



## You can't do that! Hugo Münsterberg and misapplied psychology



Kenneth J. Weiss\*, Yan Xuan

Department of Psychiatry, Perelman School of Medicine, University of Pennsylvania, Philadelphia, PA, USA

### ARTICLE INFO

Available online 29 August 2015

#### Keywords:

Forensic psychology  
Psychology and law  
Applied psychology  
Expert testimony  
Hugo Münsterberg

### ABSTRACT

This article examines a false start in the application of psychology to the law. While there had been expert testimony from physicians in criminal and civil cases in America since the nineteenth century, forensic psychology first emerged in the early twentieth century. Following European traditions of experimental psychology, Hugo Münsterberg applied the nascent science of memory research to the assessment of witness credibility. A brilliant and popular Harvard professor, Münsterberg touted his technique of word-association to determine truth. Forensic psychology's development was stalled by resistance from within legal authorities, including John Henry Wigmore, the leading expert on evidence. However, Münsterberg was a sensation in popular media. In this article, the authors examine early attempts to import experimental psychology into the courtroom and the arguments against them. Not only were Münsterberg's findings premature, they touched on a forbidden domain for witnesses: fact finding. While sincere, he learned that the determination of truth lay within the province of juries and judges, not psychologists. Thus, the application of psychology to the law was delayed. The authors review the lessons from Münsterberg's false start and comment on developments in the admissibility of scientific testimony.

© 2015 Elsevier Ltd. All rights reserved.

### 1. Introduction

Courts had been relying on expert witnesses, including alienists (psychiatrists), in nineteenth century Europe and America, best exemplified in criminal trials at London's "Old Bailey" (Eigen, 1995). Judges considered psychiatric expertise an acceptable source of specialized knowledge. While psychiatry had little to offer beyond the classification of insanity, witnesses opined on a variety of civil and criminal matters. Meaningful connections could be made between psychopathological conditions and either culpability or capacity, but only on a folk-psychological basis; that is, articulating commonsense beliefs about insane members of society. Still, the young sciences of psychiatry, neurology, and psychology were poised to provide more substantial contributions in the forensic arena.

As neurologist S. Weir Mitchell observed while addressing his psychiatric colleagues in 1894, asylum doctors had isolated themselves and failed to produce meaningful research and education (Weiss, 2011). Psychology, on the other hand, produced testable theories in laboratories in Germany and elsewhere in the late nineteenth century. Harvard's William James, aware of Europe's advances, imported a psychologist/physician from Freiberg in 1892. That man, Hugo Münsterberg (1863–1916; Fig. 1), often credited with founding applied psychology, would soon attempt to use psychological laboratory findings in criminal proceedings (Hale, 1980).

In this article, we will examine Münsterberg's attempts to bring psychology into the legal arena in the early twentieth century. He was neither the first to study memory, perception, and the behavior of witnesses nor the only one doing it at the time (Bornstein & Penrod, 2008). But his flair for publicity and capturing the *zeitgeist* of American culture render him a worthy subject of study. We will describe some of Münsterberg's work, placing it in the context of the admissibility of expert testimony, rather than examining the details of his findings. A thorough review of his career has been provided by Hale (1980), and his biography and detailed review of his work by his daughter Margaret Münsterberg (1922).

#### 1.1. Origins of an international career

Hugo Münsterberg was born in 1863 in the east Prussian city of Danzig. He was the third of four boys of Moritz, a lumber merchant, and Anna, an artist (Münsterberg, 1922). In his early years, he was more enamored of poetry than science, but settled on medicine. His plan was altered after he attended the lectures of the psychologist Wilhelm Wundt in 1883. This sparked his interest and psychology became his priority. Wundt was instrumental in establishing psychology as a distinct field and was the first to adopt the label of *psychologist*.

#### 1.2. Learning from Wundt

He found his way in Wundt's laboratory at the University of Leipzig as a research assistant. Generally regarded as the founder of experimental psychology, Wundt had established the first formal research

\* Corresponding author at: 2 Bala Plaza, Suite 300, 333 E. City Avenue, Bala Cynwyd, PA 19004-1512 USA. Tel.: +1 610 660 7728; fax: +1 484 278 4596.  
E-mail address: kenweiss@mail.med.upenn.edu (K.J. Weiss).



**Fig. 1.** Hugo Münsterberg. Source: Schlesinger Library, Radcliffe Institute, Harvard University.

laboratory in 1879. His unrivaled stature in Germany likely played a role in Münsterberg's decision to move abroad, especially after Münsterberg began to clash publicly with his ideas (Bornstein & Penrod, 2008). Their biggest disagreement was on the application of psychology—Münsterberg disagreed with Wundt's view that the field should remain a pure science without pragmatic concerns.

Studying in Wundt's laboratory nevertheless proved invaluable to Münsterberg and other future luminaries. Münsterberg worked alongside fellow student James McKeen Cattell, who would become the first

professor of psychology in the United States and director of the psychological laboratory of Columbia University. Other students included G. Stanley Hall, the founder of child psychology, Charles Hubbard Judd, the American educational psychologist, and Lightner Witmer, creator of the first psychological clinic in the United States in Philadelphia. Witmer was harshly critical of Münsterberg's self-promotion and lack of adherence to scientific rigor (Hale, 1980).

### 1.3. Heidelberg and Freiberg

Upon completion of his Ph.D. in physiological psychology at age 22, Münsterberg attended the University of Heidelberg for his medical degree, and then began an academic career at the University of Freiberg. There, he became close with diverse colleagues, including philosopher Heinrich Rickert and biologist Franz Keibel. His output in experimental research of attention, memory, and perception began to attract attention. In Fig. 2, we see a formal photograph of Münsterberg and staff at the Freiberg laboratory in about 1891.

### 1.4. America beckons

Among those who noticed Münsterberg's work was William James at Harvard. The two began correspondence that marked a turning point in Münsterberg's career. Having met Münsterberg in 1889 at the First International Congress of Psychology in Paris, James immediately appreciated the talent before him. James's letters reveal what led him to orchestrate bringing Münsterberg to Harvard to chair the Psychological Laboratory, even though the German had yet to learn English.

### 1.5. William James's plan

A letter from August 1890 shows James's admiration for Münsterberg's experiments, and recognition that the field of psychology, in its infancy, needed a visionary to advance:

I naturally hate experimental work myself and all my circumstances conspired... to prevent me from getting into a routine of it, so that now it is always the duty that gets postponed... I must say that you seem to me to be doing more to open out new vistas in



**Fig. 2.** Münsterberg (seated at desk) in his Freiberg laboratory, circa 1891. Source: Schmidgen, Henning. 2008. Münsterberg's Photoplays: Instruments and Models in his Laboratories at Freiberg and Harvard (1891–1893). *The Virtual Laboratory* (ISSN 1866-4784), <http://vlp.mpiwg-berlin.mpg.de/references?id=art71&page=p0003>.

Download English Version:

<https://daneshyari.com/en/article/100704>

Download Persian Version:

<https://daneshyari.com/article/100704>

[Daneshyari.com](https://daneshyari.com)