C J P S

Anastasiia Havrysh (iD)

Association of Students of Political Science NaUKMA, Ukraine

THE ROLE OF CITIES IN AN INTERNATIONAL LEGAL FRAMEWORK: HISTORICAL CONTEXT

ABSTRACT

The paper is devoted to a consideration of the distinguishing characteristics of a city as a powerful actor within the international legal framework that has been formed over decades and centuries of world history. The development of cities, their economic growth and hierarchization of social structures has led towards the division of labor, the nature of urban leadership provoking political revolution, and the formation of city states as well as the mutual impact between a state and a city. Thereafter, the problem of their loss of autonomy and independence because of their inability to cope with problems of a transnational nature dominated by threats, and how demographic changes are dealt with are a vital part of this work.

Key words

international legal system, ancient city, settlement, city-state, historical perspective, industrial revolution, urbanization

Introduction

Global affairs are increasingly affected by the growing impact of urbanization. Cities are becoming progressively more common actors in environmental protection, sustainable development and so on. Moreover, cities are now seen as the engines of the world economy, as well as centers of global information flow and the mobility of goods and people. The international community, in its

traditional dimension, is no longer capable of dealing with problems of a transnational nature such as climate change, global security and financial instability. The very fabric of international society has become a significant obstacle to addressing the salient issues of global governance; thus the response to these aspects is the revival of the city as an actor on the international stage.

Yet the status and potential impact of the city on the functioning of the international legal framework looked at from a historical perspective is underdeveloped. Writers define various aspects of a city as an entity, search for connections between the activities of a city and the state as a whole, and create a legal definition of the role of the city in international relations, yet this discussion often lacks clarity and a precise analytical approach. Nevertheless, the role of cities in the international legal framework has been developed by such authors as Alger, Blank, Boulding, Bulkeley, Child, Curtis, Hansen, Nijman, Plujim and Melissen, Schroeder, Soja, Taylor and others. It is worth noting that many do not take into consideration the economic, political and legal changes that cities, states and the system of international affairs currently face.

The aim of the paper is to examine the shifting role of cities and their developmental dynamics in an international legal framework considered from the historical perspective. To reach the postulated goal, the following qualitative methods were used: the historical method, the deductive method, systematization, and the comparative method.

1. Discussion

Considering its role during development, it is crucial to define the concept of a city itself, to be precise with reference to its origins. Gordon Child distinguishes 10 common indicators which are used as general criteria for defining an ancient city: (1) the size and density of population, above the standard threshold; (2) differentiation in employment, since not all residents produce their own food, specialization of labor; (3) the payment of taxes to a deity or king; (4) majestic public buildings; (5) those who do not produce their own food, are supplied by a king; (6) the existence of recording systems and applied science; (7) a writing system; (8) the development of symbolic art; (9) trade and import of raw materials; (10) the existence of specialists and artisans who are not relatives (Child, 1958).

However, this approach leaves many questions, such as what population density is considered as normal, why the writing system is separated from the recording system, why a king supplies those who do not produce food, and why

there is no exchange of products by barter or sale. Here the conceptualization of a city by Mogens Herman Hansen is less problematic. He considers that, in order to classify a settlement as a city, it must include (1) a population of a certain size (2) that is densely housed in permanent buildings and (3) involved in the division of labor through specialization. The population thus (4) obtains what is necessary for normal existence not by production but by purchase. The nuclear form of settlement (5) entails a more institutionalized organization, as opposed to scattered settlements; so (6) nuclear settlements become social, economic, religious and military centers for the surrounding regions. As can be seen, the key criteria for distinguishing between a city and other settlements, according to Hansen, are (5) and (6) because the others are common to both (Hansen, 2000, p. 12).

The next concept to be defined is the international system. Simon Curtis defines it as "a transhistoric concept or structure that takes on different configurations over different historical periods" (Curtis, 2008, p. 14). The notion of an international system encompasses all the different configurations of political, economic and social entities that have existed in different historical relationships over long periods of time. These entities include, but are not limited to, empires, city-states, city-leagues, nomadic tribes and multinational corporations. Curtis' approach parallels the growing interest towards international relations in historical sociology, as well as those approaches which seek to diminish the role of states as key actors in the international system, or even to remove them radically from historical discourse.

