THE LEGITIMACY OF SUB-MUNICIPAL COUNCILS IN SMALL AND MID-SIZED CITIES UNDER POST-SOCIALIST CONDITIONS

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ABSTRACT: Sub-municipal spatial community-based bodies, represented in the form of councils, have important roles in urban governance in many countries. This paper attempts to contribute to a better understanding of the legitimacy of sub-municipal councils (SMCs) in the specific conditions of small and mid-sized cities, within the context of democratising post-socialist society and decentralising government. Using the questionnaire and additional local resources, we discuss a selected set of relevant components of the legitimacy of SMCs, such as the traditions of their existence, legal and democratic grounds, autonomy, personal qualities, expertise, procedural issues, results and stability. We document these issues pertaining to the case of SMCs in small and medium-sized cities in Slovakia, emphasising the need for more components of legitimacy for their stable existence, with the strong impact of local traditions, legal framework development and incorporation into local representative democracy bodies.

KEYWORDS: legitimacy, sub-municipal councils, community, governance, post-socialist cities

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Introduction

Various forms of sub-municipal councils (SMCs) are frequently active in urban policy-making. Their existence reflects the internal diversity of an urban environment and gives way to specific interests of sub-municipal communities. They can contribute to the quality of local democracy, the efficiency and innovation of service delivery and conflict mitigation, as well as to a sub-municipal community's social and cultural life. They also serve by way of managing interactions of community interests with representatives of other local social groups and actors.

While they are widespread in larger cities, various aspects of their existence in small and mid-sized cities are less known. In this case, their origin and functioning are influenced by a specific mixture of local and more general circumstances.

Sub-municipal or neighbourhood bodies have existed for a long time. We know them as parish councils, community councils, neighbourhood councils, neighbourhood forums, SMCs and area committees (e.g. Duncan 1990; Liebmann 1995; Jeffrey 1997; Sintomer, De Maillard 2007). They primarily have a spatial basis, e.g. representing spatial communities but often combined with other bases of internal cohesion (e.g. homeowner

or tenant associations, e.g. Fraser et al. 2016). Some of them are linked to traditional institutions, such as churches, or they represent old settlement structures. However, there are some that represent new initiatives as community-based organisations or more interim interest-based bodies. They can be considered as one form of expressing neighbourhood or community governance (e.g. Lowndes, Sullivan 2008; Connelly 2011). Many of them represent decentralisation and various localism 'waves' in the organisation of governance and transfer of responsibilities (e.g. Bailey, Pill 2011; Clarke, Cochrane 2013). This reflects the increasing attention given to communities and neighbourhoods by central and local state, as well as civil society. Nevertheless, there are various national varieties in the determination and use of these sub-municipal bodies (e.g. Hlepas et al. 2018).

One of the principal values they need is legitimacy, which provides them with respect in society. They are facing many competitors within the current urban governance environment open to many actors with various backgrounds. More solid legitimacy can offer them a more advantageous position and protect their important position in a local institutional framework. As a conceptual base, we take into account various meanings of legitimacy and the legitimisation process extensively debated in the literature (e.g. Stillman 1974; Klausen, Sweeting 2004; Johnson et al. 2006; Schmidt, Wood 2019). Our primary assumption is that the legitimacy of such bodies is a combination of various components (such as dimensions, sources, etc.). Their weight can be different and changes over time. Our intention is to search for the sources of their legitimacy. We focus on the nature of sub-municipal units and communities (including their origin, size, boundaries), the role of traditions, their legal basis, linkages to local government bodies, autonomy, allocated powers and rights, democratic substance, the role of leadership and personalities, professional involvement and expertise and the outcomes of their activities. Another crucial issue is what can explain the absence or cancellation of SMCs. We should not underestimate legitimisation/delegitimisation processes, including their impact on legitimacy components, as well as external intervention into legitimacy components.

Our main goal is to understand better the legitimacy of SMCs in the specific conditions of small and mid-sized cities, within the context of post-socialist democratising society and decentralising government (from 1989 until 2018). In practice, we analyse legitimacy issues at sub-municipal level pertaining to the case of Slovak cities. As a transitional country, it offers transferrable experiences of broader relevance to countries facing similar processes. The well-known expression of sub-municipal governance in Slovakia is 'sub-municipal councils' (SMCs; in Slovak: *Výbory mestských častí*, sometimes translated into English as 'Councils in City Quarters'). Their crucial role in addressing sub-municipal spatial communities reflects their explicit mention in the primary legislation concerning local self-government in Slovakia (Act No. 369/1990 and its amendments). We examined SMCs in all Slovak cities excepting the largest cities in Slovakia—Bratislava and Košice—since they have adopted a fully developed two-tier governmental structure.

Owing to the absence of more extensive earlier research in this field in Slovakia, our research is based on several primary and secondary sources. Methodologically, our research started with a questionnaire distributed to all remaining 136 Slovak cities in 2015–2016 (with populations ranging from 1,400 to 89,000) in two rounds by e-mail addressed to head of the local-self-government offices (Slovak: *prednosta*), or directly to mayors' offices (but the support of responsible staff was expected). We asked for fact-based response addressing primary existence, as well as main current organisational (e.g. number, size, delimitation, financing, meetings), procedural (membership, linkages to local self-government, citizens participation) and functional features of SMCs (powers, issues addressed), or if they had SMCs before 2002 (since, in Slovakia decentralisation reform was commenced and fragmentation of local government was in fact not possible due to highly demanding legal requirements). Only one question focusing on the actual usefulness of SMCs' operation from a local-self-government point of view reflects personal perception. As a result, we collected information concerning 121 cities (89% of the included Slovak cities), of which 43 had SMCs in 2016.

