From the Ghettos to the Ballot Box:
Voting Rights for Noncitizens in Urban Elections

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Abstract: Few attempts to mobilize the political participation of minority groups are as innovative—or controversial—as the enfranchisement of resident aliens. Recently, however, several American cities have sought to empower noncitizens to participate in municipal elections. In November 2004, the citizens of San Francisco, California considered a ballot initiative to allow noncitizens to vote in the city's school board elections. In New York City, where resident aliens can vote members of the school board, there is a movement to allow noncitizens to vote in all municipal elections. Takoma Park, Maryland has allowed resident aliens to vote in municipal elections for over a decade. This practice is not unique to the United States, furthermore. Worldwide, twenty-four other states allow certain resident aliens to vote in local, provincial or even parliamentary elections. This practice of enfranchising resident aliens lies at the heart of a theoretical debate among political scientists who study the institutions of sovereignty and citizenship. A number of such scholars cite this practice as evidence of the erosion of both the historical link between the nation and state, and of the state's sovereign authority to define its political community. They argue that global norms of democracy and human rights, international governmental and nongovernmental organizations, and even international diplomacy cause states to offer the franchise to resident aliens. This is the "transnational" thesis. By contrast, "nationalist" scholars argue that because these voting rights often are limited and discriminatory, they only reinforce the link between the nation and state. They cite the importance of interest group politics, cultural understandings of citizenship, institutional venue (judiciary versus legislature), and partisan variables. Paradoxically, these local, national and global pressures arguably have transformed how noncitizens articulate their interests at the urban level. In this paper, I argue the debate between nationalist and transnationalist scholars speaks to the larger literature on global cities. The paper illustrates this by exploring the experiences of two American and two European cities. In the United States, I compare Takoma Park, Maryland, which first enfranchised resident aliens in 1992, to San Francisco, whose citizens recently rejected a ballot initiative that would have allowed aliens to vote in school board elections. In Europe, I compare Vienna, Austria, which first extended voting rights to the city's noncitizens in 2002, to Hamburg, Germany, whose federal courts in 1990 overturned the city's attempts to enfranchise aliens. I conclude that the different experiences of these cities reflect the inherent tensions between local pressures to maintain quality institutions and political legitimacy on the one hand, and shared national historical conceptions of the meaning and content of citizenship on the other.

Since the publication of Peter Hall's seminal book *The World Cities* in 1966, social scientists have offered a plethora of arguments that connect daily urban politics with international and global politics. Indeed, the multitude of terms offered by social scientists to describe cities that both shape and are influenced by world politics—"global cities," (Sassen 2001 [1991]) "world cities," (Hall 1984, Knox and Taylor 1995) and "technopolies" (Castells 1989) among others—reflect a vibrant and healthy research tradition. This community has provided a number of important insights into how global processes transform politics within cities. It is with considerable trepidation, therefore, that I criticize this literature and offer my own conception of a "global" city. My argument in brief is that the global cities literature is remarkably silent on the relationship between cities and the nation-state. While this silence may reflect the tendency of globalization theory to assert the weakening of the nation-state, I argue that focusing on the relationship between global cities and the nation-state serves two important theoretical purposes. First, the extant literature tends to treat the nation-state axiomatically, as a unit of analysis that either is complicit in the transnational processes that have transformed cities, or is so transformed itself by transnational processes that it no longer holds significant conceptual meaning as a unit of analysis. These assumptions deserve critical treatment. By looking at the relationship between global cities and the nation-state, one may draw into focus how the capacities of the state may have weakened, or conversely how they may remain robust. I seek to illustrate this point by focusing on the politics of citizenship within cities.

This anticipates the second theoretical use of focusing on the relationship between cities and nation-states. Cities are agents of globalization not just as command points in the global economy, but also because the politics within global cities challenges and may even transform

nation-states themselves. As I discuss in this paper, cities increasingly are the agents responsible for the economic, social and political incorporation of immigrants. As such cities have adopted innovative institutions that challenge the very meaning of the "nation." To the degree that cities affect the state's ability to regulate membership in the polity, they weaken the capacities of nation-states in precisely the manner that concerns globalization theorists—albeit from "below" (the local level) rather than "above" (the systemic level) (Guarnizo 2001). This insight suggests a new formulation of a "global city": one that transforms or weakens the traditional institutions and capacities of the state in which it resides. Such a formulation may provide a useful bridge between specialties in political science: it allows urban politics and globalization specialists alike to speak to international relations theorists who remain concerned with the nation-state as a unit of analysis.

I should note I count myself among those international relations scholars who afford ontological pride-of-place to the nation-state. I elaborate my argument with a goal of illustrating how urban politics, themselves transformed by transnational processes, may affect the nation-state. The paper begins with an overview of the literature on global cities, in which I show a surprising disregard in the literature for the nation-state as a unit of analysis. Though the literature often implies consequences for the nation-state, to my knowledge researchers have yet to tease out the global-city/nation-state relationship in any systematic or illuminating way. The paper then explicates some ideas about how urban politics may affect the institutions, capacities and policies of national governments. I tend to focus on the international behavior of nation-states since I am interested in the relationship between global and local politics. The paper offers an argument that links the transformative effects of globalization on cities with the rise of citizenship politics. As I show in four brief case studies, the contestation over the inclusion or exclusion of immigrants in cities in turn drives national debates over the statutory and institutional meaning of the "the nation." It is precisely these national debates over citizenship

that throw into stark relief the challenge that urban politics poses to nation-states, and the capacities of states to regulate membership in the political community. To illustrate these ideas, the paper looks at the efforts of four cities to enfranchise their noncitizens. The successful enfranchisement of noncitizens in Takoma Park, Maryland juxtaposes with the failure of a ballot initiative in San Francisco. The cases of Vienna, Austria and Hamburg, Germany illustrate, by contrast, the resilience of the nation-state despite the pressures of globalization, immigration, and the innovative practices of global cities.

Conceptualizing the "Global City"

The literature on "global" or "world" cities offers considerably varied definitions (Kentor, Smith and Timberlake 2005). In his pioneering work, Hall (1984) suggests a world city is one that possesses a cluster of attributes. They are centers of political power, trade, banking and finance. They are home to the wealthiest people in a country, a center of art and culture, and a destination for tourists. Typically they feature a central business district in which one finds an agglomeration of these attributes: government offices, banks, the headquarters of multinational firms, a stock market, and museums. To this conception Castells (1989) adds a technological component, suggesting not only the presence of post-Fordist industries but also a dynamic of urban transformation associated with the shift from traditional manufacturing to these information and service industries. This conceptualization of global cities as agglomerations of attributes has one commendable feature: one can measure and compare various cities of the world according to the presence or absence of such attributes. Beaverstock, Smith and Taylor (1999) adopt such a functional approach to the identification and ranking of global cities, measuring the level of the corporate service and finance industries that figure so prominently in Sassen's (2001 [1991]) argument. Using these measures they distinguish between those cities most implicated in global processes (or "alpha" cities) with those that are less central ("beta") and more or less tertiary

("gamma"). Taylor and Lang (2005) also emphasize functional criteria in the identification of global cities in the United States, focusing on six producer services (accounting, advertising, finance, insurance, law and management consulting). Their methodology refines the approach of Beaverstock et. al. by using measures of connectivity between cities, thus emphasizing the important relational nature of these cities and the producer services that situate within them (see also Keeling 1995).

