

CROSS-EXAMINATION

AFTER DELIVERING A CONSTRUCTIVE SPEECH, each debater is cross-examined by one opponent. Cross-examination is a skill that is often practised separately from speech-making. Although it is an integral part of cross-examination style debating, it requires special knowledge and strategy.

Have you ever seen an attorney fire questions at a witness in a heated courtroom scene on TV or in a movie? Although usually less thrilling than this artificial replication, cross-examination is essentially just that. In debating, cross-examination is a tool by which a debater attempts to extract damaging admissions from an opponent, thereby exploiting loopholes in the opponents' case while strengthening his/her own claims.

In cross-examination, one debater, like the attorney, asks all the questions. This person is called the *examiner*. The other debater (the one who has just finished delivering a constructive speech) must answer all the examiner's questions and is known as the *witness*.

THE EXAMINER

ROLE: to ask questions of an opponent following his/her speech

GOAL: to extract damaging admissions from opponent using a crafty progression of questions

TECHNIQUES: short, straightforward, specific questions, yielding an answer about 5 seconds in length, often just "yes" or "no"

- a series of short questions leading to a self-evident conclusion
- a series of questions, each of which yields the same answer
- offensive attack of witness's speech through questioning on its inconsistencies and logical flaws
- maintaining control of cross-examination by questioning on more obscure information, such as specific surveys or statistics
- questioning on points that will be brought up in examiner's speech, but are as of yet unknown to witness, thus resulting in confusion as to the desired response of the examiner

DESCRIPTION: polite, patient, confident and knowledgeable

WOULD NEVER:

deliver a speech
ask a question to which he/she does not know the answer
ask personal questions, or questions that are irrelevant to the debate
converse with partner or opponent
demand a "yes or no" answer from witness

THE WITNESS

ROLE: to answer examiner's questions as honestly and reasonably as possible

GOALS: to defend position and avoid admitting to damaging concessions

TECHNIQUES:

- qualify an answer with reasonable information
- use up full 30 seconds allotted to each answer
- surprise the examiner by remaining unflustered at all times, even when offering damaging information

DESCRIPTION: calm, cool and collected

WOULD NEVER:

- refuse to answer a question, unless it be of an uncomfortably personal nature
- ask any questions of the examiner, other than clarification of the question
- be evasive by deliberately stalling or talking around the question instead of providing a direct answer
- deny obvious truths or dispute accepted facts for the sake of irritating the examiner
- formulate an answer longer than 30 seconds

THE EXAMINER

HOW TO FORMULATE CROSS-EXAMINATION QUESTIONS

Okay — you know your mission. But it's not always easy to accomplish, especially when debating opponents who are uncompromisingly stubborn or evasive in their answers. Here are some suggestions on how to formulate user-friendly questions:

1. Start Friendly, End Up Aggressive

When you're cross-examining, your opponent is in a defensive position. You want to extract statements that will be anything but defensive. Therefore, starting with an aggressive, accusatory question is simply counter-intuitive, and invariably results in a hostile witness. Start with friendly questions, such as "*Is it true that you stated in your speech...?*" or other questions that are not easily contestable. Guide your opponent through a series of increasingly specific and contestable questions before posing the climactic finale.

2. Brevity is the Soul of Wit

Being the cross-examiner is all about keeping the floor. [In Ontario] your opponent is allowed up to 30 seconds to answer each of your questions. Since you're interested in furthering your own case and not in hearing your opponent make another speech, your job is to design questions that will cut off your opponent well before the 30-second mark. The best way to keep the floor is by phrasing questions that will yield brief answers. Follow two rules for designing such questions:

i) Make the Question short and to the point.

Long, convoluted or multi-pronged questions invite lengthy answers. Divide your points — never tackle more than one detail in a given question — and phrase each question as concisely as possible. This technique should result in more questions that might be shorter in length.

ii) Make the questions specific.

Avoid asking your opponent about large topics or vague concepts because they, too, invite lengthy answers. Never ask your opponent for his/her opinion on something — for all you know, they may have memorized a 2-hour long lecture on the topic. Avoid any questions that resemble the following:

*What do you think of...?
Why did World War II start?
Was Socrates right?*

Rather, look for opportunities to use questions that resemble the following:

Do you agree that some historians attribute the start of World War II in part to the Arms race?

Are you aware of the study performed by ——— in which ——— showed that ———?

Did you know that Article 3 of the UN Declaration of Human Rights states that...

