## KATEGORIA AND APOLOGIA: ON THEIR RHETORICAL CRITICISM AS A SPEECH SET

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LTHOUGH rhetorical scholars Aagree that apologia is a legitimate rhetorical genre, Kruse complains that "no one has attempted to move beyond a sentence or two in describing this kind of rhetoric." The same complaint is germane to accusatory speeches. The ancients believed that accusation was also a genre. Plato divided oratory into two genres of accusation and apology, and Isocrates included accusation and apology in his fourpart division of oratory.<sup>2</sup> Aristotle divided forensic rhetoric into accusation and apology.<sup>3</sup> He observed that apologetic discourse is motivated by accusatory discourse: "One man accuses the other, and the other defends himself, with reference to things already done."4 Isocrates also observed the same motivational relationship in the two speeches: "for a plea in defense is appropriate only when the defendant is charged with a crime."5 Aside from the

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<sup>1</sup>Noreen Wales Kruse, "The Scope of Apologetic Discourse: Establishing Generic Parameters," Southern Speech Communication Journal, 46 (1981), 280.

Prof. Corbett and the other seminar participants

<sup>2</sup>See George Kennedy, The Art of Persuasion in Greece (Princeton: Princeton Univ. Press, 1963), p. 86.

<sup>3</sup>Aristotle, *Rhetoric*, trans. W. Rhys Roberts (New York: The Modern Library, 1954), 1358b10, 1368b1.

<sup>4</sup>Aristotle, Rhetoric, 1358b16.

for their criticisms and suggestions.

<sup>5</sup>Isocrates, *Helen* (Cambridge: Loeb Classical Library, 1945), III, 15.

ancients, however, no one has gone beyond a few sentences in describing accusatory discourse.

I propose to treat accusation and apo-

logy as a speech set, and to explicate a representative example. I contend that the critic will better understand both accusation and defense speeches by evaluating them as a speech set. By identifying and assessing the issues in the accusation, the critic will gain insights into the accuser's motivation to accuse, his selection of the issues, and the nature of the supporting materials for his accusation. As a response to the accusation, the apology should be discussed in terms of the apologist's motivation to respond to the accusation, his selection of the issues—for they might differ from the accuser's issues—and the nature of the supporting materials for the apology. In another sense, the speeches of accusation and apology can serve as analog.<sup>6</sup> By checking each speech against the other, the critic is better able to distinguish the vital issues from the spurious ones, to evaluate the relative merits of both speaker's arguments, and to make an assessment of the relative failure or success of both speakers in terms of the final outcome of the speech set. Hence the critic cannot have a complete understanding of accusation or apology without treating them both.

I intend to discuss the speech set from

<sup>6</sup>See L. W. Rosenfield, "A Case Study in Speech Criticism: The Nixon-Truman Analog," Speech Monographs, 35 (1968), 435.

three perspectives. First, Fisher has elucidated four motives in communication, and two of those motives are germane to the speech set. Accusation can be conceived as "affirmation, concerned with giving birth to an image."7 The speaker is motivated to give birth to an image, the speech of accusation, because he perceives an exigence which he would seek to modify through accusatory discourse.8 Apology can be conceived as "purification, concerned with correcting an image."9 The image, affirmed by the accusation, then becomes for the apologist the exigence to which he would respond by seeking to modify that image through apologetic discourse. Second, I shall treat the structure of the speech set. When investigating "characteristic patterns of language as the organizing principle,"10 the critic will note that the classical schema of stasis inheres in accusation and defense. Whatever their respective theses and supporting materials are, I shall demonstrate that all accusations and apologies are organized around one or more of the classical stases. Third, the rhetorical situations must be analyzed in the speech set. For both the accuser and apologist, one must explicate the organic relationship between each speaker's perception of the exigence and his response to it by identifying the constraints and the audience(s) which mediates as "judge" in their respective rhetorical situations.<sup>11</sup>