Kenneth Boulding considers the international system as "a set of social organizations or organized groups of people whose relationships are primarily guided by a threat or perception of a threat" (1968, pp. 1111–1123). This is a very broad concept to be applied to the contemporary international system, but when the origins of the latter are considered, it really is threats and security that guide the activities of heterogeneous organized groups.

Interactions among cities, as the epitome of organized groups, have spurred the creation of a prototype international system on a small scale. A practical example of this is the interaction of cities in the 4th–3rd millennium BCE in lower Mesopotamia. It was during that period when the second revolution regarding the use of urban space occurred. These replaced the proto-cities, for example Chatal-Huyuk in Anatolia (7000–5000 BCE) and Jericho in the Levant (in existence since 9000 BCE), which Curtis believed were trading settlements, founded during the first urban revolution characterized by egalitarianism of society and lack of noticeable centralization. This was a sign of agrarian cities emerging, characterized not only by their size and population, but also by the beginning of

a hierarchization of society, a more complex division of labor, and more developed and conscious urban culture. In the field of political science, it is important to emphasize the division of labor and the growth of a new urban leadership, which then led to political revolution and the formation of city-based states.

Stratification of society based on the division of labor had led to the creation of more surplus goods controlled by those who guaranteed the security of the population, namely: security of the home, protection of private property through maintenance of internal order, and protection from external attack, as well as security from "otherworldly" threats, handled by secular and spiritual leaders respectively. Thus, being an economic resource and security hub, and responding to the needs of the population of surrounding areas, city-states drew other settlements into their zone of influence, began controlling them and attracted their resources to themselves. Of course, such a simplified model cannot outline the actual processes: even then, long distance trade already existed from the earliest times of cities' emergence. However, the circulation of ordinary household goods can be placed within the framework of the scheme described.

The size, density and pace of city-state development led to conflicts over resources, trade routes and other interests, thus giving rise to a long-standing feature of the international system – organized military action. The struggle among city-states to dominate by incorporating the territory of the weak created another feature of the international system – states seizing the security function from small and underdeveloped cities.

It is worth noting that the city-state is no different in definition to the territorial state deriving from the Westphalian system; it is not a preliminary stage in the evolution of a state according to such characteristics as a clearly defined boundary, and a fixed territory and population, constituting exactly the same conceptual scope as a territorial state. Hansen in his work replaces the term "territorial state" by "macro-state" in order to emphasize the presence of urbanized centers on the territory of a state. This is opposed to the single urbanized "cell" of a city-state, and leads to a plurality of such cells inside a macro-state, with one city acting and functioning as a capital.

Hansen identifies 30 cultural groups of city-states that have existed throughout history (Hansen, 2000, pp. 20–21). There is no need to mention all of them, but some are worth naming for illustration. Firstly, city-states are a global phenomenon. In addition to those well-known on the Fertile Crescent – Ur, Uruk, Lagash (Sumeria), Ebla (Syria), Khazor (Palestine), Ashshur (Assyria), Arwad, Byblo, Sidon, Tyre, Carthage (Phoenicia), Gaza, Ashdod, Ashkelon, Ekron Gath (Palestine) – city-states have existed all over the world:

(1) In Europe: the Mediterranean and the Black Sea – Greek *poleis*; the Apennine peninsula in different time periods: Etruscan settlements of the 13th–7th centuries BCE; the 12 cities of Lazio, among which the best known is Rome; northern Italian cities of 11th–14th centuries such as Florence, Milan and Venice; the settlements founded by Vikings in Northern Europe, such as Dublin; German "free cities" and "imperial cities"; eight Swiss cities from the 14th to the middle of the 19th century; Dutch cities before the signing of the Union of Utrecht that created a federation of 57 city-states.

