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Bridging the "consent gap": mechanisms of legitimization in a cross-border megaproject

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Abstract

In the recent debate on megaprojects (MPs), greater attention is devoted to the functioning of the interorganizational and multiactor networks that are one of the most innovative features in recent years. The complexity of these structures brings out governability issues for an MP's management. Mutual recognition and consent become elements capable of inaugurating more collaborative processes and practices to reduce organizational and management criticalities in MPs. This paper focuses on a neglected relational dimension, namely legitimacy. We argue that legitimacy is instead the central dimension that attributes effectiveness and capacity for action to the organizations involved. Legitimacy regulates the relationship between various organizations—and especially—between organizations and the public sphere. Institutionalist theory assigns a central role to legitimacy in the

construction of social processes, defining it as a generalized form of social acceptance toward an actor, an idea, or a project. In this paper, we hypothesize that the legitimacy attributed and "held" by the stakeholders is a crucial element in countering three critical aspects of MPs, namely the uncertainty, complexity, and conflict acting on the construction of public consensus and the quality of relationships between the participating stakeholders. We verify our hypothesis by analyzing a cross-border MP, the Fehmarnbelt Fixed Link between Germany and Denmark. The paper concentrates on the mechanisms with which stakeholders can acquire legitimacy using the Eriksen discursive legitimation scheme. These mechanisms are different (evidence-based, public participation, and legislators' command) and produce different outcomes in terms of increasing or containing these three criticalities.

Keywords: megaprojects, legitimacy, public consent, legitimation, infrastructures

In the last 30 years, megaprojects (hereafter MPs) have been among the most discussed public and public-private investments. In addition to being characterized by extreme complexity, long duration, and intense effect on the community, their construction implies high costs and technologically advanced requirements (van Wee, 2007). Numerous scholars from different disciplines have studied MPs due to the nonlinear relationship between the high economic investment and their impacts on the territory and the high risk of obtaining poor performance despite their enormous financial commitment (Brookes & Locatelli, 2015). The local context and the political and environmental conditions generate various challenges and opportunities to which the implementation and management of MPs depend, making them sometimes difficult to compare due to the high specificity of individual experiences (Zhai et al., 2009: 99).

Furthermore, the scientific debate has yet to agree on the critical factors determining poor impact results. Some authors have identified these factors in the size (Flyvbjerg et al., 2003; Flyybjerg, 2017), uncertainty (Miller & Lessard, 2000), complexity (Brady & Davies, 2014), conflict (Davies & Mackenzie, 2014), and institutional structure (Scott et al., 2011) (for a systematic literature review, see Cerić et al., 2021). These critical points highlight how the nature of MPs is relational because it is based on complex relationships between actors and organizations—formal, informal, and institutional. The spread of interorganizational and multiactor networks that constitute one of the most innovative features of MP management in recent years (Esposito et al., 2021) stresses governability issues.

Mutual recognition and consent become elements that are capable of inaugurating more collaborative processes and practices to reduce organizational and management criticalities in MPs. Several recent studies analyze "trust" as a success factor in MPs (Galvin et al., 2021; Ruitjer et al., 2021), arguing how it plays a crucial role in inaugurating more collaborative attitudes in the MPs' management, focusing on the interorganizational relationship. This paper focuses on a neglected relational dimension, namely legitimacy. We argue that legitimacy is instead the primary dimension that attributes effectiveness and capacity for action to the organizations involved in the MPs (Flyybjerg, 2017).

Indeed, legitimacy regulates the relationship between the various organizations, especially between organizations and the public sphere (Buchanan & Keohane, 2006): MPs can be established and temporarily committed, on the one hand, to negotiating spaces, objectives, and resources among themselves and, on the other hand, trying to obtain public consent. Institutionalist theory assigns a central role to legitimacy in the construction of social processes (Di Maggio & Powell, 1983; Meyer & Rowan, 1977), defining it as a generalized form of social acceptance toward an actor, an idea, or a project (Scott, 1995; Suchman, 1995). The need to obtain public consensus is a central and binding element for implementing MPs (Priemus & van Wee, 2013) and a decisive factor in creating alliances and welds between the actors involved in the MPs. To increase the negotiating strength within the stakeholder arena, some organizations may promote collaborative strategies to broaden their public consensus. The aim is to impose themselves among other stakeholders or have greater bargaining power, supporting their positions on the matter at different stages of the MP, from its design to the actual construction (Galdini & Lucciarini, 2023). The wickedness of MPs nests in the overall policy process itself (Esposito et al., 2022) in this themed issue 2022, as it faces three main risk categories embedded in their implementation: uncertainty, complexity, and conflict.