In treating accusatory speeches, one finds two kinds of speeches: accusation against policy or against character. Likeexample of an apology.14 The Greek noun apologia is defined broadly as "a speech in defense," and the Greek verb apologeomai includes a variety of defenses which were not limited to a defense of character: "speak in defense, defend oneself, speak in answer to, defend oneself against, defend what has been done [my italics]."15 The Greek noun kategoria signifies "an accusation, charge," and the Greek verb kategoreo is defined as "to speak against, to accuse," and both the noun and the verb are noted as the opposites of apologia and apologeomai. 16 Since classical accusation was <sup>12</sup>Sherry Devereaux Butler, "The Apologia, 1971 Genre," Southern Speech Communication Journal, 37 (1972), 287; B. L. Ware and Wil A. Linkugel, "They Spoke in Defense of Themselves: On the Generic Criti-

wise, one finds two kinds of apologetic

discourse: defense of policy or of charac-

ter. Since some of my findings differ

from the thesis advanced by other schol-

ars that apology is for character only, 12 I

offer some preliminary support for my

argument here, and in the next section I

shall discuss some other illustrative examples of apology for policy. Ware

and Linkugel are aware of the defense-

of-policy speech when they write that

"The questioning of a man's moral

nature, motives, or reputation is qualitatively different from the challenging of

his policies,"13 but they do not elaborate

that qualitative difference nor discuss the defense-of-policy speech. Linkugel,

Allen, and Johannesen also have identi-

fied the defense-of-policy speech, but

they do not discuss or construe it as an

<sup>&</sup>lt;sup>7</sup>Walter R. Fisher, "A Motive View of Communication," Quarterly Journal of Speech, 56 (1970), 132.

\*See Lloyd F. Bitzer, "The Rhetorical Situation,"

Philosophy and Rhetoric, 1 (1968), 6-7.

<sup>&</sup>lt;sup>9</sup>Fisher, p. 132.

<sup>&</sup>lt;sup>10</sup>Jackson Harrell and Wil A. Linkugel, "On Rhetorical Genre: An Organizing Perspective," Philosophy and Rhetoric, 11 (1978), 264.

<sup>&</sup>lt;sup>11</sup>Fisher, p. 132.

cism of Apologia," Quarterly Journal of Speech, 59 (1973), 274.

<sup>&</sup>lt;sup>13</sup>Ware and Linkugel, p. 274.

<sup>&</sup>lt;sup>14</sup>Wil A. Linkugel, R. R. Allen, and Richard L. Johannesen, Contemporary American Speeches, 4th ed., (Dubuque: Kendall/Hunt, 1978), p. 280.

<sup>&</sup>lt;sup>15</sup>Henry George Liddell and Robert Scott, comp., A Greek-English Lexicon (Oxford: Clarendon Press, 1968), pp. 208, 207.

<sup>&</sup>lt;sup>16</sup>Liddell, pp. 927, 926.

not limited to attacks on character, <sup>17</sup> both terms should be defined broadly: *kategoria* as a speech of accusation and *apologia* as a speech in defense.

In order to illustrate the theory of the speech set and to substantiate my argument that there are apology-for-policy speeches, I shall discuss Pope Leo X's kategoria and Martin Luther's apologia. But before I consider that speech set, let me first turn to the task of discussing accusation and apology.

Accusation and Apology as a Speech Set

The accuser is the affirmer or the rhetorical prime-mover in the speech set. 18 The accuser perceives an evil or an exigence, he is motivated to expose it, and the rhetorical response to that motivation is a kategoria. An accusation always begins with, but is not necessarily limited to, the accusee's policy, a term I use to denote a wide range of actions or practices: vice, theft, sexual misconduct, libel, treason, illegal activities, etc. Accusation against policy always begins with Cicero's stasis of fact, conjecturalis, which focuses on whether an action was done or not.19 Thus, Vice President Agnew attacked the news media because President Nixon believed his news coverage was other than it should be, and

<sup>17</sup>For examples of classical speeches of accusation and defense, see Kathleen Freeman, *The Murder of Herodes* (London: MacDonald and Co., Ltd., 1946).

<sup>18</sup>For the Greek idea of motion in stasis, see Otto Alvin Loeb Dieter, "Stasis," *Speech Monographs*, 17 (1950), 345-69.

19George Kennedy, Classical Rhetoric and Its Christian and Secular Tradition from Ancient to Modern Times (Chapel Hill: The Univ. of North Carolina Press, 1980), p. 92. For a discussion of Hermagoras' conception of stasis, see Kennedy, The Art of Persuasion in Greece, pp. 307-13; for Hermogenes on stasis, see Ray Nadeau, "Hermogenes' On Stases: A Translation with an Introduction and Notes," Speech Monographs, 31 (1964), 361-424; for Aristotle's conception of fact and quality, see Wayne N. Thompson, "Stasis in Aristotle's Rhetoric," Quarterly Journal of Speech, 58 (1972), 134-41.

