City Sovereignty: Urban Resistance and Rebel Cities Reconsidered

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Abstract: The article argues for an increase in de facto already claimed city sovereignty. It situates the discussion, first in the historical context of city-state relationships, and second, in the current urban crises in the United States tied to the sanctuary city movement, then examines legal grounds for devolution of power to cities, before discussing the legal concepts of "urban commons" and "city power", finally outlining constraints facing increasingly sovereign cities. The article argues that current legal literature on "urban commons" and "city power" needs a stronger normative lens and better conceptualization of urban inequality, redistribution, and publicness. Moreover, if cities are to assume greater capacity to govern and to ensure life, liberty, and the sustainability of their populations, they have to overcome serious constraints in the four domains outlined in the article: (1) surveillance and control of urban space, (2) privatization of public space, (3) the rise of the luxury city, large-scale developments, megaprojects, and (4) homelessness.

Keywords: city sovereignty; urban inequality; sanctuary cities

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1. Introduction

Cities are schoolhouses of democracy, argued Tocqueville and "can retain their ability to enable people to learn the skills of self-government only if they are given sufficient power to make decisions that have tangible consequences for the quality of local life" [1] (p. 50). Benjamin Barber argues that cities should be empowered "to secure human sustainability, especially when nations fail to do so" [2] (p. 7). In *If Mayors Ruled the World*, Barber emphasized that "politics cannot be found in (or rescued from) increasingly dysfunctional nation-states or rigidly ideological national parties" (cited [2] (p. 10); "[t]he crisis in national governance is a crisis in sovereignty, in the capacity of the nation-state to make good on the terms of social contract on which their founding legitimacy turns" [2] (p. 17).

It is critical that today's protest movements have assumed an urban dimension with cities emerging as chief locations of political action and progressive policies ranging from minimum wage to immigration. This can most poignantly be seen in the example of sanctuary cities in the United States that have posed a challenge to federal rule in the domain of immigration. Cities—their resources, capacities, and institutional infrastructures, by which I mean especially the urban legal apparatus—are becoming "the most important, constructive alternative to a Trump agenda", noted Benjamin Barber most recently (cited in [3]) arguing further for "the necessity for intercity cooperation and networking" in an interdependent cosmopolitan world [2] (p. 22). "A national government may think it simple to defeat one city's policies on climate or immigration, but let it try to defeat six hundred cities working together nationally, or six thousand acting together globally" [2] (p. 27).

This article argues for an increase in de facto already claimed city sovereignty. While Barber's argument is global, this article focuses on the United States, arguing that in the face of a hostile sovereign, cities have a significant role to play—a role that shows signs of claiming increasing powers and enfranchising substantive governance [4]. While cities cannot replace the state's capacity in

military, taxation, redistribution, infrastructure or public services, international relations, trade and migration policies, they are nevertheless showing signs of leadership in the arenas of land use and development, minimum wage, regional tax sharing, sustainable development planning and climate change, and, especially, as will be emphasized in this article, in the case of sanctuary practices in the area of immigrant inclusion. Sanctuary cities in the United States can be defined as places where a local government or police department have passed a resolution, a city ordinance, an executive order, or a departmental policy expressly forbidding city or law enforcement officials from inquiring into immigration status and/or cooperation with the Department of Homeland Security's Immigration and Customs Enforcement (ICE) Agency.

The article situates the discussion, first in the historical context of city-state relationships, and second, in the current urban crises in the United States tied to the sanctuary city movement, then examines legal grounds for devolution of power to cities, before discussing the legal concepts of "urban commons" [5,6] (see also [7]) and "city power" [8], finally outlining constraints facing increasingly sovereign cities. While mayors may not "rule the world", as Barber's forceful argument would have it, this article argues instead that cities are not utilizing the powers that they increasingly do possess to sufficiently and substantively address urban inequalities and to expand urban citizenship into a fundamentally inclusive category. Barber is arguing that expanded city sovereignty ought to be a normative goal given the crises of the nation state, while this article argues that the noted normative goal should be approached with caution given the persistence of urban inequalities. The current context of the state hostile to redistributive urban policies, however, opens up a social and political space for a special emphasis on urban sovereignty. Sanctuary practices represent one arena in which cities have begun to address substantive problems of social inequality; legal mechanisms utilized for this purpose are reviewed in this context in this article. While sanctuary cities and current urban crises in the United States provide a contextual framework for the discussion, the theoretical framework for sovereignty is examined, as noted, in relationship to the concepts of "city power" and "urban commons". The article argues that current legal literature on "urban commons" and "city power" needs a stronger normative lens and better conceptualization of urban inequality, redistribution, and publicness. Moreover, if cities are to assume greater capacities to govern and to ensure the life, liberty, and the sustainability of their populations, they have to overcome serious constraints in the four domains outlined in the article: (1) surveillance and control of urban space, (2) privatization of public space, (3) the rise of the luxury city, large-scale developments, megaprojects, and (4) homelessness. The linkage between urban constraints and urban sovereignty is further emphasized by suggesting the ways in which cities have attempted to address these problems through, for example, the spaces of commemoration, waterfront access areas and participatory community-based plans ("197-a" plans in New York City), community benefits agreements, affordable housing, and litigation on behalf of the homeless.

2. Capital, Coercion, and City-State Relationships

State-city relationships, in particular, the influence of the processes of urbanization on states, the interactions between the state rulers and urban populations, and the correspondences between urban structures and state types, are not well developed in the literature. Diane Davis has studied conflicts between identity politics and sovereignty in divided cities focusing on specifically urban dimensions of contestation, investigating "how the superimposition of certain sovereignty arrangements on identity-diverse urban locales has affected the built environment of the city or its people in ways that fan the flames of aggression and violent conflict" or "lead to the establishment of a genuinely pluralistic, tolerant, and autonomous form of urban citizenship" [9] (pp. 228–230). Research compiled in Davis' and Libertun de Duren's edited volume finds that conflicts are more likely to arise under "conditions of uncertain or contested sovereignty" and to "emerge in cities where divergent populations are denied access to formal or informal institutions for claim-making, for influencing urban policy, or for advocating for citizenship rights or identity aims" [9] (pp. 247, 251). The research does not sufficiently

question identity-based projects and nor does it take into account the ways in which institutions can be captured and populations manipulated by identity-based claims. Nevertheless, the research outlines "the degree to which unity of division among identity groups is facilitated by urban form—whether through symbolic buildings, iconic architecture, or the development of urban projects" [9] (p. 247) and includes, significantly, Lawrence J. Vale's conclusions that "the urban world has been filled with effort to manipulate citizens through provocative acts of narrow subnational nationalism" [10] (p. 207).

Tilly and Blockmans' edited volume *Cities and the Rise of States in Europe, A.D. 1000 to 1800* [11] and Tilly's *Coercion, Capital, and European States, A.D. 990–1992* [12] represent particularly valuable contributions to the study of city-state relationships. First, cities can be defined in relation to the "the formation of dense, differentiated populations having extensive outside connections"; this formation is facilitated by the proximity of "[t]rade, warehousing, banking, and production" [12] (p. 17). Second, cities cannot be simply reduced to "expressions of their dominant classes and surrounding economies" [11] (p. 4). Third, it is important to distinguish between city systems and systems of states. "Europe's systems of cities represented the changing relations among concentrations of capital, its systems of states the changing relations among concentrations of coercion. European cities formed a loose hierarchy of commercial and industrial precedence within which at any point in time a few clusters of cities (usually grouped around a single hegemonic center) clearly dominated the rest" [12] (p. 47).

Citing Machiavelli's notion that "a city used to liberty can be more easily held by means of its citizens than in any other way, if you wish to preserve it" [11] (p. 2), Tilly shows how this notion nevertheless proved inaccurate as states developed into large war machines, although the author can be criticized for an overemphasis on the role of coercion and the war-making powers of the state. The author further offers three conclusions: (1) strikingly different types of states emerge in densely populated urban regions vs. regions that contain few cities; (2) where distinctive forms of urban organization existed during the period of the formation of major states, they survived the growth of state power and continued to play national influence; (3) urban merchants and financiers played considerable influence in the formation of states including its armed forces [11] (p. 6).

Tilly distinguishes between two periods. In the first, between 1000 and 1500 when cities were rare and states numerous, "the rulers of most cities of 10,000 or more exercised something resembling sovereignty within their own walls and their immediate hinterlands" and "[r]elative to territorial lords, urban oligarchies wielded considerable political power" [11] (p. 15). In the second period after 1500, however, "the formation of consolidated states coupled with the proliferation of cities to change the city-state relationship both numerically and politically . . . Politically, the odds that the oligarchy of any single city would dominate a state declined drastically. The proliferation of cities facilitated a state-making strategy of divide and conquer, the gradual monopolization of coercive means by consolidated states weakened the defensive positions of cities vis-a-vis national authorities, the expansion of state administrative apparatus (which was itself largely a consequence of war and the preparation for war) gave those authorities increasing ability to monitor and control the urban population" [11] (pp. 15, 16).