While such functional approaches to identifying global cities allows for measurement and comparison among cities, they tend to understate or stand mute on the sociopolitical effects of global and transnational processes on cities themselves. Sassen (2001 [1991]) provides one of the more fascinating correctives. She argues that although globalization has facilitated the global deconcentration of manufacturing, such dispersal has necessitated a concomitant re-concentration of producer services in finance, insurance, law, and managerial expertise. With the aid of the very information technologies that facilitate the globalization of manufacturing, the global cities of New York, London and Tokyo have become the producers of the necessary services that make possible the management of this economic globalization. These global cities have thus become the managerial loci of the global economy. What strengthens her analysis is the illustration of how this process of re-concentration has transformed the cities themselves. Sassen notes similar trends in all three cities: a declining middle class, the growth of part-time low-wage and low-end service jobs, an increase in poverty, the infusion of new immigrants, and the emergence of an informal (and often illicit) economy. Thus the post-Fordist reorganization of the global economy is directly related to the social problems of the "dual city": the paradoxical combination of wealth and poverty that typifies today's global cities.

Sassen thus persuasively illustrates the recursive relationship between global cities and the processes of globalization. Cities are both subjects and objects of globalization: the most important global cities facilitate the globalization of production, processes that in turn give rise to

new social problems and tensions within cities themselves. World-systems theorists have elaborated productively on this recursive relationship (Beauregard 1995; Smith 1995). Together with the decline of manufacturing industries and the growth of low-wage work, the influx of a large number of immigrants is creating social divisions within cities that paradoxically are common to all global cities (Friedmann 1986). This "dual city" (Mollenkopf and Castells 1991) or "divided city" (Fairnstein, Gordon and Harloe 1992) represents a configuration of class interests and social conflicts that present new challenges for city managers.

Of course, the sociopolitical tensions of global cities represent challenges for national governments as well. It is therefore surprising that the global cities literature so far has made few connections between the politics within global cities and those at the national level. This oversight may reflect the theoretical traditions of much of the global cities literature. Early pioneering efforts like Hall (1984) tended to focus on urban planning issues. Globalization theorists by contrast tend to criticize the ontological primacy of the nation-state, and to afford conceptual equality to a multiplicity of actors, including cities themselves (Rosenau 1990, pp.114-140). For example, Sassen (2002, p. 1) sees a "partial unbundling or at least weakening of the nation as a spatial unit." For this reason, a number of researchers suggest we can "rescale" our investigations of global politics to the local level without reference to the nation-state itself (Knox 1995, pp. 11-12; Sassen 2002). While much of the global cities literature implies a relationship between the levels of analysis—the implication is that the state's deregulation of markets has facilitated the simultaneous dispersal of manufacturing and concentration of producer services in global cities—to my knowledge this relationship is rarely treated explicitly.

This implicit treatment strikes one as theoretically problematic. For one, globalization theory explicitly debates whether the state is an active, capable facilitator of globalization or is ineffectual in the face of a proliferation of non-state actors and transnational processes. Likewise, traditional international relations theories like neorealism, neoliberal institutionalism and

constructivism still afford primacy to the nation-state as the principal actor in world politics. To scholars from these traditions, it is problematic to treat the state as irrelevant to the rise and evolution of global cities. Similarly, the nation-state is both the primary subject and object of international law. How can global cities researchers reconcile their axiomatic treatment of the state with these broader conceptual and legal issues? Another problem is that the global cities literature tends to downplay or ignore nation-states that IR scholars view as important to international politics today. In Beaverstock, Smith and Taylor's rankings of world cities, the only city from the Middle East is Istanbul (a gamma city), despite the region's obvious importance as a source of both energy and sociopolitical conflict. Likewise, Beaverstock, Smith and Taylor's survey of fifteen global cities researchers finds that two identify Kuala Lumpur as a global city, but only one mentions Washington, DC. Although there may be good theoretical or methodological reasons for such categorizations, they appear discordant with international relations scholarship. If global cities are to serve a conceptual purpose and to find traction with a broader audience in political science, those who study global cities need to problematize the relationship between cities and the nation-state. Such a problematization not only will be consonant with other streams of scholarship, but it also will allow the community of global cities researchers to contribute to broader problems in international relations scholarship.

Such a problematization suggests some new avenues for progress in the study of global cities. By conceptualizing such cities in terms of their relation to the nation-state, researchers can broaden their horizons beyond the traditional large cities emphasized in the functionally derived measures of producer services. As I show below, although Takoma Park, Maryland appears on no one's lists of global cities, the urban politics of Takoma Park may have an impact at the national level as theoretically important as that of New York City. Likewise, a focus on the relationship between city and state may broaden the study of global cities to nation-states that lack a conventionally defined global city but that are important from an international relations

theory perspective. The urban politics of Riyadh arguably are as important for world politics as those of New York, to give but one example. There are thus good theoretical and disciplinary reasons to re-imbed conceptually the global city within the nation-state.

Relating the Global City to the Nation-State

To inform international relations theory, one must explicate how global cities affect the international behavior of nation-states. Clearly, as command points in the global economy or as engines of economic growth and job creation (Clarke and Gaile 1988), cities have the functional capacity to influence national political economy, though the global cities literature tends to look instead at the global level. Because I am interested in moving beyond such functional analyses, however, I wish to look at other ways global cities may influence the international behavior of nation-states. In this section I elaborate four ways in which the urban politics of global cities may affect the nation-state and, by extension, the international system.

First, global cities may be a source of foreign policy preferences for nation-states.[1] There are several ways in which global cities may affect foreign policy. For one, researchers suggest that the sociopolitical changes in cities wrought by globalization give rise to new classes, interests and coalitions. Sklair (1991, 2001) identifies one such group as the "transnational capital class": the coterie of managers, directors, bankers, lawyers and other elite who have organized and sustained the transnational restructuring of production. These elites may be united in their commitment to international policy goals including privatization, fiscal austerity and deregulation, particularly of capital markets—the so-called "Washington Consensus" (Stiglitz 2003). As a class the transnational capitalists may influence the foreign policy of their home states through traditional interest group politics, though they may also organize transnationally. The growing literature on cosmopolitanism offers a complement to Sklair's thesis. Researchers

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[1] I am indebted to Steve Yetiv for suggesting that I pursue this line of reasoning.

like Carter (2001) suggest that the preferences of the transnational elite are greater than simply their economic and professional interests, extending to social justice and human rights as well. This new Kantian cosmopolitanism reflects emerging values and norms in which "relations between individuals transcend state boundaries, and in which an order based on relations between states is giving way to order based at least in part on universal laws and institutions" (Carter 2001, p. 2; see also Falk 1995, Held 1996, and Hutchings and Dannreuther 1999). The cosmopolitan thesis suggests elites in global cities may prefer foreign policies that are less particularistic or nationalistic and more multilateral in their orientations (though see Brint 1991, pp. 167-169 and Rosenau et. al. 2005). Together, these arguments suggest that global processes transform the interests of elites who reside in global cities. If so, we may see corresponding changes in a state's foreign policy.

Kirby, Marston and Seasholes (1995) suggest another way that global cities may affect the state's foreign policy: through "municipal foreign policy movements" or MFPs. Just as previous anti-war and anti-apartheid movements originated in urban areas, so too may today's "citizens see their cities as a means of affecting global concerns" (Kirby, Marston and Seasholes 1995, p. 268). Rather than lobbying national governments directly, these MFPs not only bypass national authorities and take their interests and concerns to the global level, but they may also seek to oppose or circumscribe the policies of their own governments. These MFPs benefit from the growth of information technologies and from the emergence of global civil society. Examples are numerous. In addition to cities reaching out directly to foreign investors and tourists (Judd and Fainstein 1999), cities have become nuclear-free zones and served as sanctuaries for undocumented immigrants. Cities also facilitate policy innovation, allowing local leaders to juxtapose their policies with those of national parties or governments (Waldruch 2005, p. 24). In these respects, global cities increasingly participate as part of a transnational political space that may weaken or undermine the capacities of not just individual states, but of the nation-state

system itself. These MFPs "pose serious challenges (and a proliferation of court cases) to the fundamental role of the nation-state system" (Kirby, Marston and Seasholes 1995, p. 268).

