

# Equal Rights for Men

by HARRY HIBSCHMAN

I'M A GALLANT rogue. For almost a century a lot of our women, most of them past the menopause, have been crying for Equal Rights for Women, and many members of my trousered sex have been deriding and belittling their demands. But not I, because to me their slogan sounds alluring. It titillates the ear, it intrigues the mind, and it captivates the heart. It makes a susceptible male revert to the inclinations of an older era and tempts him to buckle on armor and ride forth to break a lance for fair femininity. So I, for one, am in favor of giving the dear ladies what they profess to want; and that, I realize perfectly, is the meanest thing that we can do to them.

What the women seem to overlook is the fact that, as we learned in school, if  $a$  equals  $b$ ,  $b$  must also equal  $a$ . According to their interpretation, equal rights mean getting without giving. They expect to obtain all the rights that men now have and at the same time to retain all the privileges that now adhere in the mere fact of being a female. They ask for identical rights with men on the ground of woman's natural equality but consider themselves entitled to retain all their special advantages on the ground of woman's natural weakness. They ask for equality, but what they really want is equality plus all their traditional feminine prerogatives.

I recently asked a woman long prominent in the movement for women's rights this question: "Since, to use the words of the National Women's Party, 'the women demand the same rights, in law and in custom, as men,' are we to understand that you favor equality so far as the accepted social customs are concerned — that, for example, you no longer expect us males to practice good manners, to step aside and let you precede us into a room or into an elevator or to stand with our hats off while we talk to you on a street corner?"

"Oh, no," she replied, "those things have

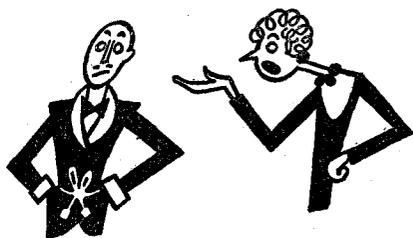
nothing to do with equal rights. In social matters women will, of course, continue to be women, and gentlemen will continue to observe the social amenities."

Now, I leave it to you — isn't that just like a woman? One moment she claims equal rights with men "in custom" and the next she naively reserves for herself all the privileges now possessed by her sex as a matter of social usage. She asserts the right to stand among men with her feet on the brass rail; but, when it comes to "buying one," she folds herself in the tattered cloak of outworn tradition or hides behind the skirts of Emily Post. Yet, obviously, until she learns to say, "The next round's on me," her pretensions of hundred-proof equality remain a gross and ingenuous fraud.

That the women have not yet learned the beauty of the words quoted is clear, not merely from what any curious and scientifically minded male can learn in any barroom by personal observation but also from the highbrow investigations of several groups of professional pundits. Thus a learned report from dear old Yale tells us that women in general are flatly opposed to "going Dutch" with men for meals, theater tickets, and sodas — stronger beverages being, of course, unmentioned; and another issued in Washington, D. C., last summer announces that, of more than 300 women gravely interrogated on this momentous subject, only 3.5 per cent were willing to subscribe to the Dutch-treat code so far as men were concerned. If that isn't sufficient, there is the evidence of Charley, that master mixologist around the corner, who testifies on oath, "Women at the bar! Faugh! They mooch but they never buy. They're nothing but a new breed of damn bar fly."

In short, all this talk of equal rights in law and in custom, is just hooey and blather. The fair ladies simply do not mean what they say.

Their real aim is to do successfully what no one has yet been able to accomplish in all the world's history — to eat one's cake and to keep it, too; only in this case it is the man's cake that they want to eat, and they have already bitten more than one sizable chunk out of it.



As it is, the women have all the best of the men, but they are smart enough to make the poor males think otherwise. As compared with their alleged oppressors, the women are sitting pretty. At this very moment they hold one fourth of the country's jobs and own three fourths of the country's wealth. Because of the operation of our inheritance laws and because of the carefully fostered belief that it is the American male's first and primary duty to provide at all costs for his weak and unprotected females, women are right now the beneficiaries under 80 per cent of the country's life-insurance policies, women have in their names 65 per cent of the country's savings accounts, women hold 44 per cent of the country's public-utility securities, and women own 40 per cent of the country's real estate.