In this paper, we hypothesize that the legitimacy attributed and "owned" by the stakeholders is a central element in countering these three critical aspects of MPs, acting on (a) the construction of public consensus on the MP and (b) the quality of relationships between the participating stakeholders and organizations. The choice of a cross-border case allows us to analyze the legitimation process concerning the same MP and a common core of stakeholders but in two different territorial contexts, where the system of values, norms, and institutional architecture are not the same. We verify our hypothesis by analyzing the cross-border MP, the Fehmarnbelt Fixed Link (FFL), between Germany and Denmark. This submarine tunnel, the design of which began in 1995, was then included in the European strategy for mobility, the Trans-European Transport Network (TEN-T). The work started on 1 January 2021, inaugurated (virtually, through a video, due to the COVID-19 a global outbreak of coronavirus pandemic) by an expert from the European Commission of the ScanMed Corridor, the Danish and German transport ministers, and other authorities. This ceremony highlighted some essential elements: a multilevel structure and some asymmetries between (a) centralized (Danish) and decentralized (German) authorities and (b) financial and implementation commitment between the two countries.

Our analysis intends to understand the mechanisms for attributing legitimacy to the main stakeholders through the documentary analysis of the project from 1995 to 2022 (taken from the project's official website) and the online and offline discussion forums (Dialogforum and Fehmarnbeltquerung). The analysis of these documents makes it possible to identify "promoters" and "protesters" (Ninan & Sergeeva, 2021) of the MP, who express support or opposition to the main stakeholders, starting from the level of consent or dissent toward the declared position by these actors. These consent (or dissent) mechanisms are identifiable with the discursive legitimation scheme theorized by Eriksen (2021). Stakeholders can acquire legitimacy from different mechanisms, and the different mechanisms produce different outcomes in terms of MPs' governability.

Finally, we connect the (de)legitimation obtained through these mechanisms with the MP's risk elements: complexity, conflict, and uncertainty. We aim to comprehend if the different ways through which legitimacy is acquired can increase or contain these three criticalities. This study can be considered a preliminary investigation into the decision-making process of an MP in progress, which will require subsequent updates and, with them, the development of possible new research directions.

The work is divided as follows: in the first part, we introduce some theoretical and critical elements on cross-border MPs; in the second section, we indicate the data and the method of analysis; in the third section, we describe the case study and the evidence gathered, which is discussed in the fourth section; finally, we draw some conclusions and other possible future insights.

Theoretical and critical elements on cross-border MPs From the urban MP model to the infrastructure-led developmental strategy

According to Del Cerro Santamaría (2013), "urban megaprojects" represent specific cities' renewal strategies developed at a local scale, even if their management involves other levels of governance, such as national or supra-national. Over the last 40 years, extraordinary pieces of architecture have multiplied in the big cities that have become places of cultural and symbolic elaboration. The great recession started in 2008 and represented a turning point in the MPs' policy idea (Schindler & Kanai, 2021). While until the tremendous financial and economic crisis, MPs embraced an urban growth model strategy, as a city was seen as the engine of economic development and material and immaterial locus of international competition (Chesire & Magrini, 2006). Del Cerro Santamaría (2013) highlights how the spread of the megaregion model in the twenty-first century, both in the Global North and in the Global South, is functional to a strategy based on logic of connectivity not only between cities but also between different states that compete for world trade, investment flows, and supply chains.

A strategy launched by the Chinese government in early 2013, with the "One Belt One Road" program, which today involves more than 150 European and Asian countries, has been developing trade and production infrastructure networks with a Sino-centric vision (Schindler & Kanai, 2021) and recognized as Xi Jinping's foreign policy centerpiece. The "One Belt One Road" program could be considered the first "global meta-MP" (Schindler & Kanai, 2021), combining massive projects for megaregions' connection and adopting decentralized project management and development. As Tooze (2018) affirmed, the "One Belt One Road" program represents the aggressive response to the dramatic fall of Chinese exports after the 2008 financial and economic crisis and the global economic slowdown. Other scholars pointed out how this massive investment in domestic and global infrastructures has determined the spread of an "infrastructure-led development" complementary to the well-established, export-led growth model (Baccaro & Pontusson, 2016).