(2) In Asia: the Shrivijaya Empire of 7th to 12th centuries on the Malay Archipelago, which was a conglomerate of dependent city-states; the maritime territories of South-East Asia from 6th to 17th centuries: Malacca, Aceh and Brunei, which described themselves as cities.

(3) In Central and East Asia: Central China during the 8th–5th centuries BCE due to the fall of the previous dynasty; 25 cities of Central Asia along the Silk Road on the territory of the modern Xinjiang-Uighur Autonomous Region of the People's Republic of China – from the 2nd century BCE to the beginning of the 19th century either retained the characteristics of city-states in the form of independence or were under the influence of Chinese, Tibetan, or Mongol Empires.

(4) In Africa: Berber city-states in the Northern Sahara during 11th–19th centuries; the cities of the eastern African coast – modern Southern Somalia, Kenya, Tanzania and northern Mozambique from the 10th century BCE to the 19th century; cities founded by the Hausa people in the Southern Sahara, which existed in the 15th–19th centuries; cities in the territory of Yorubaland in 1600–1900, the most famous of which was the city-state of Oyo; the Fanta people in the period from the 15th to the 18th century had a number of city-states on the territory of modern Ghana; during the Middle Ages to the south of Lake Chad there were more than 10 city-states; from 1600 to 1900 the Niger delta was divided among four city-states which controlled the slave trade.

(5) In North America: the classical period in the history of the Maya tribes 250–900 AD, when the existence of 30 city-states on the territory of Yucatán was mentioned; during 900–1500 AD the Mixtec people had more than 100 city-states in Mesoamerica; in Central Mexico from the 12th century to the beginning of the 16th the Aztecs had their own city-states.

Secondly, city-states had not ceased to exist due to the emergence of territorial states. Considering the list above and its chronology, it can be seen that in the same period, different forms of public association existed in various regional

systems of international relations. In addition, sometimes existing in the same regional system and being a formal part of territorial states, city-states retained their characteristics. Thus medieval states, basing their internal affairs on vassal relations, were formally the only states under the control of a monarch; however, in fact, local power was only conditionally subordinated. In this case, city-states are considered in a wide territorial perspective, i.e. including dependent adjacent lands; yet at the center of such territories were cities with the already described characteristics related to the state. Historical examples include the imperial cities of the Holy Roman Empire; those under Magdeburg law; and the city-regions of France until the religious wars of the late 16th century.

It should be noted that urbanization and the existence of cities in general is not a mandatory element of the classification of a city as a state or of the state as a whole. For example, the existence of a city did not trigger the creation of the Mongol Empire because its founders were nomadic and their settlements did not meet the necessary criteria for cities as given by Hansen. Urbanization did not precede the emergence of states in Norway, Denmark, and Sweden in the 9th and 10th centuries, and the first urban settlements did not begin to appear in the area until the 11th. Thus, in this case, an opposing direction can be seen: not "the city and then the state" but "the state and then the city". Yet, as Hansen notes, there are few examples of states without cities.

Parallel to the process of functional transition from city-state to state, there were signs that cities constituting a state's core before the 19th century varied little by region, concerning self-government, subordination and restoration of independence in certain fields of activity.

Looking at the city as a component of the pre-nation state period and exploring its place in the system of international relations, the following need to be considered.

Firstly, despite disorganization of the relations between the international actors and despite the absence of a generally accepted priority of political roles, in the early Middle Ages the identity of cities was the same as the identity of states. However, with the formation of the nation state and of a more centralized control of policy, the international activity of constituent parts of a state ended.

The 19th century was marked with the beginning of the industrial revolution that constitutes a turning point in terms of the functions of cities. The physical form or morphology of their newly emerged social space differs significantly from the pre-industrial one which was centered on religious and administrative space, with residential and commercial areas. During industrialization, production involving labor was shifted to the center of cities, which were connected by

communication routes. Through a combination of canals and railways, cities were incorporated into the social space of nation states.