The questionnaire provided solid initial information relevant from a legitimacy point. It had

to be complemented later by other sources, such as legislation and local documents (city charters, local by-laws, city councils and SMCs' meeting records), as well as cadastral maps/boundaries changes (Geodetic and Cartographic Institute Bratislava 2021), including data concerning integration and disintegration of local self-governments and cities' internal division (Statistical Office of the Slovak Republic 2003, 2014) as well as local population development (Statistical Office of the Slovak Republic 2021). We addressed the situation in more detail in a set of larger cities that are more active in the application of sub-municipal governance (see e.g. City Charters 2021). These conditions reflect the situation during the local self-government electoral period 2014–2018. Our paper is organised into four main sections. After the introduction, we begin by discussing the nature of legitimacy and searching for a relevant component of legitimacy based on the literature. In the next section, we debate selected legitimacy dimensions in the case of Slovak cities. The final section discusses core legitimacy dimensions and specific features of their application in small and mid-sized cities, as well as a comparison to the situation in selected post-socialist countries.

SMCs' legitimacy components

For any institution, legitimacy is one of the critical issues influencing its role within society. SMCs interact with various other stakeholders within the framework of urban governance. The legitimacy of stakeholders comes from different sources, and it is an important factor in their ability to achieve expected goals. SMCs can play a more significant role in urban governance only if they are based on apparent legitimacy. It is one of their critical attributes. Their legitimacy is necessary given citizens included in the community represented by the SMCs, as well as the external environment, primarily local government and other stakeholders active in a particular city. SMCs are part of a more complex urban institutional environment, advocating their own community interests, competing for support and resources with other stakeholders, and often even in conflict with city-wide interests. Nevertheless, SMCs' legitimacy can contribute to the higher legitimacy of the entire process of urban governance in a city. In the case of SMCs, various aspects of political and organisational legitimacy are the most relevant.

Legitimacy is usually perceived as justification of existence, acceptance by the society, reputation, rightfulness and fulfilling citizens' expectations (Ashforth, Gibbs 1990; Suchman 1995; Levi et al. 2009; Beetham 2013). It is a complex, multidimensional, composite phenomenon (e.g. Beetham 1991). From an empirical perspective, the usual approach is to focus on particular attributes or combine some of them into a more balanced view (e.g. Häikiö 2007; Stolzenberg, Getimis 2016). Probably the most common current approach to the study of legitimacy is based on three main dimensions, namely input, output and throughput legitimacies (e.g. Doberstein, Millar 2014; Schmidt, Wood 2019). Input legitimacy focuses on political legitimacy (e.g. citizens' influence and participation), output legitimacy focuses on performance (effectiveness, implementation of measures) and throughput legitimacy on procedural issues (transparency, decision-making rules). Throughput legitimacy is especially crucial in the local networked and multi-level governance model within which SMCs operate. Nevertheless, it is often not easy to delineate these dimensions of legitimacy (Steffek 2019).

For our analytical purposes, we decided to select a set of relevant legitimacy components derived primarily from various known dimensions or attributes of legitimacy (e.g. Weatherford 1992; Schmitter 2006; Doberstein, Millar 2014). We suppose that durable legitimacy is grounded in a combination of several components, not only on one or a few. This selection respects the specific nature and position of SMCs in current urban governance. The role of individual legitimacy components can be diverse in the case of particular SMCs. They often strongly depend on local and national conditions and evolve over time. However, a good mixture of well-developed components is inevitable in the generation of sufficient legitimacy. These components are mostly interrelated and support one another. Despite the problem with less clear delimitation and the overlapping of components, they provide a framework for a more nuanced understanding of their legitimacy. We selected the following components of SMCs' legitimacy:

– sub-municipal community existence,
– the tradition of its existence,
– autonomy,
– legality,
– democratic grounds,
– personal qualities and reputation,
– procedural issues,
– knowledge and expertise,
– acceptance based on results of their work, and
– stability and robustness.

We have to be aware that in transitional societies, many of these usual legitimacy components had to be transformed or newly introduced, with rising attention to reasons for functioning and outcomes. The sense of SMCs' existence and their legitimacy also strongly depends on the overall legitimacy of urban governance (e.g. Häikiö 2007; Connelly 2011; Doberstein 2013).

Although our main attention focuses on SMCs, there are, in fact, two interrelated subjects of legitimisation – the sub-municipal community and the sub-municipal council. The substantial source of legitimacy is the real existence of such a sub-municipal community (e.g. as the parish, neighbourhood or other forms of any sub-municipal community), which should be incontestable, or at least generally accepted. It has its specific spatial location and territorial boundaries (despite their possible instability, or blurriness) but can also have various dimensions (population, territory) depending on local conditions. However, in the case of such communities, the more complex meaning is desirable (e.g. Lowndes, Sullivan 2008). Such expectations include expressions of internal cohesion and a sense of belonging, emotional attachment to the locality, its own identity and civic pride, the ability to reflect the distinctiveness of the community (social, economic, cultural) and a sense of place (e.g. Kearns 1995; Pratchett 2004; Collins 2016). It accompanies local social interactions, the existence of shared interests and interest in civic participation, as well as motivation to establish and maintain its institutions (including representative ones) and events. In the case of small and mid-sized cities, we can expect smaller communities, based, e.g., on a separate territory, similar residential characteristics and a physical environment, specific structural characteristics of the population, unique local social life, a similar scope and quality of public services delivery. Among serious sources and interest in community

life, we can add ownership rights on that territory. Community members may also face a similar impact of potential regulation and policies implemented (see e.g. Schmitter 2006) that influence their activity. Well-established communities require co-ordinating and representing bodies. This supports the legitimacy of the SMCs (as one possible form). The insufficiently rooted existence of such a community can weaken its legitimacy and the activities of its representative bodies.

