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ON THE MEDICO-LEGAL ASPECT OF IMPO-
TENCY IN WOMEN.



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It is not my intention in the present contribution to enter upon a long discussion of that very vital question in medicine, the matter of impotency in either sex, much less do I intend here to record in formidable array, the titles of the many books and memoirs that I have recently consulted upon the subject. Nevertheless, I have been greatly surprised at the marked variance in opinions as held upon this subject by men of far-reaching reputations, and with large practices. I have here in Washington among my personal friends, a number of such distinguished practitioners, who are not only practitioners of medicine, but widely distinguished as authors in that calling; while others hold positions as medico-legal jurists of the very highest order, their writings being well-known to both continents. The other day in conversation with an eminent obstetrican, I was informed by him that he had almost come to the belief that there was no such a thing as an impotent woman. Well, I was not altogether surprised at this, as my friend had done for many years, little else beyond lecturing upon, and practicing midwifery. After one comes to deliver some two or three thousand women of children, it surely is not to be wondered at, that *he* at least, should place "no credit in the current myth" that there could be such a thing as an impotent woman. Upon be-

ing asked if he had ever considered the cause for the vast predominance of sterile women among prostitutes,—he declared that he knew nothing of the matter, and had never given that subject any special attention. On the other hand, my medico-legal friends were particularly familiar with the subject of impotency in all its forms, and all its bearings. This did not surprise me either, for the broad-minded medical jurists are in touch with an entirely different side of our social existence. They are humanitarians in their way, anthropologists, and moreover jurists and physicians combined. Their keenest interests are at once aroused by any question of a criminal or medical nature, that in any way militates against good, healthy, social progress and order; against causes that strike at the very root of domestic felicity, and the home; or against any of those institutions that exist and are the promoters and stimulators of all that is best and purest in the nature of mankind. Unlike the accoucheur, the medico-legal jurist knows full well, and well appreciates the fact that a woman who is impotent and incurably so, is an extremely dangerous element in society. Not so, as long as she remains single, but very serious trouble steps in should she chance to marry. So far as the marital relations are concerned, there is no more harrowing chapter in the entire range of human history, than that one that records the horrid experiences of the married impotent. Sooner or later the presence of impotency is sure to palsy the bonds of wedlock; to poison domestic happiness; and to strike at the very foundation of all that a real home means, and upon which all a refined and progressive home rests.

No well-informed medical-man for a moment doubts of course, that for one cause or another, women may be, or may become impotent. That they are more frequently so than is generally suspected to be the case, I have no doubt

that future and fuller statistics will reveal. When I say impotent I do not mean sterile, and I find that even in some of our best works upon the subject, the condition of sterility, and the condition of impotency are often confused, or referred to as similar states. A woman with a congenital, hopeless case of atresia vaginæ, would most assuredly be impotent, although she might have all the sexual instincts present, and all the instincts pertaining to maternity. On the other hand, in cases of complete absence of the uterus, a woman is sterile, and impotent only in so far as the bearing of children is concerned. In other words, I take sterility to mean, any condition (in any of the parts that in any way whatever have to do, in a woman's organization, with child-bearing), that prevents her giving birth to living children. When this condition is permanent, the sterility is permanent also. By impotence, on the other hand, is meant *any* morbid condition that exists in the woman "which may impair or destroy the vitality of the ova or spermatozoa after their secretion, or which may prevent that contact necessary to fecundation." (Caldwell). Considering then only the question of impotency, there are special or individual cases of this condition, that *now* fall quite within the limits of the definition just given. For example, a woman may be healthy and normally formed in every particular, and capable of cohabiting with the generality of men ; but it is quite possible for that woman to meet with a man, with a penis so large as to render it absolutely impossible for her to have a connection with him. To all intents and purposes this renders them *mutually* impotent, and should it happen to be an instance of such people marrying, it ought, upon the desire of either, be justifiable grounds for the dissolution of the marriage contract. Upon one occasion I examined a mulatto man who possessed a copulatory organ of simply

immense proportions, and he informed me that he had never met with more than half a dozen women he could serve with any degree of comfort to himself, and never more than one or two who really seemed to fully enjoy his approaches.

Complete absence of sexual passion in the female sometimes exists, from one cause or another, and should this produce repugnance in the man to the extent of depriving him of all desire, and to produce in him, eventually, a persistent flaccidity of his penis, then to, with men thus affected, this woman is *impotent*, and, in the event of marriages of this kind, *he* should have the right to claim a divorce from her,—and it should be legally granted. When the act of copulation produces great and *unbearable* pain in the woman, and the condition giving rise to it is incurable, she is then likewise impotent. When this is the case with the married, it is better for all concerned that the bond be dissolved.

Sterility in prostitutes, or certain classes of them, has already been referred to above. It is due in them to an acid condition of the secretions of the vagina and uterus. This condition is occasioned by a hyperexcitation of the parts involved, extending over a varying period. Doctor Sturgis refers to this condition in the following words:—“Another source of sterility in the female seems to be due to an exceedingly acid condition of the uterine and vaginal secretions, in which the spermatozoa are killed almost immediately, or shortly after being deposited in the vagina and in the cervical canal, and so fail either to find their way into the body of the uterus, or else, if they do find a lodgment there, practically arrive in a dead or dying condition.” “In these cases, both of impotence and sterility in the two sexes, some would undoubtedly, in a medico-legal sense, be a bar to any question of matrimony, and

perhaps might be a reason for divorce. Where the impotence or sterility was dependent upon causes impossible of removal.”*

Now women in this condition are not only sterile, but in certain individual cases they may be, to all intents and purposes, impotent besides. In my practice, I have had men inform me that in the case of their cohabiting with some women of this class, the secretions of the vagina when coming in contact with the organ of copulation, produced a sensation within the urethra as though a dilute acid had been injected within that passage. Another communicated the fact to me, that when residing in the west, he had met with a famous *fille publique*, who greatly attracted him, but that he found it impossible to have a connection with her, on account of the decided acidity of her vaginal secretions. It produced in his mind a sufficient sense of dread, as to have a profound influence upon his genitals, to the extent that an erection became a matter of impossibility. She informed him that he was not the only one thus affected by her, for several others had similarly complained, but that in the case of the majority of men she had entertained, no such result ensued. Here we have an instance of *individual* impotence, as the condition of the woman directly militates against the possibility of successful coitus. As the acidity of these secretions is due to a too frequent excitation of the sexual organism, extending over a varying period of years, it must be evident that onanistic practices in the female would likewise, sooner or later, produce a similar condition of the vaginal and uterine secretions.