Second, and related to municipal foreign policy movements, cities increasingly serve as the coordinating spaces for global civil society, or "governance without government" (Rosenau and Czempiel 1992). Municipal foreign policy movements may network with global civil society movements in ways that challenge the authority and capacities of nation-states. Smith (1995, pp. 263-64) provides an illuminating example. San Francisco hosted a conference of over 100 local civil society groups in March 1993 that sought to provide recommendations to the June 1993 meeting of the United Nation's World Conference on Human Rights. These groups ranged from labor groups to immigrant rights groups, many of which were self-organized. Smith finds the conference organizers sought to illustrate to the UN Human Rights Commission how migrant workers (particularly women) suffer human rights abuses in the United States. Clearly, the U.S. government was as much a target of the conference's message as was the United Nations. But this does not diminish the point that global civil society increasingly thrives in the spaces that cities provide. The San Francisco conference brought together a number of the transnational elements of global civil society: local groups of transnational actors (immigrants), a city with a culture of civic tolerance and sanctuary, and both a state and international governmental organization as its targets. It is important to note, furthermore, that global civil society may be reactionary as well as progressive. Small cities provided the political strength for Jean-Marie Le Pen's success in France (Gaspard 1995). Local and urban politics thus may create the space for the articulation of a transnational or global message.

Global cities may affect the nation-state in a third way. These cities increasingly are the scene of contestation over the social compact. Sassen (2001 [1991]) notes a marked decline of labor relations in the three cities she studies. The emergence of day labor; the shift to service industries; the influx of immigrants; and the growing informal economy all serve to undermine

the welfare of the majority of citizens in these cities. This erosion of social welfare in cities may

be related, furthermore, to the decline of the historic embedded liberal compromise (Ruggie 1982,

1997). This is because the very processes that create common interests among the transnational

capitalist elite also serve to divide the lower strata that increasingly are composed of diverse

cultures and languages:

> But economic restructuring and the new racial/ethnic/gender division of labor have
> placed the remaining social strata in increasingly diverse positions with a multiplicity of
> interests and values, divided by race, ethnicity, nativity and gender. Local society is thus
> increasingly fragmented, hindering political alliances among these groups and providing
> ample latitude for the political establishment to capitalize on differences among them.
> (Mollenkopf and Castells 1991, p. 17)

These divisions among the laborers and immigrants grow as these marginalized groups compete

for work and security in global cities. Howell and Mueller (2002) find, for example, that African

American males have suffered a decline of their wages as immigrant labor has become more

plentiful in New York City. Similarly Model (2002) finds distinct gender differences in the

welfare of immigrant men and women. These findings suggest significant structural disparities in

the political power of those classes most affected by the debate over social welfare policy. As the

tensions in global cities illustrate, an elite and moderately unified class of transnationalists

contends against a heteronomous and increasingly fractious lower class divided by language,

culture, ethnicity and interests. When such contestation over the social contract is viewed in the

context of the global city, it is little surprise that Ruggie (1997) foresees the end of the historic

compromise of embedded liberalism.

Finally, cities increasingly are the location in which citizens, immigrants and leaders

debate questions about the inclusion of immigrants into society. Particularly in federal systems

but also because of the "devolution revolution" (Soss et. al. 2001), cities increasingly have policy

leeway in the provision of social services to their growing numbers of immigrants. While this is

true in basic social services like education and health, a number of cities have also sought to

facilitate the political integration of migrants. As I note below, when faced with a growing population of immigrants, cities have adopted innovative institutions to facilitate the incorporation of migrants into the body politic. One such institution is the enfranchisement of noncitizens, a practice that blurs the distinction between citizen and alien. In this respect, cities that provide substantive rights may erode the linkage between the institution of citizenship and the polity, a distinction that the nation-state itself may seek to preserve. This is potentially profound: it suggests cities challenge the sovereign state's control over membership in the nation. Knox (1995) noted this emerging challenge that cities pose to the institutional logic of the nation-state:

> . . . we can view world cities as tending to undermine narratives and myths that have sustained the construction of nations from states and vice versa. The other side of this coin is that world cities, as proscenia for materialistic, cosmopolitan lifestyles, can be seen as being central to the construction of new, transnational sensibilities. (p. 13)

Hence citizenship politics in cities may have transformative consequences for the nation-state and the international system itself.

In the following section, I choose to focus on this last relational aspect of global cities and their nation-states. The transformative potential of citizenship politics within cities illustrates how even small cities can challenge the ways a society thinks about membership in the "nation" or "polity." That is to say, "global" cities need not be those with a concentration of financial and producer services. Cities that are cosmopolitan in their outlook and that have a large population of immigrants may have just as much theoretical importance in international relations as New York or Tokyo does.

Transnationalism in a "Small Global" City

The same pressures that transform the economies of New York, Tokyo or London may also change the urban politics of smaller cities such as Hamburg, Vienna, San Francisco or

Washington, DC. In particular, the rise of information-based economies has given new impetus to class disparities in many cities both large and small. While one cause of this polarization is the flight of manufacturing and middle class laborers from larger cities, another is the growth of informal economies and service industries that reward day labor. Such labor creates economic incentives for inflows of migrants into cities; Cross and Waldinger (2002) are correct to emphasize the economic pull that drives immigration, both licit and illegal, rather than the push factors in countries from which day laborers may emigrate. This immigration in turn places new demands on civic services that have suffered from a declining tax base. These trends suggest that the class disparities in global cities may approach those of some lesser-developed countries (Friedmann 1986). The "growing burden of an under-privileged, under-skilled, under-paid and increasingly unemployed minority, suffering multiple deprivations" (Hall 1984, p. 52) creates a politics of polarization that challenges the capacities of cities to manage them.

An important element of this polarization is the politics of citizenship and immigration. Although cities increasingly create economic incentives for immigration as well as assume the responsibility for the provision of services to immigrants, most immigration policies remain the domain of national governments. Most importantly, national governments establish laws, procedures and rules for naturalization and formally regulate immigration. While the state's capacity to regulate *de facto* immigration is subject to question, its *de jure* powers have real political consequences for immigrants and for cities. In the absence of official permission to reside in a country, an immigrant may face barriers to economic opportunity and to public services. Cities and regional governments may face legal restrictions on the services they may provide to undocumented immigrants, such as the provision of driver's licenses. The state's de jure powers thus may consign large numbers of immigrants to the informal economy, and to the low-wage, under-privileged sector that characterizes global cities today. The politics of citizenship in cities thus occur within a structure shaped in part by national policy.