#### LOADED DICE

**I**T IS USELESS, of course, to talk equality so far as the operation of the law is concerned. For neither the law nor the courts can cope with or curb the intangibles or the imponderables of human nature; and, so long as the Lord's creatures remain male and female, as he is reputed to have made them, the pull of sex will play its part to mislead and befool the poor male, whether on the bench or in the jury box. As Dooley said long ago, "The wimmen haven't th' right iv a fair thrile be a jury in their peers; but they have th' priv'lege iv an unfair thrile be a jury iv their admirin' infeer-yors." The dice of justice are, therefore, *ipso facto* loaded in favor of the female litigant or supplicant. But that is all the more reason why the man should stand before the bar on an equality with the woman according to the

letter of the law. He is completely justified in demanding that at least as written — in its codes, its statutes, and its judicial formulations — the law shall not discriminate against him. The women profess to want no more than that, and the men cannot be blamed for refusing to be satisfied with less.

Why, to begin with, shouldn't single males be placed on an equal footing with single females so far as their relations and legal rights are involved?

At present the different States fix a point in the life of a girl that is known as the age of consent. It is still as low as twelve in one or two States but rises to eighteen in about two thirds of the States. Any male having sexual intercourse with a female under this age is guilty of rape and subject to punishment regardless of his age and regardless of the willingness of the girl or her helpful contribution to the act. Thus in a comparatively recent case a Kansas lad of sixteen was convicted on a charge of statutory rape and sent to the reformatory, although the girl in the case was older than he and just as eager for this esoteric experience. But the law fixes no such protective age limit for the youthful male, and a woman of maturity may induce a mere boy to share her bed and initiate him into the mysteries of sex without incurring the slightest criminal liability, except in those States in which she might be found guilty of fornication.

In some states the law discriminates against the male in this respect so far as the matter of age is concerned in a way that is downright insulting. It presumes conclusively that a boy under fourteen years of age is incapable of committing a sex offense. "Whatever the real facts," said the highest court of Virginia, "evidence to rebut this presumption is inadmissible."

#### UNDERPRIVILEGED MALES

**T**HE LAW DISCRIMINATES similarly as to the age at which the members of the two sexes may be married. In eight or ten States a girl may be married at the age of twelve, if her parents consent, but a boy must wait till the mature age of fourteen. In a number of States the age for the girl is fourteen while that of the boy runs to sixteen, seventeen, and even eighteen. Marriage without the consent of the parents is permitted for girls at eighteen in

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about two thirds of the States, but boys are permitted to marry at the same age without parental consent in only four States. In all the rest of the States the male must be twenty-one before he is free to marry without such consent, while the female comes under that requirement in only eleven States.

Nor is this discrimination limited to the right to marry. In many of the States the female becomes of age for all legal purposes, except voting, when she reaches eighteen, but the male remains subject to all the disabilities of infancy until he reaches the ripe age of twenty-one. The female, being a woman at eighteen, may, therefore, enter into binding contracts, manage her own property and dispose of it, and make a will three years before the male has the same capacity and right.

The legislature of the State of Wisconsin in 1921, under pressure from bewitching and militant feminine lobbyists, passed a law providing thus:

Women shall have the same rights and privileges under the law as men in the exercise of the suffrage, freedom of contract, choice of residence for voting purposes, jury service, holding office, holding and conveying property, care and custody of children, and in all other respects.

This statute, it will be noted, emphasizes "rights and privileges" but is absolutely silent as to liabilities and responsibilities. In fact it distinctly contains a further provision stating that it shall be so applied and interpreted as not to "deny to females the special protection and privileges which they now enjoy for the general welfare." The result is that, typically, the women make liberal gains but neither assume nor surrender anything. All the discriminations that previously prevailed against the male prevail still, and all the advantages that the female enjoyed before still remain. For example, the male applicant for a marriage license must present a medical certificate stating that he has been examined within fifteen days and found free from venereal disease, but there is no such requirement for the female.

The constitutionality of the Wisconsin act requiring the certificate mentioned was challenged some years ago on the ground that it constituted class legislation; but the State supreme court, admitting that "theoretically" the argument was "sound," overruled the

contention and upheld the legislation for the reason that, according to common knowledge and medical evidence, "the great majority of women who marry are pure, while a considerable percentage of men have had illicit relations before marriage."