In both *Cities and the Rise of States in Europe, A.D. 1000 to 1800* and *Coercion, Capital, and European States, A.D. 990–1992*, Tilly emphasizes a critical point that "[c]ities shape the destinies of states chiefly by serving as containers and distribution points for capital" which "gives the urban political authorities access to capital, credit, and control over hinterlands that, if seized or co-opted, can serve the ends of monarchs as well" and can facilitate the aims of the states (e.g., "containers and deployers of coercive means") to develop their armed forces [11] (p. 8); [12] (pp. 51, 52). While the state represents the chief container of coercion which "maintains a relatively centralized, differentiated, and autonomous structure of its own" [12] (p. 131), Tilly also points to the "development of welfare states, of regulatory states, of states that spend a great deal of their effort intervening in economic affairs [which] mitigated and obscured the centrality of coercion" [12] (p. 52).

Tilly stresses further "the autonomy of [the cities'] ruling classes with respect to would-be and actual state-makers, and the strength of their representative institutions" and shows how "major trading cities and city-states mounted more effective resistance to the penetration of consolidated states than did cities in mainly agrarian regions" [11] (p. 22). Moreover, "[m]ost often consolidated states only gained genuine control over major trading cities when cities had begun to lose their predominant positions in international markets" [11] (p. 22). But the critical factors were, however, the "focus of bargaining over the wherewithal of war" [11] (p. 22) and the fact that "urban institutions themselves seem to have become part of state structure more readily where capitalists predominated" [11] (p. 22).

Two conclusions are particularly relevant for the contemporary context of this research. First, Tilly's emphasis on the ways in which the states are weakened today; for example, "the ability of European states to detect and counteract movements of illegal migrants . . . has declined radically even as capital moves ever more freely from opportunity to opportunity, regardless of state interest" [11] (p. 26). "Furthermore, after several centuries in which capital and coercion converged under state command, they now seem to be separating" [11] (p. 26). Thus, increasingly sovereign cities are encountering state sovereigns whose coercion power has been weakened, although the sovereign has in the United States applied threats of defunding and limited redistribution to non-compliant cities.

Second, and of particular relevance to rebel cities, Tilly discusses the conditions under which rebellions have tended to start—namely, when (1) "the state's demands and actions offended citizens' standards of justice or attacked their primary collective identities, (2) the people touched by offensive state actions were already connected by durable social ties, (3) ordinary people had powerful allies inside or outside the state, and (4) the state's recent actions or interactions revealed that it was vulnerable to attack" [12] (p. 101). Current rebel cities show that the sovereign has offended urban standards of justice, that the undocumented, refugees, and asylum seekers and their families have started to develop durable ties with the social community of the U.S., that urban political leadership, namely the mayors of American cities, have a stake in at least symbolically defending this population, and that the United States national leadership is increasingly vulnerable to the mounting opposition including by the legal system. Resistance and protests on the part of sanctuary cities may thus be the current weapons of the very weakest.

3. Rebel Cities

David Harvey has asked whether the city can be "a center of revolution" noting that "[p]olitical and urban social movements have used the city as an agent of social and political innovation in the search to construct an alternative social order and a different sense of the right to the city" [13] (p. 101). This article argues that the city can be theorized as a center of power for the benefit of the excluded if the notions of "urban commons" and "city power" can be expanded and substantiated to address profound inequalities—this possibility is seen in the example of sanctuary cities. And a more inclusive city can indeed be a revolutionary idea, one that depends on increased urban powers and on creating a social and political space to direct resources away from surveillance, privatization, and luxury and towards inclusive and sustainable social planning, thus opening up cities for public participatory processes and for enhanced possibilities of a novel poetics, not only politics, of daily urban life. City sovereignty is after all only significant if it can be claimed by enfranchised citizens as well as a range of denizens, including those who do not have legal rights but certainly have claimed the right of the city.

Referencing the role of migration, Harvey concludes that the right to difference is one of the most precious rights of urban dwellers but warns further that "difference can also result in bigotry and divisions, marginalization and exclusions, sometimes boiling over into violent confrontations" [13] (p. 86). U.S. mayors have most recently offered their response to diversity politics in relationship to the recent restrictive state policies. "To anyone who feels threatened today, or vulnerable, you are safe in Boston", noted Martin J. Walsh, the Mayor of Boston adding at a news conference, "We will do everything lawful in our power to protect you. If necessary, we will use City Hall itself to shelter and protect anyone who's targeted unjustly" [14]. This remark comes in response to the President Trump's

executive order which threatens to cut funding to sanctuary cities that refuse to cooperate with federal immigration authorities.

In his Cooper Union speech on 21 November 2016, New York's Mayor De Blasio emphasized, "We don't consent to hatred. And we will fight anything we see as undermining our values. And here is my promise to you as your mayor—we will use all the tools at our disposal to stand up for our people. If all Muslims are required to register, we will take legal action to block it. If the federal government wants our police officers to tear immigrant families apart, we will refuse to do it . . . If the Justice Department orders local police to resume stop and frisk, we will not comply. We won't trade in neighborhood policing for racial profiling. If there are threats to federal funding for Planned Parenthood of New York City, we will ensure women receive the healthcare they need. If Jews, or Muslims, or members of the LGBT community, or any community are victimized and attacked, we will find their attackers, we will arrest them, we will prosecute them. This is New York. Nothing about who we are changed on Election Day".

"The right of cities to govern themselves and to come together with other cities, both within a beyond their national borders, increasingly is being grounded in powerful rights arguments" [2] (p. 18). To revitalize democracy today, we must have rebel cities—to borrow David Harvey's notion that is tied to the idea of right to the city, which "primarily rises up from the streets, out from the neighborhoods, as a cry for help and sustenance by oppressed people in desperate times" [7] (p. xiii). Citing Lefebvre, Harvey has in mind "a vigorous anti-capitalist movement that focuses on the transformation of daily urban life as its goal" [7] (p. xvi). But in today's speeches by America's mayors, the right to the city is evoked as the right of resistance to federal authority while recent protests focus on the defense of women's, immigrant, and refugee rights.

A more recent group of protests focuses on the opposition to the President's executive order to ban refugees and immigrants from several Muslim countries, and it is perhaps not an accident that the first protest against the Trump administration, the March on Washington, was organized by the feminist movement. At the time when many think that the feminist agenda has been achieved, women still feel oppressed especially given the sexism, misogyny, and threats to cut funding to reproductive health support organizations arguably ushered with the new administration. Cities are logical locations for feminist struggles as they have, as Elizabeth Wilson has argued [15,16], provided a plank in the gradual emancipation of women.

All of these provide examples of how states can construct a stigmatized other. As Koutrolikou has argued in the case of Athens, the other who is "perceived as a threat faces stigmatisation and exclusions (even criminalisation), while processes of 'othering' may also distinguish the 'rightful' from the 'Others'. It might be the 'terrorist', the 'migrant', the 'rioter' or else, but in any form a group becomes negatively correlated to the emergency while it simultaneously becomes disassociated from the 'deserving', law-abiding citizenry [...]. Legal aspects and ethical/moral representations further intensify such divisions. In this way, we have a differentiation, a de-familiarisation and an enemy-formation tactic, dividing the citizenry between 'us and them' [...], between 'good' citizens and their interests and 'uncivil or threatening others'" [17] (pp. 175, 176).

