



PC1117/10/23

Box 3018,  
CAPE TOWN.



17th July, 1962

Dear David,

Here at last is the copy of the Times Leader you asked for. Your date was correct, as you will see.

By the time you receive this you will know that Summons has been issued against Pat, Peter Hjul and Randolph in the Umtata Court in connection with articles published in Contact. It means appearing there on 15th August. Most inconvenient!

Give my regards to Alan, and tell him to let me know if there's any other little thing I can do to help.

How is Jordan? Tell him I hope he's feeling rested and that I'm glad he didn't have to endure such bitter cold on the way home as he did on the way to Cape Town.

Regards,

Sophie

*Wadsworth*  
*Cape Times 1943*  
*Cabinet responsibility //*

FROM Cape Times, 17th April, 1943.



CABINET RESPONSIBILITY.

Mr. Hofmeyr's opposition to his Cabinet colleagues on the Indian penetration bill unquestionably raises the question of the collective responsibility of the Cabinet, and Dr. Donges added to the value of the debate by his discussion of it yesterday. Dr. Donges' exploration of this branch of constitutional law and practice was well-informed, and his case against the Government skilfully presented. Nevertheless, while his speech was able as an academic exercise, it had an air of unreality. The opinions of the authorities, from Lord Salisbury's dogmatic assertion onwards, enable a strong case to be made for the point of view that a Cabinet must act as a unit and its members must therefore be formally united on every substantial question of policy which is the subject of Government action. But to divorce this doctrine from its background is to treat constitutional law as a static unstead of a dynamic force. In recent years the doctrine of the absolute collective responsibility of the Cabinet, even as an abstract conception, has been weakened, as is shown by ~~the~~ "agreement to differ" in Britain in 1932 when four Cabinet Ministers talked and voted against the tariff proposals. Practical considerations of war and the fact of coalition make it completely unreal to expect an uncompromising application of a principle which even in peace-time could not always be applied.

The theoretical position of General Smuts' Government at the moment cannot be considered in vacuo, as an essay in constitutional theory, divorced from the circumstances of the day. The over-riding consideration is that the Government was formed to prosecute the war. To this end the United Party, the Labour Party, and the Dominion Party agreed to work together, although it cannot be claimed that on many questions of the first importance their views are identical. As in the Fusion Cabinet, there are matters on which formal agreement is not possible, but these differences do not mean that the Government cannot function. Almost fortuitously, it may be said, the course of affairs suddenly required legislation raising a matter of policy not even remotely connected with the war, and it was on this that Mr. Hofmeyr found himself unable to agree with his colleagues. His speech at Paarl on Thursday shows that on the central policy of prosecuting the



war to the limit of South Africa's ability, on all the main questions which are now before the country, Mr. Hofmeyr is in the most cordial agreement with the rest of the Cabinet. To require, therefore, that because a single issue raises a difference of opinion, the Cabinet -- which was formed for a totally different and far more important purpose -- should be broken up, is to make a fetish of a constitution the strongest feature of which is its flexibility. Mr. Hofmeyr acted quite properly in putting his resignation in the hands of the Prime Minister, but it is for the Prime Minister to decide whether this disagreement on a subsidiary point is sufficiently serious to weaken the Government. He has decided that it is not, and in refusing Mr. Hofmeyr's resignation no constitutional impropriety has been committed. The need of the hour is for determined and resolute government to lead South Africa to victory. It was to meet this need that the present Cabinet came into being, and it is to ignore the spirit of our constitution to maintain that its conventions are so rigid as to enforce, on a relatively minor issue, a resignation which would weaken the Government in the prosecution of that great task for which it was formed.