

# THE LEGAL-CONCEPTUAL PROBLEMS OF MEXICO'S METROPOLITAN AREAS: PROPOSALS FOR A NEW COMPETENCE DESIGN

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**ABSTRACT:** The present text was encouraged by a double purpose: on the one hand, to ponder on the problems of metropolitan areas, presenting conceptual vacuums and some antinomies in Mexico's legal system; and, on the other hand, to draft a new competence design for the current branches of government, as well as imagining new and appropriate political apparatus for the new urban realities.

**KEYWORDS:** City, Metropolitan area, Megalopolis, Competence, Government.

*“The most beautiful and highest forms of knowledge are those that deal with the organization of cities and families”.*  
– Plato.

## INTRODUCTION

Without a doubt, the two greatest inventions of the human species are the modern State and its cities. These two forms of association are an increasingly perfected expression of humans' need to live in society and to materialize their political nature (*zoon politikón*). Before these two, all other technological creations, like the Smartphone, the computer or the Internet, become secondary, since they were created –and are only possible– thanks to the political association par excellence: the State. Before the complexity and difficulty implicit in this form of social organization, all other inventions can be considered as consequent.

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However, present day large urban agglomerations have created tensions in the concepts and paradigms that brought them to life: municipal autonomy against the sovereignty of states; territorial distribution of power based on political and administrative divisions instead of the necessary, but nonexistent, distribution of power in metropolitan areas; and the State, the most characteristic archaic political association, based on the territorial nature of public life's problems projected against the growing complexities and 'transterritoriality'<sup>1</sup> of current public problems [security, the environment, mobility, etc.].

On the other hand, without a doubt, the Nation-State that resulted from The Treaty of Westphalia faces challenges and problems of global scale that widely surpass the purpose and breadth of said system. In the same way, municipalities –an invention even more ancient than the modern State– have also been overwhelmed by the phenomenon of metropolitan areas and their chaotic problems. Therefore, it is very difficult to explain and, even yet, trying to solve these new realities through institutions and concepts that belong to different times and realities.

## **CITY, URBAN AGGLOMERATION, AND MEGALOPOLIS: REALITIES AND TENDENCIES OF THE MODERN WORLD**

Contrary to what is commonly believed, cities are not a recent phenomenon. The existence of many of them is registered in history since the earliest times. Of course, their organization, infrastructure and functions have radically differed through time. However, it is very important to point out that:

A city is a collection of architectural forms in space and a fabric of associations, corporations and institutions that occupy this collective structure (...) cities were instituted as centers of royalty and clerical power; where a king's first action was the construction or "re-dedication" (sic) of a temple so it could be a dwelling for whichever god ratified and sanctified their pretensions of absolute authority (Mumford, 1979: pp. 385-386).

In fact, since time immemorial, cities have distinguished themselves for being the seat of formal, political and/or religious power, and of other informal powers as well, like the economic –whether lawful or unlawful–, cultural, scientific or of any other kind. Cities are seats for power and knowledge. Just as the American philosopher Lewis Mumford (1979, p. 388) so correctly mentions: "the capacity for cultural storage of a city of barely 100,000 residents widely surpasses that of any electronic computer".

<sup>1</sup> This context is taken from Luis F. Aguilar Villanueva (2017).

With that being said, it is convenient to state clearly that a city<sup>2</sup> and a metropolitan area are not the same thing. Commonly, a metropolitan area is understood as a group of cities established in two or more municipalities, whereas a city can exist within a single municipality –or can, in fact, be a municipality– without it necessarily involving a metropolitan area.

In that regard, the Organization for the Economic Cooperation and Development (OECD, 2017) defines a city as “a local administrative unit where the majority of its population –of at least 50 thousand residents– lives within one urban center”.

The fact that, in any part of the world, cities are the most relevant matter in life and public debate doesn't seem coincidental: decision-makers, and social-sciences scholars endlessly discuss them in their problems. It is not surprising. Quite correctly, Rodrigo Borja (2018, par. 28) states that:

Urban spaces are the territorial base for collective action. That is where political ideas are expressed, debates are developed, conflicts are raised, social and political struggles take place. Urban spaces are the stages for the social, cultural, legal, political, economical and religious lives of people.