Sanctuary cities in the U.S. represent a feat against the hostile state and "provide a territorial legal entity at a different scale at which sovereignty is articulated" [18]. Sanctuary cities exemplify what Lippert has termed "sovereignty 'from below'" [19] (p. 547) and are shaped by local legal and political contexts and the solidarity with social movements. Given the most recent federal crackdown on sanctuary jurisdictions, some cities are attempting to assert their sovereignty through legal battles while others are seeking alternatives to formal sanctuary city ordinances; the number of sanctuaries cities is increasing in defiance of the federal authorities. Powell notes that as of 6 February 2017, there were 39 sanctuary cities and five sanctuary states in addition to 633 sanctuary counties [20]; it is thus important to emphasize that sanctuary cities range from small towns and counties to major cities in the United States. Sanctuary cities have been "incorporated into the legal and institutional spaces of local governments" and have attempted to exert moral and legal authority (see [21]; see

also, [22] (p. 69)) in cases where in their view the federal government had failed, moving away from their roots in faith-based organizing, however, towards "institutionalized mechanisms of local governance" [23] (pp. 219, 223, 228). San Francisco has already sued the Trump administration over its order to withhold funding ($1.2 billion dollars, in this case of this city) from sanctuary jurisdictions, arguing that the order was unconstitutional [24]. The city has claimed that the order represented "a severe invasion of San Francisco's sovereignty" [25] and has won a legal challenge in anticipation of further legal proceedings and political turmoil [26]. San Francisco has been criticized in the legal community for attempting to impose urban liberal values as a nation-wide policy [27]. While the judge applied the anti-commandeering principle to stop the federal government from coercing San Francisco to undertake the work of the federal entity, an additional hurdle is represented by a section of the federal immigration statute that argues that localities can't withhold information or refuse to cooperate with the federal government [28]. Although this notion should be approached cautiously given the remaining statutory challenges, the argument here is that sanctuary cities show promise in offering an inclusive polity as an alternative to the restrictive state. This argument is applied to the cases in the U.S. in contrast to the U.K. examples [29,30] in which sanctuary cities "reproduce some dominant discourses that sanctuary practices overtly seek to counter" [31] (p. 4). Thus, the argument here supports the claim that "sanctuary's promise lies in its potential to disrupt the state's attempt to monopolize territorial sovereignty and ways of being political" [32] (p. 44). The role of cities, however, ought to be central to this argument, as it is cities that can become sites of crucial networks of solidarity with the undocumented, the asylum seekers, and the refugees. Sanctuary cities in the U.S. are more than just "'pockets' of sovereignty, where citizens assert their visions of justice and contact the state when it drifts too far from social realities" [31] (p. 10). The argument here is that sanctuary cities in the U.S. contest the sovereign power of the nation state and its exclusionary politics towards the asylum seekers, the refugees, and the undocumented and, in the face of recent challenges, especially the federal crackdown, include movement into both increasingly legality (by challenging the federal government in court) and publicness and visibility (by increasing media exposure in seeking an immigration policy reform, for example, the Dream Act, or public reemphasis by Democratic mayors on maintaining sanctuary city policies). This is a critical example of city sovereignty in the contemporary U.S. while sanctuary cities in other states such as in the U.K. seem to be replicating state exclusions. Nevertheless, led by a member of the Global Parliament of Mayors (GPM) steering group, Marvin Rees, the Mayor of the City of Bristol, is proposing a crowd-funding campaign to "support" counterpart U.S. mayors that have sanctuary city status. The GPM campaign would involve crowd-sourcing resources from U.K. cities (Bristol initially), transferring them to an intermediary body nominated by the GPM Secretariat, and providing the funds as a donation to a selected mayor (e.g., Boston/Chicago/Los Angeles/NYC) representing sanctuary cities in the U.S. The campaign would run from February to June 2017 initially [33]. GPM is an example of translocal urban citizenship that provides representation to cities beyond their nation states and proposes even forms of redistribution across sanctuary cities. As Barber argues, what is necessary is "cooperation among networked municipalities and a deployment of collective local power that will establish a democratic and public counterweight to private global capital" [2] (p. 40). "Glocality is proving that local government works more efficiently and productively when mayors cooperate globally, forging networks for common action" [2] (p. 85), as the Global Parliament of Mayors' call for crowd-sourcing resources indicates.

4. Rebel Governance

Studies of rebel governance are similar to the literature on rebel cities as both point to the inadequacy of state-centric approaches to the study of governance [34] (p. 286). Rebel governance obtains particular relevance in the cases of state violence which victimizes the local population or that which has failed to attend to the basic needs of the population [34] (p. 7).

The rebels' activities clash "with the dominant perception of rebel groups, especially those in the developing world, which, since the end of the Cold War, have been caricatured as little more than war lords" [35] (p. 3); they have also been referred to as "bandits, militias, rebels, guerillas, warlords, insurgents, even freedom fighters and terrorists" [35] (p. 8). However, "in order to ensure their visibility insurgent leaders cannot only be concerned with the establishment of a coercive apparatus (domination) but must also gain a degree of consent from the civilian population (hegemony)" [35] (p. 8). Rebels have thus shown a capacity to meet the needs of the local population, to collect taxes, to engage in active public work projects building roads and infrastructure, to provide services to the civilian population, to respond to health care and educational needs of the population, to provide shelter to civilians, to ensure food provision, and to respond to social problems such as theft, drug use, and prostitution [35] (p. 4). Rebels can further encourage civilian participation in popular assemblies, provide administrative services, and organize and regulate commercial production activities [34] (p. 287). Mampilly cites Ernesto "Che" Guevara who influenced rebels around the world and whose *Guerrilla Warfare* "underlined the importance of demonstrating concern for social welfare of local residents through the provision of public goods" [35] (p. 12). Moreover, "provision of public goods could have an ameliorating effect on the insurgency's ingrained need to use the violence in pursuit of a political agenda" [35] (p. 13). There are, of course, different types of insurgencies; "[c]ommunist insurgencies are more likely to engage in governance involving greater social administration and other interventions than groups espousing conservative social beliefs" [34] (p. 292).

Variations in rebel governance are attributed by Mampilly to "the initial preferences of leadership and their interaction with a wide variety of local and international social and political actors" [35] (p. 3). Rebel governance is also dependent upon the pre-conflict relationship between state and society (see also, [34] (p. 289), the (weak) state capacity before the civil war, in particular state abuse or alienation of civilians (Wickham-Crowley cited in [34] (pp. 7, 290)), and the "ethnic composition and the ultimate strategic objective of the group" [35] (p. 16). Government structures are constantly transformed during the course of warfare and are influenced by military capacity and political economy of warfare (see [34] (p. 291)). Furthermore, rebels' own views, which can be strategically formulated, are "malleable, not fixed" and change in response to the conflict and the demands of insurgency [34] (p. 290).

Rebel governance is also significant for post-conflict peace efforts and insurgent government practices should, according to Mampilly, be seen as a precondition for recognition in the international law arena [35] (pp. 7, 24). Rebels also engage in strategies of internationalization and in active diplomacy which is driven by a political logic and the rebels' need to demonstrate that they can "behave like states" [36] (p. 124). Huang finds that "secessionist groups, for whom international recognition is essential for attaining independent statehood, and groups that organize domestically by investing in social service provision or creating legal political bodies, are more likely to become wartime diplomats" [36] (p. 124).

"Like governments of traditional states, rebel leaders must negotiate with civilians in exchange for their loyalty" [35] (p. 9). Mampilly sees governance as an "interactive process" involving also a "surprising institutional interplay" [35] (pp. 15, 22) between insurgent organizations and the incumbent government and finds that rebel leadership is far more constrained in their actions than is commonly assumed. Finally, one of the important aspects of the manner in which the rebels challenge the state sovereignty is the appropriation of aspects of state sovereignty—Mampilly terms this "counter state sovereignty" [35] (p. 21). Rebel cities are thus similar to rebel governance in that they both seek to obtain legitimacy that the state has failed to provide.

5. Devolution Revolution?

"The city of God, city on a hill, the relationship between city and citizenship—the city as an object of utopian desire, as a distinctive place of belonging within a perpetually shifting socio-temporal order—all give it a political meaning that mobilizes a crucial political imaginary" [7] (p. xvii). Yet the urban political imaginary is, importantly, legally bound. Current legal rules, instituted by the

states, limit cities in pursing their independent paths. To the extent that we can even discuss city power, it is important to emphasize that cities "only have power to the extent that they are given it by statues and constitutional provisions adopted by state governments" [1] (p. 231). Thus, in addition to the challenges of basic municipal service provision and of addressing critical urban problems, "bureaucratic inefficiencies, dysfunctional agencies, regional fragmentation, and democratic deficits" [1] (p. 231) are also influenced by legal structures. "[B]oth the national government and the states", as Barber has noted, "insist on denying cities the right of action on issues critical to their citizens, whether or not the cities being preempted are better positioned to take action" [2] (p. 117).

Cities are locations where citizens should be enabled to have a voice in altering their polity. Beyond the public places that are the sites of assembly, there are "multiple practices within the urban that themselves are full to overflowing with alternative possibilities" [7] (p. xvii)—protests can take place at the airports too, as has been seen recently in the U.S., and claim them as public sites. Uncovering these practices is a part of the "political task, Lefebvre suggests, to imagine and reconstitute a totally different kind of city out of the disgusting mess of a globalizing, urbanizing capital run amok" [7] (p. xvi).

This reclaiming is already taking place through a "successful revolution in urban empowerment" [2] (p. 37) which would represent "a powerful rebuke to national political parties wedded to neoliberal strategies of privatization and marketization as political cure-alls" [2] (p. 39) were the cities themselves not the sites of rampant privatization. Katz and Bradley have termed this metropolitan revolution. "The United States is on the verge of a historic re-sorting, in which responsibilities once reserved for higher levels of government are being fully shared with, even shifted to, cities, metropolitan areas, and the networks of leaders who govern them... [T]he federal government and the states will be motivated to do more with less by giving cities and metropolitan areas greater flexibility to design and allocate what are likely to be shrinking levels of resources" [37] (pp. 11, 12). The authors endorse urban pragmatism but uncritically defer to the global economic changes and their impact on the metropolitan regions.