We can consider the tradition of SMCs and their historical experiences and activities as a standard component of the SMCs' legitimacy. Such councils are frequently part of the administrative tradition and local collective memory. Their practice often goes back for decades in many countries, although with changeable forms and effects (e.g. Liebmann 1995; Godfrey 2007). Their long-term existence and deep embeddedness in local public life provide them with a strong base of acceptance by citizens as well as by other local stakeholders. It can accompany well-developed practices of involvement in local matters. Administrative traditions also influence the diffusion of participatory approaches at central and local levels (e.g. Huxley et al. 2016). The tradition strengthens knowledge concerning the role of SMCs as well as their 'natural' and understandable existence, and provides a more durable legitimacy (Suchman 1995; Cashore 2002). It supports maintaining legitimacy and provides a solid base in the prevention of external intervention. To understand better their origins and current differences in their use, we should focus on various aspects of traditions, previous development, the impact of inherited fragmented settlement structure and amalgamation of communities during the socialist period, the size and growth of cities, the internal urban physical and demographic structure, the traditional boundaries and spatial delimitation of electoral districts.

Among the most typical components of legitimacy, we can also find legality as a requirement to act lawfully (e.g. Beetham 1991). Legislation, as a formal expression of the framework for SMCs' existence and functioning, strongly reinforces legitimacy. It documents wide-ranging acceptance of such bodies generated by social processes and interactions, everyday actions and prevailing rules and practices (Silbey 2005; Beetham 2013). It means robust incorporation of these structures

into the rule of law and supports their stable integration into governance networks, hierarchies and procedures. It can guarantee their role in society and defines the allocated powers and resources. Central and local states (separately, or together in consent) are the most common sources of legality also in the case of SMCs (with possible national and local variations). The 'local state' in particular can adopt a tailor-made legal framework that respects local needs and practices. However, SMCs' legal legitimacy can also be based on more general legislation. They can act, e.g., as non-governmental organisations (NGO), or not-for-profit associations, depending on national legislation.

Legitimacy supports an appropriate level of autonomy. It can influence an SMC's reputation and the enforcement of its interests. We would probably find a very diverse expression field of autonomy – encompassing SMCs at all levels of autonomy, ranging from the fully autonomous ones (acting independently, with legally guaranteed autonomy) to the entirely dependent ones (subordinated, e.g., to upper levels of government). Considering the more general interpretation of local autonomy, we can think about various combinations of rights of initiative and immunity (based on Clark 1984), or freedom from higher authorities and freedom to achieve particular outcomes (Pratchett 2004). A strong right of initiative provides an open activity space and freedom in functioning, while strong immunity limits intervention into their activities by external bodies (absence of oversight authority). We can also evaluate their autonomy by applying a more extensive, multidimensional local autonomy concept (e.g. Ladner et al. 2019). This can include a focus on sensitive aspects of autonomy, such as legal and regulatory autonomy, financial autonomy, various functional autonomies (cultural, social) and organisational autonomy (including setting one's own democratic procedures). This can take multiple forms and tools in support of own autonomy, such as the right of referenda or vetoing selected issues concerning the local community. It is important to have sufficient capacity and resources in utilising own autonomy (e.g. financial, personnel). Higher autonomy and legitimacy can express the more extensive powers and resources available (Swianiewicz 2014).

The democratic grounds or political legitimacy of SMCs is inevitable. SMCs' legitimacy can be derived from more traditional representative institutions and based on electoral legitimacy (e.g. Connelly 2011). It can be guaranteed by their composition from city councillors belonging to particular sub-municipal spatial units, or by a separate election organised in parallel during any other regular elections. There are also more possibilities of combined approaches, with the relevant role of elected representatives, including the inclusion of representatives of local citizens or locally active voluntary organisations. Their inclusion can follow more ways, such as sub-municipal assemblies voting, by appointments in SMCs, or the city council. The turn to governance means that SMCs based on democratic grounds should respect the more extensive representation of various stakeholders and civil society organisations active at sub-municipal level. It means a demand for more extensive participation and deliberative democracy approaches.

SMCs' decision-making should follow democratic procedures and fulfil the requirements for throughput legitimacy, recognised as an important legitimacy component (Schmidt 2013; Doberstein, Millar 2014; Steffek 2019). It can accommodate various opinions and interests fairly. Low procedural norms can undermine SMCs' legitimacy as well as their ability to put their decisions into practice (e.g. they can be challenged by other urban governance actors). Schmidt and Wood (2019) emphasised such aspects as four key aspects of throughput legitimacy – accountability, transparency, inclusiveness and openness. SMCs should give account of their activity to citizens and act transparently, systematically providing enough information, e.g., having an online communication strategy. Besides 'procedural justice', fair procedures are about the possibility of citizens to influence policy (e.g. Levi et al. 2009). There should be procedures available for involving various citizen groups in decision-making. These can include suitable tools, such as open SMC meetings, assemblies, consultations or voting on sensitive issues, including accurate rules of voting.