Nevertheless, cities increasingly are a source of policy innovation in the politics of immigration. This innovation reflects broader trends in citizenship politics at the national level. A number of scholars of citizenship politics have noted that the large influx of immigrants during the latter half of the 20th century has caused states to develop institutional alternatives to citizenship to incorporate these residents. Hammar (1990) refers to these innovations as "denizen rights" while Castles and Davidson (2000) suggest they represent a form of "quasi-citizenship." The politics of citizenship in cities also illustrate how resident aliens increasingly make claims for social, economic and political rights not through the institutions of the state, but instead through appeals both to their states of origin and to international laws and norms (Soysal 1994, Sassen 1996). Because of this transnational claims-making by migrants, nation-states face multiple levels of governance and influence on their citizenship policies and practices that they did not face half a century ago. International and nongovernmental organizations increasingly have sought to influence the citizenship practices of nation-states (Barrington 2000, Martiniello 2000, Kashiwazaki 2000) while transnational activist networks have sought to improve the social, economic and political opportunities of migrants (Soysal 1997, Kashiwazaki 2000, DeSipio 2001, Guarnizo 2001). Yet, to my knowledge, no scholar has explored how cities play a similar role in the nation-state's citizenship politics. As I illustrate below, cities are another level of governance that seeks to influence the state's constitution of the political community.

Noncitizen Voting in Four Cities

One compelling example of policy innovation in cities is the enfranchisement of noncitizens. Several cities have chosen to enfranchise immigrants in order to improve their access to public goods and services. As I discuss below, advocates in San Francisco sought to allow noncitizens to vote in school board elections because a large proportion of the city's public school students were children of noncitizens. Likewise, in Hamburg, Germany the city

enfranchised resident aliens to increase the responsiveness of local officials to their demands for

better housing, education and other public services (Neumann 1992, p. 263). In this respect,

noncitizen voting rights may be one innovative means to redress the growing social inequality

that characterizes global cities, the "steady state of fiscal and social crisis in which the burden of

capitalist accumulation is systematically shifted to the politically weakest, most disorganized

sectors of the population" (Friedmann 1986, p. 79).   By empowering noncitizens, cities have

found one way to address this growing class schism that typifies the global city. Noncitizen

voting in cities also speaks to a broader disagreement in the literature on citizenship politics

between the "nationalist" and "transnational" thesis (Earnest). Broadly speaking, nationalist

scholars argue that domestic factors such as institutions, the welfare state or partisan competition

reinforce the historical linkage between the "nation" as a sociological construct and the "state" as

a political construct. By contrast, transnationalist scholars argue that international institutions and

emerging norms of human rights constitute and demarcate the rights states offer their noncitizens,

and consequently weaken the ties between nation and state. Smith (1995) summarizes the

transnational argument:

> . . . these transnational processes have reconstituted the socio-cultural landscape and
> eroded the boundary-setting capacities of the nation-state. They have rendered
> problematic representations of the interplay between the state and civil society premised
> on clear distinctions between inside and outside, citizens and aliens, self and other. (p.
> 250)

Tellingly, several transnationalist scholars cite the practice of enfranchising aliens as evidence of

this weakened bond (Hammar 1990, Soysal 1994, Castles and Davidson 2000, Aleinikoff and

Klusmeyer 2002). If so, then cities that enfranchise aliens are active participants in the

transnational processes that weaken the nation-state. "The distinction between citizens and

noncitizens has been seriously eroded over the past generations and the only difference left is the

ability to vote," one analyst notes ("Noncitizen voting rights urged" 2003).

The willingness of cities to enfranchise their resident aliens suggests a radical decoupling of citizenship and political rights that blurs the distinction between citizen and alien, or between national and foreigner. Citizenship practices in cities thus speak directly to the nature of state sovereignty itself. Do states have the de facto capacity to regulate membership in their political communities? The study of citizenship politics within global cities may offer some answers to this question. I look at four cities that have considered noncitizen voting for their resident aliens: Takoma Park, Maryland and San Francisco, California in the United States, and Hamburg, Germany and Vienna, Austria in the European Union. What follows are short case studies in which I seek, first, to discuss why the cities considered enfranchising aliens; and second, why the four cities experienced different outcomes. In brief, only Takoma Park has sustained its voting rights for resident aliens. San Francisco's initiatives have twice failed—once in the courts and once in a voter referendum—while national courts in Austria and Germany overturned the local legislation that enabled noncitizen voting in Vienna and Hamburg. These case studies are purely exploratory. They are neither exhaustive (Rotterdam and Amsterdam both adopted noncitizen voting in the late 1970s, while Rome recently passed legislation to enfranchise aliens; see Earnest 2004) nor do they include a control case. Any conclusions I draw therefore must be tentative. Yet the cases suggest both future directions for a more detailed crucial-case inquiry, and tentative findings that are consistent with extant research on citizenship politics. They offer a brief if tentative answer to the question of how cities may affect nation-states.

It is no surprise to note that Takoma Park, Maryland appears on no list of global cities, nor in any index of any book on global cities (though it is a suburb of Washington, DC). It is not a global city as conventionally defined. Even San Francisco, Vienna and Hamburg are at best second-tier global cities. In their review of cities mentioned in the global cities research, Beaverstock, Smith and Taylor (1999) find nine of the 15 sources identify San Francisco as a global city, four identify Vienna and only three label Hamburg a global city. Indeed, in the

Beaverstock, Smith and Taylor typology, San Francisco is a "beta" world city and Hamburg is a
"gamma" world city. They suggest Vienna exhibits "strong evidence" of world city formation,
even if it is not yet among the list of world cities. One might reasonably conclude that none of
the four cases qualify as global cities and hence do not fairly test the unique local politics of these
locales. Global cities need not necessarily be the largest cities, however (e.g. Kirby, Marston and
Seasholes 1995). I have already argued that the functional and economic definitions of world
cities tend to obfuscate the important conceptual issue of the relationship of cities to the
institution of the nation-state: "the economistic interpretation inherent in the original heuristic [of
world cities] requires a more human guise that allows a consideration of agency" (Kirby, Marston
and Seasholes 1994, pp. 277-278). The four cities presented below thus help us tease out the
ways in which cities challenge nation-states and the structure of the international system.

Takoma Park, Maryland

The city of Takoma Park lies along Washington, DC's northeast border, in Montgomery
County. Though it is part of the greater Washington, DC metro area, the city itself is modestly
sized: the U.S. Census reported a population of 16,700 in 1990 and an estimated 17,591 residents
in 2004. Given its proximity to the seat of government and to Washington's many international
institutions, Takoma Park is home to a cadre of professionals. In 2000, nearly half the city's
residents had a bachelor's degree, well above the statewide percent (34); a quarter had a Master's,
professional or doctoral degree. A third of the residents work for the federal government or in the
not-for-profit sector. Significantly, over 28 percent of Takoma Park's residents were born
overseas; though a portion of these residents have naturalized, over 17 percent of the city's
residents are noncitizens (all figures from the U.S. Census Bureau 2005). The city has a tradition
of progressive politics. In 1985, the city adopted an ordinance making Takoma Park a sanctuary
city for undocumented immigrants. Takoma Park also declares itself a nuclear-free zone.

In November 1991, voters in Takoma Park approved a non-binding referendum to allow noncitizens to vote in city elections and to hold elected city office. The genesis of the initiative appears to be the 1990 census, after which the city undertook a redistricting of its voting precincts. Importantly, Jamin Raskin, a Takoma Park resident and American University law professor, served on the city's redistricting task force. When the task force found some of the city's redrawn voting precincts had a large percentage of noncitizens, the members discovered an important paradox of federal election law ("Takoma Park asks. . ." 1991). Because federal law requires states and municipalities to draw districts based on total population rather than on the number citizens or registered voters—the "equal population" clause—a voter in one of Takoma Park's districts with large populations of noncitizens would have a disproportionately powerful vote. To resolve this dilemma, Raskin suggested enfranchising the city's population of noncitizens and set out to research the legality of such a proposal (Raskin 2005). Raskin's resulting research established the constitutional permissibility of the practice (Raskin published his findings in 1993). Thus the redistricting task force in conjunction with advocacy groups drafted a nonbinding initiative that appeared on the November 1991 city ballot.