"Local democratic governments, both in the central cities and the suburbs, have been overwhelmed by the impact of the decisions made by other governments over which they have no control" [1] (p. 233). One of the challenges has been to influence the state government to give greater role to the city and its citizens. As Frug and Barron note, cities should develop a clear list of priorities and present them to the state government [1] (p. 232); the arguments for pressuring the states to become more redistributive should not be abandoned. For the legal system to embrace a vision of the city, one has to be clearly articulated by the Mayor, the City Council, city agencies, and, most importantly, an actively engaged local polity—if the aim of devolution is "enhance public goods and strengthen democracy" and thus oppose privatization [2] (p. 39). Comprehensive, participatory, sustainable city-wide and regional plans are one means of engaging cities to articulate a vision of urban space that should then be supported by the institutions and not become a mere guideline to be circumvented by private, development interests. Susan Fainstein argues that the maximization of the values of equity, diversity, and democracy should direct urban planning and policy towards a just city, noting further that this can be done in an incremental manner within the current system by "constantly pushing for a more just distribution", assuming that the "reform [is] backed by political mobilization" [38] (pp. 166, 170, 176).

One of the challenges in realizing a more equitable city is the fragmentation of urban governance "created by assigning specific issues to uncoordinated government institutions" [1] (p. 233). Regional cooperation represents a solution to this problem. Even though regional proposals are being made without regional agencies to implement them, metropolitan solutions represent the key. As Katz and Bradley have argued, cities and metropolitan regions are inextricably linked [37] (p. vii). "Our nation's top 100 metropolitan areas sit on only 12 percent of the nation's land mass but are home to two-thirds of our population and generate 75 percent of our national GDP" [37] (p. 1).

"Mired in partisan division and rancor, the federal government appears incapable of taking bold action to restructure our economy and grapple with changing demography and rising inequality" [37] (p. 3). Current legal structures are not sufficiently responsive to urban conditions and most states have not changed in a substantive way their city structures for decades [1] (p. 6). But even though current legal rules limit cities' exercise of control, they also empower cities to pursue the global city and the tourist city policies, both of which defer to private development interests, have resulted in increases of social inequality, and have diminished the public purpose of planning. Thus, even the legal rules that empower cities can be seen as limiting equitable development. As Richard Briffault has argued, even though cities may possess formal authority, "their economic and political power in practice is shaped by private investment decisions" (cited in [1] (pp. 33, 34)).

Reformers in the late nineteenth century envisioned home rule as a way for cities "to become significant actors in the promotion of whatever underlying substantive vision of government the urban reformers favored" [1] (p. 36). The reformers, promoting the vision of good government, did not simply seek to increase the powers of the cities but included a mixture of decreased and increased powers depending on the city and the state in question [1] (p. 36). Some reformers pursued limited government on the local level, while others sought to create an efficient bureaucratic form of local government [1] (p. 37).

Local control can have a dual role—"[i]n the U.S. local governments' formal fiscal and land-use authority has often exacerbated inequality by permitting wealthier local governments to shut out poorer citizens. But local authority can also be used to ameliorate inequality" [8] (p. 254). Not only are the large cities diverse in terms of income, ethnicity and race, they are important in promoting civic participation. "The geographically confined nature of local institutions also provides an opportunity to build the kind of civic capacity that political scientists increasingly see as necessary to sustain efforts to implement proposed solutions to seemingly intractable public problems" [1] (p. 50). The response is, however, not to abandon the role of the states that can significantly influence urban issues.

As Fainstein notes, "[t]he purpose of inclusion in decision making should be to have interests fairly represented, not to value participation in and of itself" [38] (p. 175). Citing Mansbridge, Fainstein thus favors "better representation rather than broader participation" noting that "[i]n the selection model, the representative's accountability to the constituent will typically take the form of narrative and even deliberative accountability rather than accountability based on monitoring and sanctions" (Mansbridge cited in [38] (p. 178)). Nevertheless, Fainstein states that "without a mobilized constituency and supportive officials, no prescription for justice will be implemented" [38] (p. 181) and emphasizes that "the role of protest movements is crucial to a more equitable policy" [38] (p. 182).

6. The Limits of "City Power"

Richard Schragger's *City Power* reflects precisely the crucial tension between what cities should do and what cities can do—a tension that is not sufficiently elaborated upon in the study mostly concerned with the latter question. The author argues that the city should be liberated to "pursue ends directed towards the health and welfare of its current citizens"—"[t]he limited connection between governance and growth, the possibility of leveraging immobile capital, and the reality of municipal redistribution suggest that cities can pursue a fairer and more equal distribution of public goods" [8] (p. 248). As Benjamin Barber has argued [39], however, Schragger's account of city power lacks a normative, prescriptive, rights-based argument. Given the bordered nation states' inability to deliver, a space for normative power of borderless cities opens up; Barber argues that networks of cities are the key—an account that is neglected in Schragger's study.

Schragger claims that "[t]he city's policy options are both less constrained and less determinative" [8] (p. 247) emphasizing that cities can govern if they are allowed to. The author notes that cities should focus more on social welfare spending, for example. "Cities should do less of what they cannot do—include economic growth through competitive labor industrial policies—and more of what they can do—provide quality basic services to their residents" [8] (p. 248).

But cities may be more constrained than Schragger's thesis suggests. Schragger's argument requires deeper theoretical development regarding what cities should do. Furthermore it is not clear how far cities can go in accomplishing their goals. It is not apparent, moreover, whether there are policies that state and federal authorities cannot enact or be responsible for or whether they should devolve more power to localities.

Schragger does not say anything regarding cases when federal powers have defaulted on their responsibilities yet he notes "the significant cutbacks in federal and state support for urban initiatives" [8] (p. 160). The author notes further that "[s]ince the 1980s and the pullback in federal funds, urban infrastructure has been a thoroughly private-public enterprise; there simply is not sufficient government will or money to fund even traditional municipal infrastructure—like housing, schools, roads, or parks—absent private investment. In this environment, the traditional public routes for influencing local infrastructure development are diminished" [8] (p. 160).

Schragger discusses urban policies that are limited in their impact or that have only heightened inequalities and discriminatory practices such as the rebuilding of downtown areas and attempts to attract the "right kind" of people [8] (p. 249). He further points out that struggling cities such as Detroit, Camden, Buffalo, and Baltimore, will further not receive the economic development aid that they need. These cities face further challenges given the lack of federal policies. Schragger notes the need for "redistribution at the national level" but also adds that "many of these policies have either failed or not made much of a difference" [8] (p. 250). The author, however, acknowledges that "the current extreme degree of income inequality in the United States is not something that cities can combat on their own" [8] (pp. 251, 252). The study does not elaborate on the role of national urban policy, leaving the significance of federal funding of cities not fully specified or, in the author's terms, a "mystery". Inequality is said to be something that the city creates and something that a city can solve [8] (p. 252), but the author does not sufficiently discuss either of the two.

Examples of economic development that Schragger gives are further suggestive of the ways the city has been shaped to suit the interests of global capital. When the author discusses affordable housing, he positions the discussion in the past ("forty-year span in the middle of the twentieth century" [8] (p. 253)) and does not consider present efforts to construct affordable housing. Furthermore, Schragger discusses regionalism [8] (p. 251) but does not elaborate on concepts such as tax sharing. The author also completely ignores the role of planning, especially city-wide and regional plans that contain sustainable development policies. The author does not discuss the case of the regional growth boundary in Portland.

Schragger's redistributive arguments are weak and include, as has been noted, only one example of city power (minimum wage, which is also an example of state power, it could be argued). The author admittedly wanted to focus on the fact that cities have to be business friendly and to implement policies that would keep businesses within the city limits, thus emphasizing only the policies that are related to the economic role of cities. Schragger thus neglects the social and cultural roles of the urban environment.

Furthermore, the author concludes that equality should be a parameter—he falls short of arguing that it should be the chief parameter—in evaluating the power of localities. "If the formal grant of power to local governments results in massive inequality in the provision of basic municipal goods and services, it should be avoided. If the formal grant of power to local governments enhances the provision of quality goods and services to citizens, however, it should be favoured" [8] (p. 254). But it is not clear who would arbitrate and how localities that exacerbate inequalities would be punished.

Schragger further cites "claims on the city" that would "reclaim democracy" (Soja cited in [8] (p. 254) but his account offers surprisingly little on community power and social movements or other forces that would be reclaiming democracy.