The personal and leadership qualities of SMCs associate to known attributes of legitimacy, such as charisma, personal significance or authority, reputation and trustworthiness (Matheson

1987; Suchman 1995; Molden et al. 2017). Council members' personal qualities have their origin in their character values, personal histories, leadership abilities and community respect. The suitable complementary abilities are professional and managerial experience and long-term involvement in community matters. Their personal qualities have a deeply rooted internal and external role. There is a strong internal need for accepted personalities to act as community leaders to motivate community members for participation (Purdue 2001). They can act as acceptable intermediaries among the community they represent and other local stakeholders that should respect them. Their presence is especially significant if the community is under pressure during transitional periods, challenging times or when facing conflicting issues. Besides more formal political leadership (e.g. as a result of council elections), there are also informal, but respected community leaders. In their case, personal and leadership qualities are even more critical, since they are relying on the ability to mobilise popular support (e.g. Bénit-Gbaffou, Katsaura 2014).

Knowledge and competence, as necessary components of legitimacy, usually provide professionals with specific skills in various fields (e.g. Smith, Blanc 1997). A local community may accept the activities of SMCs without solid knowledge foundations with less respect, and this could make them vulnerable and easy to challenge by other stakeholders. Integrating the local knowledge (experiences, observations, rationality) of citizens and council members with the expertise and competence of trustworthy professionals is often inevitable. The role of professionals is to enhance local knowledge and to provide specific advice, facts and explanations as well as reasonable alternatives and solutions. This enables a more informed debate and bargaining, and the possibility to meet citizens' expectations (Liberatore, Funtowicz 2003). This can be arranged internally, by direct involvement of professionals living within the community and their participation in SMCs' functioning (e.g. as council members or through providing expert-based evaluation/documents). If applicable, an accessible option can be consultations, e.g., with local government specialists, or invited external (impartial) experts (e.g. NGOs, advisory companies).

SMCs' achievements strongly influence their legitimacy. This is close to the meaning of output-oriented legitimacy, focusing on performance, effectiveness and decisions quality (Stillman 1974; Scharpf 1999; Strebel et al. 2019). Poor performance and only symbolic activity can diminish an SMC's legitimacy. The crucial issue is what the SMCs do for their communities. They should fulfil the expectation of the communities they represent. Broader acceptance concerning the scope and direction of their activities and the ability to implement and monitor their own decisions is inevitable. Citizens should feel positive changes and see 'visible' significant results. In the case of SMCs with more powers, more attention is focused on the capabilities to deal with financial issues and investments (allocation according to their needs), or the delivery standards of public services. This is often hard to measure by simple performance criteria, if their position is less formal, with minor resources. Owing to the current nature of urban governance, legitimacy also depends on the ability to influence intentions and decisions primarily concerning not merely their own community but also those taken by other stakeholders (e.g. a city council). This means the ability to sustain and protect, e.g., local social life or environmental conditions. We cannot underestimate the 'view from above' on SMCs' outcomes (e.g. based on Weatherford 1992). Other stakeholders, as well as local and national governments also evaluate their 'performance', which strengthens or weakens their opinion on the legitimacy of SMCs.

The legitimacy of each institution faces challenges over time. While the tasks of gaining and extending legitimacy certainly require a perpetually functioning process to ensure their successful execution, a specialised effort would be needed as well for maintaining or even defending and repairing legitimacy; additionally, losing legitimacy is also a permanent threat (see e.g. Ashforth, Gibbs 1990; Deephouse, Suchman 2008). A longer-term view addressing inevitable processes of legitimisation and delegitimisation of SMCs is useful. They face potential instabilities and a spontaneous or planned process of strengthening or weakening their legitimacy. Some components of legitimacy are more stable than others. The decisions of the state or local government (a changing legal framework) can influence legality, for

example. SMCs can also delegitimise themselves by unsatisfactory outputs or by a loss of cohesion within the local community. This can be an interim issue, but a new legitimisation effort will then be needed to reduce a rising deficit of legitimacy. Successful SMCs need solid legitimacy grounds to avoid temporal oscillations that are too extensive in more components.

The legitimacy of SMCs in Slovakia

SMCs and their legitimacy have not been extensively analysed until now in Slovakia. Buček (2000) provided a rare case of scholarly reflection, focusing on decentralisation below the local level and working with a small sample of Slovak cities. He mentioned the growing role of such sub-municipal bodies, their dependence on the approach of city councils, focus on local issues and the building of 'ties' to a city council (e.g. information transfer, better communication, respect to local needs). For this reason, we examined the previously mentioned legitimacy components for the period after 1989.

The results of the questionnaire show that SMCs are widely used in Slovakia (Table 1). They are operating in 43 cities (31.6%) out of 136 cities in the country (2016). It also means that more than one-fifth of the Slovak population (approx. 1.2 million, 2016) lives in cities that adopted SMCs into their functioning. The average number of councils per city that have such structures is five, but the actual values oscillate in the range of 1–17 SMCs, depending on the local approach. As Table 1 documents, they are operating in all cities having more than 50,000 inhabitants, but are rarely used in cities with less than 5,000 inhabitants. They are more frequently used in western and central Slovakia (e.g. they are in more than

50% of the cities in the Trenčiansky and Žilinský regions), and less frequent in eastern Slovakia and the Bratislavský region.