3) Avoid Absolutes

The best way to encourage agreement with your points is to make them moderate enough to be palatable. Witnesses are very reluctant to agree with absolute statements. It is much more difficult for an opponent to disagree with words like

<i>Is it reasonable</i>	than	<i>Is it true</i>
<i>Some Canadians believe</i>	than	<i>Canadians believe</i>
<i>Better/more</i>	than	<i>The best/most</i>

If you avoid using such absolute terms, you are more likely to succeed in coaxing your opponent into providing the desired answers.

Examples of an Opening Cross Examination Question

While debating daycare, your opponent asserts that daycare enriches the lives of all toddlers. You want to ask about a study showing that toddlers enrolled in daycare are more susceptible to pneumonia. What is the best way to open your series of questions?

1. Aren't all toddlers enrolled in daycare more susceptible to pneumonia than those who aren't?

This opening is hostile. It welcomes denial from your opponent because of its obvious clash against his/her case. Since it's not furnished with specific evidence, it also invites a speech from your opponent instead of the brief answer you are seeking. Your opponent would have no cause to agree with this damaging assertion unless you convince them that it is true. Who says that toddlers in daycare are more susceptible to pneumonia? Certainly not your opponent.

2. Were you aware that a 1994 study showed that toddlers are 29% more likely to acquire pneumonia if they are enrolled in a daycare program?

This opening is specific, and chances are your opponent will not have heard of your particular study. The specificity of your evidence gives you credibility and might shock your opponent initially.

At the same time, this question leaves you little or no room to manoeuvre. Supposing your opponent concedes to being unfamiliar with your damaging study — then what? It is very difficult to follow up an opening like this with questions about daycare's adverse affects on children. Since you've already played your aggressive card, your opponent is much more likely to argue with your subsequent questions; he/she already knows what you were trying to prove, and will do the utmost to resist letting you get away with it.

3. Is it true that in your speech you mentioned that daycare enriches the lives of toddlers?

This question is both friendly and specific. By opening with a quote or paraphrase from your opponent's speech, you are guar-

anteed to receive your desired answer to at least one question (it would be ridiculous for a debater to deny something he/she said just a few minutes earlier). The question is innocuous, since your direction is unclear and your opponent therefore can't spot your trap.

The question will also allow you to continue nudging your opponent toward the damaging concession you desire. Consider the questions that might constitute the remainder of this series:

Is it reasonable to say that being exposed to health hazards would not enrich the life of a toddler?

["Yes"]

Would you say that pneumonia is a rather serious health hazard?

["Yes "]

Were you aware that a 1994 study proved that toddlers enrolled in daycare are 29% more likely to contract pneumonia than toddlers not enrolled in daycare?

..... no... I mean, er. .

Voila- trapped!

THE WITNESS

HOW TO ANSWER QUESTIONS

As a witness, you must be able to avoid forfeiting your case when an examiner asks a crafty series of questions. This is also a difficult task, because part of your job description is to answer questions honestly. You don't want to lose marks for not fulfilling your role as a witness — but you also don't want to lose the debate for being too compliant with your examiner. To help avoid falling into both traps, follow these guidelines:

1) Don't be in denial

Many debaters mistakenly believe that they are most successful as witnesses when they deny everything that the examiner asserts to be true— even obvious facts. Remember that you do not gain points for being argumentative, or lose points for conceding to certain facts. The tactic of denying everything generally makes fools out of witnesses rather than increases their credibility. When asked a direct, simple question, it is best to give the direct, honest answer that the examiner desires. Most questions of that nature are usually innocuous anyway, so denying them for the sake of being argumentative only makes you look defensive and hostile. For instance, if an examiner asks you what year it is, giving a false or sarcastic answer is counter-productive. It makes you look either ignorant or impudent, and insecure because you are afraid that your case will be lost by telling the examiner something trivial such as the current calendar year. Confident witnesses will pleasantly agree to obvious facts, rather than make a point of giving the examiner anything but the de-

sired answer.

2) Don't be evasive

Another tactic frequently used by nervous witnesses is constant evasion of the question. Overly-concerned with the defence of their own case, many witnesses refuse to answer even the most direct questions, sometimes without even realizing it. Cross-examination depends on both debaters giving each other a fair chance. The examiner is expected to give the witness a fair chance to defend his/her stance, and the witness should return the favour. Being evasive, by jumping ahead to a later question, or delivering a speech, or providing off-topic information, rather than simply answering the question, deprives the examiner of an opportunity to extract admissions from you. Therefore, dodging the question is another tactic that ultimately makes you look hostile and insecure. The idea behind being a good witness is answering the questions so that the examiner has a *chance* at succeeding, but answering them in such a way that the examiner is unsuccessful overall.