While cities have in the author's view "a significant role to play in producing public goods and ameliorating economic inequality" [8] (p. 255), it is not clear where the resources to do so are going to come from, especially in the resource-constrained cities. This proposal runs the risk of creating

two tiers of cities—those resource-rich ones that may engage in amelioration of inequalities and those resource-poor ones which will be abandoned by all levels of government and where inequalities will grow.

This leaves Schragger in the domain of case studies of what cities have actually been doing which is an indication of both the city's power (minimum wage ordinances) and powerlessness (community benefits agreements (CBAs) which may be summarized as deferring to developers after they have bought off the opposition to their projects).

The author's account of redistribution raises the question of agency—who represents the city in the account of city power? Is it the mayor, city council, select institutions, or the community that is able to mobilize and protest? Similarly, rather than the city having power, it could be that more select groups in the city that are powerful, with others powerless.

Schragger's account is significant, nevertheless, in that it argues for an "enlarged realm of urban governance" [8] (p. 136), yet it is unclear whether this means that select projects may have a redistributive component rather than an overall redistribution strategy. When the author mentions "justice and efficacy of particular city expenditures and who benefits and loses from them" [8] (p. 138), he needs a more developed theory of the city's ends.

Furthermore, the relationship between the city and the state is undertheorized and is treated in case by case examples by Schragger. Would the city rely on the state to support its own redistributive goals or are we entering the arena of "rebel cities"? Also, how can city-wide activism be transformed into a state-wide campaign? This leaves us again with the question of how the author theorizes power. Is it a factor of mobilization or is he favoring a strong mayor model of urban governance?

The author does not discuss sanctuary cities or recent struggles to provide protection to immigrants, minority groups, and Muslims. Current debate on legislation, litigation, and circumvention as the ways to counter exclusionary federal policies is further relevant, as are the current progressive efforts by both states and cities.

Discussion of city power can, furthermore, be framed by the current protests against the Trump administration taking place in cities across America and internationally. But Schragger does not focus on city based movements and the study is silent on the role of community-based mobilization or progressive engagement in cities. Likewise, the question of the new responsibilities of cities cannot be fully answered by the arguments in the study. This is all the more urgent given the federal retrenchment of resources for housing, policing, and clean air. But to the extent that cities will be impacted by recently proposed renegotiation of contracts on trade and on migration, the study does not offer any pointers.

Implicit in Schragger's argument is the significance of mayors; again, the study leaves the reader to wonder whether the author is advocating for a strong mayor type of governance. Current urban political moment opens up space for mayoral leadership on the national and international level, making Schragger's account even more relevant. Schragger emphasizes that political power is the key and leaves it up to the mayors to negotiate with the state and the federal government. The author makes a further distinction between local power and city power arguing that local power can be discriminating, exclusionary, and NIMBY, noting as well the role for cities in advancing labor rights, environmental rights, minimum wage laws and affordable housing. Neglected in this account are the ways in which cities can also be sites of exclusion, discrimination, and NIMBY-ism. Schragger, as Benjamin Barber has pointed out, lacks a normative rights-based argument for cities.

As Nestor Davidson has argued [39], the key question is that of urban capacity including pragmatic capacity of urban institutions, which are neglected in the author's account that is characterized by an ambiguity regarding institutions and technocracy. Davidson further points out that the current conflict between cities and the federal government is suggestive of the inevitability of clashes and pre-emption; legal scholarship necessitates thus new theories of authority and autonomy.

Alaina Harkness of the Brookings Institution noted [39] the highly variable capacities of cities to implement policy and stressed that Schragger's study leaves vague the critical question of the resources that cities would need to govern.

Schragger does not focus on the role of U.S. states in improving conditions in cities and is even dismissive of their role given that they have not, in the author's view, taken their responsibilities seriously. While the author emphasizes the question of urban justice, in particular in education and the provision of basic municipal services, this notion is not sufficiently elaborated in the study. This is all the more critical given the question of how to leverage the resources in an environment where federal policies are hostile to cities, although Schragger argued that federal policies of the past, such as the urban renewal policy, have been previously as well characterized by hostility towards the city and its minority residents. Schragger leaves it to political contestation to fight for the resources for the city, acknowledging that poorer cities just may not have the resources to implement policy.

Wendell Pritchett emphasized [39] the role of legal structures that determine the scope of urban governance, expanding Schragger's questions: Should cities govern? and Can cities govern? Into—What should cities govern? and How should cities govern? Pritchett proposes the partnering of successful cities and struggling cities to address the inequity between the resource-rich and the resource poor cities. Pritchett argues further that cities should have abilities to tax revenue, create inclusionary housing and institute rent controls, and should pass other laws protecting employees, not just minimum wage laws.

In conclusion, the account of city power is problematic in its undertheorized role of national urban policy, on the one hand, and community-based mobilization, on the other. While the account of the legal powers of municipalities is significant in that it opens "political space" [8] (p. 154), it is less clear whether political power can be used to substantively address inequalities.

7. Limits of the Urban Commons

The recent debate on the commons is essential for cities and has the potential to enhance an understanding of urban sovereignty. "Urbanization is about the perpetual production of an urban commons (or its shadow-form of public spaces and public goods) and its perpetual appropriation and destruction by private interests" [7] (p. 80). The essential qualities of the commons are critical as they show resistance-laden aspects of the commons. "This common is not only the earth that we share but also the languages we create, the social practices we establish, the modes of sociability that define our relationships, and so forth" (Hardt and Negri cited in [7] (p. 72)). Furthermore, "[t]he human qualities of the city emerge out of our practices in the diverse spaces of the city even as those spaces are subject to enclosure, social control, and appropriation by both private and public/state interests" [7] (p. 72).

The commons is produced through a social practice of commoning which captures "an unstable and malleable social relation between a particular self-defined social group and those aspects of its actually existing or yet-to-be-created social and/or physical environment deemed crucial to its life and livelihood" [7] (p. 73). Furthermore, David Harvey emphasizes that commoning in essence includes "the principle that the relation between the social group and that aspect of the environment being treated as a common shall be both collective and non-commodified—off-limits to the logic of market exchange and market valuations" [7] (p. 73).

Rethinking the City by Foster and Iaione [6] is an important contribution to understanding the urban commons. It would be interesting to further develop the concept of urban inequality, which is addressed at the very conclusion of the paper, in relationship to the urban commons. Foster and Iaione could discuss how cities are chief sites of inequality, especially in the policy arenas that they do control such as development. Following Schragger, it could be argued that cities are politically and legally empowered to engage in development, but the resources that cities do command have gone to upscale development projects which have benefited higher income groups and have reduced the amount of public spaces, contributing to the further privatization of public spaces. Cities have also not done enough planning nor have made urban or regional plans that have addressed urban inequalities.

Foster and Iaione emphasize that cities are "inclusive, shared, sustainable, resilient, innovative, democratically open and responsive to citizen needs" [6] (p. 23). Cities are, however, also sites of conflict, social exclusion, and contain ghettoes and slums. If "commons" is a new way to claim

resources as the authors argue, what role will redistribution of resources play in the commons as it is understood as an inclusive polity?

Foster's and Iaione's arguments are particularly strong in their emphasis on the role of "experimental policies" which include "a variety of kinds of civic, neighborhood, and infrastructure goods... produced and managed through different forms of 'pooling' and cooperation between five possible actors—social innovators (i.e., active citizens, city makers digital collaboratives, urban regenerators, community gardeners, etc.), public authorities business, civil society organizations, and knowledge institutions (i.e., schools, universities, cultural institutions, museums, academic, etc.)" [6] (p. 23). The authors may want to emphasize further the role of citizen participation. In the section of the paper in which the authors cite Jane Jacobs [6] (p. 12), the analysis would benefit from a further critique of the rational comprehensive model of planning.

The authors' emphasis on complex systems theory [6] (p. 11) is also risky as it neglects to address aspects of social inequality and other cultural and social factors. For example, when the authors note that "the more heterogenous and numerous are the interacting units and agents, and the more complex the problems facing the city, one could argue the more pressure is placed on centralized government authorities to de-centralize decision making", they do not sufficiently discuss the ways in which decentralization of power could further increase inequalities. Although the authors mention exclusionary practices they do not discuss gated communities, racial segregation, exclusionary zoning, and a lack of comprehensive planning, especially in the suburbs. While decentralization facilitates local participatory action, "[d]ecentralization and autonomy are primary vehicles for producing greater inequality through neoliberalization" [7] (p. 83).

In their discussion of community boards, the authors may want to mention the role of "197-a" plans as a possible achievement of several community boards in New York. But the authors might also note the fact that community boards are appointed rather than elected bodies and that they have historically contained entrenched local elites that would block more robust citizen participation, as well as that they were sites of the local patronage of City Council representatives. Community Boards at their best have engaged in reactive participation, stopping or limiting development projects.