The need for sub-municipal bodies is based on the existence of sub-municipal communities. We identified four factors that influence sub-municipal communities and subsequently SMCs' existence. These are the following:

1. the fragmented settlement structure and amalgamation of communities during the socialist period,
2. the size and growth of cities,
3. the internal urban physical and demographic structure, and
4. the traditional boundaries and spatial delimitation of electoral districts.

These contribute to the legitimacy of sub-municipal communities and their units, usually in specific local combinations. They also contribute to their joint interests and collaborative community feelings.

The historical, fragmented settlement structure and a large number of local governments led to processes of forced amalgamation, accompanied by the 'administrative' growth of cities (integration of neighbouring local governments) during the socialist period (culminating in the decade 1971–1980 [Slavík 1986]). This led to the significant enlargement of many cities (e.g., there were 19 rural local governments integrated into the city of Banská Bystrica, and 18 into the city of Žilina, often outside a compact urban environment). The changeover to a democratic regime after 1989 induced a counter-process of disintegration and a return to local self-government in many of these units (e.g. Statistical Office of the Slovak Republic 2003, 2014). These processes of disintegration were stopped by legislation in 2002. As a result, many previously integrated villages remained within city boundaries, and cities

Table 1. Sub-municipal councils in Slovak cities according to their size categories (2016).

Population size of city	Number of cities total	Number of cities with SMC	Number of cities without SMC	Number of not-responding cities	Share of cities with SMCs in %
Below 5,000	22	2	17	3	9.10
5,000–9,999	44	9	29	7	20.45
10,000–19,999	33	8	24	1	24.24
20,000–49,999	29	16	10	2	55.17
Above 50,000	8	8	0	0	100.00
Total	136	43	80	13	

Source: own research.

have implemented SMCs to provide sometimes fully autonomous units with specific, but their own, governing bodies. City councils were active in this field also due to experiences with disintegration, which they wanted to stop for various reasons (e.g. the location of public facilities serving the whole city). The acceptance of the existence of such communities and their councils also provides an opportunity to satisfy the aspirations of local communities. The role of this factor is supported by the fact that all cities with a population below 10,000 and having SMCs (11 cities) underwent the process of amalgamation.

The existence of sub-municipal communities also reflects the natural spatial urban growth and diverse internal physical and demographic structure of cities. More cities experienced dynamic spatial expansion and internal diversification, and these were influenced by processes of socialist industrialisation and urbanisation accompanied by mass housing development and intensive immigration. During the post-socialist period, it was complemented by the development of new residential zones, the conversion of older housing, city centre revitalisation and brown-field redevelopment zones. This led to the formation of various spatial communities with different scales, substances, needs and preferences. They sometimes also have distinct demographic features, e.g., from the age-structure point of view. The implementation of an SMC offers a chance to address their varied problems more efficiently. As a result, in larger cities, we can find sub-municipal units with councils representing communities living in historic city cores, socialist housing estates, 'integrated' villages, etc.

Size diversity has led to various approaches of cities in the implementation of SMCs (Table 1). The high number of small cities is rather unique: almost half of the Slovak cities have fewer than 10,000 inhabitants (66 cities in 2016, Statistical Office of the Slovak Republic 2021). In smaller cities in particular, the existence of sub-municipal communities is rare, and the demand for SMCs is often lacking. Their introduction depends on other conditions (mostly on the previous amalgamation process and specific settlement features – e.g. rural, separate). The smaller size of cities means the existence of only one cohesive community and a lack of calls for the implementation of sub-municipal structures. Citizens can have relatively

easy access to local decision-making, councillors and providers of selected services. Only two of the 19 cities having fewer than 5,000 inhabitants in our sample have SMCs (there are 22 cities with a population below 5,000 in Slovakia, 2016). Nevertheless, with the rising size of cities, the use of SMCs is increasing. All cities with 50,000 or more inhabitants have such councils, as do 55% of cities with between 20,000 and 50,000 inhabitants.

Boundary issues play a significant role in avoiding a sub-municipal structure that is too fragmented and blurred. Slovak legislation introduced the opportunity to form SMCs, primarily in communities with a cadastral territory. Larger cities also use 'city quarters' divisions (Slovak: *miestna časť*, Geodetic and Cartographic Institute 2021, City Charters 2021). These traditional territorial divisions are confronted by local electoral districts delineated during the last two decades. All of these units being characterised by clear boundaries limit the uncontrolled and unstable formation of sub-municipal entities that are too small, or ones that represent very local or interim interests; simultaneously, due to these various spatial delimitation possibilities and their combinations, there is a significant diversity in the number and size of sub-municipal units situated in cities (e.g. it is in the range of 1–17 SMCs, with a size starting from 300 inhabitants and extending to more than 10,000 in the largest cities).

Nevertheless, since 2001 legislations concerning electoral districting and city council composition have played the principal role in influencing the existence of sub-municipal units and spatial delimitation. The existence of city councils that were too large, less flexible, and often internally diverse after 1989 caused city councillors' numbers to be regulated legislatively according to population size categories of cities (Act No. 453/2001). For example, 15–25 councillors are allowed in cities with 20,000–50,000 inhabitants (the final number depends on the city council's decision). This means, e.g., representation of 800–2,000 inhabitants by one councillor (if there are 25 councillors). Regulation of the number of city councillors has an important impact when combined with electoral legislation (Act No. 346/1990 and its amendments). Obligatory multimember constituencies, combined with the requirement for SMCs to be composed purely of elected councillors, substantially influenced the functioning

of SMCs. For many small communities in particular, it is more difficult to form such councils due to the absence of their 'own' elected councillors. Without non-elected members, their existence is questionable when having only one to two councillors (thus, it is not true 'council'). In many small cities, there is only one electoral district, and sub-municipal communities are over-bound by such large electoral districts. Linking elected councillors and electoral districts with sub-municipal communities and their councils seriously interfered with their nature. Electoral district borders substantially influence the boundaries of sub-municipal units, leaving many community aspects (including other types of boundaries) aside. As a result, some cities decided to reduce the number of SMCs (total number of SMCs decreased by more than 24% between 2001 and 2016) or decided not to have SMCs at all (10 cities decided to cancel their SMCs). In some cities, previously individual sub-municipal units were combined into larger ones, often causing them to lose their internal cohesion.