President Truman fired General MacArthur with the accusation that the General could not follow orders from his Commander-in-Chief. One should note that while most accusations against policy deal with past actions (like Senator Nixon's campaign fund and MacArthur's refusal to obey orders) or with continuing practice (like the media's unfavorable coverage of President Nixon's Viet Nam war policies), some accusations can deal with a future policy before it is actually practiced. Environmentalists attacked Secretary of the Interior James Watt's proposal to lease government wilderness lands to the oil companies for exploration, and many legislators, lawyers, and citizens spoke in accusation against President Roosevelt's plan to pack the Supreme Court before it was even debated in Congress. The accuser may include other stases to bolster the accusation. Definition (definitiva) and/or quality (generalis) may be used to heighten the exigence of the policy.<sup>20</sup> For instance, not only was Senator Robert M. LaFollete attacked for his policy of championing free speech in World War I, but his policy's exigence was compounded by its being defined as unpatriotic and its quality as aiding the German war effort.

Accusations against character stress ethical materials. For instance, accusations against Senator Nixon's character defined it as an example of "loose conduct and corruption in government" and argued the stasis of quality that he had "lost his sense of public morals." 21 Yet,

20 The stasis of translatio or objection to jurisdictional matters is not a stasis for accusation because common sense would dictate an accusation to the proper audience as judge: a court of law, the floor of the House or Senate or Parliament, a national television audience, etc.; however, it will be demonstrated that translatio is a viable stasis for apologia.

<sup>21</sup>See "Asks Nixon Be Told to Quit," New York Times, 19 Sept. 1952, p. 11, and "Paper Demands Withdrawal," New York Times, 20 Sept. 1952, p. 9.

what about the stasis of fact? In studying accusations against character, I observed that character accusations must be based on the fact of a policy or practice. Thus, attacks on Congressmen Wilbur Mills and Wayne Hays were predicated on the fact of their sexual misconduct-and Senator Nixon did have a slush fundbut the accusations moved beyond the stasis of fact by stressing the stases of definition and quality for character indictment. But before I leave accusations and before I address apologies, certain caveats are appropriate. I do not mean to imply that character accusations or character defenses are somehow "better" than policy accusations or policy defenses because the accuser or apologist may go beyond an accusation or defense of a policy to treat of "greater" ethical considerations. For example, FDR's accusation in 1937 against the Supreme Court justices' policy of wrecking his New Deal by judicial decree was different from, but certainly no less significant than, the media's accusation against Senator Nixon's character for maintaining a political slush fund. Likewise, the apology for the Supreme Court's policy which Chief Justice Charles Evans Hughes issued was not "less" than Senator Nixon's apology for his character. Both kinds of accusations and apologies are significant in their own way. Nor do I exclude the possibility that the critic may find in accusations and apologies elements of both policy and character in a speech. I merely contend, as Fisher has observed, that one motive/response will tend to dominate the rhetorical situation.22 Moreover, a comparison of the accusation/apology speeches as analog will help the critic decide whether policy Or character dominates the given instance of discourse.

In reaction to the accusation, the apo-

logist is motivated to deny, to mitigate, or to purify the resultant image, and the rhetorical response to that motivation is a speech in apology. Since apology for character has already been delineated by other scholars, I turn to the other kind. In apology for policy, I contend that Cicero's four stases correspond to Ware and Linkugel's four postures in apology for character.<sup>23</sup> The apologist for policy absolves himself of the fact (I did not do it), he explains the definition (I did not do what is alleged), he justifies the quality (I had laudable intentions), and he vindicates the jurisdiction (I appeal to a different audience or judge). One should observe that if the apologist for policy absolves himself by claiming that he did not practice, is not practicing, or will not practice the policy under attack, then he cannot logically explain, justify, nor vindicate; conversely, if the apologist for policy argues definition, quality, or jurisdiction, then he must at least tacitly admit the stasis of fact that he has practiced, is practicing, or will practice such a policy. Thus, Senator Nixon tacitly admitted he had the fund-which fact he never denied—in apologizing for his character; Mary Queen of Scots admitted that she had sent letters to Queen Elizabeth I's enemies, but she contended the letters could not be defined as treasonous; Marcus Garvey sought to justify his defunct Black Star Steamship Line because of his intention to improve the conditions of blacks; CBS president Frank Stanton delivered his "Reply to Agnew" to refute Agnew's definition and quality description of the Nixon White House's news media coverage; and Archbishop Thomas Cranmer sought vindication for his Protestantism on the ground that no civil or religious body had the ecclesiastical authority to try the primate of all England.

