**CICERO**

**De Officiis (On Duties)**

23. The Sixth Book of Hecato’s treatise on Duties is full of such questions as these. “Ought a good man in a time of extreme dearth to continue to furnish food to his slaves?” He discusses both sides of the question, yet at the last makes expediency rather than humanity the standard of duty. He asks, “If in a storm at sea something must be thrown overboard, shall it be a valuable horse, or a slave of no value?” In this case interest inclines in one direction, humanity in the other. “If in case of shipwreck a fool gets possession of a plank, shall a wise man wrest it from him if he can?” He answers in the negative, because it would be unjust. “What may the master of the ship do in such a case? May he not take possession of the plank as his own property?” Not by any means. He has no more right to do this than to throw a passenger from the ship into the sea because the ship is his own. Until it arrives at the port to which passage has been taken, the ship belongs not to the master, but to the passengers. “What if there be but one plank for two shipwrecked passengers, both wise men? Shall they both try to get possession of it, or shall one yield to the other?” One should give it up to the other; but let that other be the one whose life is the more valuable, either for his own sake or for that of the state. “What if their claims are equal?” There must be no quarrel between them, but one must yield to the other, as if he had come off second-best in drawing lots or at odd and even. [225]“What if a father pillages temples, or makes an underground passage to the public treasury? Shall the son give information to the magistrates?” That indeed would be wrong. Nay, he may even defend his father if he should be publicly accused. “Does not then duty to the country take precedence of all other duties?” Yes, indeed; but it is for the welfare of the country to have citizens dutiful toward their parents. “What if the father should attempt to usurp supreme authority, or to betray the country? Shall the son keep silence?” Yes, but he will implore his father not to do so. If that is of no avail, he will take him earnestly to task; will even threaten him; yet at the last, if there is danger of great harm to the country, he will prefer the country’s safety to his father’s safety. He asks also, “If a wise man by an oversight takes counterfeit coins for good, when he ascertains what they are, shall he pay them for good money to his creditors?” Diogenes says, Yes; Antipater, No, and I agree with him. “Ought the seller of wine that he knows will not keep, to tell his purchasers?” Diogenes says that there is no need of it; Antipater thinks that a good man would tell. These questions are like mooted points of law, among the Stoics. “In selling a slave, are his faults to be told? Not such faults as, if not mentioned, would by the civil law throw the slave back upon the vender’s hands, but such as his being a liar, a gambler, thievish, a drunkard?” Antipater says that they are to be told; Diogenes, that they [226]are not. “If any one selling gold thinks that it is brass that he is selling, will a good man tell him that it is gold, or will he buy for a shilling[1](http://oll.libertyfund.org/titles/cicero-on-moral-duties-de-officiis#lf0041-01_footnote_nt283) what is worth a thousand shillings?” It is plain enough by this time what I think of these things, and what a difference of opinion there is among the philosophers that I have named.[2](http://oll.libertyfund.org/titles/cicero-on-moral-duties-de-officiis#lf0041-01_footnote_nt284)

24. It is asked whether agreements and promises are always to be kept, if made — to borrow the language of the praetorian edict — neither by force nor by criminal fraud. If one had given to a person a remedy for the dropsy, and had stipulated that he should never afterward use the medicine, — in case that person, having been cured by the medicine, were to contract the same disease some years afterward, and could not obtain from him with whom he had made the agreement leave to use the remedy again, what ought he to do? Since he who would refuse such a request would be inhuman, and no harm can be done to him by using the remedy, regard should be paid to life and health. What, if [227]a wise man were asked by one who wants to make him his heir to the amount of a million of sesterces,[1](http://oll.libertyfund.org/titles/cicero-on-moral-duties-de-officiis#lf0041-01_footnote_nt285) to promise that before taking possession of his legacy he will dance in the forum publicly by daylight, and if without this promise the testator would not have given the legacy? Shall he keep his promise, or not? I should prefer that he had not made the promise, and this I think would have befitted his dignity. But since he has made the promise, if he thinks it disgraceful to dance in the forum, the least immoral falsehood of the two will be for him to break his promise and decline the legacy, unless, perchance, he can expend that money for the state in some great emergency of need, so that even dancing in the forum for the country’s benefit would not be disgraceful.

25. Nor yet are those promises to be kept which are not for the advantage of those to whom you have made them. To go back to myths, Phoebus having promised his son Phaethon that he would do whatever he wished, the son wished to be taken up into his father’s chariot. He was taken up, and before he was fairly seated, he was consumed by a thunderbolt. How much better would it have been if in this case the father’s promise had not been kept! What shall be said of the promise that Theseus exacted of Neptune? Neptune having promised to grant him three wishes, he asked for the death of his son Hippolytus, whom he suspected of [228]intrigue with his stepmother; but when Theseus had obtained his wish he was plunged into the deepest sorrow.[1](http://oll.libertyfund.org/titles/cicero-on-moral-duties-de-officiis#lf0041-01_footnote_nt286) What shall we say of Agamemnon, who, having vowed to Diana the most beautiful creature that should be born that year in his kingdom, immolated Iphigenia, because no creature more beautiful was born that year in the kingdom? It would have been better not to keep the promise than to commit so foul a crime. Therefore promises are sometimes not to be kept, nor are deposits always to be returned. If one had deposited a sword with you when he was of sound mind, and were to ask for it in a fit of insanity, to restore it would be wrong; not to restore it, your duty. What if he who had deposited money with you were to levy war against the country? Should you deliver up the trust? I think not; for you would act against the state, which ought to be nearest to your affection. Thus many things which seem to be right by nature become wrong by circumstances. To keep promises, to abide by agreements, to restore trusts, by a change of expediency becomes wrong. I think that I have now said all that is necessary about those things that seem to be expedient under the pretext of prudence, yet are really opposed to justice.

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But since in the First Book I derived duties from four sources of right, I will adopt the same division in showing how hostile to virtue are those things that seem to be expedient, yet are not so. I have already, indeed, treated of prudence which cunning would fain imitate, and of justice which is always expedient. There remain two divisions of the right, one of which is witnessed in the greatness and superiority of a lofty mind; the other, in the shaping and government of the life by self-restraint and temperance.