

Preface

In 2003, the principality of Liechtenstein—“a constitutional hereditary monarchy on a parliamentary and democratic basis” (Art. 2 of the Liechtenstein constitution)—saw a revision of its constitution, which returned to a stronger emphasis on the country’s character as a constitutional monarchy. For the people of Liechtenstein this meant that the first few years of the 21st century were a period of intensive reflection on their understanding of democracy and parliamentarism as well as on the relations of these principles to the monarchy and the dynasty. For historians of the constitution of neighbouring Austria, a country whose fate has been interwoven in many ways with that of Liechtenstein, this opened up an opportunity to draw parallels to the constitutional situation in Cisleithanian Austria in the 19th and early 20th centuries. The discussions and the balances of power which they observed in the case of Liechtenstein allowed them to deepen their understanding of constitutional forms of government.

Against this background and based on established contacts between Liechtenstein and Vienna the idea to organise a conference at the *Liechtenstein-Institut* in Bendern dedicated to the specific problems of parliamentarism in small states began to develop. It had first been voiced by Dr. Gerard Batliner, a former head of the Liechtenstein government and one of the ‘intellectual fathers’ of the *Liechtenstein-Institut*. In preliminary talks with Prof. Dr. Wilhelm Brauner, then the president of the International Commission for the History of Representative and Parliamentary Institutions (ICHRPI) it became clear that given the local conditions and the desired thematic focus it would not be appropriate to apply for an annual conference of the ICHRPI to be held in Bendern. Instead it was decided that the ‘Austrian’ section of the ICHRPI (which also comprises members from other Central European countries) with its experience from previous ICHPRI conferences in Vienna (1996) and Graz (2001) would undertake a cooperative venture with the Department of Legal and Constitutional History of the University of Vienna and the *Liechtenstein-Institut*. The thematic focus of this joint conference was found by the formulation of two general topics appropriate to its location: ‘parliamentarism in small states’ and ‘parliamentarism and monarchy’.

This is not the place to elaborate on the programme of the conference, which eventually took place between 4 and 6 June 2008, mainly at the *Liechtenstein-Institut* in Bendern but also in Vaduz, St. Gallen, Feldkirch and Bregenz (instead see the report of the secretary-general of the ICHRPI in *Parliaments, Estates & Representation* 28/2008). Here, it must suffice to say that already in the run-up to the event it had become clear that there would be considerable interest in the topics presented at the conference. This gave birth to the idea to publish the papers in print so as to make them available to a broader audience. Another impetus for this plan was that although participants from ten different countries had managed to come to Bendern, some of the scholars from more distant countries, although already registered, could not attend the conference due to travel and accommodation issues.

At first the idea had been to publish the conference proceedings in the conventional manner, but then the editor of the CPH, Prof. Dr. Henryk Olszewski, offered to make an entire volume of this internationally established journal available for this purpose, thereby expressing the close bond of Polish legal historians with the ICHRPI. This made it possible to distribute the papers on a much larger scale than expected. This aim has also been served by the inclusion of this volume into the series 'Studies presented to the ICHRPI', which is under the responsibility of Dr. Henry Cohn, Director of Publications of the ICHRPI. He had been interested in the conference from the very beginning and has since followed the development of this volume attentively. Sincere thanks are due to both gentlemen for their friendly cooperation.

As the national convenor for Austria I am pleased to present to the public the result of international cooperation on more than one level. Apart from the papers presented at the Bendern conference this volume also contains contributions that could not be heard at the event because their authors had experienced troubles in coming to Liechtenstein, as well as a relevant article that is based on a presentation given at the 58th ICHRPI conference in Edinburgh (2007). Consequently, the order of the papers in this volume is not identical with the original conference schedule. Instead I decided to put the contributions into a generally chronological order and thus against separating them according to which of the two general topics they follow, which I think is justified given the close connections between them. It should also be noted that these general topics had never been interpreted narrowly, which for instance allowed us to include contributions on the problems of small peoples or the oligarchic 'Realverfassung' of the Polish monarchy as well. Only the four papers that specifically concern Liechtenstein were placed together at the beginning of the volume, which seemed reasonable given the context that has just been described.

In editing this volume I felt committed to the ICHRPI principle of multilingualism with its three working languages, German, English and French. The fact that this publication includes contributions in all three of them and so

manifests their equality is therefore the result of it being rooted in the ICHRPI. Accordingly, the present collection of papers is marked by a high degree of internationality, which is also observable in the variety of countries of origin of the contributors, but also by multidisciplinaryity, given that it contains papers written by lawyers, historians and political scientists alike. This also had to be taken into consideration during the editing process and led to the decision to refrain from an excessive standardisation of the different citation traditions. Nevertheless, editing the texts submitted required more than just minor efforts; thus my thanks to MMag. Caroline Fally and MMag. Ramon Pils for their support.

The editorial stage of the project profited not least from the resources that had not been spent for the event itself. Therefore, thanks are once again due to the institutions and individuals which in one way or another contributed to the success of the conference. In addition to the staff of the *Liechtenstein-Institut*, the following deserve special mention: the Liechtenstein diet (President Klaus Wanger, Paul Vogt), the St. Gallen 'Kantonsrat' (Sarah Hauser), the Vorarlberg diet (President Gebhard Halder, Director Univ.-Doz. Dr. Peter Bußjäger), the city of Feldkirch (Mayor Mag. Wilfried Berchtold, Deputy Mayor Erika Burtscher), Vorarlberger Landes- und Hypothekenbank AG, Bregenz; LGT Bank, Vaduz; Verwaltungs- und Privatbank AG, Vaduz. Thank you also to Prof. Dr. Wilhelm Brauner and to Dr. Zoltan Tibor Pallinger for their involvement in the preparation of individual aspects of the symposium, and of course to everyone who came to Bendorf for the event.

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This publication is dedicated to the memory of Gerard Batliner, for whom the hosting of the conference in Bendorf had been a very important project. But as a result of his sickness he was unable to participate, and passed away three weeks after the opening of the event, on 25 June 2008.

Gerald Kohl