In this section, I discussed kategoria and apologia as a speech set. To be precise, the critic should designate accusation against policy or character, apology for policy or character. Both accusations share the organizing language of the three stases of fact, definition, and quality, and they share the affirmation motive to expose an exigence in the accusee's policy or character. Accusations against policy or character are different with respect to the focus of their constraints: the critic must decide whether an accusation is against policy or character by explicating which stasis or stases are argued in terms of the context of the controversy and from the speech text. Both apologies share the four stases of fact, definition, quality, and jurisdiction, and they share the motive to purify the image of the apologist's policy or character. Apologies for policy or character are different in terms of their constraints. By examining the kategoria and the context of the controversy, the critic will decide whether the apology is for policy or for character. I do not exclude the possibility that the apologist might respond to an accusation against policy with an apology for character (as General MacArthur did in response to President Truman's firing of him in 1951) or respond to an accusation against character by apologizing for the policy (as President Taft did in the Ballinger Affair<sup>24</sup>). In such cases, I merely recur to my earlier observation that the critic should compare the accusation and apology as analog: the critic would gain additional insights about the apologist's motivation to shift from policy to character or vice versa, and about the legitimacy of that shift. Nor do I contend that the critic should ignore instances where an accusation or apology is somehow

<sup>24</sup>See The President Speaks, ed. Louis Filler (New York: Capricorn Books, 1965), pp. 77-82.

missing. It would be best to evaluate the whole speech set, but sometimes a complete criticism is impossible due to circumstances beyond the critic's control.<sup>25</sup>

## Pope Leo X vs. Martin Luther: An Accusation-Apology Speech Set

I criticize an accusation-apology speech set to demonstrate and substantiate my theory, and I study Leo X vs. Luther to illustrate how my theory better describes accusation and apology as a speech set. Against the received opinion that Luther delivered an apology for character, <sup>26</sup> I advance that the Pope delivered an accusation against Luther's

<sup>25</sup>At first glance, Isocrates' On the Antidosis is a sort of staged apology with no apparent accusation to which Isocrates was motivated to respond. However, a closer examination of the rhetorical situation indicates that Isocrates composed the speech in reaction to an adverse court ruling, and Isocrates noted in his speech introduction that he was motivated "to correct the prejudices which led to such a verdict." See R. C. Jebb, The Attic Orators (2 vols.; London: Macmillan and Co., 1893), II, 131-33. In the case of Socrates' Apology, where an accusatory speech text is unavailable as analog, I would merely caution that one only has Plato's version of the accusation; see Kennedy, Classical Rhetoric, pp. 42-45. Nor do I mean to imply that all kategoria/apologic speech sets are found only in forensic situations. Many of my illustrative examples are deliberative in a flexible sense, yet that does not make all deliberative rhetoric accusation and defense. To explain further, I find tha the speech set is inextricably linked to a human being' policy or character—but I do not exclude an identifiable group of people like the Supreme Court, "Boll Weevil" Congressmen, a Town Council, etc. Juxtaposed to th human aspect of the speech set, I find that speeches fo or against idealogies and institutions are beyond th purview of the speech set: Fisher's other two motives ¢ re-affirmation and subversion leave ample rhetorica room in deliberative speaking for rhetors to persuade fo or against idealogies or institutions. See Fisher, ps

<sup>26</sup>See Ware and Linkugel, p. 275, and Noreen W Kruse, "Motivational Factors in Non-Denial Apologia," Central States Speech Journal, 28 (1977), 19. wish to note that these critics assert that Luther gave a apology for character. They do not directly support the contention with evidence and analysis from Luther actual apology (nor do they treat of the Pope's accustion). Here is an example of where treating the speed set as analog serves to draw the critic's attention to the dominant motive/response in both rhetorical situation

policy and that Luther apologized for his policy.

Two rhetorical documents comprise the accusatory discourse against Luther's reformation policy. The first accusation was Pope Leo X's bull Exsurge Domine, 15 June 1520, which directed Luther to recant on pain of death. The Pope published his bull to expose and to affirm the evil in Luther's policy. If this exigence were left unchecked, it could further damage the Church and the papacy, and therefore Leo sought to stop it.<sup>27</sup> Leo organized his bull on the stasis of fact: he identified and condemned forty-one errors in Luther's policy (broadly defined as his books, exegetical methods, and ensuing doctrines which challenged the Church).28 For the stasis of definition, he characterized the errors as heretical and as running contrary to charity and obedience; for the stasis of quality, he opined that Luther's policy was scandalous and offensive.29 The bull was weakly argued, but Simon noted its operative efficacy: "Neither did it make the smallest factual difference to the effect of the Bull, that it was a poor piece of work. Literary merit, sound reasoning were not in question; the papal seal was the operative point, excommunication was excommunication, a bull was a bull."30 But Luther did not recant—he even publicly burned the bull—so the Pope issued another bull, Decet Romanum, 3 January 1521, in which he formally excommunicated Luther and charged him with treason for which he could be burnt as a heretic.

