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The "Right to City" in the Era of Crowdsourcing

Abstract: This article explores the meaning and context of crowdsourcing at the municipal scale. In order to legitimately govern, local governments seek feedback and engagement from actors and bodies beyond the state. At the same time, crowdsourcing efforts are increasingly being adopted by entities – public and private – to digitally transform local services and processes. But how do we know what the “the right to the city” (RTTC) means when it comes to meaningful and participatory decision-making? And how do we know if participatory efforts called *crowdsourcing*—a practice articulated in a 2006 *Wired* article in the context of the tech sector—when policy ideas are sought at the municipal scale? Grounded in the ideals of Henri Lefebvre’s RTTC, the article brings together typologies of public participation to advance a conceptualization of ‘crowdsourcing’ specific to local governance. Applying this approach to a smart city initiative in Toronto, Canada, I argue that for crowdsourcing to be taken seriously as a means of inclusive and participatory decision-making that seeks to advance the RTTC, it must have connection to governance mechanisms that aim to integrate public perspectives into policy decisions. Where crowdsourcing is disconnected to decision-making processes, it is simply lip service, not meaningful participation.

Key words: crowdsourcing, public participation, local governance, public law, smart cities, digital platforms

Alexandra Flynn*

Introduction

This article focuses on crowdsourcing in the context of public participation at the urban scale. The right to the city (RTTC), initially advanced by Henri Lefebvre, asserts that urban residents are essential participants in the quality and fair distribution of city life.¹ The initial and lingering foundation of the RTTC is the right to participate—to be heard—in the city.² This goes beyond the “individual liberty to access urban resources” and is instead “a right to change ourselves by changing the city.”³ Things get trickier when trying to understand what the RTTC more specifically entails in governance choices in public participation, or how it challenges, complements or replaces existing rights.⁴ This article focuses on one aspect of this question: the relationship between crowdsourcing fits and the RTTC’s ideals of participatory decision-making.

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¹ HENRI LEFEBVRE, WRITINGS ON CITIES (Eleonore Kofman & Elizabeth Lebas eds. and trans., 1996); David Harvey, *The Right to the City*, 27 INT’L J. URB. & REG’L RES. 939 (Susan Clark & Gary Galle eds., 2003).

² HENRI LEFEBVRE, THE URBAN REVOLUTION (Robert Bononno trans., University of Minnesota Press, 2003) (1970).

³ See generally Harvey, *supra* note 1.

⁴ Mark Purcell, *Urban Democracy and the Local Trap*, 43 URB. STUD. 1921, (2006).

In order to legitimately govern, municipalities seek feedback and engagement from actors and bodies beyond the state.⁵ Notions like RTTC show that cities are crucial and even optimistic spaces of participation. While offered as a theoretical framework for understanding citizenship and belonging, the RTTC can have legal and political teeth. For example, in Mexico City's municipal constitution, which was developed through extensive engagement including crowdsourcing, Article 18 affirms the right to the city as "the use and the full and equitable enjoyment of the city, founded on principles of social justice, democracy, participation, equality, sustainability, respect for cultural diversity, nature and the environment."⁶ In another example, *Better Reykjavik* was a digital platform that amplified civic engagement by allowing citizens to bring and vote on ideas, thus directly engaging in decision-making processes.⁷ But how do we know what the RTTC means when it comes to meaningful and participatory decision-making? And how do we know if participatory efforts called *crowdsourcing*—a practice articulated in a 2006 *Wired* article in the context of the tech sector—when policy ideas are sought at the municipal scale?

Existing theories regarding political participation and public engagement rarely engage crowdsourcing in relation to inclusive and participatory municipal decision-making.⁸ Even so, digital platforms are transforming local governance. Much has been documented about the digital transformation of the administration of municipal services, with crowdsourced data one of many inputs used by city governments. From parking spots to water usage, local officials rely on automation for a wide range of purposes including the transmission of payments, the monitoring of service use, the assessment of infrastructure quality, and collection of user data. Officials may also scrape external databases or gain access to data from businesses through agreements in order to supplement the information from city-governed digital platforms. Public opinion and direct contributions to city efforts may also be crowdsourced. Some of this data is made available on open data portals, available for external review and analysis; other information is subject to machine learning and fed into administrative processes. Less understood is how crowdsourcing maps alongside existing tools for participation and engagement. While some examples are lauded—for example, the crowdsourcing of Mexico City's constitution—there is little sense of whether these efforts are meaningful or participatory within the ideals of the RTTC.