According to Edward Soja, "something that used to be an accumulation of city-states and their adjacent regions in the imperialist mosaic became a more formal formation of a nation state within its borders, prone to the abrogation of regional borders and cultural identities of cities-states inside nation states through their homogenizing power and force of market expansion" (Soja, 1989). Technology made connections between cities unprecedentedly rapid, and although the "capital-region" link remained strong, "region-region" interaction began to intensify and develop networks which considered the capital as the highest level of the structure.

By the time of the Industrial Revolution, cities were able to operate independently or autonomously but that narrowed, especially in the political sphere. Cities became trade and industrial hubs but did not directly affect the international system. Side effects can be traced through the impact on the economic strengthening of a nation-state, with its capital as its embodiment. Boulding notes that Manchester, Sheffield, and Birmingham invariably increased Britain's importance in the international system in the 18th century (Boulding, 1968, pp. 1111–1123). But this reinforcement was rather an accident than a well-planned activity of the central government which should have been thankful, for example, for success in war. The flow of events described was independent of changes in the system of exchange between economic centers, and these had a concomitant effect on the international system.

Continuing the idea of a city and its security function against threats and violence, the beginning of the 20th century witnessed the diminishing of the defensive aspect. With the development of air war as well as the technology of nuclear weapons, the expression "my house is my castle" lost its meaning. The city and the urban population became hostages of the development of technology which reversed the traditional model of urban security.

Moreover, the role of states in relation to cities has also changed. At the time of state formation, they directed their activities towards the development of non-political cities and extending control over relatively large areas; the states turned into broad territories not divided politically and posing no threat to each other. In the 20th century, the nation state became a direct threat to the city, since the policy of central authorities did not always take into account their interests and in fact endangered them (e.g. the bombing of Hiroshima and Nagasaki in 1945). Boulding's view is quite radical, yet because of the presence of nuclear

weapons and air war, the ability of states to perform their defensive functions in relation to cities was steadily declining.

Manuel Castells claims that the "nation state has destroyed the historical territorial integrity and functional vitality of cities as autonomous units, leaving their destiny to the logic of capitalists" (Castells, 1993, pp. 247–248). As an opportunity to regain political power, Castells considers examples of social movements, which include racial protests in the United States in the 1960s. Being dependent on the economic development of subordinate cities on the international scene – see the example of Great Britain above – the state must take into account the mass of those who actually promote their economic development.

Thus by the mid-20th century, on the eve of the fourth urban revolution, cities had lost their independence and autonomy. In the international system they were not represented as a fully-fledged party in negotiations; at the level of collective organization they were not a party to negotiations among such actors as states and transnational corporations. From this point, cities had no influence either in the structure of the international system or in the internal structure of the state.

Yet in the twilight years of the 20th century, the role of the cities drastically changed. This tendency started with Peter J. Taylor and Ben Derudder developing a concept of a world city network where the participants are deemed to be "the main economic agents" of such networks (Taylor & Derudder, 2008, pp. 55–60). To a large extent this has been caused by globalization and, therefore, by transformation of cities into global cities. As they have become important centers of media, politics and finance, their role has also expanded to global service centers. As a result, the flows of goods and services among world cities enable the local agents (city areas) to exert powerful influence on general nation-state policy making. For example, it is Geneva, not Switzerland, that is considered to be a location of international institutions; Los Angeles is seen as the center of world media, not the US as a whole. Chadwick Alger goes further and stipulates that international relations of the world can be viewed as relations among cities (Alger, 2014, pp. 35–37). Inhabitants of a city tend to force state actors to cooperate with transnational corporations and other states in order to obtain needed economic goods and services. Consequently, the policy agenda of one state can be determined by the interests of its main, "core" cities. Regarding this, Chadwick Alger mentions that "in the case where the seat of a national government is in a city that is dominant in the country, the foreign policy of that government may be simply an extension of those policies through which the elite in the city dominate the country itself" (Alger, 2014, pp. 35–37). Yet it is worth

noting that usually, according to the law of any state, a regional "peripheral" policy must be compliant with the central (state) policy.