The authors further continue with the view of cities as complex systems and suggest "open forms of governance that might involve broad knowledge exchange through creative collaborations with market actors, users, knowledge institutions and communities" but not all of these actors are of equal order and not all of them have the same powers, possibilities or influence or access to decision-making capacities.

In the paragraph in which Foster and Iaione discuss cities as laboratories of policy experimentation [6] (p. 18), implications for democracy are not developed. Perhaps the sharing economy and the new policy experimentation projects are more suitable for business-friendly innovations. To the extent that sharing can refer to a joint use of resources and can be relevant for sustainability, it appears that the examples cited are mostly suggestive of piecemeal efforts at sustainability rather than a comprehensive policy change.

In the discussion of the Sharing City (the example of Seoul), it is also not clear who has access to these new resources and how these resources have broadened access to information. In the concluding sentence to the paragraphs on the Sharing City [6] (p. 19), "sharing in the market activity and the polis" are equated as if they were of equal order. The paper leaves too much space for market forces to exert their influence and does not discuss implications for democracy sufficiently. It further does not explain the extent to which "smart city" devices would be available in low income neighborhoods and how would immigrant, minority, and poor residents have access to them.

The authors offer a good critique of Smart Cities [6] (p. 21), where they discuss "the increasing inequalities by stressing the gaps between haves and haves nots, and deepening social divisions" thus critiquing Smart Cities for their role in deepening inequalities. The authors' response to this problem assumes, however, a strong participatory policy which may not exist, especially in low-income neighborhoods.

The examples that the authors give of economic sustainability fall short of comprehensive sustainable policy initiatives and are more focused on certain exemplary projects. The authors could further highlight the role of cities in climate change (see, for example, [2]). The authors, moreover, cite affordable housing but do not discuss the right to housing or the decline in public investment in housing. The final paragraphs of this section could be further strengthened by discussing resources that the cities need to deal with natural disasters as well as the resources and commitment needed for sustainable development.

Finally, Foster and Iaione turn to the subject of the city as commons. Their discussion of citizen participation is significant but also telling of the fact that the examples given in the paper include mostly efforts that fall short of levels of citizen power and more resemble examples of tokenism. It is also further unclear how the new system of governance that they advocate will address social inequalities.

The examples given by Foster and Iaione of medieval cities [6] (p. 24) highlight a lack of democracy and domination by elites, as well as a division between poor and rich cities. This makes one wonder whether the paper could have rather been framed around challenges in achieving urban commons, or the difficulty of urban commons, or problems with the concept of urban commons – rather than an endorsement based on historical examples that are mostly indicative of deeper inequalities and not bases on which to build a progressive concept.

It is important to situate the current debate on the urban commons in the context of "the recent wave of privatization, enclosures, spatial controls, policing, and surveillance upon the qualities of urban life in general" [7] (p. 67). In the discussion of the commons as a "shared resource" it is unclear how city policies can be altered when cities have engaged in privatization of public resources.

Thus, a major critique of the concept of "urban commons" is related to the fact that is leaves too much space for private actors seeing them as equal as public actors. What is exactly the role of private actors? Could they take over the commons? How does the commons ensure its publicness? When the authors argue that the commons "presumes co-design and co-production with private and public actors" and note that they "envision common resources as neither private not public" stressing that "[t]he commons exists between the market and the state" [6] (p. 26), they defer to the private interests leaving too much room for market actors whose influence has been already too strong in cities. The danger is that the commons thus becomes "regulated, policed, and even privately managed" and denies open access [7] (p. 71).

Why is it that the commons cannot be chiefly public especially given that the mixture of public and private resource has meant skewing towards the market and diminishing the role of public spaces in the city? The authors do not discuss how the market excludes or does little to include, nor do they elaborate upon other factors that contribute to social exclusion.

Perhaps a way to address this question is to tie the idea of the commons to the concept of a right to the city, as the authors have done in an earlier article (and as they have now accomplished in the most recent version of their paper), where they argue that the city possesses "shared resources that belongs to all inhabitants" and is aligned with "the right to be a part of the creation of the city, the right to be a part of the decisionmaking processes shaping the lives of the city inhabitants, and the power of inhabitants to shape decisions about the collective resources in which we all have a stake" [5] (p. 288). The final points of the paper are suggestive of the fact that the commons can become a manner of improving or enhancing collaborative devices [6] (p. 26) in cities but this point could benefit from more development in the paper and the examples included, as noted, are more indicative of tokenism rather than of true participation. The authors further suggest that cities can establish mechanisms to mediate conflict failing to acknowledge that conflicts may be more deeply rooted and that sometimes exposure of conflicts can be beneficial and can promote urban social change.

While Foster and Iaione end their paper with the examples of how the concept of commons may address urban inequalities, their examples could be bolder and include the fight for a minimum wage increase, job training and job creation initiatives, pre-K for all programs, right to housing and affordable housing, stronger fair-share programs, regional tax sharing, city-wide and neighborhood

comprehensive plans, sustainable development programs and other programs that stress redistribution of resources and public sector responsibilities.

Harvey's solution to the problems of urban commons is social mobilization. In his view, the commons is not public until it is made so by "political action on the part of citizens and the people to appropriate [the commons]" and make them into public spaces [7] (p. 73). The commons is thus dependent upon democracy. Harvey points out that the struggle for the creation of the commons is constant. "The common is not, therefore, something that existed once upon a time that has since been lost, but something that is, like the urban commons, continuously being produced. The problem is that it is just as continuously being enclosed and appropriated by capital in its commodified and monetized form, even as it is being continuously produced by collective labor" [7] (p. 77). Politics "is the sphere of activity of a common that can only ever be contentious" (Jacques Rancière, cited in [7] (p. 71).

"Much of the corruption that attaches to urban politics relates to how public investments are allocated to produce something that looks like a common but which promotes gains in private asset values for privileged property owners" [7] (p. 79). The key legal task would be to prevent the corruption of the common. Thus, in one example of the commons that is marred by surrounding upscaling, the High Line in Manhattan, would become a site that would also include affordable housing rather than becoming a commons most easily accessible by the rich residents. Another example includes the "organizers of low-income and precarious labor in Baltimore [who]declared the whole Inner Harbor area a 'human rights zone'—a sort of common—where every worker should receive a living wage" [7] (p. 79).

Developing further Elinor Olstom's notion of polycentric governance based on a "rich mix of instrumentalities", Harvey proposes, following Murray Bookchin, confederal assemblies which "will be given over to administration and governance of policies determined in the municipal assemblies, and the delegates will be recallable and answerable at all times to the will of the municipal assemblies" [7] (pp. 85, 87). Harvey's model is limited in that he insists that the politics of the commons can solely be accomplished as long as it is a part of anti-capitalist struggle, although many of his examples suggest that important achievements can be undertaken even within the current system.

8. Urban Constraints

Cities are the key proving grounds for the new arrangements of governance [40] (pp. 1992, 1993); Erik Swyngedouw, following Harvey, accurately identifies "a desire to construct politically the market as the preferred social institution of resource mobilisation and allocation, a critique of the 'excess' of state associated with Keynesian welfarism, and a bio-political engineering of the social in the direction of greater individualised responsibility" [40] (p. 1998). The new innovative governance-beyond-the-state, in all of its new institutional forms (which include private market and civil society) are, as Stoker notes, characterized by permeable boundaries between the private and public sectors [40] pp. 1992, 1994), and "exhibit a series of contradictory tendencies". Swyngedouw argues that governance-beyond-the-state reveals as well an "undemocratic and authoritarian character" which only supposedly "offer[s] the promise of greater democracy and grassroots empowerment" [40] (p. 1992). Swyngedouw presents an excellent critique in terms of legitimacy, representation, and exclusion tied to the limited and problematic concept of stakeholder (or 'holder') and points out that many groups rejected or opted-out of participation and political action; the author errs, however, in foreclosing opportunities for civil society, which he sees merely as "the Trojan Horse that diffuses and consolidates the 'market' as the principal institutional form" [40] (2003). Egalitarian spaces and spaces of political insurgency are limited in what Swyngedow sees as "a post-political and post-democratic city" (cited in [41]) (p. 2648) characterized by the foreclosure of dissent. While the prospects of resistance arising from the poorest urban populations should not be overstated, the above discussed sanctuary city movement has suggested that cities are sites of a crucial political struggle.

