



Abstract from Article

FEDERAL JURISPRUDENCE IN THE PUBLIC SPHERE OF THE EARLY CAPE SETTLEMENT, 1652-1708

Andries Raath

Published: *Publius: The Journal of Federalism*, 30:2 (Spring 2000), 87-109

Abstract

This study investigated the tenability of J. Wayne Baker's views of theological and political federalism and the origins thereof in the thought of Heinrich Bullinger within the jurisprudential context of the early Cape settlement (1652-1780). Most authors commenting on the ideological roots of this Dutch settlement of the middle of the seventeenth century advanced the uncritical notion that Dutch Calvinism determined the nature of the community at the Cape. A critical analysis shows that the Reformed approach of federalism, flowing from Heinrich Bullinger's views of the covenant, played a much more fundamental role in this early formative phase of typical Cape jurisprudence. This federal jurisprudence provided a vision of legality based on the law of God and legitimacy involving the whole of society bound in the precepts of the Decalogue. In the final analysis, the underpinnings of the rule of law applied at the Cape settlement confirm Baker's conclusion about the fundamental impact Bullinger's federal views had on the Reformed world of the sixteenth and seventeenth centuries.

All content copyright © 2006 De Freitas & Raath. All rights reserved. No duplication is permitted in any form without obtaining prior written consent from the authors. Please visit <http://www.christianlaw.co.za> for additional abstracts and articles related to biblical political and constitutional theory.