
THE LANGUAGE OF CROSS-EXAMINATION: A PSYCHOLOGICAL & LITERARY STUDY

Amrutha J Kudur, BBA LLB (Hons.), PES University

ABSTRACT

Cross-examination being a mighty tool of advocacy, serves both as instrument of persuasion and as quest for the truth. This paper views the technique of cross examination as a legal strategy and a literary device while using psychological theories and textual analysis. This study delves into the functions of cross examination as a tool of persuasion, performance, and psychological influence by analysing fictional works such as *To Kill a Mockingbird* (HARPER LEE,1960) and *A Few Good Men* (AARON SORKIN,1989). We examine psychological processes like memory suggestibility, cognitive dissonance, and confirmation bias as well as rhetorical devices like leading questions Manson, repetition, and framing by contrasting these works with the actual O.J. Simpson and Charles trials. By blending legal, psychological, and literary perspectives, this paper argues that cross-examination is more than just a part of a trial, but also an anecdote that builds meaning, unveils bias and dramatizes truth-seeking.

Keywords: Psychology of law, cross-examination, language of law, Psychology of cross-examination

INTRODUCTION

It has long been recognized that Cross-examination is the “Greatest legal engine ever invented for the discovery of truth” (JH Wigmore, 1904). Lawyers harness this engine as a way to test the credibility of a testimony, sway jurors, unsettle witnesses, and shape narratives that can alter the outcome of trials. Fictional depiction of the courtroom often dramatize these patterns by presenting cross-examination as a dramatic tool to reveal character, expose truth, and build suspense. Whether in a real trial or a fiction, cross-examination serves as a turning point where the truth is contested, credibility is dismantled, and narratives are reshaped before an audience.

OBJECTIVE

This study Investigates the art of cross examination through both fictional and real world lenses. The main objective is to relate psychology and literary perspectives to cross-examination tactics by examining fictional and real life parallels. Analysing the language of cross examination as both a literary devise and a legal technique help us cultivate a deeper understanding of the courtroom language. The aim is to understand how courtroom dialogue in both literature and reality functions as storytelling, constructing meaning and influencing audience interpretation. The goal is to determine how integrating legal, psychological, and literary perspectives contribute future studies of courtroom discourse, bridging law, psychology, and literature.

RESEARCH PROBLEM

Despite being the central to trials, Cross-examination is studies separately by law, literature and Psychology:-

- ❖ Procedural technique for testing of evidence in law.
- ❖ Effects on human demeanour, memory, credibility and Candor in psychology.
- ❖ Tools of narration that deliver climactic dialogs building suspense, bringing underlying truths to the surface in Literature.

These perspectives are rarely integrated. This creates a gap in the deeper understanding of cross examination as a strategy and as a performative act. The problem lies in the lack of an

interdisciplinary framework that unites law, psychology, and literature to analyse the language of cross-examination.

RESEARCH METHODOLOGY

This study compares fictional works to real court trials adapting a qualitative, interdisciplinary approach that combines methods from legal analysis, literary criticism, and psychology. The research is mainly comparative and analytical in nature. The primary sources for this research include courtroom transcripts from the O.J. Simpson trial and the Charles Manson trial, the novel *To Kill a Mockingbird*, and the screenplay *A Few Good Men*.

I. CROSS- EXAMINATION IN FICTION

1.1 To Kill a Mockingbird

This novel is set in the late 1930s in a racially divided town of Maycomb, Alabama. It follows the life of a young girl, Scout Finch. Through her eyes we see her father, Atticus Finch who is a lawyer, defend Tom Robinson, A Blackman falsely accused of raping a white woman, Mayella Ewell.

In Harper Lee's novel, Atticus Finch examines Mayella Ewell, Sheriff Heck Tate, Bob Ewell. He adopts a calm and composed style that gradually exposes the contradictions in the statements of witnesses. He executes the technique of a gentle trap by first using a calm and sympathetic tone to extract a statement from the witness. He then proceeds to plant a seed of doubt by asking factual questions and highlighting the mistakes on the end of the witness that lead to contradictions with the previous statements undermining the strength of the testimony.

Below is a table that shows the questions asked by Finch and the psychological and Literary implications of the same.

