

EFFECTIVE CROSS-EXAMINATION

By Jurate Motiejunaite

Debaters frequently fail to cross-examine effectively. Often, debaters ignore the role of cross-examination and use it simply as more preparation time while their teammate engages in an unproductive discussion with an opponent. However, cross-examination can be a powerful tool, not only a means to demonstrate a debater's ability to think critically and on the spot, but also an aid for a team's refutation and argumentation techniques. This article discusses the goals of cross-examination and effective cross-examination techniques.

Beginning debaters can be afraid of cross-examination periods. Oftentimes, this is because they misperceive them as impromptu discussions. This is incorrect: cross-examination is just as much an impromptu process as it is prepared. There are two distinctive groups of debaters who often perform two opposite mistakes. One group does not prepare for cross-examinations at all—when debates start, they end up using all their preparation time to prepare for a cross-examination. This is not an effective strategy: these debaters worry intensely about the quality of the questions they prepare, and fail to pay attention to their opponents' arguments while preparing them. Guided by their fear of the impromptu, such debaters present weaker arguments and weaker refutations; they come up short as attentive listeners and active questioners. As a judge, I have witnessed many debates where debaters could not refute their opponents' arguments because they did not understand them, though, had they paid attention, things would have been clear. The other group of debaters relies excessively on precautionary strategies and prepares all their questions in advance. Then, equally stressed, they read out their pre-prepared questions even when these do not address the arguments presented by the debaters of the opposing team. Debaters in both groups need to realize that cross-examination has both prepared and impromptu aspects.

Like everything in debate, cross-examination involves a lot of preparation. Usually, when preparing for a tournament, debaters prepare to argue both the affirmative and the negative side of the resolution; thus, no matter which side they end up on, they are able to foresee at least some of the arguments which will be presented by their opponents. For example, in debating the resolution "harm reduction strategy is more effective than law enforcement strategy when dealing with drug abuse", no matter what approach the negative team takes, it will have to focus on notions of punishment or other aspects of law enforcement strategies. Keeping in mind this general scope of possible negative argumentation, affirmative debaters can thus prepare a set of questions for their cross-examination that engage the main arguments of the debate. In all circumstances, while preparing it is important to realize the main goals of cross-examination.

(1) CLARIFY

The first and the most obvious goal of a cross-examination is **clarification**. Often, beginning debaters approach me with the question – "What if I cannot think of any questions?" My answer is: start from clarifying the opponents' arguments and their general position. Very few speeches are so well organized and well presented that we (debaters and judges) understand them perfectly. Moreover, even when they are presented well, it never hurts to make sure

that you understand the opposing arguments correctly and, as a result, can refute them more effectively. However, when you are trying to clarify the arguments presented by the opponents, you do not want to give them a second chance to deliver a speech. Debaters should thus avoid questions that take forms like:

Could you repeat your first argument? ... Now could you repeat and explain your second argument? What evidence did you use to support it?

the questions above in the following ways:

In your first argument, you claim that law enforcement policies diminish the number of drug users in society, is that correct? ... Could you explain how enforcement policies work to diminish the number of drug users?

When they clarify the arguments of their opponents, debaters become better able to refute them. Moreover, these clarifying questions are easy to think of and can be a good 'warm-up' for debaters who are in their first cross-examination.



Such questions not only give additional time for opponents to clarify what they were supposed to make clear in their speech, but also show that the questioner is an inattentive listener. Instead of asking such open-ended questions, debaters should demonstrate their understanding of the argument and use the questions to verify whether their understanding is correct. This strategy is also useful as a way to make opponents commit to a position they are advocating. One might rephrase

(2) COMMIT TO A POSITION

Another goal of cross-examination is to commit opponents to a position. Sometimes, debaters knowingly or unknowingly use contradictory arguments that advocate a vague position on a question or an issue. While they can get away with this during their speeches, cross-examination is the time to clarify which position they are actually committing to, and to tease out their self-contradictions. For example, in the context of the same resolution as above, imagine that the affirmative claims that harm reduction is more effective as a strategy because it upholds the important value of the freedom of

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individual; the following dialogue shows an effective use of negative questions.

- You said that the freedom of individual is the most important value in a democratic society, is that correct?
- Well, as long as it doesn't violate other people's rights...
- So if that freedom violates other people's rights, is it still the most important value?
- I don't understand your question...
- If your freedom of choice violates my right to a safe life, for instance, should your freedom be limited?
- Well, yes...