One must realize that the Pope did not want a traditional apology from Luther.

The Pope tried, through the threat of his first bull, to limit Luther to a recantation. Failing that, the Pope issued the second bull which made it legal for German civil authorities to execute Luther. However, because of German political considerations, Holy Roman Emperor Charles V was reluctant to alienate the German estates by acting unilaterally to burn Luther. Charles therefore used a law which granted that "no German should be condemned unless his case was heard before an impartial panel of judges" to allow Luther the semblance of an impartial trial.<sup>31</sup> When, to the Pope's dismay, Luther was granted a hearing before the Emperor and German Diet at Worms, the Church tried to limit Luther to a recantation: "When the Roman party realized that Luther was to appear, they went to great pains so to prepare the questions that Luther would not be able to make any statement of his position. Further, they wanted from him a retraction."32 Accordingly, the Roman party devised two questions which would hopefully pre-empt a defense from Luther at his trial: Did you write these books? and Do you recant them? This strategy was unknown to Luther until the trial.<sup>33</sup>

On 18 January 1521, Cardinal Aleandro delivered the actual speech of accusation against Luther's policy. The audience which could mediate change was the Diet and the Emperor. Notice that the Emperor and Diet were sitting as a deliberative body, but were judging an ecclesiastical forensic trial. Also, Charles and the Diet perceived how the exigence of Luther's ecclesiastical reformation policy, with its past fact forensic nature, could well have serious ramifica-

<sup>&</sup>lt;sup>27</sup>James Atkinson, *The Trial of Luther* (New York: Stein and Day, 1971), p. 88.

<sup>&</sup>lt;sup>28</sup>Atkinson, pp. 89-90.

<sup>&</sup>lt;sup>29</sup>Atkinson, p. 88.

<sup>&</sup>lt;sup>30</sup>Edith Simon, Luther Alive (Garden City: Doubleday, 1968), p. 215.

<sup>&</sup>lt;sup>31</sup>E. G. Schwiebert, *Luther and His Times* (St. Louis: Concordia Publishing House, 1950), p. 493.

<sup>&</sup>lt;sup>32</sup>Atkinson, p. 151. Italics in original.

<sup>&</sup>lt;sup>33</sup>Atkinson, pp. 147, 151.

tions for future civilian policy in a deliberative sense. Aleandro delivered the indictment which was not for Luther's character but for his policy: "For some time now Luther had perpetrated sermons, writings and books against the Popes, the papacy, the faith, the unity of the Church, as well as against the decrees and resolutions both of the Councils of the Church and the parliaments of secular authority."34 Although Aleandro delivered a tedious and uninteresting three-hour speech which reiterated the Pope's stases in his bulls, Atkinson noted that he "might as well have uttered four words: Roma locuta, causa finita [Rome has spoken, the case is closed]."35

Luther's motivation to speak was his desire to purify the Pope's and Cardinal Aleandro's accusations against his reformation policy. One must understand that Luther decided to go to Worms to defend his policy only because he was assured of an Imperial safe-conduct to and from Worms. This assurance allowed Luther to give a more defiant defense than he might have given under different constraints. Luther made it very clear to the Diet and Emperor that he was defending his policy. He prefaced his speech by asking that his judges "may graciously be disposed to attend to this my cause" and he would answer in relationship to his books "whether I persisted in their defence or wanted to retract them."36 Elton noted that Luther "firmly maintained his fundamental doctrines."37 Luther tacitly admitted the stasis of fact that the books and doctrines were his.