In its incremental structure—even if this case is limited to a European vision, the Chinese program echoes the European TEN-T infrastructure program launched in 2004 to realize mobility infrastructures between Scandinavian and Mediterranean Europe. The TEN-T program envisages the construction of a Scandinavian—Mediterranean (ScanMed) Corridor by strengthening and constructing a multimodal network (on rail, road, and water). The initial policy idea of the ScanMed Corridor, like many other development corridors inserted in regional planning strategies, was to enhance the European cohesion design, compared to the current goals, which focus primarily on creating international economic territories.

In 2013, Regulation (EU) No. 1315/2013 of 11 December 2013 on Union Guidelines for the development of the TEN-T listed the fixed link across the Fehmarn Belt (our FFL case study) as well as the landside connections between Germany and Denmark as parts of the TEN CORE network, the backbone of the TEN-T program. The European Commission has estimated to fund the project with about €590 million for the FFL and €120 million for internal connections. The FFL is also a strategic link in other European Union (EU) institutional networks to enhance transport between Scandinavia and Continental and Mediterranean Europe (i.e., I-String, Interreg). These meta-MPs, constitute, as, a sort of "operational landscape" where territories need to be standardized and grow to integrate with the global value chain (Schindler & Kanai, 2019; 2021).

Despite the magnitude of this European program and the relevancy of the infrastructure-led developmental strategy globally, the contemporary international debate on cross-border MPs is overlooked. This paper tries to contribute to overcome this gap.

Stakeholders, legitimation mechanisms, and MPs' critical factors

As we pointed out in the introduction, one of the MPs' most recent and relevant features is their network structure. These networks are animated by different kinds of stakeholders. Following Mitchell et al.'s (1997) definition, stakeholders are any agency that influences one organization's activities or experiences some impact from that action (Ninan et al., 2020). Viitanen et al. (2010) identified two kinds of stakeholders entangled in MPs' implementation: internal, entitled as formal members with legal contract (e.g., workers), and external, namely those who may affect or be affected by the MP (elected or nonelected) (Leung & Olomolaiye, 2009). The salience of their actions depends on their power, legitimacy, and urgency in claiming attention, taken individually or intertwined (Mitchell et al., 1997).

The "power" dimension has already been explored as a counterbalancing force against the risk of its capacity to reform the institutional arrangements of the MP decision-making, mainly promoting accountability (Flyvbjerg et al., 2003). Nevertheless, this perspective overlooked the communicative dimension (Flyvbjerg et al., 2003), while external stakeholders' public discourses have gained attention in MPs' studies as crucial actors who improve project performance through legitimacy (Di Maddaloni & Davis, 2018) and shape successes or bring failures in MPs' implementation (Zidane et al., 2015). The influence performed by external stakeholders depends on the legitimacy they enjoy and seek. Structuring as dynamic projects endowed with flexibility, the MPs highlight their site-specific and communicative nature: They evolve by adapting to transformations to political visions, to changing contexts, and different needs for functionality, efficiency, effectiveness, and quality, but this evolution is possible only through public legitimacy of the organizations—or part of them—that make up the arena and promote a change, or defend the project from new interpretations and visions by opponents (Dimitriou et al., 2013). Moreover, legitimacy has two sides: by legitimacy output, that is, nonelected actors who seek legitimacy both at an institutional level and a public level—or for "social acceptance" (Gehman et al., 2017; Melé & Armengou, 2016); by legitimacy input, that is, elected actors who are interested in maintaining their legitimacy through support and links with nonelected actors. Both sides of legitimacy need to be validated in the public sphere through different mechanisms (see Data and Methods section). We are trying to address the topic of legitimacy dealing with MPs' critical factors. As it is not to be assumed that elected stakeholders will pursue reasonable governance goals compared to nonelected ones, the point is to put at stake governability issues and the accomplishment of public-private project goals in a larger perspective. That implies negotiating public and institutional discourses based on fulfilling public goals as respecting the multiactor arena, as an expression of different actors' agency, on the one hand,

and single-actor legitimacy, on the other hand. In this view, legitimacy seems to be an "umbrella concept" useful for putting multilevel governance about policy outputs and a broad constellation of factors not empirically interrelated (Bollen & Jackman, 1985). That permits putting legitimacy in dialog with the efficacy of multilevel and multiactor governance (Schmidt, 2013). Actors not only need to act legally but also need to respect the heterogenic claims of plural agency structure. We focus on the promoters' and protesters' levels, intertwining elected and nonelected actors from the local community perspective, as we agree with recent studies that imply the relevance of that level (Di Maddaloni & Davis, 2018). Promoters and protesters are key local actors who react to public and institutional discourse. On the one hand, they confirm or not the legitimacy of elected actors, and on the other, they could put in a counter-narrative for the nonelected ones (Ninan & Sergeeva, 2022).