It is always important for the questioner to achieve his or her specific goals in a question or series of questions, and to make those goals clear to a judge. In this case, the questioner wants to prepare to demonstrate that the drug addicts' right to choose (to use drugs in this case) violates society's security. The questioner should then continue the line of questions until the desired result is achieved. In this case, the result sought for was for the affirmative team to admit that there exists a hierarchy of rights, a goal the negative debater achieves.

Very frequently, cross-examinations suffer from the over-excitement of the questioner and a failure on their part to continue a line of questions. If, in the dialogue above, the questioner would have stopped after the first answer, the result of the cross-examination would not have been achieved. Debaters must thus be certain to commit their opponents to particular lines of reasoning.

(3) EXPOSE FALLACIES

A more exciting part of cross-examination starts when debaters attempt to **demonstrate fallacious reasoning** used by their opponents. It is not enough to just claim that opponents use fallacious reasoning, and to do so in a simple statement like:

- In your first argument you state that law enforcement diminishes the number of drug users. How does it make sense, if people in jails use drugs?

Although such a move may show the drawbacks of the opponents' argument, this will not constitute an effective cross-examination technique unless it traces the opponents' reasoning and shows its flaws. It is crucial to demonstrate how and why reasoning is fallacious instead of jumping right to a conclusion. This result is best achieved by employing a series of questioning strategies. For example:

- In your first argument, you claim that law enforcement approach diminishes the number of drug users, is that correct?
- Yes.
- And how does it diminish the number of drug users?
- Well, we do not have drug users on the streets any more.
- So, in the law enforcement approach, we put drug users out of the streets and into jail, is that right?
- Yes.



Thus, in the conclusion presented following this cross-examination, the questioner should refer to the questions asked before and demonstrate how their opponents' strategy does not decrease the number of drug users overall. It is crucial for debaters to remember that cross-examination is effective only insofar as it is drawn upon in the speeches that follow – points made in cross-examination are only meaningful insofar as they support arguments or refutations. All members of a team should thus be attentive to cross-examination, and should pick out quotations to employ in their speeches.

(4) EXPOSE INADEQUATE EVIDENCE

Lastly, cross-examination can be used to expose inadequate evidence. Sometimes, it is necessary to ask for the date and source of an opponent's evidence in order to establish its credibility. Alternatively, it is occasionally important to show a judge how an opponent's how the lack of evidence weakens their position. For example:

- You claim that law enforcement strategies have decreased the number of drug users?
- Yes.
- Could you demonstrate how much that number was decreased by, through a statistic?
- Well, it is common sense that people cannot get drugs in jail, so they stop using them.

This example clearly demonstrates a weakness in the opponent's case, a weakness stemming from insufficient evidence. However, it is good strategy to be subtle in showcasing this weakness, and not conclude with it immediately. Indeed, if the questioner were to say, during the cross-examination, "you actually do not show a decrease in the number of drug users," it is very unlikely that their opponent would agree with them. This is an instance where an

important rule should be remembered: **cross-examination is a time for questions, not statements.** Nonetheless, it is very important to ultimately render explicit a conclusion which demonstrates the results of cross examination.

Thus, when debaters think about cross-examination, they should not be afraid. Most of this fear can and will be decreased with preparation. This preparation can be as substantial as developing different lines of questions, or as little as conceiving a grid for types of questions a debater may want to ask. Before the debate, a debater should make a list of questions of the various categories described above – clarification, committing to a position, fallacious reasoning or inadequate evidence – and keep this list handy throughout the round. Whatever strategies a debater may employ, however, they should always keep their goals in mind, and not stop until they are achieved.

Questions should always be clear. Over-complicated questions or questions that consist of more than one question confused not only other debaters, but judges as well. Questions should be **closed-ended and factual**, though it is unfair to demand simple "yes/no" answers to complicated questions! Debaters should always ask the most important questions first, to economize time, and should not be afraid, if the answerer is giving answers that are too long and vague, to politely thank them and move on to the next question.

In answering questions, honesty is key. If a debater doesn't know the answer to a question, they should admit it; if they lack information, they should not invent it. However, answerers should never allow their opponents to intimidate them, and should feel free to ask for a question to be clarified or rephrased if it is unclear.

For both the questioner and the answerer, politeness is always fundamental. The ultimate goal of a cross-examination is to clarify the debate, not make it more confusing. There is nothing worse than a cross-examination that turns into an argument or which devolves into *ad hominem* attacks.

Cross-examination can be the most interesting and interactive time of the debate. If debaters prepare goal-oriented questions in advance while remaining flexible during the round, they can not only generate productive discussions and pose effective questions, they can also enjoy an intellectually invigorating experience.