
Foreword

Constitutional Court Ruling 31/2010 on the 2006 Statute of Autonomy of Catalonia is a far-reaching decision by the Constitution Court that entails multiple analytical perspectives for legal doctrine.

The first, and most obvious, is the study of the various repercussions, both in general and in detail, that the ruling holds for the specific contents of the 2006 Statute of Autonomy of Catalonia. This approach has already given rise to significant publications that will in all certainty spark further comment in the near future.

That said, Constitutional Court Ruling 31/2010 also shed light on the need to reflect once again on various aspects having to do with the configuration and role of judicial review, both from a general perspective and, more specifically, with respect to compound states. This issue of the *Revista catalana de dret públic* (Catalan Public Law Review) aims to make a contribution to these considerations by discussing some of the issues derived from a reading of Constitutional Court Ruling 31/2010.

From this perspective, then, the first issue addressed has to do with the monitoring of the constitutionality of the Statutes. This matter was widely debated, both in the legal arena and —more particularly— in the public arena, during the long waiting period that preceded Constitutional Court Ruling 31/2010. It would be wise, in this regard, to carefully separate the elements of *lege data* from those of *lege ferenda*, all the while bearing in mind the elements that might be gleaned from an examination of comparative law.

The next section studies the typology of the opinions that may be found in Constitutional Court Ruling 31/2010, in particular those that were interpretative in nature and very significantly present in the Constitutional Court's decision on the Statute of Autonomy of Catalonia. One could say that the discussion regarding the admissibility of these opinions, their limits and their effects on the legal system is already classic, and the debate has taken on new vigor since the issuance of Constitutional Court Ruling 31/2010, as is highlighted in the contribution published here.

Third, this issue of the Review addresses one of the most substantive questions derived from Constitutional Court Ruling 31/2010: the position of the Constitutional Court within the framework of the constitutional system. The assertion, contained in the ruling, according to which interpretation of the Constitution by the Constitutional Court is «authentic» and «indisputable» raises the question of whether the High Court is a substitute for a constituent assembly and renders a discussion of the matter appropriate.

Lastly, this issue examines the role of the Constitutional Court in the configuration of the state of autonomous communities in Spain and discusses whether Constitutional Court Ruling 31/2010 has been a positive or negative factor in the process of building this type of state. This is a matter that inevitably entails an approach that incorporates legal and political elements. Our regular contributions on comparative law (in this case, on the situation in Germany and Canada) and commentary on the case law and the literature round out this overview and provide further data on this relationship between judicial review and the territorial organization of the state.

Présentation

La décision du Tribunal constitutionnel portant sur le statut d'autonomie de la Catalogne de 2006 (STC 31/2010) est un prononcé d'une grande transcendance qui offre à la doctrine juridique diverses perspectives d'analyse.

La première, et plus évidente, est l'étude des diverses affectations, tant de caractère général que de détail, que cette décision a sur les contenus concrets du statut d'autonomie de la Catalogne de 2006. Cette approche a déjà donné lieu à d'importantes publications qui auront, sans le moindre doute, une certaine continuité dans l'avenir proche.

Toutefois, la STC 31/2010 oblige aussi à réfléchir à nouveau sur divers aspects relatifs à la configuration et au rôle de la justice constitutionnelle, aussi bien du point de vue général que, et tout particulièrement, en ce qui concerne les États composés. Le présent numéro de la *Revista catalana de dret públic* prétend contribuer à cette réflexion, grâce au traitement de certaines des questions qui découlent de la lecture de cette décision du Tribunal.