Brenner has similarly argued that the pluralized and variegated formation of sovereignties within cities and regional jurisdictions have, following Ong, formed "spaces of exception" [42] (p. 172),

emphasizing that the new rescaled configurations of state sovereignty have "generated new forms of socio-spatial inequality and political conflict that limit the choices available to progressive forces throughout Europe" [42] (p. 172). Brenner falls short of arguing, however, that increases of urban sovereignty, assuming that they can include a serious attempt to address urban inequalities, could contest the rise of the far right-mobilization and challenge state exclusions and "neo-liberal geographies of uneven spatial development" [42] (p. 173)—an argument advanced in this article. Cities have the potential to become agents of global change but face tremendous challenges especially as they are increasingly discharging the responsibilities of the sovereigns. While cities can be seen as incubators of democracy, sites of bottom up citizenship, civil society, and voluntary community, there are also simultaneous worrisome trends which are a result of concrete urban policies influenced by the processes of globalization and urban restructuring and increased security concerns. (For comparison, see Benjamin Barber's account of urban inequality [43] (pp. 177–209)).

(1) Surveillance and control of urban space

In his book on war and cities, Ashwort cautioned that the period of 1945–1989 was a "brief, curious and unique interlude in world history" [44] (p. 202), a precarious era of unsteady avoidance of world wide warfare, not forgetting of course post-colonial struggles. Writing in 1991, the author pointed out that the notion that we live in an unsafe world was not evident to generations born after 1945. Ashwort writes defensively regarding the study of cities in the context of military analysis, which for most scholars occasioned discussions of medieval fortifications. It has become evident, however, that defense strategies were among the crucial variables in contemporary urban development and planning [44] (p. 196). Historical examples are still significant, however, not only because of the heritage of fortified cities, but given that close scrutiny offers plentiful evidence of the influence of military technologies and military geo-politics on urban form, the morphologies of cities, and their very locations, even if the term "militarization" of urban space may not be appropriate and should be used with caution.

While new technologies, and political and institutional alliances made urban intervention possible, what is significant here is the capacity to employ the resources of the state and its military and political priorities to render urban contexts of the past irrelevant and a new urban future (one of the controlled, surveilled city) not simply inevitable but necessary. This is one example where the "militarization" of space has broader implications in that it can be used to justify a specific future space of the city. This may have a significant impact on limiting the urban spaces of democracy (see also, [45]). In another example, in the case of Athens, Koutrolikou has documented how a politics of fear as "a spatial manifestation of urban crisis" (constructed as a state of emergency) may evolve into a moral panic which can feature a new construction of the public and "its enemies" and can be used impose a new definition of (il)legality [17] (pp. 174, 175).

Stephen Graham has argued that the provision of "security" in the present political ideology has begun to overwhelm in importance the other functions of national states such as social welfare, education, health, infrastructure development: "security" has become the sole criterion of political legitimization [46]. One of the chief problems in cities is fear and insecurity, facilitating the increased surveillance of city's public spaces. The "militarization" of urban life takes several dimensions and is evident in many spheres such as "the design of buildings, the managements of traffic, the physical planning of cities, migration policies, or the design of social policies for ethnically diverse cities and neighborhoods"—all of these are brought together under the umbrella of "national security" [46] (p. 11). Urban environments are saturated by surveillance systems, checkpoints and defensive urban design. Additional examples of the militarization of space include: "Tanks protect airports. Troops guard rail stations. Surface-to-air missiles sit around office blocks housing meetings of international leaders. Combat air patrols buzz around Manhattan and London. New York street police now carry pocketsize radiation detectors in hope that they might detects any nuclear 'dirty bombs' smuggled into metropolitan areas. US postal sorting depots have automatic anthrax sniffers. New York's Grand

Central Station now has automatic bio-weapons detectors". Some commentators have even argued that central cities should be actively decentralized to protect themselves from terrorism [46] (p. 12). The "militarization" of urban space is adding to the vicious cycle of fear and insecurity in places already affected by crime, social violence, racism, and xenophobia [46].

One of the responses to urban surveillance and control is offered by spaces of commemoration and reflection—memorials (of the Holocaust, the Vietnam War, 9/11, etc.) as public spaces in which reckoning of the victims can take place and which might also allow for the challenge to dominant narratives of victimhood rather than merely serve the interest of the nation-state.

(2) Privatization of public spaces

Sharon Zukin (1995) has argued that culture is a powerful means of controlling cities. Culture can convey images and memories that symbolize "who belongs" in specific places [47] (p. 1). Culture is furthermore a part of the economic development of cities, fueling the city's symbolic economy (one example is tourism which "bolsters the city's image as a center of cultural innovation" [47] (p. 2); another example is Sony Plaza which intertwines cultural symbols and entrepreneurial capital in creating a new symbolic economy in which retail dominates a public plaza). Zukin relates culture to urban fear and contestation over social difference arguing that this has further contributed to the growth of private police forces, gated and barred communities, and a design of public spaces for maximum surveillance. Private interests have stepped into the vacuum created by the government. "Handing such [public]spaces over to corporate executive and private investors means giving them carte blanche to remake public culture. It marks the erosion of public space in terms of two basic principles: public stewardship and open access" [47] (p. 32). One of the characteristics of the new public spaces is thus the "withdrawal of the public sector and its replacement with the private sector" [47] (pp. 24, 25)—private security guards patrol space, public and private sanitation workers clean it up—for example, in the case of Bryant Park which was during the 1970s associated with crime, disrepair, and the presence of low-income and poor minorities. Homelessness increased during the 1970s—the time of deinstitutionalization when many mental health patients were placed on the street without sufficient support of community facilities. The Bryant Park Restoration Corporation has redesigned Bryant Park, which now includes cultural events, features kiosks and food services, and is patrolled by private security guards. The Park features a fashion design show during which a portion of the park is closed. The Park has also adopted the social design principles by William H. Whyte ("movable chairs"). His additional idea is to bring "normal users" to the park so that there would be less space "for vagrants and criminals to maneuver" [47] (p. 28).

"197-a" Plans—an example of participatory community-based planning in New York—can be seen as one of the challenges to the privatization of urban space—many plans originated in opposition to development projects which were stopped by community protests but in their creation of waterfront access, of public open spaces on the neglected, fenced off waterfront areas, they represent an example of proactive, rather than reactive, planning.

(3) The rise of the luxury city, large-scale developments, mega-projects

Peter Marcuse has argued that the city is quartered, divided according to the lines "of race, of class, of occupation, of ethnicity" [48] (p. 94); its quarters are sometimes congruent, sometimes not and they vary by different times of the day, and they reflect the "spatial arrangements of residential life" and "the spatial arrangement of business activities" [48] (p. 94). Marcuse identifies the rise of the luxury areas of the city—the locations of the "power and profit" characterized by high rise condominiums with their own security. "The new architecture of shopping malls, skywalks, and policed pedestrian malls is a striking physical mirror of the social separation" [48] (p. 95). The homeless and the poor are removed from sight in these areas. According to MacLeod, following Peterson and Florida, "[d]eluxe landscapes coupled with a spirited branding of a city's image will purportedly attract globally mobile investors alongside a creative class of professional and revenue-generating tourists [41] (p. 2630); in

these sites, MacLeod argues, citing Purcell, the "premium [is placed] on exchange value of space, perhaps ahead of any use value acquired by people inhabiting it" [41] (p. 2646).

Current policies are characterized by a "single-minded focus on encouraging growth through the vehicle of public-private partnerships" [38] (p. 170). "Within the United States, national subsidies for urban programs have shifted decisively toward supporting private initiatives" [38] (p. 176). Even though affordable housing is the most pressing need in the three cities that Fainstein studied—New York, London, and Amsterdam—the three cities "have been instead engaged in promoting megaprojects that provide only limited amounts of low-income housing" [38] (p. 173). These projects are often criticized by neighborhood groups as they typically feature aggressive government intervention in collaboration with private interests—the taking of property commonly in decaying areas (waterfronts, manufacturing zones, transport infrastructures, historic district renovation). These regeneration projects revitalize the center city and clear the inner-city space of the poor, heightening the contrast with many other areas of the cities experiencing severe deprivation. Fainstein suggests that megaprojects be "subject to higher scrutiny, be required to provide direct benefits to low-income people in the form of employment provisions, public amenities, and a living wage, and, if public subsidy is involved, should include public participation in the profits. If at all possible, they should be developed incrementally and with multiple developers" [38] (p. 173).

Urban policies are shaping cities around the world in a similar manner and this goes beyond the discussion of cultural homogenization countered by localism. Increasing standardization is evident in the similarity of central business districts. Sennett noted that such standardization is necessary to enable the purchasing of square footage of office space in New York from Singapore [49] (pp. 44, 45). Mega-projects, especially those that cater to the global markets (sports events, expositions, residential areas for the global economic elite) feature similar characteristics as they include designer buildings and forms of spectacle in the city. While they display awareness of environmental concerns and an appreciation of urbanity [50] they represent in a manner attempts to depoliticize their developments.

