious wills of individuals, arouse the devotion of the populace so as to make unity possible, permit a great degree of diversity, and have a basis for establishing order. It did not do what no system is likely to do: banish suffering from the world, provide perfect justice for every man at every moment, or solve all the "problems" which men could conjure up. Perhaps it succeeded so well that some men, viewing the accomplishments under it, believed that utopia was possible.

The Search for Utopia

At any rate, nineteenth century intellectuals were prolific in devising plans for "solving" the remaining problems of human be-

ings. Communists, socialists, anarchists, perfectionists, communarians, and ideologues of every imaginable persuasion vied with one another for the prize of having *the* perfect plan. But these ideologies were at war with the whole Western tradition, or, for that matter, with any tradition. The wisdom of the ages might proclaim that human nature was flawed, but it could not be so if perfection was to be achieved. Indeed, it would be better if there were no human nature, only plastic human beings. To make such conceptions believable, Marx, Nietzsche, Darwin, Freud, James, and Dewey, among others, stood the world of traditional belief on its head.

Many are confused today because they hear familiar words used in unfamiliar ways, and unfamiliar words used to describe familiar things. But this is the consequence of standing the world of belief on its head. Black then becomes white; freedom becomes unfreedom. For example, to some — Marx prominent among them — freedom came to be identified with an absence of tension or conflict. Thus, even competition becomes an intolerable evil, for it regularizes and gives approbation to that which should be removed. To others, the bent to aggression sets up intolerable frustrations if it

is not relieved directly, i.e., by physical combat in war.

Those of us now living have behind us some of the catastrophes that resulted from the ideologies which would solve all problems. We know of the fascist attempt to achieve social and economic accord by the empowering of groups organized as syndicates, and the forging of an irrepressible unity in the fires of war. We know of the Nazi attempts to achieve an earthly paradise on the unity which arises from blood and soil, and of the unspeakable atrocities they committed against those who were disruptive of that unity. Then there have been the Russian communist experiments, the massive efforts to alter human nature, the persecution of dissidents, the reigns of terror, and the predictable famines and shortages. On a world scale, the agreement to disagree has dissolved, melted in the fires of catastrophic conflicts and nearly permanent civil disorders. Almost everywhere the tendency has been to replace it with the forced concurrence to concur, the tendency to coerce into obedience.

American Departure from Tradition

Happy the nation that should be spared such trials! Would that I could report that Americans had stood apart from all this,

weeping with those who wept and mourning with those who mourned, but determined to stand by a tested and proven tradition, a tradition to agree to disagree. But it is not so. American soil has been spared thus far the bloodletting that has followed upon the ideological attempts to turn the world upside down in this century. But many Americans, too, have succumbed to the lure of utopia. They have traded in the old tradition and wait, impatiently and even riotously sometimes, for the paradise which ideologues have promised. If there is still unemployment, it is not as bad as it once was, we are told. If there is still intolerance, it will end upon the "completion of the revolution," we are promised.

My point is this, however: the agreement to disagree is disappearing from America also. It is not going in the revolutionary way it did in Nazi Germany or Communist Russia. Rather, it is disappearing step by step and stage by stage. The belief in a Higher Law is undermined by a relativism which admits of none, and constitutionalism ceases to impose limits on government as the Constitution is reinterpreted in the light of changing conditions. Republican government loses its vitality because of the attempts to make it into a direct

democracy and to have it act in ways for which it is not suited as a form. Localism is swallowed up by an all-embracing centralism, and the federal principle falls by the way. Government by law is superseded because the welfare state must be imposed by a government of men. Individualism loses ground to collectivism. The area for voluntary activity is diminished as the area of compulsory activity is expanded. Equality before the law is obscured by the efforts to make men equal by law. Minute regulations are imposed in an attempt to regulate groups which have been empowered by law, and we forget how to civilize groups. Free economic intercourse declines before a mounting tide of regulations, and we drift toward neofeudalism and neomercantilism. Internationalism has largely been replaced in foreign relations by interventionism. Ideologues attempt to envision a man-made order which will serve in the stead of the moral order they have displaced, and struggle mightily to obscure immorality by denying its existence.

The Welfare State

These tendencies have not yet resulted in the complete obliteration of the tradition. A saving remnant of Americans have clung to the tradition. Moreover, many

"liberals" have attempted to preserve some of the tradition to agree to disagree, particularly that part of it they call "civil rights." They have pressed for the concentration of power in a central government, for the planned economy, for the regulation of business, for foreign intervention, for collective responsibility at home and abroad. On the other hand, they have attempted to forestall some of the consequences of these actions for liberty. The result is what is now generally called the welfare state. According to the mythos of the "liberals," a way has been found to preserve the best of the American tradition while avoiding what they conceive to be the onerous consequences of individual action and responsibility. It is the middle way of the welfare state.

The Myth Exploited

Many Americans apparently believe that there is truth in this myth. What they do not perceive is the illusory character of what is said to be preserved and the very real uses of power which have been introduced. Thus, we are told that there is no need to fear the concentration of power in government so long as that power is checked by the electoral process. We are urged to believe that so long as we can express our

disagreement in words, we have our full rights to disagree. Now both freedom of speech and the electoral process are important to liberty, but alone they are only the dessicated remains of liberty. However vigorously we may argue against foreign aid, our substance is still drained away in never-to-be-repaid loans. Quite often, there is not even a candidate to vote for who holds views remotely like my own. To vent one's spleen against the graduated income tax may be healthy for the psyche, but one must still yield up his freedom of choice as to how his money will be spent when he pays it to the government. The voice of electors in government is not even proportioned to tax contribution of individuals; thus, those who contribute more lose rather than gain by the "democratic" process. A majority of voters may decide that property cannot be used in such and such ways, but the liberty of the individual is diminished just as much in that regard as if a dictator had decreed it. Those who believe in the redistribution of the wealth should be free to redistribute their own, but they are undoubtedly limiting the freedom of others when they vote to redistribute theirs.