Cross-examination of Sheriff Heck Tate

Key Question	Psychological impact	Literary Implication
“Did you call a doctor, Sheriff? Did anybody call a doctor?” “Why not?”	Finch repeatedly highlights the fact that a doctor was not called suggesting neglect, disbelief, or fabrication without direct accusations. This also plants a seed of doubt in the jury’s mind without making Atticus look aggressive. Tate becomes defensive while his authority as a lawman is quietly undermined. This makes the jury believe in a calm and composed Finch as compared to defensive and agitated sheriff Atticus used the availability heuristic to his advantage, jurors imagine what a doctor might have confirmed, and this imagined absence weighs on their judgment.	It works as a symbolism for the town’s blatant disregard for truth and racism involved. It also highlights the assumptions made without concrete evidence. This is a form of expectancy violation jurors anticipate rigor, but discover carelessness.
“Did you ask her if he beat her like that?”	Finch leads by omission, he does not ask, ‘who beat Mayella’ rather frames it as ‘did you ask her’ shifting the burden onto the sheriffs investigation methodology. The jury begins to doubt Tate’s investigative process. This activates attribution bias blaming failure on his incompetence rather than on external limits. This question also serves as a psychological trap for the witness, Tate can not answer it without incriminating himself. If he says yes, Mayella’s testimony would risk contradictions making it inconsistent, weakening the prosecutions case. If the answer had been no, it would be admitting negligence making him look professionally incompetent. This is a double bind question, a classic cross-examination psychological trap.	Finch reveals that Tate had never probed beyond Mayella’s words. The charge is second-hand, fragile. This question forces the audience and readers to hear Mayella’s accusation through Tate, weakening its authority.
“What did her face look like?” “Which eye?”	This shifts the focus of the jury from emotion driven outrage that she was raped to fact-based observation that her right eye was bruised. This shifts the light in the courtroom from emotion driven thinking to logical terms. Tate is asked to re-think his words and re-visit his memory which reveals lack of precision as an officer. Tate admits confusion about which side of the face was injured, leading to the jury perceiving him as less reliable. This is called a credibility erosion effect, where a	This helps the audience and the readers visualise the the injuries by drawing an imagery. This shifts the essence of the trial from blame to physical evidence increasing the tension and detective fiction in the courtroom drama.

person who seems uncertain in details is subconsciously perceived as less trustworthy. Tate's confusion results in him contradicting himself leading to cognitive dissonance.

Cross Examination of Bob and Mayella Ewell

Key questions/statements	Psychological impact	Literary implications
"Mr. Ewell, did you call a doctor?" "Didn't you think she should have had one? Immediately?"	Bob answers these question with "No sir." And "What for, sir?" this contradicts his earlier image as a caring and concerned father leading to cognitive dissonance. Bob Ewell is forced to justify himself publicly triggering Evaluation Apprehension.	Finch repeats the same question he asked sheriff Tate but this time it depletes Bob's image of a caring father. A protective father would seek for medical care for his daughter than run straight to a sheriff. This in turn highlights the theme of prejudice over truth. Finch's short and sharp questions expose irresponsibility and paints a negative image of bob in the readers mind while dramatizing Atticus finch's calm authority
"Will you write your name for us?" The handwriting test	Atticus finch asks Bob to write his name on a piece of paper which leads to the revelation of him being left handed directly paralleling to the fact of Mayella's right side of the face being bruised. Bob tries to maintain his impression of a caring father but Finch strips that mask away in front of the jury and the audience. This is called the <i>spotlight effect</i>, the entire attention is on Bob which amplifies his embarrassment. Atticus finch makes is of <i>the Self-Perception Theory</i> (Daryl Bem) where Finch relies on Bobs	Atticus Finch conducts and handwriting test. This builds the suspense among the audience and the readers. Finch points out that Bob was left handed prompting a theatrical reveal. This draws parallels from the right eye being bruised which would have only been caused by a blow by the perpetrators left hand. Finch indirectly accuses

	behaviour as a cue to understand his attitude. Finch forces Bob into an action and then interprets the meaning of that action. This act becomes revealing without direct admission of guilt. Bob doesn't say he hit Mayella, but his own body betrays him.	Bob. Bob's writing also becomes symbolic of his mark not only on the paper but also on his daughters face. The silence after thisn reveal hightens the dramatic effect.
--	--	---