Moreover, from the second half of the 20th century, spurred by globalization, international initiatives focusing on development of local communities and entities have appeared. One of these is UN Habitat, a project by the United Nations that operates in over 90 countries to promote transformative change in cities and human settlements through knowledge, policy advice, technical assistance and collaborative action. According to Blank (2006), cities try to implement and therefore enforce international legal norms in their institutional frameworks with the help of participation in this kind of program. Also, he points out the various associations that represent local governments in global governance projects as well as the administrative and judicial bodies that regulate the relations between localities and states which have become more prominent.

2. Conclusion

Using the classification of the characteristics related to the concept of the city, according to Hansen, the most important two are:

1. A nuclear form of settlement entails a more institutionalized form of organization, as opposed to scattered settlements;
2. Nuclear settlements become social, economic, religious and military centers of surrounding regions.

These aspects are claimed to be the key distinguishers between a city and a settlement because the other ones (density, population size, division of labor, products necessary for normal existence etc.) are shared features.

Considering the definition of the international system, the threats and security issues that have guided the activities of heterogeneous organized groups were considered its main origins.

Interactions among cities, as the epitome of an organized group, spurred the creation of a prototype international system on a small scale, a sign of agrarian cities emerging. These were characterized not only by size and population, but also by the beginning of a hierarchization of society, a more complex division of labor and a more developed and conscious urban culture. It is important to emphasize the new division of labor and the growth of urban leadership, which led to a political revolution and the formation of city-based states.

Thus, as economic resource and security hubs, and responding to the needs of the population of surrounding areas, city-states drew other settlements into

their zone of influence, started to control them and attracted the resources of these regions.

By the time of the Industrial Revolution, cities were able to operate independently or autonomously, but this narrowed their influence, particularly in the political sphere. Cities became trade and industrial hubs but did not directly affect the international system. Moreover, the role of states in relation to cities also changed: at the time of state formation, they directed their activities towards the development of non-political cities and the extension of control over relatively large areas not posing a threat to each other, thus taking over cities' protective function.

Before the mid-20th century, on the eve of the fourth urban revolution, cities had lost their independence and autonomy because they were not represented as a full-fledged party in negotiations in the international system. Yet at the end of the 20th century, the role of the cities drastically changed due to globalization, which led to their transformation into global cities. As they have become important media, political and financial centers, their role as global service centers has also expanded. Moreover, from the second part of the 20th century, spurred by globalization, cities have implemented and therefore enforced international legal norms into their institutional frameworks with the help of participation in international projects, making the city a full-fledged party in international relations. As a result, nowadays the flows of goods and services among world cities enable the local (city area) agents to powerfully influence nation-state policy making.

REFERENCES

Alger, C. F. (2014). *The UN System and Cities in Global Governance*. New York: Springer.

Blank, Y. (2006). The City and the World. *Columbia Journal of International Law*, *44* (3), 875–939.

Boulding, K. (1968). The City as an Element in the International System. *Daedalus*, *97* (4), 1111–1123.

Castells, M. (1993). European Cities, the Informational Society, and the Global Economy. *Tijdschrift Voor Economische En Sociale Geografie*, *84* (4), 247–257.

Child, G. V. (1958). *The Dawn of European Civilization*. New York: Alfred A. Knopf.

Curtis, S. (2008). Global cities and the transformation of the International System [Doctoral thesis]. Retrieved from http://etheses.lse.ac.uk/2338/1/U615285.pdf

Hansen, M. H. (2000). Introduction: the Concepts of City-State and of City-State Culture. In M. H. Hansen (Ed.), *Comparative Study of Thirty City-state Cultures: An Investigation* (pp. 11–34). Copenhagen: Kgl. Danske Videnskabernes Selskab.

Plujim, R., & Melissen, J. (2007). *City Diplomacy: The Expanding Role of Cities in International Politics*. Clingendael: Netherlands Institute of International Relations.

Soja, E. W. (1989). *Postmodern Geographies: The Reassertion of Space in Critical Social Theory*. London: Verso.

Taylor, P. J., & Derudder, B. (2004). *World City Network. A Global Urban Analysis*. Aingdon: Routledge.