Luther's defense was organized

around the stases of definition and juris. diction.38 He argued definition by differentiation and explanation. He divided his books into three classes and then explained why he could not recant any of them. If he recanted those on piety, he "would be standing a solitary figure in opposition to a harmonious confession shared by all men"; if he recanted those on the papacy, "it would be tantamount to supplying strength to this tyranny, and to opening not only windows but even doors to such great godlessness"; and if he recanted those about individuals, "this very retraction would again bring about a state of affairs where tyranny and impiety would rule and rage among the people of God more violently than they ever ruled before."39 Luther then challenged the Church to refute his definition of the true Christian policy: "any one ... who is competent, should bear witness, expose my errors, overthrow me by the writings of the prophets and evangelists. I am more than ready, if the case be proven, to renounce every error no matter what it is."40 Luther cleverly argued the stasis of jurisdiction by basing it on his stasis of definition. He sought to vindicate his decision of not recanting his policy of appealing over the immediate Diet and Emperor to the German court of public opinion. He did not openly challenge the Diet's and Emperor's jurisdiction, but rather appealed covertly to German nationalistic values. He had demonstrated how the Church's policy was actually worse than his: throughout the speech, Luther defined the Bible as the true standard of Church policy and piety rather than that of the

<sup>34</sup>Atkinson, p. 131.

<sup>35</sup>Atkinson, p. 130.

<sup>&</sup>lt;sup>36</sup>I use Atkinson's translation of Luther's speech from the German text, pp. 153-54.

<sup>&</sup>lt;sup>37</sup>G. R. Elton, *Reformation History*, 1517-1559 (New York: Harper Torchbooks, 1966), p. 51.

<sup>&</sup>lt;sup>38</sup>For the observation that stases function "to set forth a series of positions from which the defendant may choose," see Thompson, p. 138.

<sup>&</sup>lt;sup>39</sup>Atkinson, pp. 154-56.

<sup>40</sup>Atkinson, p. 156.

popes or councils.41 He supported his definition by appealing to the growing German independence in secular matters and to their growing impatience with Rome in ecclesiastical matters: "Unless I am convinced by the testimony of the Scriptures, or by evident reason, (for I put my faith neither in Pope nor Councils alone, since it is established that they have erred again and again and contradicted one another), I am bound by the scriptural evidence adduced by me, and my conscience is captive to the Word of God. I cannot, I will not recant anything, for it is neither safe nor right to act against one's conscience. Here I stand! I can no other! God help me. Amen."42

Lastly, the speech set must be evaluated. The Roman party won the battle but lost the war. The Pope's bull and Cardinal Aleandro's speech were successful accusations. The Pope's bull convinced the Emperor of the evil in Luther's reformation policy and Charles summoned the Diet to try Luther. Cardinal Aleandro successfully argued the stases of fact and definition to the Diet. At the conclusion of the trial, the Emperor personally wrote out the Imperial Ban against Luther. 43 Yet, Luther's apology for policy won the war because his reformation historically succeeded. The Church was unable to remove the exigence of Luther's policy, and in fairness to the Church, I admit that political pressures counteracted the Church's victory at Worms. But I maintain that part of Luther's coup at Worms was his using his apology to marshall and channel

those political pressures. Luther successfully defended his policy by appealing over the Pope, the Emperor, and the Diet to the German people. The supposed mediating audience, the Emperor and the Diet, were countermanded by another more powerful mediating audience: German public opinion. Mackinnon noted that Luther "knew that he could count on the sympathy of his audience in thus arraigning the papal misgovernment."44 They favorably received his argument on the stasis of definition for the Bible over tradition, and for the jurisdictional stasis of German nationalism over Roman rule.

## Conclusion

The kind of rhetorical relationship I have demonstrated in Pope Leo X vs. Martin Luther could just as easily be demonstrated in other noteworthy kategoria/apologia speech sets: Kingsley vs. Cardinal Newman, FDR vs. the Supreme Court, and Prime Minister Stanley Baldwin vs. King Edward VIII.

Quintilian's observation on accusation and apology is an appropriate epilogue to this study of the rhetorical swords of *Kategoria* and *apologia*:

I cannot understand why some hold that the elaboration of speech originated in the fact that those who were in peril owing to some accusation being made against them, set themselves to speak with studied care for the purpose of their own defence. This, however, through a more honourable origin, cannot possibly be the earlier, for accusation necessarily precedes defence. You might as well assert that the sword was invented for the purpose of self-defence and not for aggression.<sup>48</sup>

<sup>&</sup>lt;sup>41</sup> James Mackinnon, The Break with Rome, Vol. 2 of Luther and the Reformation (London: Longmans, Green, and Co., 1928), 304.

<sup>&</sup>lt;sup>42</sup>Atkinson, pp. 161-62.

<sup>&</sup>lt;sup>43</sup>Atkinson, p. 163.

<sup>44</sup>Mackinnon, p. 299.

<sup>&</sup>lt;sup>45</sup>The Institutio Oratoria of Quintilian, trans. H. E. Butler (Cambridge: Harvard Univ. Press, 1963), I, Book III ii, 2.

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