News reports suggest advocates of noncitizen voting in Takoma Park referred to Sweden's practice of allowing aliens to vote as well as several other small communities in Montgomery County that allow noncitizens to vote in town elections ("Takoma Park asks. . ." 1991; Kaiman and Varner 1992). The referendum benefited from a concerted "Share The Vote" campaign, while there was little organized opposition until after the November referendum passed. Proponents printed up leaflets and canvassed communities throughout the city. Even with this concerted effort, the initiative passed by only 92 votes, perhaps reflecting some citizens' concern that the initiative would allow undocumented aliens to vote. The following January, the City Council approved a resolution to enfranchise citizens, making the non-binding referendum a reality. For the last twelve years, noncitizens have voted in every city election in Takoma Park.

The city's referendum appears to have succeeded for three reasons. First, federal courts had previously ruled that noncitizen voting is neither constitutional required nor prohibited. As Professor Raskin illustrates in his 1993 article, the United States has a rich history of aliens voting at all levels, from local politics to presidential elections. Noncitizens voted in every presidential election until the turn of the 20th century; at the height of its practice in 1875, 22 states allowed noncitizen voting (see also Aylsworth 1931). Second, the Maryland state legislature had defined voter qualifications for state elections but stood silent on qualifications at the local level. This silence, in conjunction with several townships in Montgomery County had previously chosen to allow noncitizen voting, established the permissibility of noncitizen voting in state law. The Takoma Park initiative thus broke no new ground, and legal impediments to the initiative were few. Finally, the referendum succeeded because advocates were knowledgeable and well organized, while opponents were few, unorganized, and mostly from outside the city rather than from among the city's residents.

The enfranchisement of resident aliens in Takoma Park had local and national effects. Advocates from Los Angeles and New York contacted Professor Raskin shortly after the success of the ballot initiative (Raskin 2005). In the Washington, DC metropolitan area, several municipalities explored the possibility of enacting voting rights for noncitizens. Citing Takoma Park's initiative, civic leaders in Washington, DC took up the cause of noncitizen voting as one way to relieve the political and social tensions that sparked the city's Mount Pleasant riots in the spring of 1991 (Griffith 1991). In May 1994, Arlington County, Virginia (immediately across the Potomac River from Washington, DC) allowed resident aliens to vote in the county's school board elections (Chung 1996). Washington's city council recently revisited the issue of noncitizen voting, when in 2003 three city council members introduced a "voting rights for all" act, with the support of the city's mayor and several migrant groups ("Noncitizens Seek Ballot Box Access" 2003, Swarns 2004). The city council of Rockville, another Montgomery County

town, considered a noncitizen voting measure in 2002 (Gowen 2002). Not surprisingly, Takoma

Park's experiment also generated new opposition to the idea of noncitizen voting. Immediately

after the referendum, an organization called Americans for Immigration Control began to lobby

members of Congress to oppose noncitizen voting. Republican legislators in the Maryland state

assembly also proposed a bill to prohibit noncitizens from voting in municipal elections, though

the bill died in committee before going to a floor vote (Raskin 2005).

San Francisco, California

   Takoma Park's initiative directly influenced those in San Francisco who want to allow

noncitizens to vote in the city's school board elections. As in Takoma Park, San Franciscans

have a long history of progressive politics that is nationally and internationally known. It is also a

multiethnic city: over a third of its residents were born overseas, while nearly 16 percent of its

residents are not U.S. citizens. Hayduk (2005) notes that, along with civil rights and gay rights,

the city's push for immigrants' rights reflects the citizens' commitment to broad issues of social

justice. Because this commitment often contrasts with broader state politics in California—

including recent initiatives to curtail health and social services to undocumented aliens—

immigrants' rights groups in San Francisco have championed noncitizen voting as a corrective to

the state legislature's encroachments on the rights and opportunities of noncitizens.

   Here I summarize Hayduk's (2005) detailed and informative case study of voting rights

in San Francisco. Twice advocates in the city have sought to allow resident aliens to vote for

school board members. In 1996 Mabel Teng, the city supervisor, proposed enfranchising

noncitizen parents of school children to vote in the city's school board elections. Following the

Teng proposal, a group called the Immigrant Rights Movement (IRM) drafted an ambitious ballot

proposal that, if adopted, would allow all noncitizens in San Francisco to vote not just in school

board elections but in any municipal election. Hayduk (2005) illustrates that both the Teng

proposal and the draft ballot initiative quickly became imbricated in the statewide debate over whether or not California should provide public benefits to undocumented aliens, exemplified by Proposition 187. Unlike in Takoma Park, opponents to both the Teng and IRM proposals organized quickly to argue against the initiatives. Louise Renne, then the city's attorney, challenged the draft ballot proposal in court, arguing that the initiative violated the state's constitutional requirements for voting: "A United States citizen 18 years of age and resident in this state may vote" (Article II, Section 2). Renne won her court case in May 1996 when a superior court ruled both the Teng proposal and the draft ballot initiative would violate the Article II provision. San Franciscans thus never had the chance in 1996 to express at the ballot box their support for or opposition to noncitizen voting.

In the early 2000s advocates of noncitizen voting once again sought to allow the city's resident aliens to vote in school board elections. The recent initiative originated from Matt Gonzalez, the president of the San Francisco Board of Supervisors and member of the Green Party. Hayduk (2005) reports that Gonzalez first considered the idea of noncitizen voting when a fellow Green Party member and New Zealand native noted that noncitizens can vote in that country's parliamentary elections (Earnest 2004, p. 42). In conjunction with local community and immigrants groups Gonzalez put forth Proposition F, a referendum that would enable the city's immigrants who have children in public schools to vote in school board elections. Learning from the 1996 experience, advocates included in Proposition F several provisions to make it more palatable. For one, the provision contained a sunset clause that the voting rights would expire in four years unless renewed by the electorate. For another, unlike the Immigrant Rights Movement proposal in 1996, Proposition F limited the scope of noncitizen voting to school board elections. Advocates hoped that these qualifications would minimize opposition by assuring San Franciscans that noncitizen voting was an experiment in democracy that, if unsuccessful, would expire in four years' time (Chiu 2005). Finally, and most importantly, advocates of Proposition F

sought to anticipate all legal challenges before the initiative was put to a vote. Their legal argument rested on California's home-rule doctrine that allows cities to pass legislation that conflicts with state law provided it pertains solely to a municipal affair. Because the city's schools fall into the domain of home rule, advocates argued the city could make a case for the constitutionality of the noncitizen voting provisions as long as they remained limited to school board elections (Chiu 2005).

Nevertheless, in a memo leaked to the local press Dennis Herrera, the city's attorney, reportedly predicted the initiative, if adopted, would likely face legal challenges and be overturned in court (Hayduk 2005). Despite this concern, Herrera supported putting the proposition to San Francisco's voters. Thus, unlike in 1996, a noncitizen voting referendum Proposition F appeared on the November 2004 ballot. The proposition nevertheless faced several hurdles. Unlike in Takoma Park, both those in favor of Proposition F and their opponents were well organized. Proponents included an official endorsement from the San Francisco Democratic Party, the San Francisco Labor Council and a broad range of immigrants' rights groups. This coalition was significant, as tensions between migrant labor and traditional unions often lead the groups to different positions on questions about immigrants' rights. The opposition included an organization known as SFSOS and some strange bedfellows. Senators Dianne Feinstein and Barbara Boxer, the state's leading Democrats, both supported the No on F movement, while the *San Francisco Chronicle*'s editorial page urged voters to reject the proposition (Hetter 2004, Hayduk 2005). One issue that fueled opposition was Proposition F's inclusion of undocumented immigrants in the franchise, a feature that drew national attention from one member of congress and featured prominently in the public statements of SFSOS (Swarns 2004). This issue may have divided the city's progressive Democratic voters from its moderate ones.