Data and methods

Our analysis aims to comprehend the mechanisms of attribution of legitimacy toward the main stakeholders through the documentary analysis of the project from 1995 to 2022 (taken from the project's official website) and the online and offline discussion forums (Dialogforum and Fehmarnbeltquerung). Here, we reconstruct two factions in public opinion, the "promoters" and the "protesters" (Ninan & Sergeeva, 2021) of the MP. Since the Fehmambelt Region is a border area between Sweden, Denmark, and Germany, it is characterized by various "soft networks"—i.e., multi-stakeholder and multipurpose networks. These networks are linked to specific national and international projects.

To simplify the reading, we have chosen to classify stakeholders based on a typology of networks (functional, institutional, and business). We highlight the main actors involved in the MP of the FFL as shown in Table 1.

We map the construction process of legitimacy, thus observing two directions in which it could be claimed: a hierarchical-vertical (from top to bottom, input legitimacy, actors who seek legitimacy output) and a horizontal-subsidiary (from bottom to top, output legitimacy, actors who seek legitimacy input). Following Schmidt's (2008) framework of institutional discourses, we consider public discourses, whether they are aimed at coordinating with other policymakers (coordinating discourses) or at promoting and seeking public support concerning a specific policy (communicative discourses).

While coordination discourse consists of ideas, narratives, notions, and frames that political actors exchange during the policy-making process and form the basis for coalitions between actors who have "input legitimacy," communicative discourse involves the presentation of political ideas from political actors to convince the public of the adequacy and necessity of the ideas in question, gaining an "output legitimacy."

We analyzed the reports from the Dialogforum (German side) and the Fehmarnbeltquerung (Danish side) and the official documents from the project's website. We decided not to process that data using content analysis for the inhomogeneity of the material (i.e., different kinds of language, from familiar to formal). Instead, we decided to evaluate the explicit declarations of acceptance or rejection of the MP. We considered every sentence that explicitly declares support/rejection of the project and identified protesters/promoters considering public meeting transcriptions and official documents available on the forum platform. This material includes both coordinating discourses (i.e., Landtag, local parliament discussions), comprehensive of all the links to videos/slides of the meeting, and communicative discourses (i.e., forum discussions). Following Seergeva and Ninan (2023), we detected the "cognitive instrument" that stakeholders communicate, using these different forms of narratives, "textual or written," "spoken or verbal," and "visual or symbolic," setting up positions against or in support of specific aspects of the MP.

In our analytical framework, both promoters and protesters, through different legitimation mechanisms, could reduce or aggravate MP's critical factors. In this study, we applied the Eriksen legitimization scheme to learn about the mechanisms that produce legitimization. Eriksen identifies three mechanisms of legitimation: through "evidence-based," or with the production of "objective" data that modify public perception; with "legislators' command", or through a mechanism of direct delegation by an elected actor, in a positive sum game of crossed legitimacy; and, finally, through "public participation." That is the ability of some actors to convey and activate public opinion through forms of participation both in support of and in opposition to a specific public action, whether it is being conceived or already in the implementation or construction stage. Through the analysis of storytelling (Hajer et al., 2015),

Table 1. FFL stakeholders and typology of networks in Fehmarnbelt Region.

Туре	Members	Features and resources	Legitimacy	Main stakeholders for the Fehmarnbelt Fixed Link
Functional networks	Civil servants, experts, stakeholders	Open, few members, unstable, expertise, problem-solving, need political authority	Output legitimacy (nonpolitical), need input legitimacy	- Hamburg Metropolitan region - Greater Copenhagen - Local Environmental Associations (German (DE) and Danish (DK))
Institutional networks	Politicians, political consultants	Multipurpose, stable, insular, political legit- imacy, integrated into the political system, need expertise	Input legitimacy (political), need output legitimacy	- European Commission (TEN-T project) - Minister of Transport (DK, DE and sub-national DE)
Business networks	Business interests	Stakeholders, employ- ment and invest- ment need stable regulatory signals	Output legitimacy (nonpolitical), need input legitimacy	- Femern A/S (building firm is owned by Sund & Bælt Holding, a state-owned Danish company) - Ferry operators (owned by Deutsche Bahn) - Fehmarnbelt Business Council (Established in 2007, has 11 members among DE, DK, and Sweden)

Source: Elaboration on Guasco (2014).