We can consider SMCs as a traditional 'piece' of the Slovak public administration system, which have remained this way for many decades. During the socialist period, their existence was motivated by the ideological interest of the dominant Communist Party to control citizens, support linkages with the 'working class' and force them to participate in fulfilment of the communist regime goals. As early as the 1950s, we can observe initiatives to form 'assisting' sub-municipal bodies, such as 'citizens' councils', 'street councils' and 'housing estate councils' (Act 13/1954). After short-term attempts at more democratic and participatory local government (Act No. 69/1967), their role diminished and their legal position weakened in the 1970s (Act No. 27/1972). They served for managing very local activities, e.g., improvement of the physical environment or elderly assistance. The so-called 'housing estate councils' (Slovak: *sídliskové výbory*) had a similar role, following initiatives to improve local living conditions in the large, rapidly built housing estates (e.g. the Slovak National Council 1983). Despite their controversial nature during the socialist period, they were a part of local life and generated a certain level of acceptance among citizens (based on the opportunities for minor improvements of their everyday life).

As we have already seen, the solid position of SMCs in legislation is typical in the case of Slovakia. The legality component of legitimacy is expressed in national legislation and local by-laws defining their more specific role, tasks, financing and procedures. Principal national self-government legislation after 1989 (Act No. 369/1990 and its amendments) always contained a short section concerning SMCs. We can divide these legislative conditions into two periods. The initial legislation concerning local self-government (Act No. 369/1990) introduced these bodies into practice within the new democratic framework. The second period reflects the impact of changes in legislation adopted in 2001 (Act No. 453/2001). These changes partially weakened the role of SMCs and influenced their functioning. Although they are still explicitly mentioned in national legislation, their position started to depend more on the city councils' approach. It is articulated primarily in city charters, by-laws or other local guidelines. City councils, in collaboration with established SMCs, mostly developed a suitable legal framework for SMCs' functioning even after their role was reduced by national legislation.

SMCs operate within a relatively autonomous regime. Legislation adopted in 1990 guaranteed them significant rights in selected crucial decisions concerning the local environment. Changes in names, cadastral boundaries and master planning (in sections concerning their territory) required approval by these councils. More details of their functioning (rights, tasks, relations to the city council, its structure, direct involvement of citizens) were a matter of local preferences and expressed primarily in city charters (or other formal city council documents). These conditions led to the expansion of SMCs in Slovak cities and increased the standards of their operation during the 1990s. While experiences were predominantly positive, in some specific cases such autonomy, especially in the field of territorial planning, was evaluated as a limitation to major city-wide interests (e.g., they could actually 'veto' some development projects). This 'immunity' aspect of their autonomy has diminished since 2001 (Act No. 453/2001), when crucial rights of SMCs were removed from legislation. This weakened their position in legal terms and left them dependent on the rights and powers allocated to them by

city councils. However, in many cities, previous rights are taken into account. There are no changes in cadastral borders and names. Territorial planning and urban development issues are also often obligatorily consulted with SMCs. There are frequently other 'duties' towards SMCs concerning information flow and consultation and statement requirements (city budget, investments, services delivery). In a smaller number of cities, SMCs can freely use allocated sums from the city budget according to their own preferences. They often also have extensive freedom for initiatives such as submitting proposals, asking for clarifications and calling for changes. On the other hand, such close linkages to city councils limit the truly autonomous character of SMCs in Slovakia.

The legislation concerning local self-government adopted in 1990 (Act No. 369/1990), besides respect for traditions, also reflected a shift in favour of democratisation even at local level. This shift involved the development of a new, more participatory environment inclined towards the better satisfaction of the needs of citizens, including by way of ensuring new roles for SMCs and their optimal day-to-day functioning. On democratic grounds, the direct linkage of city councillors to SMCs, as their obligatory members, was instituted. During the 1990s, SMC membership was opened to other citizen representatives living in a sub-municipal community. Cities adopted various approaches to their democratic inclusion, but usually the approval of their membership by the city council was required. After 2001 (Act No. 453/2001), full membership was restricted only to elected city councillors, without the possibility of involving local citizens' representatives. A dispute induced by some cities regarding this legislative change then emerged. Nevertheless, some cities wanted to protect the previous practice of membership of citizens' representatives, as it resolved the prosecutor's guidance that members of SMCs can be strictly only city councillors (in fact not fully respected in some cities).

Considerable attention is paid to procedural legitimacy. City councils are adopting general rules defining the democratic procedures of SMCs. The involvement of elected city councillors is crucial for accountability. Their future success in local elections also depends on their work for the community in SMCs. Citizens can actively participate in SMC meetings, which are open to them. Especially in larger cities, meetings are regular and more frequent (two weeks, monthly base). SMCs organise larger public assemblies to summarise their longer-term work or in the case of a debate on more sensitive issues. Minutes of their meetings, as well as their outcomes (decisions, statements, requirements), are publicly available (Submunicipal Councils Meeting Minutes 2016–2018). SMCs use local self-government capacities (staff, facilities) for administrative support, as well as for communicating and promoting their activities. The smaller size of sub-municipal communities allows participation of various sub-groups of citizens and appropriate sensitivity to very local issues. Legitimacy supports the possibility of city councillors to present in person decisions adopted by SMCs at city council meetings.