Market driven housing and commercial development are among the most critical factors of socio-spatial segregation. Many developments around the world contribute to the centralization of the higher income groups and peripheralization of poverty in cities. This further contributes to the spatial segregation of the upper-income highly educated groups. This is combined with a lack of investment in low-income areas, which experience lack of services, poor infrastructure, crime and vandalism. The poor are unable to benefit from economic growth which does not reach the periphery of cities. While there are new peripheral locations for the middle classes, there is, however, the emergence of gated communities for the upper-classes who live outside of traditional enclaves.

Fainstein suggests that as a challenge to the current policies the example of the Minneapolis Neighborhood Revitalization Program could be examined—the program successfully diverted funds from "downtown development to community betterment" [38] (p. 182). Fainstein further calls for the reversal of national policies that subsidize private interests, citing European examples, in particular those in the Netherlands where government regulation and ownership are significant.

(4) Homelessness

As Matthew Desmond has noted, "most poor renting families are spending more than half of their income on housing, and eviction has become ordinary, especially for single mothers" [51]. "The National Law Center on Homelessness & Poverty currently estimates that each year at least 2.5 to 3.5 million Americans sleep in shelters, transitional housing, and public places not meant for human habitation. At least an additional 7.4 million have lost their own homes and are doubled-up with others due to economic necessity" [52]. In April 2017, 61,277 people slept in homeless shelters in New York City—an increase from 36,960 in June 2010, according to the Coalition for the Homeless [53]. Moreover, "[h]omeless people remain a visible presence in public spaces: on the streets, in the parks, on plazas in front of expensive apartment houses, in office building atrium lobbies, in subway cars and stations, in railroad terminals, under bridge and highway entrances" [47] (p. 27). Given recent

increases in homelessness, there is a worrisome trend of relying upon business improvement districts (BIDs) to clear the homeless from public spaces. A new model for "controlling" homelessness are thus BIDs which allow businesses and property owners to tax themselves in exchange for maintenance and control over public areas. According to the NYU Furman Center newsletter of 18 October 2016, "[i]n Denver, CO, Berkeley, CA, and Portland, OR, for example, BIDs have campaigned to prohibit people from sitting or lying in public rights of way, and even sued to reverse policies that encouraged tent cities and homeless camps" [54]. BIDs "nurture a visible social stratification" [47] (p. 36) with large, high income area BIDs ensuring the prosperity of their areas if the city cannot fund improvements which make the prosperous BIDs stand in contrast to the impoverished city. BIDs' "'clean and safe' initiative increasingly render downtowns as 'interdictory spaces', designed to exclude those adjudged to be 'out of place' and whose class and cultural habitus may diverge from developers and their target consumers" (Flusty cited in [41] (p. 2646)). The BIDs reclaim public spaces to make them safe for suburban shoppers and those who would have abandoned the city because of fears regarding the safety in the city. One response to the BIDs has been a legal challenge. The Coalition for the Homeless sued a powerful BID—the Grand Central Partnership (GCP)—for hiring the homeless as workfare workers below minimum wage and failing to give them job training. According to MacLeod, GCP's expulsions of the homeless "eventually leading to revanchist beatings of homeless people" [41] (p. 2646).

As the example of New York City shows, the provision of affordable housing, which represents one response to the homelessness crisis, has been inadequate, insufficient, and certainly not supported by health, social services, educational and job training programs. Proposed policies, such as those sought by Fainstein, that argue for housing construction for "households with the incomes below the median . . . with the goal of providing a decent home and suitable living environment for everyone" would "require a considerable increase in government involvement through regulation and some increase in public ownership. Thus, development of affordable housing could occur via the governmental, for-profit, and non-profit sectors, but would depend on generous public subsidy and intervention" [38] (pp. 172, 175). Fainstein cites the example of Amsterdam and London where "national governments play a much larger role in financing affordable housing development" and where "planning and allocative authorities are much more decentralized than New York's, have considerable power and have the potential to bring nonelite interests to bear on the planning process" [38] (pp. 179, 182).

According to David Harvey, "State powers are invariably obsessed with maintaining order and erasing difference when both disorder and difference are fundamental to the creativity of urban life . . . In many a city, the homeless find that struggle to be at the very core of their everyday lives. To them, the injustice is palpable while, to the rest of society, they are simply categorized as a public nuisance and administered their just deserts accordingly" [13] (p. 95). Through everyday life, acts, and practices the homeless try to assert their right to the city and right to public space in spite of urban surveillance, the privatization of urban spaces, and the rise of the luxury city.

All four constraints outlined are indicative of the decline of social planning and limited redistributive programs for the poor. All are further suggestive of the increase in gentrification and of the reshaping of the city for the safety of the affluent. All four constraints further indicate the rise of the walls and barriers and the increase in the creation of citadels (see [48]), further affirming Sassen's [55] thesis that global cities are divided between the financial elites and the low-paid service sector workers but that they also represent a strategic site for the disempowered and discriminated minorities [22]. It is, nevertheless, important to emphasize that even though cities have recently developed programs to advance racial equity exemplified in job training and the Government Alliance on Race and Equity national network initiatives, they have historically been complicit in producing racial inequalities and still remain sites of institutionalized racism and racial segregation [56,57]. Urban policies that would challenge the four constraints outlined above can further be enhanced by expanding the notion of "right to the city"—which according to Lefebvre is the right to alter the urban environment and which is actualized not only via social mobilization and political struggle but also through daily actions and practices that encompass a greater range of creative urban experiences and allow for the claims on

the city and its public places on the part of the excluded, the disenfranchised and in particular for the context of this argument, the undocumented, the asylum seekers, and the refugees.

Barber recommends "reanimating democracy by devolving power to cities" [2] (p. 62) and finding ways to "globalize democracy or to democratize globalization" [2] (p. 65). A similar proposal by Harvey—"[a]lternative democratic vehicles (other than the existing democracy of money power) such as popular assemblies need to be constructed if urban life is to be revitalized and reconstructed outside of dominant class relations" [7] (p. 137). Social movements against mass incarceration and political struggles for immigrant rights in the United States have recently demonstrated possibilities for a new democratized urban polity. But what is further critical is the use of legal resources, capacities, and institutions as cities claim increasing sovereignty, and the development of regional collaboration as cities become more engaged in sustainable policies.

"The sovereigns cannot govern, but they can still ensure a paucity of municipal resources and jurisdictional competence that makes it impossible for cities to act aggressively and collectively" [2] (p. 114). The starting point for cities today is to prepare institutional and legal infrastructures and capacities to govern, especially given the rise of urban inequalities and the decline of funding from a reactionary, parochial national sovereign that has abandoned its responsibilities.

9. Conclusions

Cities must defend their sovereignty "at least when the urban view of rights is in accord with universal rights as reflected by international law and contradicted by parochial state and national notions denying such rights" [2] (p. 117). Furthermore, as Harvey has argued, "the right to the city has to be construed not as a right to that which exists, but as a right to rebuild and recreate the city as a socialist body politic in a completely different image—one that eradicates poverty and social inequality, and one that heals the wounds of disastrous environmental degradation" [7] (p. 138).

This article has argued for an increase in de facto already claimed city sovereignty, especially in the face of a hostile sovereign, as is the case in the United States today where cities such as San Francisco have become rebel cities suing the federal government to prevent defunding due to their sanctuary status. Current legal literature on "urban commons" and "city power" needs a stronger normative lens and better conceptualization of urban inequality, redistribution, and publicness. Legal rules in the United States limit cities' resources and exercise of control and are insufficiently responsive to urban conditions; Democratic cities in Republican states also face threats of defunding and pre-emption. While the cities may not possess sufficient resources and cannot replace the roles and powers of nation states, the article has argued that cities are not utilizing the powers and resources that they increasingly do possess to sufficiently and substantively address urban inequalities and to expand urban citizenship into a fundamentally inclusive category. Rebel cities' sanctuary policies represent one arena in which cities have begun to address substantive problems of social inequality. Sanctuary cities show effective resistance to the hostile state and are suggestive of an inclusionary polity which would expand the scope of urban citizenship to encompass provision of a range of services, issuing of municipal IDs, and, to an extent, expansion of "right to the city" claims on the part of the undocumented, refugees, and asylum seekers. Sanctuary cities represent "sovereignty from below", but this sovereignty is limited by serious constraints that cities face ranging from surveillance and the privatization of public spaces to the rise of the luxury city and an increase in homelessness. Rebel cities are similar to rebel governance in that they both seek to obtain the legitimacy that the state has failed to provide. This article has outlined the current conditions under which the legal, political, and symbolic sovereignty of cities stands a chance of advancing the prospects of some of the poorest and the most disenfranchised populations, suggesting that resistance and protests on the part of sanctuary cities may thus be the current weapons of the very weakest.

Conflicts of Interest: The author declares no conflict of interest.

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