“Miss Mayella, is your father good to you? Is he easy to get along with?”	Finch probes hidden abuse, he creates a cognitive dissonance between Mayella's loyalty to her father and her reality. He uses the <i>Family systems Theory</i> (Dr. Murray Bowen) to urge Mayella to admit her fathers abuse indirectly.	This plants a suggestion of domestic violence igniting a feeling of pity for Mayella in the readers and audience's heart. This shifts her position as a tragic victim and an accuser to a pitiable girl.
“You're the oldest? You take care of the other children?”	This highlights the psychological burden of being a parental figure that Mayella is forced to uphold.	It reveals Mayella's isolation successfully building a sympathetic empathy in the readers mind. It also deepens Mayell's character arch.
“Do you have any friends?” “Didn't you ever ask Tom Robinson to come inside the fence before?”	Finch points to <i>Giddens' structuration theory</i> which emphasises the actions of socially isolated people being erratic and influenced by their lack of interactions. Finch asks if Mayella had ever invited Tom to come inside the fence, which she had done several times. This emphasises her “forbidden” desire and Mayella faces <i>approach-avoidance conflict</i> which is a psychological phenomenon accruing when a goal has both positive and negative aspects. This conflict creates an inner split making decisions feel overwhelming.	This question again throws light on Mayella's loneliness evoking pity from the readers. In this context the fence serves as a metaphor to the social constrict of racism and classism. Atticus brings the focus onto the taboo of Mayella's desire which increases the narrative tension.

“Miss Mayella, is Tom Robinson the one who beat you up, or is your father the one who beat you up?”	Mayella is faced with a <i>Forced-choice dilemma</i> between betraying her father or incriminate Tom. This triggers a double Bind.	This question condones a climactic moment where the audience and readers are presented with mayellas tragedy, her being trapped in patriarchy and racism,her desperation and loneliness.
---	--	--

Atticus, through his cross-examination reveals the weakness of the Ewells’ testimony and provides a deeper psychology of prejudice. The trial becomes less about evidence and more about human weakness and morals. Atticus dismantles the lies without raising his voice.

1.2 A Few Good Men

Aaron Sorkin’s, *A Few Good Men* is set in the backdrop of the U.S Marines Base at Guantanamo Bay it narrates the trial of two marines, Lance Corporal Harold W. Dawson and Private Loudon Downey who are accused for the murder of Private William Santiago. The death of the victim was a result of the defendants carrying out an order of “Code Red”, an unlawful disciplinary order. This play delivers an intense courtroom climax.

Lt. Daniel Kaffee, the defence counsel for Dawson and Downey adapts an aggressive and confrontational style of cross examination unlike Atticus finch in *To Kill a Mockingbird*. This method challenges the credibility and is paired with a strong emotional tone pushing the witness to shock, anger or stress resulting in the loss of control in the witness’ testimony.

The climax of the play shows Lt. Daniel Kaffee’s deliberate and layered cross-examination of Colonel Jessup. His questions are crafted not to just extract information, but to expose contradictions, challenge authority, and provoke psychological cracks in the witness. Each question is designed to trap and unsettle Col. Jessup. Kafee drives Col.Jessup into an emotional meltdown probing him to confess to issuing a Code red for the victim, Private William Santiago.

Below is the detailed analysis of the Cross-examination of Colonel. Jessep :-

❖ Early Questioning By Lt.Kaffee:-

The cross-examination of the witness :-

Lt.Kaffee: *Colonel, when you learned of Santiago's letter to the NIS, you had a meeting with your two senior officers, is that right?*

Col.Jessep: *Yes.*

Lt.Kaffee: *The Executive Officer, Lt. Jonathan Kendrick, and the Company Commander, Captain Matthew Markinson.*

Col.Jessep: *Yes.*

Lt.Kaffee: *And at present, Captain Markinson is dead, is that right?*

apt. Ross (objecting): "Objection. I'd like to know just what defense counsel is implying?"