Effective disagreement means not *doing* what one does not want

to *do* as well as saying what he wants to say. What is from one angle the welfare state is from another the compulsory state. Let me submit a bill of particulars. Children are *forced* to attend school. Americans are *forced* to pay taxes to support foreign aid, *forced* to support the Peace Corps, *forced* to make loans to the United Nations, *forced* to contribute to the building of hospitals, *forced* to serve in the armed forces. Employers are *forced* to submit to arbitration with labor leaders. Laborers are *forced* to accept the majority decision. Employers are *forced* to pay minimum wages, or go out of business. But it is not even certain that they will be permitted by the courts to go out of business. Railroads are *forced* to charge established rates and to continue services which may have become uneconomical. Many Americans are *forced* to pay social security. Farmers are *forced* to operate according to the restrictions voted by a majority of those involved. The list could be extended, but surely the point has been made.

***Force and Compulsion
Inevitably Go with Subsidies***

That the compulsory character of the welfare state is not always apparent has a variety of explanations. Political demagogues call

our attention to the benefits and make no mention of the compulsion by which they are to be acquired. "Liberal" ideologues have constructed a language for discussing their programs which hides the force and coercion that is involved. Americans continue to obey the laws willingly, in keeping with the habits drawn from tradition, unaware that the tradition has been undermined. The more thoughtful may read the fearful penalties attached to disobedience of federal laws: \$10,000 fine or ten years in prison or both. Many are undoubtedly convinced that what the government is doing is what we *should* do in any case. They may be right, but they should understand that however desirable the programs they are programs imposed by force or the threat of force, that disagreement with them may be only verbal, and that each such extension of governmental authority is at the expense of individual liberty.

Let us draw the unavoidable conclusion. The welfare state *cannot* be instituted without destroying the agreement to disagree. There cannot be a nationally planned economy without taking from individuals the right of individuals to plan their own economic activities. Groups cannot be empowered without giving them

coercive powers over individuals. We cannot have a federally imposed homogenized and integrated society without at the same time destroying diversity. Competitiveness may be discouraged and squelched, but the smoldering aggressiveness of individuals which has been denied constructive outlets will erupt in the violence of "rebels without a cause." There is no denying the ingenuity of "sophisticated" intellectuals who can fabricate endless explanations for the failures of their programs, explanations which will leave the programs unindicted. If reality were entirely plastic, if it consisted only of mental "constructs," I have no doubt they could devise a world in which men might agree to disagree and yet always act in a unified manner on everything. Unfortunately for them, and fortunately for us (for I am unwilling to admit that they could build a better universe), their phantasies are pitted against a concrete reality, and the consequences of their programs will come whether they recognize a language that would describe them or not.

For those who believe in liberty, there is still room for hope. The universe will still bring to nought the conceits of men, though all may suffer in the process. Men have sometimes learned a little from their experiences. The American tradition is still sufficiently alive that the language drawn from it kindles a warm response in the breasts of some men, and many "liberals" are still inhibited by it from pressing their programs to their logical conclusion. The verbal disagreement that is still possible by way of freedom of speech may still be used to persuade men to acknowledge the compulsion of the welfare state. The electoral process can still be used to reverse these tendencies. Congress still sits, and many men there have the courage to stand against executive authority and even to talk back to the Supreme Court. There can be no possibility of getting all men to agree to the multitude of positive governmental programs involving compulsion, but it may still be possible to recover the tradition to agree to disagree. ♦

- *The next article in this series will consider "The Restoration of the Tradition."*

The Tradition Re-examined

WHEN Walter Lippmann speaks of the "central position" in American political thinking, he has in mind a hodgepodge that embraces a score of clashing beliefs. He wants what the socialists want, only a little less of it; he wants a tripartite division of the governmental powers *à la Montesquieu*, but with strong presidential "leadership" capable of making the legislature a mere vetoing body; he wants "internationalism," but is willing to trust "neutrals" to be really neutral; and he thinks both major political parties should accept his position, which, if they did, would make voting a matter of supreme indifference.

The unfortunate thing about Mr. Lippmann's definition of "centrality" is that virtually everyone who writes editorials and columns for the newspapers agrees with him. So, when Clarence B. Carson writes a book called *The*

American Tradition (Foundation for Economic Education, \$5) and presents a far different position as "central," none of the ordinary writing fraternity is prepared to understand him. This is stuff for the "radical right," and hence un-American. We are all supposed, so the ordinary writing fraternity says, to walk "the middle of the road," to accept a "consensus." We are supposed to be for "rights" for minorities, but not for any particular right such as the right to dispose as we see fit of our own property, or to be taxed equitably, or to accept a job on one's own terms in Walter Reuther's territory.

So we get caught in a semantic nightmare if we read the Lippmanns, and it is small wonder that the "central position" shifts year by year to the left. We are left walking the "middle" of an Alice-in-Wonderland road that moves laterally as we go forward.