In the end, voters defeated Proposition F by a tally of 51 percent to 49 percent, or less than 10,000 votes. David Chiu, an immigrants' rights attorney who organized the coalition in

favor of the noncitizen voting initiative, has suggested several reasons why the campaign failed (Chiu 2005). He believes the opponents to Proposition F was relatively small, but benefited both from considerable financial resources and from a xenophobic message coupled with scare tactics. The initiative may also have suffered from the cacophony of a general election. The November 2004 ballot in San Francisco included candidates for U.S. president as well as for half of the city's Board of Supervisors. The national election made it hard for proponents to generate much media interest and public attention for the issue of noncitizen voting rights. Likewise, Proposition F became a wedge issue in some Board of Supervisors races, which in turn fed the negative campaigning of opponents. Proposition F thus faced a well organized opposition and suffered from division among the city's and state's Democratic leaders. For these reasons, San Francisco's experiment with noncitizen voting failed. Even if voters had approved Proposition F, however, it undoubtedly would have faced a court challenge. If the city attorney's opinion is any guide, the courts were likely to strike it down.

Hamburg, Federal Republic of Germany

The Federal Republic of Germany's commissioner on immigration issues first raised the possibility of enfranchising Germany's resident aliens as early as 1979, though the federal government took no steps to enact such rights. This inactivity appears to be typical: Joppke (1999, chapter 3) notes that paralysis and inactivity in the executive branch of government and an absence of centralized policy coordination characterize immigration policy in Germany. Immigrants increasingly have gained social and economic rights through expansive interpretation of laws in Germany's courts as the judiciary has become the source of innovation in Germany's policies for the incorporation of immigrants: "activist courts have expansively interpreted and defended the rights of foreigners" (Joppke 1999, p. 69). Although the national government took no steps on noncitizen voting, however, regional governments in the 1980s began to consider the

possibility of enfranchising their resident aliens. In 1989, two northern *länder* enacted noncitizen

voting provisions. Hamburg, the *länder* that contains the eponymous port city , twice before had

considered measures to enfranchise the state's resident aliens (in 1982 and 1987). In 1989 it

adopted a provision that would allow noncitizens to vote in "relatively unimportant"

neighborhood council or borough elections (Rath 1990, p. 132). These rights were restricted to

resident aliens who were nationals of an EC country and who had resided in the state for at least

eight years. The neighboring state of Schleswig-Holstein also adopted limited voting rights for

resident aliens, though it restricted the rights to noncitizens of specific nationalities—Danes,

Norwegians, Swedes, Dutch, Swiss and Irish noncitizens, but notably not Turkish or Polish

noncitizens (Rath 1990, p. 132). Soysal (1994, p. 128) reports that the government of West

Berlin also adopted voting rights for resident aliens in 1990.

Several factors appear to have contributed to these particular *länder* adopting the alien

franchise. For one, West Berlin, Hamburg and Schleswig-Holstein all were local strongholds of

the left-leaning Social Democratic Party (SDP). While in opposition to the Kohl Government of

the conservative Christian Democrats (CDU/CSU) in the late 1980s, the national SDP had

advocated for local voting rights for aliens legally residing in Germany. The Kohl Government,

by contrast, "denounces the immigrant franchise passionately" (Rath 1990, p. 133). The issue of

noncitizen voting thus entered the national debate as a distinctly partisan issue; the SDP's local

strength in Hamburg, Schleswig-Holstein and West Berlin allowed the party to adopt an issue

they believed would distinguish it from the Kohl Government. Another reason these states

adopted noncitizen voting rights is the role of immigrant groups themselves, who campaigned in

Germany for the franchise. Rath (1990, p. 132-33) reports that the Danish noncitizens of

Schleswig-Holstein actively pursued voting rights, while elsewhere in Germany immigrant

groups also sought to gain broader political rights. Combined with the SDP's position on the

issue, the advocacy of immigrant groups suggested the possibility of a new constituency for a left-leaning coalition and a return to government for the SDP.

Another pressure for enfranchisement was demographic. In 1961, Hamburg had only about 1 immigrant for every 85 citizens. By 1983 this figure was about one immigrant for every nine citizens. Throughout the 1980s, furthermore, Hamburg's population of immigrants remained about 10 percent of its total population (Germany, Federal Statistics Office, 1970-1990). These facts belied the popular national myth about the *gastarbeiter* or "guest worker." Rather than temporarily hosting foreign laborers who would soon return to their countries of citizenship, Hamburg had a population of more or less permanent residents who remained outside the body politic. Thus, voting rights for noncitizen became "a means for the better 'integration' of alien residents into German society as well as for increasing the responsiveness of government to their needs in education, housing and social services" (Neuman 1992, p. 263). Some German proponents of noncitizen voting argued that voting rights would help mitigate the "highly vulnerable position" these aliens held in society (Neuman 1992, pp. 272), an argument that echoes the concern of the global cities literature with the growing social and economic disparities between citizens and migrants. In contrast to Hamburg, the state of Schleswig-Holstein had a smaller population of immigrants: from less than one percent of the total population in 1961, the proportion of immigrants had grown to only about 3.5 percent by 1989. Nevertheless, Schleswig-Holstein may have felt external pressures to adopt the franchise for its resident aliens. As a border state, Schleswig-Holstein may have learned from the experience of Denmark, which since 1977 had allowed noncitizens from other Nordic countries to vote in local elections, a right the government extended to all resident aliens in 1981. Since these included resident aliens of German descent living in Denmark, the government of Schleswig-Holstein may have decided to

reciprocate the right to Danes living in border areas.[2] That the nationality requirement limited

voting to noncitizens from Denmark, Norway, Sweden, the Netherlands, Switzerland and Ireland

lends some credence to this possibility. All six countries allow German noncitizens to vote in

their local elections.

Despite the innovation in Hamburg and Schleswig-Holstein, noncitizens in these states

did not have an opportunity to vote before federal courts considered opponents' legal challenges

to the initiatives. Joppke (1999, p. 195) argues that "The German debate over alien suffrage was

a foundational debate over the meaning of membership in the nation-state." Opponents to the

Hamburg and Schleswig-Holstein initiatives included 224 members of the federal parliament, all

of whom were aligned with Kohl's CDU/CSU conservative government. In October 1990, the

Federal Constitutional Court—the highest court in the Federal Republic, equivalent to the

Supreme Court of the United States—ruled that the initiatives in Hamburg and Schleswig-

Holstein violated the Basic Law, Germany's constitutional document. The decision found that

"Elections in which aliens are also entitled to vote cannot convey democratic legitimation."[3]

Neuman (1992) argues the Court grounded its decision in a legal understanding of "citizenship"

as an ethnic and social construction rather than a political community. The court found the Basic

Law grants the right to vote to the German nation as a collectivity, rather than to individual

members (Neuman 1992, pp. 277 and 283-287). Thus in Germany the right to vote adheres to a

pre-political community defined by common descent, not to individuals either as citizens or as

subjects of the state's sovereign authority. The Federal Constitutional Court thus found in the

Basic Law an ethno-linguistic understanding of the meaning of the "nation" that contrasts

considerably with the liberal-republican conceptions of France, for example. Brubaker (1992) and

Joppke (1999) show how this conception of the German nation reflects the history of the state's

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[2] For statistical evidence of a possible transnational demonstration effect in the enfranchisement of aliens, see Earnest 2004.