Note. TEN-T = Trans-European Transport Network.

we classified the stakeholders based on the dominant narrative to which they referred, identified positions of "promotion" or "protest" of the MP, in the declarations by the various stakeholders. We identified the mechanism that legitimates their position in the public sphere. Each of these mechanisms has an impact, in terms of increasing or decreasing, the three critical factors of MPs (see Figure 1).

The evidence-based mechanism promotes honest communication on—for instance—the environmental impacts, based on professional expertise independent from judgment (Majone, 2005). Although facts and data may be interpreted, they are a pragmatic starting point that can decrease the complexity (following this example, to foresee pollution) and the uncertainty, but not the conflictual. The latter is a possible expression of different value-based judgments developed on different stakeholders' evidence-based information.

The legislators' command mechanism works through power: By publicly delegating the nonelected stakeholders, the elected bodies can supervise, control, or revoke the mandate. Even if it is considered an auto-paternalist process (Elster, 1979), it may decrease the critical aspects of MPs, revoking when conflictual and uncertainty arise or increasing control to manage complexity.

Legitimization through public participation implies competition dynamics between stakeholders because it usually explodes the different advocacy relationships between citizens and stakeholders. That mechanism affects MPs' critical factors, potentially increasing them in balancing civic engagement and depoliticized expert arrangements (Eriksen, 2021).

^{*}The Fehmambelt Business Council (FBBC) was established in 2007 as an international business union of Hamburg of Commerce, Dansk Industri, Chambers of Commerce and Industry Schleswig-Holstein, Dansk Erhverv, German-Danish Chamber of Commerce, Chamber of Commerce and Industry of Southern Sweden, Lübeck Chamber of Skilled Crafts, Chamber of Industry and Commerce Schwerin, Lübeck Merchants' Association, UV Nord – the confederation of employers' associations in northern Germany and HanseBelt e.V. Through its 11 members, the FBBC represents more than 400,000 businesses in Germany, Denmark, and Sweden.

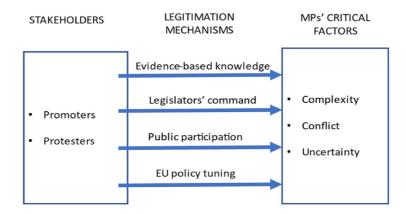


Figure 1. Stakeholders shape MPs through different legitimation mechanisms that can either increase or decrease complexity, conflict, and uncertainty.

We add the "tuning with European-level milestones policies" as a fourth legitimization mechanism. In our case study, it was highly significant. It meant the capability of linking the current MP in a more effective program, embedded in values and ideas "familiar" in the public debate. That "harmonization" helps decrease the complexity of MPs (i.e., how to present them), uncertainty (i.e., a defined step in an overall strategy), and conflict (i.e., an overall strategy already approved).

Case-study background

The FFL, will connect via an immersed tunnel with an electrified double-track railway line and a fourlane road link, the German city of Puttgarden and the Danish Rødby started on 1 January 2021, and will open service in 2029, making connections between Denmark, Sweden, and Germany faster.

The idea of enhancing these connections dates back to the early twentieth century, but feasibility studies only began in 1995, following a Danish impulse. After the successes in constructing other infrastructural MPs, such as Storebælt and Øresund bridges, Denmark looked at these large-scale projects connecting the countries of Northern Europe with more and more confidence and favor. The level and quality of cooperation, intense and on a large geographical scale, has been ideally indicated as a "Scandinavian grouping," where the functional elements are facilitators in inter-institutional and inter-governmental relationships (Perkmann, 2003) and helped encourage the spread of these projects.

Between 1995 and 1999, various feasibility, environmental, economic, and infrastructural studies brought the proposal for the construction of the FFL to the table of the transport ministers of the two nations. While the Ministry of Transport and the Danish central government supported the project, the German side soon expressed skepticism, due to internal conflicts between the interests of the National Transport Ministry, which supported the project alongside the Danish one, with which it was in dialog, directly, and instead the opposition of the regional transport ministry and the local transport company, on rail and sea, which saw their interests harmed. This stalemate, which lasted about 5 years, was overcome in 2000 when the Danish government proposed to bear the costs of the project in full to obtain the consent of the Central government and the German transport ministries. Following this offer, the German government gave consent for the project to be carried out. However, about 8 years passed before the agreement for the construction of the FFL, which was signed in 2008 by the German government and ratified as an international treaty in 2009. Between 2000 and 2008, Denmark and Germany faced several tensions with complying with the Treaty, which were resolved and ironed out through two significant steps. The first step, in 2004, was the launch of the European TEN-T infrastructure programme, which identifies the FFL as one of the strategic corridors to be implemented to realize mobility between Scandinavian and Mediterranean Europe.