Lt. Kaffee: *"I'm implying simply that, at present, Captain Markinson is not alive."*

Capt. Ross: *"Surely Colonel Jessep doesn't need to appear in this courtroom to confirm that information."*

Lt. Kaffee: *"I just wasn't sure if the witness was aware that two days ago, Captain Markinson took his own life with a .45 caliber..."*

Lt. Kaffee: *"Yes sir. Colonel, at the time of this meeting, you gave Lt. Kendrick an order, is that right?"*

Col. Jessep: *"I told Kendrick to tell his men that Santiago wasn't to be touched."*

Lt. Kaffee: *"And did you give an order to Captain Markinson as well?"*

Col. Jessep: *"I ordered Markinson to have Santiago transferred off the base immediately."*

Lt. Kaffee: *"Why?"*

Col. Jessep: *"I felt that his life might be in danger once word of the letter got out."*

Lt. Kaffee: *"Grave danger?"*

Col. Jessep: *"Is there another kind?"*

(A few Good Men, Aaron Sorkin)

In the above exchange Kaffee establishes a meeting was held and confirms the two officers, Lt. Jonathan Kendrick and Captain Matthew Markinson. Jessup starts off with confidence, his short and controlled replies show authority and calmness. Kaffee throws him off-guard by mentioning the death of a fellow officer stirring guilt and cracks Jessep's confidence and

control. Ross' objection helps Kaffee by signalling for the court that something damaging is being suggested.

The exchange is structured in a repeated pattern of conformation and when its suddenly broken with the mention of the dead officer, the audience feel the shock of the reveal. This keeps the audience on the edge and completely involved in the play. Kaffee then pushes Jessep to admit to two different orders, both conflicting each other. Colonel admits that he had ordered a transfer letter as he felt Santiago would be in grave danger, contradicting his previous statement of issuing orders against anybody harming Santiago. Jessep starts over explaining, a classic psychological sign that he senses danger but can't see the trap yet. This double ordering builds a dramatic irony, the audience realize that Jessep has trapped himself. Kaffee's repetition of the word danger is a classic Socratic trap that makes Jessep confirm and exaggerate his words. He answers with arrogance and pride which he thinks makes him look witty but unbeknownst to him this is the same wit that will soon expose his actions.

The next set of dialogues take place after Kaffee asks Colonel if there was a chance that Lt Kendrick could have disregarded his order. Jessep answers with a firm No. Kaffee rephrases the same question and every time Jessep's answer remains a No. Kaffee repeatedly asks these questions to drive Jessep to a state of impatience. He succeeds in doing so, and at Jessep's most vulnerable point, Kaffee springs the full trap.

Kaffee: *"When Kendrick spoke to the platoon and ordered them not to touch Santiago, any chance they ignored him?"* (A Few Good Men, Aaron Sorkin)

This is the pivot question. It sounds innocent and simple, but it nudges Jessep into giving a speech that reveals his entire worldview. Kaffee uses Jessep's arrogance and authoritarian attitude against him successfully driving him to admit his fault before the Judge, jury and the audience.

Jessep's speech:-

Jessep: *"Have you ever spent time in an infantry unit, son?"*

Kaffee: *"No sir."*

Jessep: *"Ever served in a forward area?"*

Kaffee: *"No sir."*

Jessep: *"Ever put your life in another man's hands, ask him to put his life in yours?"*

Kaffee: *"No sir."*

Jessep: *"We follow orders, son. We follow orders or people die. It's that simple. Are we clear?"*

Kaffee: *"Yes sir."*

Jessep: *"Are we clear?"*

Kaffee: *"Crystal."*

Here the power dynamics shift from Jessep answering to him cross-examining. This role reversal is ironic, the witness becomes the interrogator. Jessep continues to belittle Kaffee while painting himself as a man of experience. Jessep uses a condescending tone pushing Kaffee to submit to him. His arrogance and dominance are now fully exposed, which makes his downfall satisfying. Kaffee's "Crystal" is outward submission, but to him it's the acknowledgment of Jessep's trap. Kaffee gets Jessep has to confirm the inviolability of orders, which foreshadows the Code Red order being his responsibility. This exchange is the philosophical climax before the dramatic climax. Kaffee's "Crystal" is not defeat, but an irony that serves as a cue to audience that the trap has already taken place.