[3] This is Neuman's translation of the court's decision (1992, p. 287). Tomforde (1990) translates the relevant passage as "elections in which foreigners can vote cannot convey democratic legitimacy."

political development: Germany's late unification of a diverse body of German-speaking principalities, and its postwar division into a free west and an ethnic diaspora in the communist east. The legal debate and the Court's decision thus "reflects the particular historical development of nationhood in Germany, where the rise of a linguistic and cultural nationalism at the beginning of the nineteenth century led to an emphasis on nationality rather than residence as a crucial factor in defining a polity" (Neuman 1992, p. 291).

The Court in the Federal Republic thus struck down the nascent voting rights for noncitizens in Germany's *länder*, though the Court took care to note that a constitutional amendment could permit localities in Germany to enfranchise their noncitizens (Neuman 1992, p. 289). Thereafter Germany's population of noncitizens found itself ensnared in the institutional conundrums of German citizenship policy. The Court's decision means that noncitizens have only two paths to political incorporation. They can naturalize—a difficult task in Germany, which historically has low rates of naturalization—or they can seek a constitutional amendment. Needless to say, the latter path is difficult for a constituency with no political rights, in a nation-state with a federal executive that historically has been inactive or incapable of pursuing policies to incorporate noncitizens. Federal institutions and law in Germany, themselves reflections of Germany's unique historical experiences, overwhelmed the local experiments with noncitizen voting in Hamburg and Schleswig-Holstein.

Vienna, Austria

Vienna's experiment with noncitizen voting parallels that of Hamburg and Schleswig-Holstein, though little analysis of its initiative has found its way into English-language sources. As in Germany, the city-state of Vienna experienced large and rapid growth in its population of immigrants. In 1991, about thirteen percent of Vienna's population consisted of foreign nationals; by 2001, this had grown to nearly 24 percent (Austria, Osterreichisches Statistiches

Zentralamt 1992 and 2003). In December 2002, the city-state of Vienna adopted a provision to

allow all noncitizens who had resided for five years or more to vote in urban district councils

(*Bezirksräte*) but not in elections for Vienna's municipal council (*Gemeinderat*) (see Waldruch

2005, p. 11). Austria, like all EU members, allows all resident aliens who are EU nationals to

vote in local elections, consistent with its obligations as a signatory to the Treaties of Amsterdam

and Rome (European Union 1997).[4] Vienna's 2002 initiative significantly broadened these rights

by enfranchising legally resident noncitizens from countries outside the European Union. In

February 2001, Michael Haeupl, the city's mayor, first stated his support for enfranchising non-

EU immigrants for local elections ("Mayor Haeupl threatens to quit. . ." 2001). Local elected

officials apparently divided largely along party lines: left-leaning parties favored the initiative

while the right-leaning People's Party and the far-right Freedom Party both opposed it ("Austrian

FP fighting to stop . . ." 2002; "Vienna gives non-EU nationals. . ." 2002). Despite this

opposition Haeupl, a member of the Social Democratic majority that governed Vienna, worked

with the Greens to enact the provision ("Vienna gives non-EU nationals . . ." 2002). As in

Germany, conservative party members challenged the legality of Vienna's provision in federal

courts. In June 2004 the Constitutional Court ruled that voting rights for non-EU nationals at any

level violate the constitution (Waldruch 2005, p. 11). Thus Vienna's local initiative failed to

survive the scrutiny of national courts, though I can find no English-language analysis of the

court's rationale.

From this brief summary one can offer a few tentative speculations. As in the case of

Hamburg, Vienna's initiative allowed a left-leaning party to distinguish itself from a right-leaning

conservative government. Waldruch (2005, p. 24) notes that Vienna's experiment allowed the

left-leaning Social Democrats to "strengthen their credentials" in national elections with certain

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[4] The relevant section is Part II, Article 19(1): "Every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and stand as a candidate at municipal elections in the Member State in which he resides, under the same conditions as nationals of that State."

swing voters.   The role of the judiciary is the obvious second parallel. As in Germany, a federal

constitutional court played the decisive role in overturning a local initiative. In this respect, the

absence of an English-language analysis of the Austrian court's rationale is problematic. It will

be telling to determine if Austria's court relied on technical-legal grounds for overturning the

Vienna initiative, or if it grounded its finding in fundamental understandings of the nature of the

Austrian nation like those that informed the German court's decision on the Hamburg and

Schleswig-Holstein initiatives.

Analysis

Despite these diverse outcomes efforts to enfranchise noncitizens in Takoma Park, San

Francisco, Hamburg and Vienna share some common features. Takoma Park is the clear

"success" of the four: its enfranchisement of the city's noncitizens for municipal elections has

now been in effect for fourteen years. San Francisco in some ways is the clear "failure" case:

proponents were unable to persuade the city's voters to adopt Proposition F. It is counterfactual

to speculate whether or not the San Francisco proposition would have survived the scrutiny of

California's courts, though the city attorney's finding that it likely would fail legal challenges is

telling. In between these two extreme outcomes lie Hamburg and Vienna. In both cases, local

authorities enacted provisions to enfranchise resident aliens, only to have federal courts declare

the measures unconstitutional. The four cases all illustrate the importance of national courts,

political parties, and the organization of opposition groups, even as they differ in the

qualifications they placed on the rights of noncitizens to vote. These similarities and differences

have potentially important implications for the literature on global cities.

All three nation-states in this study are federal states, in which federal institutions share

authority with local governments in complex ways. This federal structure made policy innovation

possible among the cities of the United States, Austria and the Federal Republic of Germany.[5]

Yet this very federal structure raises foundational issues in all three democracies: which level of

government defines and regulates membership in the body politic? This constitutional issue

made the role of national courts important in all four cases. In the case of Hamburg and

apparently in Vienna, national courts ruled that only federal institutions had the authority to

constitute the polity. In the United States, by contrast, case law and a history of noncitizen voting

assures that the member states possess the constitutional authority to define voters however they

wish. While this made the innovations in San Francisco and Takoma Park theoretically possible

in terms of federal law, it paradoxically made California and Maryland state institutions more

important. Takoma Park succeeded because state law already established the permissibility of

cities adopting their own voter qualifications. Advocates in San Francisco based Proposition F on

a home-rule provision in state law, though it is unclear whether or not the state courts would have

upheld the proponent's interpretation of home rule doctrine. It is important to recall, however,

that the proponents' first attempt in 1996 failed the scrutiny of the court, and that the state

constitution explicitly defines California voters as citizens of the United States. Thus in San

Francisco, Vienna and Berlin, the courts played a pivotal role in delimiting the possibility of

voting rights for noncitizens in municipal elections.

The role of the judiciary shows that immigrants, citizens, elected officials and judges all

contest the meaning of citizenship in ways that reproduce nationally shared and unique

conceptions of membership in the body politic. Thus the Federal Constitutional Court in

Germany delivered an understanding of the "nation" as a pre-political, ethnic construction that

antedates the state, while American courts upheld the traditional republican conception of the

citizenry as a construction of the member states of the union. National attributes strongly

conditioned the debates over enfranchising aliens in local elections. This suggests two findings.

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[5] Another federal state, Switzerland, has three cantons in which noncitizens can vote in cantonal elections. See Earnest 2004, pp. 29-30.