The perseverance of the Danish government in the choice—previous to the TEN-T strategy—to independently finance the MP and to impose a toll for the passage on the FFL is today under investigation by the European Commission (case number SA.39078), which has supported and continues to support the FFL in the logic of European corridors.



Figure 2. Timeline of the Fehmarnbelt Fixed Link (FFL) project.

The second step, in 2008, saw the privatization of the shipping companies, owned by the Danish Government and Deutsche Bahn, that marketed and sold the fleet for 1.5 billion euros after showing a persistent inability to find a shared vision in the management of maritime traffic in the MP area. These two steps made it possible on 3 September 2008 to sign the Treaty between Denmark, responsible for the structure's construction, operation, and financing, and the German Federal Government, in close cooperation with the state of Schleswig-Holstein. In Germany, the Treaty became national law by the "Act of 17 July 2009 on the Treaty of 3 September 2008 between the Federal Republic of Germany and the Kingdom of Denmark on a Fixed Link across the Fehmarn Belt" (Federal Law Gazette II, p. 799), which came into force on 14 January 2010. In Denmark, the parliament adopted the "Act on Project Planning for a Fixed Link over the Fehmarn Belt, with Associated Land Facilities in Denmark" on 26 March 2009. On 15 April 2009, the Queen of Denmark gave her royal assent to the Planning Act on the FFL. In April 2009, the Danish Minister of Transport passed a law tasking the Femern A/S company responsible for preparatory work, studies, and the planning/design for the FFL.

On the other hand, Germany is responsible for the costs of internal connections, by road and rail, to increase traffic to the FFL: The national and local Ministry of Transport are the financiers and executors of these interventions.

Despite this long preparation, the FFL has suffered even further delays: In Germany, between 2012 and 2013, public consultations began, where civil society and numerous local environmental associations, in agreement with the local government, opposed the arena offline and online "Dialogforum" (for the German part) and the Fehmarnbeltquerung (for the Danish part) at the FFL. To influence this long wave of protests and German skepticism were the failures and heavy controversies in the urban development projects of "Stuttgart21" and the Berlin Brandenburg Airport project (Geraldi & Stingl, 2017).

It was accepted in 2019 after resizing the carriageway and greater attention to noise and environmental containment equipment. A compromise situation will not prevent the enhancement of the environmental area for tourism purposes on the German side. After a long phase of negotiation and bargaining, the project was approved in 2019, and the start of the work was postponed from 2020 to 2021 due to the COVID-19 pandemic. On 1 January 2021, the construction site of the FFL was opened (see Figure 2).

Narratives of promoters and protesters

The legitimacy of MPs becomes central as their management becomes more reticular and horizontal, passing from a few dominant stakeholders, such as central governments and large corporations, to a plurality of public, private, and third-sector actors (Osborne, 2010; Pollitt & Bouckaert, 2017; Torfing et al., 2020). In this balkanized context, obtaining and managing legitimacy becomes crucial for negotiating one's interests within the stakeholders' forum and represents a lever to reduce the main critical issues encountered during the implementation of the MPs.

Legitimacy in the literature on MPs has been analyzed by relating it to the dimension of trust (Galvin et al., 2021; Ruitjer et al., 2021). In this case, the analysis of the FFL leads us to think that the category most linked to legitimacy is that of agency. Although various stakeholders carry out specific interests, in the case of the FFL, the most significant boundary is the territorial one. National governments are interested in following and embracing the European logic of transnational corridors in strengthening and "bringing together" trade and mobility between Northern and Central Europe. At the same time, local actors position themselves on declarations of sustainable economy and protection of local actors.

Analyzing the reports of the Dialogforum, the Fehmarnbeltquerung, and the different positions on the official website of the project, which, year after year, from 1995 to 2022, reports public and institutional events related to the FFL, we have identified positions of "promotion" or "protest" in the declarations from the various stakeholders (Table 2).

Table 2. Forums for the years of activity and the number of statements analyzed.

		Number of statements analyzed openly for or against stakeholders ^a		
Forum	Years	Functional	Institutional	Business
Dialogforum	2012–2018	- 48 cons	- 29 cons	- 68 cons
Fehmarnbeltquerung	2012–2015	- 19 pros - 11 cons	- 37 pros - 8 cons	- 22 pros - 22 cons
Official site of the FFL	1995–2022	- 39 pros Only pros	- 50 pros Only pros	- 41 pros Only pros

Source: Author's elaboration.