Not long ago a case came under my examination which

*STURGIS, F. R., *Genito-Urinary and Venereal Affections in their Medico-Legal Relations in A System of Legal Medicine*, by Allan McLane Hamilton, M. D., and Lawrence Godkin, Esq., New York, 1894. pp. 497 and 504, 505.

seemed to partake of this nature, for the facts, as they were presented to me, appeared to admit of no other solution. The man was about forty-five years of age;—a widower with three fine children;—and she, an apparently vigorous woman of forty-two, or rather more. Apart from a disease of the heart, the man was perfectly healthy, and both parties were of fine descent. She had never been married previously, and he had only known her for less than a month. They were married, and after living together for only a few weeks, separated by mutual consent. It was at once discovered by him that, owing to the acid condition of the vaginal secretions in her case, it rendered copulation impossible for him, and the act was never successfully completed. To prevent the rapid inroads this turn in affairs made upon his otherwise good health,—he, in due course, and after many trials and attempts, ceased to approach her longer. Indeed, the very thought of it rendered him impotent, and the act impossible. Upon giving the case fuller investigation, the following interesting facts were brought to light. It seemed the woman had been previously engaged to one other man for a period of twelve years, and this long drain had produced a disastrous effect upon her mind, and doubtless in other ways affected her thoughts. This was the more unfortunate, from the fact that she belonged to a highly organized, but extremely erotic family, the evidence of which it is not necessary here to produce. The husband, who by the way, is a physician, and a man of refined tastes and culture, soon found, too, that his unhappy consort exhibited other significant symptoms. She evinced decided signs of melancholia; constantly bit her finger nails; seemed incapable at times of fixing her attention; while upon the slightest excitement, there took place in her a tremor of both hands, that lasted for hours; and, finally, she was

erotic by nature, and decidedly fond of strong drink. Several of her unchaste habits at night, and early morning, associated with the facts that she was hymenless at the time of marriage, and never had an erection of the clitoris to his knowledge afterwards, although upon one occasion he was convinced he had detected her in the act of self-abuse,—all this, and more too, tended to produce in him a profound sense of repugnance for her, and taken in connection with her total inability to conduct, in any way, his previously happy home for him,—soon rendered, it would seem, a separation inevitable, and this is what resulted, although, I am informed, it has not as yet been legalized. Now, here we have one of those unfortunate cases that occasionally present themselves for the consideration of the medico-legal jurist. It is a case where the man has grounds of undoubted validity for divorce, for not only is she impotent, in so far as he is individually concerned, but incurably so, and further sexual excitation would only tend to aggravate the trouble. Moreover she is probably sterile, and incapable of bearing him children; as she once admitted this fact to him, suggesting at the same time that he gratify his sexual desires in other quarters. The courts in the section where this transpired recognize both impotence and adultery as legal causes for divorce, but are rarely able to give relief, from the fact that neither husband or wife can testify against each other, and the proof must come from other witnesses. It can, however, order an examination, in cases of alleged impotency,—but impotency, as in the above case, is frequently difficult to prove.* It is not always easy to estab-

*Since the present contribution was written the writer has prepared a full and detailed account of the above case, and has succeeded in bringing together in reference to it a very complete array of evidence. It has likewise, in this supplementary account been discussed by him most fully from the points of view of the physician, the judge, the attorney, and the medico-legal jurist. The MSS. of this account, would print an

lish it in men. Who, for example, should suspect Sardou, the famous athlete, of being impotent, and yet his wife has recently sued for divorce from him on that ground. I once knew of a blacksmith, a superbly proportioned man in every particular, yet he informed his physician, that he was totally incapable of having an erection, and had not cohabitated with a woman for years. In a recent conversation with my distinguished friend, Dr. Irving C. Rosse, he gave me an account of a case of his, where a man had been totally impotent for a great length of time, but that upon falling down an elevator, and striking violently the back of his head, the power was suddenly and fully restored again. If such cases in men are to be proven only with the greatest difficulty, how much more difficult is it then to detect, under all circumstances, impotency in women.

Our laws along such lines would surely seem to stand in need of some revision, for as they are at present framed they are not only powerless, in most instances, to bring the desired relief to the unhappy parties, but the courts are helpless in the matter of obtaining the proof they demand, and which they claim to be necessary to the carrying out the law. In other words, they defeat the very thing they are enacted to accomplish, and benefit neither accrues to those sorely in need of it, nor is happiness and contentment placed, where reigned before both misery and disgust.

article far exceeding the present one, rendering it quite impracticable to incorporate it with it, and consequently its publication must be deferred to some other time. Moreover, the case has been studied in the light of very recent, and very important literature both medical and legal, as the second edition of Krafft-Ebing's *Psychopathia Sexualis*; the works of Schrenck-Notzing; of Sturgis; of P. Miller; of Irving C. Rosse; and numerous others. The facts in the case have also been discussed by some very distinguished authorities, and their valued opinions have been of great assistance.