We have only limited knowledge concerning SMCs' legitimacy based on personal and leadership qualities. The process of SMCs' formation and their activities respects such a prerequisite. Since at least a portion of SMCs' representatives are directly elected city councillors (or councils consists only of elected councillors), these representatives are presupposed to have a certain authority and their experiences confirmed. A large portion of elected city councillors in Slovakia are independent and obtain citizens' votes without any party support. Many of them previously worked actively for the community and demonstrated their leadership. Up to 2001, there was also an opportunity for co-opting, whereby SMCs' leaders could be informally selected during sub-municipal assembly sessions, or chosen by the SMCs themselves with later approval from the city councils. This opened the doors to SMC membership to local activists (or representatives of locally active community-based organisations, NGOs) or respected personalities living in those units. It provided quite a reliable component of legitimacy, with the possibility to act as intermediaries between citizens, sub-municipal communities and city councils. Nevertheless, if the composition of SMCs depends on city council approval, especially in larger cities, it is sometimes part of political negotiation in the city council. However, since 2002, personal and leadership qualities of SMCs have primarily depended on local election results.

Knowledge and expertise as a component of an SMC's legitimacy are inevitable in attempts for a more extensive intervention into local life, or in the case of unique, sensitive and complex issues. SMCs acquire knowledge and expertise through several sources. In addressing local issues, as well as in the delivery of public services, initial knowledge is usually provided by city councillors involved in the SMCs. Frequently, SMCs invite the city office's professional staff (e.g. those responsible for transport, urban planning), managers of local public companies or contractors to council meetings or public assemblies (as indicated by documents pertaining to various SMCs meeting records for 2016–2018). This enables a more competent and efficient debate. Due to the practice of regular and open SMC meetings, expertise is also provided by local citizens with a reputation in a particular field. SMCs also use experiences and assistance from other sub-municipal units (e.g. in the case of similar problems), from NGOs operating city-wide or nation-wide, or from invited independent experts in the case of more specialised issues. Nevertheless, the use of experts from outside the city is rare, and is preferably carried out in coordination with other stakeholders. Such sources contribute to the explanation of a situation, clarifying local community opinions, developing more elaborated and legitimate demands or providing more sophisticated argumentation.

Our questionnaire provided only an optional question concerning the personal opinion of chief local officers on the usefulness of SMCs (16 out of 19 considered them as very useful and helpful, with three considering them less and occasionally useful, primarily viewing them as formal bodies only). Among the other possible expressions of the relevance of SMCs' output is long-pertaining interest in having SMCs and their introduction in more cities. City councils decide not to have SMCs if they consider them useless or 'obsolete', or if they are of the opinion that SMCs would not serve any realistic purpose in catering to the genuine interests of citizens. However, during almost 30 years of practice after 1989, positive experiences prevail. Cities with SMCs are usually interested in their functioning. Only 10 cities have abolished their SMCs, partly under the influence of less suitable legal conditions after 2001 (but some of them formed a new city council commission for sub-municipal units,

usually with members outside city councillors, too). During the same period (2001–2016), an additional seven cities introduced SMCs. Owing to their nature and size, as well as the absence of executive powers or responsibilities in the provision of services, their output is more in the field of local social life and identity protection, as well as local democracy and participation. This is a verified tool for communicating with citizens and a suitable framework for the work of city councillors at sub-municipal level. As experiences with analysing documentary evidence originating from SMCs often demonstrate, in a majority of cities that have opted to have SMCs, the proposals and complaints submitted by SMCs often influence city council decisions. Particularly larger cities have developed their own more extensive practices in their operation. We can find many cases of acceptance of SMCs' requirements expressed in their minutes (Submunicipal Councils Meeting Minutes 2016–2018).

The functioning of SMCs also faced a set of quite serious delegitimisation challenges after 1989. Introductory conditions underwent changes that threatened some components of their legitimacy. This was primarily the contradictory legislative changes by the central state in 2001 that generated instability and a lack of clarity. It reduced legality and autonomy components due to circumscribing the rights of SMCs in national legislation (e.g. in the sensitive field of master planning). It also intervened in the existence of SMCs as traditional units. Legislative regulation of the number of city councillors according to the population size of cities, combined with electoral districts, threatened the existence of SMCs primarily in the smallest cities. A possible strategy with which to tackle this enfettering situation was through a reduction in the number of sub-municipal units and a move towards larger units. However, the new spatial units were more artificial and did not represent traditional local communities with a strong identity. Such a conversion threatened the participation of citizens and democratic legitimacy based on participation. The limitation in SMC membership to only elected city councillors reduced the chances to incorporate local community leaders into councils. They partially turned into more formal top-down bodies, with a less natural character. Despite the contradictory development, SMCs remain a

regular part of local life in many cities, although the number of cities with them decreased from 46 in 2001 to 43 in 2016 (with 36 cities having SMCs continuously).