In the next set of exchange Kaffee manages to get a direct confession from Jessep

Jessep: *"You want answers?"*

Kaffee: *"I think I'm entitled to them."*

Jessep: *"You want answers?!"*

Kaffee (shouting): *"I want the truth!"*

Jessep (explodes): *"You can't handle the truth!"*

Kaffee (quietly, but firmly): *"Did you order the Code Red?"*

Jessep: *"I did the job—"*

Kaffee (cutting in): *"Did you order the Code Red?!"*

Jessep (shouts): *"You're goddamn right I did!"*

Jessep: *"You want answers?"*

Kaffee: *"I think I'm entitled to them."*

Jessep: *"You want answers?!"*

Kaffee: *"I want the truth."*

Jessep: *"YOU CAN'T HANDLE THE TRUTH!"*

Jessep's outburst serves a dramatic revelation to the audience. The preceding dialogues are quick and help set the stage for the big reveal. Jessep's pride leads to his demise, In a moment of stress he slips up. In a way of defending himself Jessep resorts to projection, a defence mechanism by which people unconsciously attribute their emotions, thoughts, or behaviours to

others. He deflects his consequences onto Kaffee, saying He could not handle the truth.

This cross-examination represents the merging of psychology and literature in courtroom drama. Jessep is fuels his own downfall by his own defences; projection, rationalization, and hubris. He is sent crumbling under sustained pressure.

II. An Analysis of Cross-examination Tactics

We have seen how cross-examination uses literary aspects, psychology and its theory in the Fictional domain. To bridge the gap and facilitate the deeper understanding of cross examination as a strategy and as a performative act, this study will now compare these findings with real life cases.

2.1 The OJ Simpson Trial, 1995

The OJ Simpson trial was a criminal case in 1995 where a former football star, OJ Simpson was accused for murdering his ex wife, Nicole Brown and her friend Ronald Goldman. After the testimonies of 150 witness', DNA evidence, blood samples, and a glove linking him to the crime the jury found OJ Simpson not guilty. This case highlighted racial bias through detective Mark Fuhrman's racist remarks similar to the racial bias in *To Kill a Mockingbird* (Harper Lee). This case reveals how race, media influence and cross examination tactics shape the trial outcomes.

Lee Bailey, the defence attorney executed the strategy of cross examination to its finest. Jurors tend to dismiss the testimonies of witnesses if they are caught in a lie, Bailey exploits this bias. He traps the LAPD officer, Mark Fuhrman in a double mind saying yes would have him admit racism and if he said no there was evidence showing otherwise. Bailey created reasonable doubt in nearly every evidence produces by the prosecution successfully protecting his client and ultimately winning the case.

To understand the strategy and tactics of cross-examinations in the light of psychology and literature. Below lies a comparative analysis of this case with the fictional work- *To Kill a Mockingbird* by Harper Lee.

The table below shows the different tactics employed by Atticus Finch and Lee Bailey in the cross examinations of Bob Ewell and Mark Fuhrman respectively.

TACTICS	Atticus Finch – Bob Ewell	F. Lee Bailey – Mark Fuhrman
Pinning Down Details	Repeatedly highlights the fact of a doctor not being called fixing a firm answer in the records. Repeatedly asks which eye Mayella was injured in making sure no detail is left out	Asks repeatedly whether Fuhrman had used racial slurs, fixing a firm “No” answer in the record.
Highlighting Omissions	Highlights the fact that a seemingly caring dad had not called for a doctor despite the seriousness of his daughters injury	Questions Fuhrman on investigative steps he did not take, hinting at procedural weakness while hinting at his racism
Exposing Weak Observation	Forces Bob into admitting that he had not seen the perpetrator of the crime.	Forces Fuhrman into admitting that he had not personally witnessed certain key events in evidence handling, highlighting his negligence as a police officer.
Psychological Pressure Through Politeness	Maintains a calm gentlemanly tone, making Bob’s defensiveness and hostility look suspicious	Keeps Fuhrman in a strict “yes/no” answer pattern in order to probe contradiction later on.
Laying Traps for Later Contradictions	Executes the handwriting test while pointing out the side of injuries. These traps later point to Bob himself being the perpetrator of Mayella’s injuries	Gets Fuhrman’s answer of not saying the N word on record only to reveal a taped evidence saying otherwise. This ultimately killed his credibility

Here Both the lawyers box the witness into a single account of the events and truth early and later draw a contradictory statements from the witnesses themselves. Both use small facts which seem like they mean nothing to set the stage for credibility attacks later. Atticus and Bailey

avoid over the top confrontations, lulling the witnesses to a false sense of safety before using the witnesses' own words to supply the damaging testimony.

