

Der Kleinstaat als Variante des Verfassungsstaates

Summary

1. Constitutional science as the science of the "constitutional state" has, for many reasons, particular functions and chances regarding small states. It is its duty to study the small state in the whole depth of its appearance and to integrate it in the coordinate system of the constitutional state as this has been possible with the developing countries due to the discovery of their many creative contributions to the worldwide process of text-stage development. A constitutional science that would simply ignore the small state would be as incomplete as if it left out federalism, the regions or the developing countries. The small state offers creative contributions to the doctrine of the constitutional state, especially in "the Europe of regions". In today's world, which is continuously moving together, the "big states" are becoming smaller and the small states bigger.

2. The term "small state" can not be forced into the Procrustean bed of fixed numbers and data. Rather, it should be thought as a scale open upwards and downwards ("dwarf states"), in the spirit of an integral, culturologically oriented concept. The material moves to the foreground: The thinking in schemes of power and size, in schemes of finished and accepted terms, in schemes of "elements" of presented statehood fixed in quantity and space is replaced by material criteria such as the constitution, justice and living subjects like the citizen and the human being.

3. Discernable are the former English colonies, the small states moulded by Islam, and other small states. Peculiarities can be found even in the textual picture of their constitutions: the varied preamble-culture, the detailed clauses regarding state territory, space and borders, the exhaustive chapters on citizenship and the general clauses on resources.

4. A description of older and newer classical texts and scientific theories from *J. Burckhardt* and *C. von Brentano* to *F. Gschnitzer* is followed by a digestion of elements and perspectives of a culturological constitution theory of the small state, its structural and functional openness, its conditionalities and possibilities. Key words are: the personal side (the more intimate relationship citizen/state), the cultural reception, especially of foreign law, as well as limited space and low population as culture-anthropological determinants of the small state (scarcity of resources).

5. Many facts seem to suggest that in the setting of the disintegration of the East Bloc a trend to the small state will gain momentum. Especially in a Europe of regions and communities as well as in the continuously clearer distinguishable world community of constitutional states the small state fulfills an unrenounceable, sometimes model function. The word "world citi-