One of the demands the women are now making is "that a double moral standard shall no longer exist, but one code shall obtain for both men and women." If the darlings really mean that, it hardly becomes them to justify the discrimination of such statutes as the Wisconsin eugenics act on the ground that women are pure and men otherwise. Similar acts are found in at least seven other States.

### THE POOR HUSBAND

**G**LARING, however, as are the law's discriminations in favor of single women, they are infinitely more so as between married women and their humble spouses. The wives of today claim the same right to "live their own lives" as their husbands, meaning by that expression the right to have whatever interests they wish outside the home — a position, a business, or a profession — and not to be tied down to the dull and commonplace job of making and keeping a home or of bearing and rearing children. They want to be "emancipated" — emancipated from their homes and their husbands — but they blissfully ignore the fact that the husband, too, may have a claim to emancipation — emancipation from the drudgery of making a living, emancipation from the ceaseless demands of his own household, and emancipation from the chains that the State has forged on his limbs by virtue of his entry into



the marriage bond. If the ancient conjugal rights of the husband and the traditional obligations of the wife are to be consigned to the scrap pile, then logically so must the traditional obligations of the husband and the ancient rights of the wife.

Not content to proceed, as in Wisconsin, by obtaining the enactment of favorable State

## THE FORUM

legislation, a strong feminist element in this country is now working for the adoption of an amendment to the federal constitution which is to read as follows: "Men and women shall have equal rights throughout the United States and all places subject to its jurisdiction." And at least one congressional committee has already given its approval to the proposal.

While the suggested amendment is manifestly ambiguous, leaving wholly unanswered the question whether, where rights are unequal, they shall be equalized according to the standards in effect for males or according to those applying to females, we men, realizing in how many instances the leveling for us would necessarily be upward, may, nevertheless, give our endorsement to its professed purpose, provided that liabilities be equalized coincidentally with rights. As to that, however, the women are strikingly silent; and, if we of the male sex hope to avoid further discrimination and to escape from the feminine subjection under which the law now in many instances places us, it behooves us to bestir ourselves and to do a little agitating and propagandizing of our own.

### PLATFORM OF THE TURNING WORM

**V**ENTURING, then, by the grace of the editors of this unbiased periodical and my own audacity, to speak for the members of my sex, I propose the following planks in a program for a crusade for Equal Rights for Men. Resolved:

1. That all extralegal advantages and privileges now appertaining to women by the mere fortuity of their sex be forthwith abolished.

2. That all rights and precedents and all duty and deference based on differences of sex be henceforth renounced.

3. That the canons of the social code, evolved in the dead age of chivalry and founded on an obsolete concept of woman as a glorified and superior vessel, be revised so as to put men and women on an equal footing in their private and public relations.

4. That the employment by any female of the allure of sex as a means of attaining business or professional preferment be made a penal offense.

5. That, accepting the dictum of Mr. Justice Sutherland, of the United States Supreme Court, that "it cannot be shown that well paid women safeguard their morals more care-

fully than those poorly paid," all laws fixing minimum wages for female workers be annulled or repealed or that they be made to apply to men as well as to women.

6. That, since the affirmation of Mr. Justice Holmes, "It will need more than the Nineteenth Amendment to convince me that there are no differences between men and women," is to be rejected and the doctrine that the sexes are equal physically, mentally, and otherwise is to be adopted, all social legislation applicable to women alone, including the maternity and mothers' pension acts, be abrogated or its benefits and protection be extended to both sexes alike, with special compensation to Dad for his fatherhood.

7. That all laws fixing an age of consent, an age of majority, or an age point for any other purpose whatever be applied without discrimination to males as well as to females and that the age set be the same in all cases for both sexes.

8. That women be compelled to answer, both civilly and criminally, for sex offenses, when the elements of the crime are established, precisely to the same extent and in the same manner as men.

9. That actions for breach of promise to marry be abolished entirely or recovery limited to actual expenditures made in preparation for the marriage or, in the alternative, that the man be given exactly the same relief in case of the breach of such a contract as the woman under similar circumstances and that he be entitled particularly to a return of all presents made to the woman, including the engagement ring, and be reimbursed for all money expended on the woman in the course of the courtship.

10. That all the conditions imposed on the man seeking a marriage license be made to apply with equal force to the woman, discrimination in this respect being both an indignity and an injustice.