First, national courts play a paradoxical role in the local politics of immigrant rights. Although Joppke (1999) and Aleinikoff (2001) are correct when they find that judiciaries tend to expand the social and economic rights of immigrants, in the domain of political rights they may be more exclusionary than inclusive. In other words, national courts may play an important role in reinforcing the bonds between the nation and the state in a manner that belies the findings of transnational researchers that states are become "postnational." Second, the nation-state's institutions meaningfully contribute to the opportunities or lack thereof that immigrants in cities have. The literature on global cities tends to downplay the active role of the nation-state in this process, though researchers on immigration politics would find this argument commonplace. Those who study citizenship politics can provide an important corrective to those who study global cities.

In all four cases the organization of opponents is illuminating. Advocates in Takoma Park were active, well organized, and faced no organized opposition. The opponents who came to light after the nonbinding ballot initiative in November 1991—principally Americans for Immigration Control—both organized their efforts too late in the process, and were largely an outside group rather than a group of Takoma Park citizens. In San Francisco, Hamburg and Vienna, by contrast, opponents were well organized. In San Francisco opponents filed a preemptive court challenge in 1996, while in 2004 the "No on F" opposition benefited from considerable funding that enabled it to distribute thousands of leaflets across the city. The opponents to the proposition also enjoyed support from the editorial page of one of the city's leading newspaper and from the state's two Democratic senators. The role of Senators Feinstein and Boxer suggests that the state's Democratic leadership was divided on Proposition F, since the local party had endorsed the ballot initiative. Partisan factors also help to illuminate the failures of noncitizen voting measures in Vienna and Hamburg. In both cases, it appears that parties that stood in opposition at the national level used the issue of noncitizen voting as a "wedge" issue to

distinguish them from the ruling coalition parties. While this tactic may have created some electoral advantage nationally, it also assured that in both Germany and Austria the issue of noncitizen voting would become a national issue in a way that the initiatives in the United States did not. In both the Hamburg and Vienna cases, opposition largely derived from national political figures. In both cases the litigants in the cases that overturned the local statutes were elected officials—in Germany they were members of the Bundestag, in Vienna they were local members of the conservative coalition that ruled at the national level. Thus in Germany and Austria national electoral politics served to transform the issue of local voting rights for noncitizens into a foundational debate about what it means to belong to the German and Austrian political communities. This in turn made the involvement of national courts in the debate all the more likely. The cases of Hamburg and Vienna illustrate how party politics and the activism of the judiciary became intertwined in a manner that so far has not occurred in the United States.

There were also important differences in the details of the four enfranchisement proposals. These differences may have shaped incentives and opportunities for opponents, though the evidence here is less clear. Most notably, Proposition F would have enfranchised undocumented aliens as well as lawfully resident ones, a proposal that some voters found objectionable. Curiously, however, Takoma Park's provision also enfranchised undocumented aliens but did not generate the organized opposition that San Francisco had. Proposition F also was a more limited right than in Takoma Park, since it contained a sunset provision and would have permitted voting in school board elections only rather than in all municipal elections. Carefully delimited and qualified rights are no guarantee of success, however. Proponents in Hamburg and Vienna both advocated voting rights with additional qualifications. In both cities, qualifying noncitizens would have resided legally for five years or more and satisfied a nationality qualification. In both cases the right to vote was limited to elections for sub-municipal borough or town councils, but not for regional elections. Despite these carefully qualified and

circumscribed rights, both Hamburg and Vienna generated a national opposition in a manner that the more permissive San Francisco and Takoma Park rights did not. To explain this paradox, one must refer to the role of national courts and political parties, which were largely absent from the local debates in the United States.

Despite the emphasis of the global cities literature on the largest and most interconnected cities in the global economy, smaller cities may have an impact on nation-states that is just as theoretically important. The four cases discussed here illustrate how local politics may shape national debate about the nature of national communities and, by extension, the nation-state itself. In the United States, one sees a demonstration effect. By succeeding where others have failed, Takoma Park's example continues to inspire initiatives to enfranchise noncitizens—not just San Francisco but also particularly in New York City, a city which most researchers agree is a global city. The policy innovation in cities, and court challenges to them, have crystallized debates about the boundaries of the political community in an era of large-scale migration and growing crossborder flows of goods, capital, and ideas. Smaller cities are reproducing the very social tensions, class conflicts and polarizing pressures that typify the largest global cities. Their innovative approaches to such pressures may not always succeed, as in the failed cases of Vienna, Hamburg and San Francisco. Two factors suggest, however, that the responses of local authorities to these pressures is mimetic or "isomorphic": "the tendency to become alike . . . can stem from the functional necessities in the pressures for globalization" (Rosenau 1997, p. 93). For one, cities like San Francisco are willing to pursue noncitizen voting more than once despite previous failures, indicating a continuing need to protect noncitizens from the worst consequences of industrial reorganization in global cities. For another, the adoption of such voting rights in other cities (including most recently Rome) suggests that local authorities elsewhere around the world respond to growing social cleavages in identical ways. Thus the parallel spread of voting rights for noncitizens in municipalities itself ironically may be a global

process. The global cities literature is well placed to explore this irony in much richer detail, once it accepts a larger role for smaller cities.

Conclusions

While the pressures of globalization may explain the rise of parallel initiatives around the world to enfranchise noncitizens in local elections, the failure of several of these initiatives may attest to the latent power of the nation-state to regulate the processes that give rise to global cities. This paradox is illustrated by the eerily similar public debates and pronouncements among proponents and opponents in all four cities. For example, the New York Times editorial board recently expressed opposition to the enfranchisement of aliens: "Extending the most important benefits of citizenship to those who still hold their first allegiance to another country seems counterproductive" ("A Citizens' Right" 2004). This argument echoes the finding of Germany's Federal Constitutional Court in 1990 that "elections in which aliens are also entitled to vote cannot convey democratic legitimation" (Neuman 1992, p. 287). Other opponents assert "the call for non-citizen voting is actually a veiled attack not only on the idea of citizenship itself but also on the very principles on which that citizenship is based" (Raskin and Spalding 2005). Schuck (2004) argues "it is not unfair to recognize and maintain this distinction so long as legal immigrants are offered the opportunity to become citizens on an equal basis without undue obstacles or unreasonable delay." "You don't have two husbands. You don't serve two gods. You can't serve two countries," argues another opponent ("Takoma Park asks. . ." 1991). Likewise, proponents of noncitizen voting across the globe speak as if reading from the same script. The spokesman for the mayor of Vienna argued in favor of noncitizen voting by noting "the local level, where people will be allowed to vote, is their immediate environment. The things that can be decided at that level—such as what the parks look like and how the schools are—affect people directly" ("Vienna gives non-EU nationals . . ." 2002). Similarly, Raskin (1993, p. 1452) argues:

"While my Canadian and Brazilian neighbors and I may have different interests or approaches on international issues like acid rain or regional trade, we presumably have identical interests in efficient garbage collection, good public schools, speedy road repair, and so on." This logic of a community of shared local interests finds expression both in Proposition F's focus on elections for the San Francisco school board, and in Germany's debate in the 1980s over noncitizen suffrage (Neuman 1992, pp. 274-276).

Large-scale migration thus has thrown into stark relief the question of "who are the 'people'?" Despite varied local circumstances and national policies, proponents and opponents alike appear to debate in very similar terms. That citizens and noncitizens alike are debating the meaning of the nation undoubtedly arises from the transnational pressures and social disparities that play out in the ghettos of today's global cities. That the institutions of the nation-state play a meaningful role in the varied resolution of these debates suggests we as scholars must qualify our understanding of global cities. We must re-imbed them in the cultural, institutional and geographic fabric of the nation-state. Such an exercise not only offers greater explanatory power, but it also allows global cities researchers to engage international relations scholars in a debate that holds the promise of synthesis.

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