An Introduction to The Art of Cross-Examination

Abstract: If you want to be one of the best debaters, you must be prepared to implement devastating cross-examinations. Spending three minutes of your time asking clarification questions allows your opponent to re-explain their argument during that time, and does nothing to help you prepare to effectively answer their argument. This article will explain the basics of cross-examination (or CX) and give you some strategies that you can use in any round.

The Fundamentals of Cross-Examination

Cross-examination is one of the best times that you have as a debater to truly impress the judge. Cross-examination is something that we do every day of our lives whether or not we notice it. When your friend makes an absurd statement about how his city's basketball team is better than yours, and you begin to ask him questions, forcing him to defend that statement, you are engaging in cross-examination. Since it's one of the first times that you get to stand in front of the judge and look him or her in the eye while your opponent also speaks, it is critical that you appear confident.

When you are asking questions, you want to remain in control of the CX; this is your time to ask questions, not your opponents. That being said, when trying to maintain control, you should NEVER be rude or off-putting. CX is not the place to make or engage in arguments; it is the time to set up the arguments that you will then make in your speech.

Two Types of Questions

There are two kinds of questions that you can ask, open- or close-ended questions. An open-ended question is one that requires more than a "yes" or "no" to adequately answer. Close-ended questions, on the other hand, typically only necessitate a "yes" or "no." Each type of questions serves a unique purpose, and depending on what argument you are trying to set up, one type of question will almost certainly be more effective than the other. For example, if you are trying to pin your opponent down on a certain argument, do not ask open-ended questions because this gives them the opportunity to try and weasel their way out of your question and interfere with your argument.

What Am I Supposed to be Achieving in CX?

Cross-examination serves several purposes that you should keep in mind when asking questions.

One purpose of CX is to clarify your opponent's case. You must make sure that you understand the arguments your opponent is making, or else you won't be able to effectively refute his or her arguments. However, the caveat to this is that it is almost never strategic to spend a majority of your time asking your opponent clarification questions, so toe this line carefully.

Examples of clarification questions are: "Could you please explain your value?" "How does your second

contention support your value of justice?" "How does your criterion of maximization of rights achieve justice?"

The other main purpose of cross-examination is to set up the arguments that you plan on making in the next speech. For example, if the negative reads a study saying that crime has gone down because of the death penalty, you can ask questions like: "When was this study done?" "How many states did it take into account?" These kinds of questions allow you to get information from your opponent that you can use to discredit his or her arguments in your next speech. If the study is from 1993, it probably isn't that relevant today, much less still accurate, so you can argue that the judge should ignore your opponent's study, or prefer a counter study that you have introduced.

You should always treat cross-examination as if it is important as the 1AR or 2NR because, in a sense, it is. Rounds can be won and lost in cross-examination. If you are able to ask effective questions that have your opponents stumbling over their words trying to re-explain their arguments, you have accomplished several things. First, you have undermined the credibility of their arguments because you have forced them to try and explain what they mean, or why their argument is true, and they have been incapable of doing that. Second, you make yourself look extremely credible in the judges' eyes because they are under the impression that you know exactly what is going on.

One of the biggest mistakes that debaters make in cross-examination is actually not related to the questions they ask. Instead, the biggest mistake I see way too often is that debaters asking questions don't listen. It doesn't matter if you ask the best question that you could have; if you do not listen to what your opponent has to say, then you are not getting the necessary information. You can have some prewritten CX questions if you think that this will help you get started, but the progression of your CX questions should be based on what you hear your opponent say, not what you think they meant.

From there, it's of the utmost importance that you use the information you got in CX in your next speech. It doesn't matter if your opponent has conceded that your value criterion is better if you do not bring it up as an argument in the next speech. And, if the judge thinks that you've gotten your opponent to concede important arguments, but you do not bring them up in your next speech, it could negatively affect your speaker points, and the judge may be less willing to give you the benefit of the doubt.

Cross-Examination Do's and Don'ts

DON'T: As discussed earlier, the purpose of cross-examination is to set up arguments, not to engage them in the three minutes you have. That being said, when asking questions you should not ask questions like, "You didn't respond to my third contention that said X, right?" What does this question accomplish? The answer is nothing, really. At best, they concede that they did not answer this, but your judge probably already realizes this. Even if he or she didn't, you could very easily point out that they conceded your contention in your speech. Even in this best-case scenario, you are still worse off because you give them a chance to try and squirm their way out of that dilemma by explaining arguments they made that apply to your contention.

DO: Trap your opponents. Whether or not you realize it, there are ways to ask questions that will allow you get your opponent to make the exact concession that you need. For example, if your opponent is arguing that economic collapse is incredibly detrimental, and the U.S. is on the verge of economic collapse because the banks could fail again, instead of asking, "Why didn't the 2008 financial crisis cause the collapse you are talking about?" you should ask, "How bad does the economy have to get for there to be complete financial

collapse?" The reason for this is because in the first question, you are previewing your argument for your opponent and trying to engage an argument, allowing them the opportunity to answer your argument before you get the chance to make it. In the second question, you are forcing your opponent to give you a very clear idea as to how bad the economy would have to be, which opens up two avenues of argumentation. You can say whatever action you take does not affect the economy as much as they say it needs to be affected for economic collapse to happen. Or, alternatively, you can argue that prior instances of a down economy have been worse than what they say would have to happen and we still haven't had a financial meltdown.

The goal behind those two questions is the exact same, but in the first one you make your intention to trap your opponent very obvious and allow them a chance to squirm their way out of a position that they do not want to be in. In the second question, you're asking them a very simple question, and if they do not have the answer then it's still bad for them because they would then have no way of knowing whether or not a certain action was capable of causing economic collapse.

DON'T: Do not ask questions phrased like this, "You would agree that it's bad to murder people, right?" or "You would agree life is important, right?" These kinds of questions also accomplish nothing. At best, your opponent says "No," and you waste the rest of your CX time quibbling over something that has very little relevance in the first place, and neither of you look like you know what is going on in the round.

In general, you should avoid phrasing close-ended questions in such a way that it requires your opponent to explicitly agree with you (questions ending with, "you agree, right?" etc.). These kinds of questions typically cause debaters to raise red flags in their minds that you are trying to trap them, even if you aren't. Even if you are asking a basic question that, if they agreed, would get you nowhere, you are probably going to encounter unnecessary resistance, which just wastes more CX time.

DO: Test arguments with examples. If your opponent makes an argument about why unbridled deterrence would be the best approach for the criminal justice system, ask them some questions like, "If I am going five miles over the speed limit and I get pulled over, if it increased deterrence, would the police be justified in throwing me in jail for five years?" This kind of question puts them in a dilemma because they can either say "Yes," in which case there are arguments you can make about why that's probably not a just criminal justice system. If they say "No," then they have conceded that there are certain things that are more important than just deterring crime.

DON'T: Spend your entire time asking clarification questions. This seems obvious, but more often than not people do it without even knowing it because they either don't know what to ask or have run out of questions to ask. If you absolutely do not have another question to ask and 30 seconds left, it would be better for you to sit down than to allow your opponent to take that extra 30 seconds to explain their case. Speech time is incredibly valuable; don't let your opponent take yours.

Conclusion

Always approach cross-examination as if it's just another speech that you should perform well. Much like your 1AR or 2NR speech, you have goals you want to achieve; the same should be true of CX. Ask questions with an idea of what you want to accomplish. Do you want to set up a turn on the negative case? Do you want to set up an argument about why their answer to your criterion is flawed? Having goals in mind will ensure that you are asking effective CX questions instead of just asking your opponent to clarify everything.

Created by Josh Roberts