Table 3. Promoters and protesters of the FFL.

Stakeholders	Promoters of the FFL (main narrative: compro- mise environmental and economic booster)	Protesters of the FFL (main narrative: economic booster only for "above-local" stake- holders, environmentally damaging)
German planning authority	X	
Danish project developer	X	
Danish environmental association	X	
German environmental association		X
Deutsche Bahn, the Danish ferry company		Χ
Danish municipalities near the FFL	X	
German municipalities near the FFL		X
Danish civil society	X (influenced by successful MPs)	
German civil society		X (influenced by unsuccessful MPs)

Source: Author's analysis and elaboration on reports, forums, and Witz et al.'s (2021) scheme. Note. FFL = Fehmarnbelt Fixed Link; MP = megaproject.

Through the analysis of storytelling, we classified the stakeholders based on the dominant narrative to which they were referred to. We have analyzed their narratives by coherence, performative intent, and repetition (see Data and Methods section). The documentation analysis highlighted two main narratives, one for and the other against the FFL. The first emphasizes the importance of the European dimension through references to the North-South Europe corridor, underlining the importance of the connection with central Europe. The FFL is a compromise project between the environmental impact and the economic booster, so it is important in economically weak coastal areas, which do not rotate in the privileged urban economies of the nearest cities (Copenhagen and Hamburg). However, it can instead exploit the future economy, becoming the fastest passage between Northern and Central Europe. Central governments and large corporations strongly support the interest in upgrading their geographical and economic positions (i.e., the privatized ferry company). The second narrative instead refers to a critical position toward the FFL, of disenchantment toward MPs, the advantages of which will be redistributed not at the local level, where negative externalities will be added up, in particular environmental and destruction of the local economy, perceived as not "aggressive" or "international," but, on the contrary, at the sustainable and local levels.

The similarity in the institutional architecture, i.e., a federal system like the German one and a highly decentralized one like the Danish one, had been one of the main elements in the feasibility assessments starting from the second half of the 1990s. The Danish twist, which from the 2000s until completion with the 2009 reform, re-centralized many of the powers previously in the hands of the territories, has certainly mixed up some of the premises for the creation of the FFL, increasing, as can be seen in Table 3, the conflict between two blocks of stakeholders.

^aWe decided to list the stakeholders not by their names but by their types to generalize their positions and give an immediate idea of the differences between stakeholders and contexts (German, Danish, and managerial).

We have identified the promoters' and protesters' main narratives, considering the "performativity" of their discourses (Seergeva & Winch, 2021), with an explicit intention of convincing different audiences and delivering their strategies (Galland & Hansen, 2012). Taking into account that stakeholders who decide to create, maintain, or disrupt institutions—and their aims and strategies—rely on narratives to accomplish their intentions (Lawrence & Suddaby, 2006). Languages and narratives, above all, play a significant role in acquiring legitimacy and gaining resources—material, symbolic, or immaterial (Lounsbury & Glynn, 2001). In the scientific debate, legitimacy in MPs is, above all, linked to social acceptability (Melé & Armengou, 2016), which can be obtained through the public communication of one's institutional work (van den Ende et al., 2019), the strength of rhetoric (Gil, 2010) and the use of policy ideas (Galdini & Lucciarini, 2023) or the dominance of some stakeholders (Gehman et al., 2017). Some authors have hypothesized that greater local embeddedness of projects is crucial in increasing their legitimacy (McAdam, 2011; Scott & Levitt, 2017; Scott et al., 2011).

However, in the case of the FFL, it emerges that the center of the realization of the project was the ability to negotiate and bargain within the composite arena of stakeholders, whose action was a clear expression of an agency of economic, environmental, political-institutional, and geographic interests. The support for the project did not come through the sharing of a "catch-all" narrative but through the search for a balance between the interests of the parties. Obtaining and maintaining project consensus is the result of these negotiation and management actions between the actors (Mok et al., 2015; Olander, 2003; Vuorinen & Martinsuo, 2018).

Bridging the "consent gap" through legitimacy

Legitimacy gives weight to the actors that each of them manages to obtain and maintain, through public communicative discourses and to the force that manages to act based on the legitimacy obtained, also through communicative discourses, in coordination discourses with other policy actors (Schmidt, 2010).