3. Qualifying Answers

At this point, you may be wondering how you can possibly answer questions honestly without giving up ground. One tactic witnesses can use to defend their stance under cross-examination is to qualify the answers they give. In most situations, an examiner's question will not require a direct, one-word response that you must provide without hesitation, as described earlier. Many questions will allow you to *slant* your answer with commentary or evidence that enforces your own stance. By incorporating such information, you can answer the question honestly without conceding as fully as the examiner would like you to.

When qualifying answers, it is important to present the qualification before providing the exact answer. To illustrate this tactic, think of always answering "But... yes" instead of "Yes, but. . ." "If you first explain where you can reasonably disagree with a point and then concede that you agree with the examiner's point overall, you are unlikely to be interrupted before completing your response. If you first concede that you agree — thus immediately giving the examiner the desired answer — and then attempt to embark on an explanation of where disagreement may be reasonable, the examiner can politely cut you off before you have a chance to complete your response.

Examples of Answers to Cross Examination Questions

How should you answer the following questions under cross-examination?

1. You're opposing a resolution that proposes the redistribution of funds to educational programs.

"Should we look for ways to reduce the cost of providing special needs programs in highschool?"

a) ***Yes, we should always be looking for ways to save money.***

This answer is indeed honest and reasonable. However, it may give your examiner too much ground. He/she may be able to prove that a certain method of redistributing funds would be more cost-effective for special needs programs.

b) ***Only so long as we remember that our first priority is to provide quality programs that meet students needs.***

This answer is reasonable and protects you from being forced to make dangerous concessions. Your cross-examiner may be able to prove that it is possible to save money on special needs programs, but you will have already indicated that saving money is secondary if education suffers as a result.

2. ***"Which organism is more complex, something like a tomato or a potato or a human being?"***

a) ***It's quite judgmental to say that one organism is necessarily more complex than another one. A chimp has 98% of the DNA of a human.***

This answer attacks the premise of the question with a biological example. The answer is nevertheless unreasonable because the question was simple and uncontroversial; even biologists would agree that a human is more complex than a vegetable.

b) ***I'd have to say the human being is more complex***

This answer is reasonable and honest. In this case, it makes more sense to agree with the examiner unconditionally than to look for ways to twist the question.

3. You're opposing the resolution BIRT that no principle justifies the taking of a human life.

"Don't you think that we should stop euthanasia, because — well, don't you believe that it's wrong to let people kill each other and isn't that in our Charter of Rights?"

a) ***Could you clarify that question please?***

Although the witness's duty is to answer all questions honestly, exceptions are made when the examiner does not formulate a comprehensible question. A witness is allowed to respond with a request for clarification whenever this occurs.

b) ***It's not wrong to let someone take another's life when that person has asked the other one to do so. Euthanasia is not addressed in the Charter of Rights — murder is. Euthanasia is different from murder.***

This answer attempts to address all aspects of the examiner's confusing question. Although the answers are all reasonable, it is easy for answers to be misinterpreted when the exact question is incomprehensible. In this case, it's better to ask the examiner to narrow it down so that your own words aren't equally vague.

4. You're opposing the resolution BIRT that the ownership of personal automobiles be outlawed in all urban centres.

"Do you want your children to face the increased health hazards associated with the pollution caused by urban life?"

a) ***I'm not going to have any children***

This answer is purely evasive and sarcastic.

b) *No, but we must remember that the causes of the health hazards, such as the exhaust from automobiles, provide all kinds of benefits as well, such as quick and convenient transportation.*

This answer is well-qualified. However, by starting with the word “no—— the examiner’s desired response —— you allow the examiner to cut you off before you are able to qualify your stance. After you say no the examiner could easily say “thank you” and move on to the next question.

c) *We benefit greatly from pollutants such as automobiles. While I don’t want my children to face health hazards in the future, I wouldn’t trade the benefits of modern transportation to protect them.*

This answer provides the same information as answer b), but in a safer order. The evidence is presented first, and the answer next. The examiner is therefore unable to cut you off before you’ve completed your response.

Cross Examination is a technique that can never be fully mastered. The success of your questions always depends on several factors that are beyond your control, such as the mood of your witness. It is nevertheless important to start practising cross examination early on, for two reasons. First, cross examination arguably requires more experience to grasp than other debating skills. Second, even if you don’t debate extensively in the cross examination style, the understanding of logic and argument that you develop by practising cross examination is equally beneficial in parliamentary debating.

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