In this sense, the international stage of cities appears quite challenging: human populations are increasingly, and more intensely, concentrated in urban centers, in cities. According to the United Nations (UN), 54% of the world's population currently dwell urban areas and, for the year 2050, this percentage is expected to rise to two thirds of the world population (UN, 2014: par. 1).

At first, it must be said that migration from the fields to the cities, and the increasingly concentrated human settlements in urban areas suggested the fact that people were looking for better living conditions and how to obtain their main satisfiers in more accessible ways. However, these forms of social association and coexistence have gone on to produce benefits for just a few. Paradoxically, today, what is common among large cities or metropolitan areas suggests, instead, a degradation in the quality of life and an exacerbation of social conflicts, as well as the breaking of the most elemental rules of civilization and social coexistence<sup>3</sup>.

2 City “is the term applied to the *polis* of the Classical Greece and, by analogy, to other similar political communities like, for example, Carthage, republican Rome and some medieval cities, like Flanders and Italy in particular. Unlike these former examples, which owed their loyalty, in nominal occasions, to a Monarch or Lord, the *polis* didn't recognize an outsider sovereign. Normally they were not cities in the modern sense, but did have an urban center, usually fortified, for political and religious ends” (Brunt, 1991: p. 119).

3 “In a 2006-2007 special report on the state of cities all over the world, the United Nations Program on Urban Settlements warned that, if things continued as they currently are, for the year 2020, approximately 1,400 million people will live in the precarious settlements that surround metropolis, without the essential public services and with high levels of violence and criminality. The report stressed that, in the year 2006, 1,000 million people lived in such conditions. 10% of them lived in developed countries, while the rest were distributed in the poverty belts of cities in Africa, Asia and Latin America”. (Borja, 2018: Consulted voice: ‘urban planning’).

Today, the concepts of ‘city’ and ‘metropolis’ are synonymous. Essentially, they relate with a fundamental point: how preponderant is the type of economic activities of a population settled in a specific territory. In this way, the relevance, as well as the quality and the social penetration of 1) their infrastructure [roads and means of communication]; 2) the secondary or tertiary sector of their economy; and 3) the population density are factors that define if a certain concentration of people lives in a city or in a rural area.

As it was made clear above, ‘city’ and ‘metropolis’ implied synonymy. However, the academic jargon used in the international concert points that ‘metropolitan area’ and ‘urban agglomeration’ maintain that very same relation of conceptual equivalence. In that regard, it is convenient to quote Chuanglin and Danlin’s (2016: p. 126) definition of an urban agglomeration:

A spatial form of integrated cities that is highly developed. This happens when the relation between cities changes from simply being competitive to become cooperative in order to allow a global economic development.

In that sense, Luis Unikel (1974: p. 181) states that metropolitan areas or zones can be defined as:

The territorial extension that includes a central city and its adjoining political and administrative units (or other units belonging to said metropolitan areas) with metropolitan characteristics (such as workplaces or places for the residence of workers dedicated to non-agricultural activities) that maintain a socioeconomic interrelation that is direct, constant and has a certain magnitude with the central city (or with the urban area).

The evident process of population ‘mega concentration’ in urban areas contributed to another even more provocative and complex phenomenon for their governments: the megalopolis. In that regard, the UN’s World Meteorological Organization (WMO, 2018: p. 2) points that these:

Are usually defined as cities whose populations surpass 10 million residents, currently encompass less than 0,2% of the Earth’s surface and, yet, accommodate one of every ten people of our planet. Most residents (...) live in cities of developing and least evolved countries.

On the other hand, for Platt (2010: p. 223) a megalopolis is a:

Super metropolitan urban regions that subsequent to World War Two. It represents a new geographic settlement characterized by a very high population density; major internal and external fluxes of people, goods, money and