We investigate this second aspect using Eriksen's scheme on legitimization channels. Eriksen, analyzing the legitimacy of nonelected actors, identifies the following three possible channels of legitimation:

- 1. evidence-based, or the technical use of "objective" tools and their use by stakeholders to have influence and lobbying with policymakers (Lascoumes & Le Gales, 2005),
- 2. legislators' command, or the delegation by elected actors (i.e., the delegation to investee companies to implement the FFL by the central Danish government), and
- 3. public participation, such as public participation and the support of civil society for their positions (i.e., the positions supported in the Dialogforum and the Fehmarnbeltquerung).

To these channels, we have added a fourth mechanism, namely the tuning with supranational policies (i.e., the TEN-T corridor), which have a significant weight in orienting legitimacy toward local or national actors. We always rely on the study of the documentation of the FFL forums, as well as the analysis of the official project documentation. These legitimacy channels have a direct effect on the three main risk categories.

Evidence-based

On the one hand, the evidence-based mechanism has reduced complexity because technical documents and feasibility studies have created a system of common indicators and a shared lexicon between DK and DE. However, the interpretation of this mass of data and projections has been evaluated by the stakeholders of the two nations: if, on the Danish side, this channel has allowed the connection between constructors and environmental associations in the promotion of the FFL, on the German side, the welding that has been created between local environmental associations and local companies has been in the opposite direction. On the other hand, this channel has decreased the complexity of interest groups, developing a clearer dialectic of the different positions. However, it has increased the conflict and uncertainty in the FFL approval process.

Legislators' command

The second channel, the legislators' command, has helped strengthen the link between constructors and local associations in Denmark. The public investiture was also obtained, thanks to the success of

previous Danish infrastructural MPs built by the same company, sewing a narrative of local successes within a more ambitious national project aimed at better connectivity and centrality in Europe. In the German case, however, the conflict between national vision and local interests has increased the perplexity surrounding the construction of the FFL due to an uncertain narrative between the two positions. The re-composition between the interests of the local government and the national ones, following the changes to the project after the refusal of its application in 2015, has recomposed the interests and standardized the positions toward the support of the FFL. After the re-composition of positions in Germany, the legislators' command had general effects of containment in the perception of the MP's complexity, uncertainty, and conflict both in communicative and coordination discourses.

Public participation

Regarding public participation, the third legitimization channel, in line with the results presented in Tables 2 and 3, is the gap between the positions of Danish promoters and German protesters, the former cohesive between the local and national dimensions and the latter more conflicting and less compact between the central and decentralized levels, and has caused a misalignment in the legitimacy of the MP between the two nations, increasing their conflict, complexity, and uncertainty. The re-composition took place through two significant steps: the Danish leadership in the financing and construction of the FFL and the inclusion of the MP in the European strategy of the Scandinavian-Mediterranean corridor.

EU-policy tuning

Tuning with European-level milestone policies, such as the TEN-T, is a legitimization mechanism that we have added to Eriksen's scheme because it was highly significant in the case of the FFL. In fact, in the Danish case, it strengthened the motivation and centrality of the FFL not only at the local and national levels but also at the supranational level. In the German case, on the other hand, it mitigated the skepticism that matured in other cross-border projects because it recognized a broader plot and interests of a supranational nature within a context such as that of the EU, where Germany is one of the major economies and has a heavy influence in European politics.

Legitimacy does not automatically imply overcoming the three critical MP factors. Nevertheless, the mechanisms of attribution of legitimacy toward the main stakeholders may be considered a sort of policy instrument, of which elected and nonelected stakeholders—implying that nonelected ones "wield political power" (Eriksen, 2021)—used to address policy aims (see Capano & Howlett, 2020) on the policy instruments debate).

Conclusions

The analysis of the FFL focused on understanding the category of legitimacy and its weight in the promotion/protest mechanisms, from the design to the beginning of the construction of an MP. This case allowed us to understand some mechanisms that have decreased or increased the effect of three critical factors in MPs: complexity, uncertainty, and conflict.

In the case of the FFL, the action of the stakeholders has shown a remarkable ability to align after a long misalignment, which shows remarkable adaptability and, according to Giezen (2013), also an extraordinary "strategic capacity to face uncertainty and complexity, overcoming change and inertia." The unifying element seems to be the construction of legitimacy—understood as "socially acceptable," indeed actionable—around the FFL. The case study poses questions and suggestions on the discursive institutionalism developed, shared, and grown within collaborative platforms, as institutional-public forums, a topic that deserves further future analysis.

Conflict of interest

None declared

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