11. That the correlative rights and liabilities of husband and wife be made equal.

12. That, where the wife has separate property or a separate income or follows some remunerative pursuit outside the home, the husband be released from the primary and exclusive duty of providing for her support and that she be made jointly liable under the law for the maintenance of the family in proportion to her financial ability.

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13. That, where the parties prior to their marriage enter into an agreement fixing the family domicile, settling their respective property rights, and naming the amount of financial support the husband is to give the wife or releasing him from all liability in that respect, such agreement be made legally binding and enforceable and not subject to arbitrary repudiation or revocation, as, for instance, on the ground that the wife is entitled to a "home of her own."

14. That, if a wife exercises the right, claimed for her by the feminists, of selecting a residence other than that of her husband, the burden of maintaining it fall exclusively on herself.

15. That the husband shall not be subject to suit for any unlawful act of the wife, except where under the law he would be responsible were she some other person, and that she alone be made answerable for her own torts.

16. That all legal presumptions that the wife in committing a criminal offense acts under coercion from her husband be definitely discarded and that a married woman be held responsible under the penal code exactly as if she were single.

17. That within the home — with reference to the family policies, the family standard of living, and the upbringing of the children — the husband have an equal voice and equal authority with the wife.

18. That, where the wife does not contribute to the maintenance of the family, she be compelled faithfully and efficiently to perform her duties as the keeper of the home and that, since the law has taken away from the husband his ancient right to enforce such performance with a stick no thicker than a thumb, it now furnish him some other legal means of compelling it.

19. That, in proceedings involving the custody of children, the old dictum, "The child needs its mother," be permanently disavowed and the husband given equal consideration with the wife in reaching a determination.

20. That in case of separation or divorce the husband be relieved of all financial obligation to the wife where she has independent means or an independent income and that, where he is required to contribute to her support, the amount be fixed not according to the standard of living established by him but

according to that to which the wife was accustomed before her marriage to him or by a just averaging of the two but that, in any event, imprisonment for nonpayment of alimony in any guise be absolutely abolished.

21. That, unless the wife is ill or physically or mentally incompetent, all payments for separate maintenance or alimony, except such as are to be made for the benefit of minor children, cease within a limited, stated time — say two years — after the entry of the decree and in all cases come to an end if the wife remarries, regardless of the financial status of her new spouse.

22. That the wife be held liable for separate maintenance and alimony, according to the circumstances, precisely the same as the husband.

23. That, since husband and wife are no longer one, each be made answerable, both civilly and criminally, for any wrongful act against the other, just like two strangers, so that, for example, it will be a criminal offense, as it is not now, for a wife to raid her husband's pockets.

24. That women be made liable for jury duty on the same conditions as men and excusable only for the same reasons.

25. That the law in general quit making a pet of the female and begin to mete out even-handed justice between the sexes, holding fair women offenders, especially husband killers, liable exactly the same as men offenders and imposing on them the same penalty.

### HEAVEN FORFEND!

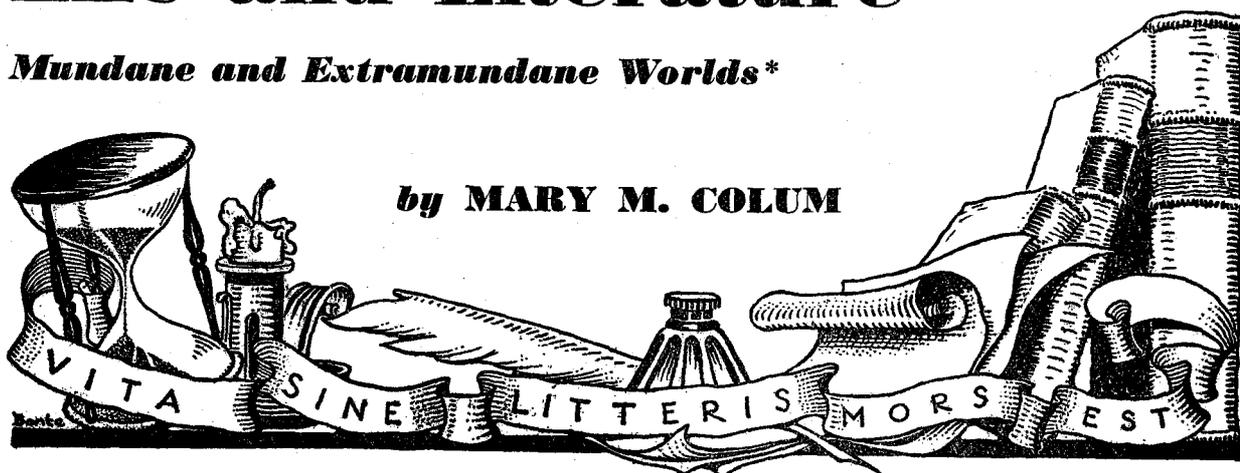
**A**MERICA," recently boasted a national woman's organization in a full-page advertisement in the *New York Times*, "is not a Democracy. It is a Matriarchy."