2.1 The Charles Mansion Trial 1970-71

The Charles Manson trial follows a series of murder by the notorious cult leader. Manson was charged with conspiracy and incitement as he had not physically committed the murders. He directed his followers to carry out these killings to spark a race war which he called Helter Skelter. The prosecution presented testimonies of various cult followers and evidence of Manson's instructions, and crime scene details. The defence argues mental instability. Manson's manipulation of his followers and his courtroom disruptions show psychological concepts of Brainwashing and coercive persuasion. Manson and several followers of his cult were ultimately convicted of first degree murder.

The prosecution, led by Vincent Bugliosi focused on exposing the psychological grip of Charles Manson had on his followers. Bugliosi often let Mansons's interruptions speak for themselves. He struck a immunity deal with Linda Kasabian, whose testimony served as a key to convict Manson.

To understand the psychological aspects and the strategy used in cross examinations, this study compares this case with the Fictional work *A few good men* (Aaron Sorkin)

Tactics	A few Good Men	Charles Manson Trial
Building a Trap with Incremental Questions	Kaffee uses a series of "Yes/No" questions, each driving Jessep into a state of emotional meltdown forcing him into a confession	Vincent Bugliosi's questioning relied more on eliciting narrative testimony from witnesses.
Psychological High Ground & Ego Baiting	Kaffee submits to Jessep's ego and authority. By staying calm, he fuels Jessep's ego and the witness ends up self-sabotaging with emotion	Defence attorney Irving Kanarek used obstructions, bizarre motions, and relentless objections confusing the proceedings and disrupting the

		prosecution in attempts to bait the witness's ego directly
Commit and Confront	Kaffee gets Jessep to commit that they always follow orders and later confronts him with his own words.	The prosecution focussed on exposing contradictions in their statements by committing them to absolutes and revealing inconsistencies in their recollections or demeanour.

Literature Review

Psychological Researchers like Loftus, Wells & Kassin have published psychological theories that help understand the psychology of questioning and psychology. These theories when fully understood, will be an asset to Lawyers to master pacing, tone, and selective repetition can guide jurors to interpret ambiguity as untruth. Pairing these Psychological theories with strategic language usage and verbal tactics like repetition, emphasis, binary choices and probing a person can turn the courtroom into a psychological and theatrical battleground.

Literary depictions of cross examination such as *To Kill a Mockingbird* (Harper Lee) and *A few Good Men* (Aaron Sorkin) reflect ideas and legal theory, such as Francis L. Wellman's *The Art of Cross-Examination* (1903), which emphasizes confronting inconsistencies and exposing errors in testimony. Guglielmo Gulotta's interpretation of the courtroom being a "forensic theatre" reinstates the view of cross-examination not only a legal procedure but a dramatic invocation that stages moral truth for judge, jury and the audience.

Conclusion

This study concludes by highlighting the significance of 'question framing' in cross examinations. The strategy lies with the mix of cross examination as a legal procedural technique, psychological instrument and as a devise of storytelling. The courtroom transforms into a psychological battlefield where the best language prevails. By understanding these psychological and narrative impacts of cross examination one can turn the courtroom into a forum of justice and a theatre of persuasion where language determines the power of truth and psychology destabilizes the witness.

BIBLIOGRAPHY

Planting Miss-information in Human Mind

Cross-Examination Strategies: Separating Fact from Fiction

Wigmore, J. H. (1937). *Evidence in Trials at Common Law*. Little, Brown & Co.

Tiersma, P. M. (1999). *Legal Language*. University of Chicago Press.

Cotterill, J. (2003). *Language and Power in Court: A Linguistic Analysis of the O.J. Simpson Trial*. Palgrave Macmillan.

Cover, R. M. (1983). "Foreword: Nomos and Narrative." *Harvard Law Review*, 97(4), 4–68.

Brooks, P. (2000). *Troubling Confessions: Speaking Guilt in Law and Literature*. University of Chicago Press.

Loftus, E. F. (2005). *Eyewitness Testimony*. Harvard University Press.

Wells, G. L., & Kassin, S. M. (2003). "Eyewitness Identification: Psychological Aspects."

To Kill a Mockingbird, Harper Lee (1960).

A Few Good Men, Aaron Sorkin (1992).

Charles Manson trial transcripts

OJ Simpson Trial