Conclusions

SMCs need legitimacy to operate successfully within current urban governance. We can conclude that SMCs are a stable and legitimate element of urban governance in Slovakia. They are deeply rooted in the local social and political life of many cities. Following the overturn of communist control in 1989, SMCs have played an instrumental role in the efforts subsequently undertaken for the revitalisation of the democratisation and decentralisation exercises aimed at ensuring a greater participation of citizenry in grassroots-level decision-making. Besides tradition, the core legitimacy components in the case of Slovakia are legality (backing by national legislation, local by-laws) and democratic representation (the obligatory involvement of city councillors in SMCs). Their modification occasionally threatens other similarly important components of legitimacy, such as the existence of natural communities and more extensive citizen representation. It seems very important to balance all legitimacy components, and not to harm one component at the expense of another. More well-established components mean maintaining the existence of SMCs, even when a particular legitimacy component is under pressure. Pressures on larger ones (being the result of integration of previously more autonomous SMCs), more formal and composed only of city councillors, are changing the nature and identity of SMCs in many cases. In some cases they are partly converted to a city council tool and function less as a local community body. Nevertheless, SMCs in smaller communities, in particular, are sensitive to delegitimisation changes.

The current 'Slovak' model, with strong links to city councils, guarantees SMCs a respected position. They have their strong proponents in local politics (some of them have even entered into conflict with state administration to protect the particular usual features of SMCs). Their inclusion in the framework of city self-government provides them with a voice but does not

disturb the integrity of decision-making in the city self-government itself. Their role is more about communication and participation, and less about output and services provision, with reduced powers and resources allocated to them. Nevertheless, we have to remain realistic; they are very diverse. There exist SMCs operating in sub-municipal communities characterised by a less strong cohesion and identity, which, for example, causes their activities to become reduced to an ineffectual condition or minimal amount, or results in questions being raised concerning their very existence (e.g. with reference to their absence in some parts of an urban area); contrarily, very well-functioning SMCs are also to be found. Primarily, larger cities prefer universal territorial coverage, as well as more formal and regular operation, including more powers and resources (Submunicipal Councils Meeting records 2016–2018).

We should take into account the specific nature of SMCs' legitimacy in smaller and mid-sized cities. Slovak experiences confirm that many small cities consider themselves to be single communities with no need for SMCs. However, there also are small and mid-sized cities with understandable conditions for the existence of SMCs serving their communities. Specific local conditions should be carefully recognised, including traditions, traditional boundaries or urban development trajectories. There are cities with SMCs only in selected sections of the city territory, as well as cities fully divided into sub-municipal units with SMCs. There are sub-municipal units with merely a few hundreds of citizens as well as those with more than 10,000 inhabitants. This documents the possibility of respecting even small communities. Sufficient scope of autonomy for city self-governments and local communities would be appropriate in adjusting sub-municipal level functioning flexible according to local needs, in the absence of any need to be bound by extensive external constraints.

We have a limited chance for comparisons within the East Central-Europe post-socialist framework. Known studies focus primarily on the situation in large cities and less explicitly on legitimacy issues (e.g. Swianiewicz 2014, 2018; Haček, Grabner 2013; Lysek 2018). However, some aspects are debated, such as the role of historical and territorial issues, size, local autonomy,

functions and legality. It seems that we can consider similar relevant legitimacy components. We can find the impact of traditions, inherited settlement and institutional framework (e.g. Czechia – Lysek 2018, Slovenia – Haček, Grabner 2013, other south-eastern European countries – Klarić 2022). Their roles have strengthened and cannot be considered as simple relics of the previous regime. They all have limited autonomy, strongly depending on the operating framework decided by city councils. They are backed by national legislation, but only in general terms, providing an opportunity for flexible local arrangements, and generating large differences among cities in praxis. In most cases, they are more participatory, advisory oriented, with fewer competencies and less focusing on services provision, with a less strong role of output legitimacy. The high popularity and stable position of these structures indicate that the Slovak situation is close to that characterising Polish cities, despite the fact of there being assigned a circumscribed political, or functional role, with a negligible amount of resources allocated (although differences are manifest according to individual cities). However, Slovak SMCs are lacking stronger legitimacy based on direct elections of their representatives. In this aspect, Slovakia differs compared to some other post-socialist countries that have 'sub-municipal elections' (e.g. Poland, Croatia). This underlines the reasons to pay attention to the legitimacy issue in the case of Slovak sub-municipal governance.

The Slovak case confirms that legitimate SMCs are a useful tool in serving to respect local minor opinions, interests and identity. They had a positive effect on a successful post-socialist transition towards more democratic and participatory functioning in many local self-governments. It is confirmed by their frequent and well-embedded use during more turbulent transitional periods of local self-government. Only in very minor cases, they were abolished due to the disinterests among citizens. They have been important, especially in larger cities and more fragmented local self-government units. Such a sub-local platform prevented their fragmentation and disintegration (in the case of selected larger cities), providing suitable access to main local-self-government bodies. They are closer to citizens, support collective action and participation at this level and prevent alienation within the broader environment

of the city. In many cases, they are the vital core of social and cultural life. A suitable sub-municipal institutional platform is not as partisan and is appropriate for dealing with more local issues relevant to the citizens' immediate concerns pertaining to their territory. This has the potential to increase citizens' participation in local issues (e.g. public services, culture and the environment) and to ensure that a better response is provided to local citizens' specific needs. Further research with more diverse methodological approaches is needed to penetrate more deeply into SMCs' functioning under various local circumstances.

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Ján Buček – conceptualisation, methodology, investigation, writing, editing, supervision; Mária Frassová – methodology, investigation, resources, data curation

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