While exaggerated, that assertion in its implications forecasts the fate that awaits the masculine portion of our population, unless it awakes from its lethargy. Already its subjugation is well under way, and, given time, our women, like those of ancient Egypt, will require the men to agree in the marriage contract to obey their wives and will rule the house and the family with despotic power. The program outlined above may be sufficient to save us, if we act boldly and unitedly before it is too late. But, if we don't, our destiny seems certain — to live in a woman-made, a woman-owned, a woman-ruled, and a woman-ruined world.

# Life and Literature

## *Mundane and Extramundane Worlds\**

by MARY M. COLUM



A VAST INQUIRY has been going on for the past 40 or 50 years into both the nature of the objective universe and the nature of the mind that beholds it. Sir James Jeans, in an address to the British Association three years ago, said:

It may seem strange, and almost too good to be true that nature should, in the last resort, consist of something we can really understand, but there is always the simple solution available that the external world is essentially of the same nature as mental ideas. . . . What remains is, in any case, different from the full-blooded matter and forbidding materialism of the Victorian scientist. . . . Modern physics has moved in the direction of philosophic idealism.

The result of this vast inquiry is a conception of the objective universe as different from Newton's as Newton's was from Dante's. We are in a new era, but one has to ask: Is there any expression of this conception in contemporary literature? We are always hearing at radical writers' conferences and such places that literature should be the expression of the age. But the very people who make this point have not taken the trouble to comprehend what is new in the age at all or what our age is likely to stand for to future generations.

Is there any sign of any conception different from mid-nineteenth-century materialism and determinism in Ernest Hemingway's recent novel *To Have and Have Not*? Not at all,

\* EDITOR'S NOTE: — *The books discussed by Mrs. Colum in this article are: To Have and Have Not, by Ernest Hemingway (Scribner, \$2.50); Extra-Sensory Perception, by J. B. Rhine (Humphries, \$2.50); New Frontiers of the Mind, by J. B. Rhine (Farrar & Rinehart, \$2.50); An Experiment with Time, by J. W. Dunne (Macmillan, \$2.75); Beyond Normal Cognition, by John F. Thomas (Humphries, \$3.50); Katie Fox, by W. G. Langworthy Taylor (Humphries, \$3.00); Immortality, by W. G. Langworthy Taylor (Humphries, \$3.50); We Live Outside Our Bodies, by Wilson Gill Bailey (Dorrance, \$2.50).*

though Ernest Hemingway is considered our most advanced novelist and is put forward as an indubitable expresser of the age. While he has written, in *The Sun Also Rises* and *A Farewell to Arms*, two remarkable novels, he shows in his newest book that he is retrograding rather than advancing. This retrogression may be due to several causes; one may be (as some of his critics say he has shown recently) that intellectually and emotionally he has come, perhaps temporarily, to a standstill. It is risky to make a statement of this kind, though of course it may be true.

But what is certain about Ernest Hemingway is that his literary philosophy is old-fashioned: it belongs not to the twentieth but to the nineteenth century; it is not a new expression — certainly in this latest novel it is not new. At the same time Ernest Hemingway has a technique that must be called modern — a way of observing that is peculiarly his own, with a power of getting on a page snappy and revealing dialogue that is certainly modern enough. His first two novels convinced many of his readers that here was a novelist who might make discoveries in his art, who might even be able to reveal something of life that was not revealed before. But, like certain other contemporary writers, he has not taken his art quite seriously enough. His well-known interest in bullfighting, in sport, in war, his equally well-known admiration for the hairy-chested man do not do a thing for Hemingway the artist. For art demands a psychic virility, a growth of mind, that develops from a many-sided communication with life. A writer does not grow if he has not acquired the power of meditating.