This article contributes to the scholarly discussion on urban governance by providing a definition

⁵ See, e.g., ROBERT A. DAHL, *WHO GOVERNS? DEMOCRACY AND POWER IN AN AMERICAN CITY* (1961); NELSON W. POLSBY, *COMMUNITY POWER AND POLITICAL THEORY* (1963); CLARENCE N. STONE, *REGIME POLITICS: GOVERNING ATLANTA 1946-1988* (1989); Göktug Morçöl, Triparna Vasavada & Sohee Kim, *Business Improvement Districts in Urban Governance: A Longitudinal Case Study Administration & Society*, 46 ADMIN. & SOC. 796 (2014); ANDREW SANCTON, *CANADIAN LOCAL GOVERNMENT: AN URBAN PERSPECTIVE* 231 (2011); Christopher Leo, *Global Change and Local Politics: Economic Decline and the Local Regime in Edmonton*, 17 J. URB. AFF. 277 (1955); Timothy Cobban, *The Political Economy of Urban Development: Downtown Revitalization in London, Ontario, 1993-2002*, 12 CDN. J. URB. RES. 231, (2003); KRISTIN R. GOOD, *MUNICIPALITIES AND MULTICULTURALISM: THE POLITICS OF IMMIGRATION IN TORONTO AND VANCOUVER* (2009); AARON MOORE, *PLANNING POLITICS IN TORONTO: THE TONTARIO MUNICIPAL BOARD AND URBAN DEVELOPMENT* 11 (2013).

⁶ Mariana Flores, *The First Constitution of Mexico City*, METROPOLIS (Feb. 21, 2017), <https://www.metropolis.org/news/first-constitution-mexico-city>.

⁷ Contributor, *Better Reykjavik: Iceland's Online Participation Platform*, PARTICIPEDIA (last visited Sept. 10, 2022), <https://participedia.net/case/5320>.

⁸ See, e.g., Tooran Alizadeh et al., *Enabling Smart Participatory Local Government*, in *SMART AND SUSTAINABLE CITIES AND BUILDINGS* 187 (Rob Roggema & Anouk Roggema eds., 2020).

of “crowdsourcing” in the municipal context as it relates to public participation. I first frame RTTC alongside the typologies advanced by Sherry Arnstein and Archon Fung to contextualize public participation, defining and situating crowdsourcing in the context of public participation. I next outline a participatory effort in a smart city initiative in Toronto, Canada to understand how crowdsourcing was used at the idea generation stage in different forums. I advance that efforts deemed to be crowdsourcing did not meet the criteria. Finally, I introduce a revised definition of crowdsourcing at the municipal scale, arguing that for crowdsourcing to be taken seriously as a means of inclusive and participatory decision-making that seeks to advance a RTTC, it must have connection to governance mechanisms that aim to integrate public perspectives into policy decisions. In short, crowdsourcing in the context of urban governance must be clearly connected to decision-making processes, otherwise it is simply lip service, not meaningful participation.

I. Crowdsourcing, the right to the city, and public participation

A. The “right to the city”

The right to the city (RTTC) is a theoretical framework that advances the notion that urban residents are essential participants in struggling against the international capitalism that impacts the quality and fair distribution of city life.⁹ Theoretically and practically, cities are key spaces where the right to realize a more inclusive, idealized version of urban connection and belonging.¹⁰ Lefebvre’s account drew on Marxist theory to conceptualize the RTTC as a “right to urban life.”¹¹ The right to change a city includes active resistance and revolutionary movements opposing capitalist urbanization, with the Occupy Wall Street movement as an example of the struggle to reclaim a collective right to the city.¹²

As advanced by Henri Lefebvre and, later, David Harvey, urban residents are essential participants in the quality and fair distribution of city life.¹³ There are two interrelated facets to RTTC literature. The first is a right to participate—and to be heard—in the city.¹⁴ More contemporary theorists argue that what distinguishes the RTTC is having mechanisms that allow residents to recreate or change the city.¹⁵ Harvey described this second facet as a collective human right that is “far more than the individual liberty to access urban resources: it is a right to change ourselves by changing

⁹ Harvey, see *supra* note 1; EDWARD SOJA, SEEKING SPATIAL JUSTICE (2010); Mark Purcell, *Excavating Lefebvre: The Right to the City and its Urban Politics of the Inhabitant*, 58 GEO JOURNAL 99, (2002); see also WORLD URB. F., WORLD CHARTER ON RIGHT TO THE CITY (2004), available at <https://www.uclg-cisdp.org/sites/default/files/documents/files/2021-06/WorldCharterRighttoCity.pdf>

¹⁰ PAULETTE REGAN, UNSETTLING THE SETTLER WITHIN: INDIAN RESIDENTIAL SCHOOLS, TRUTH TELLING, AND RECONCILIATION IN CANADA (2010); Jeff Corntassel, *Re-envisioning resurgence: Indigenous pathways to decolonization and sustainable self-determination*, 1 DECOLONIZATION: INDIGENEITY, EDU. & SOC. 86, 91-92 (2012); Kay Johnson, *Exhibiting Decolonising Discourse: Critical Settler Education and ‘the City Before the City’*, 48 STUD. ED. ADULTS 177, (2010).

¹¹ LEFEBVRE, *supra* note 1, at 158.

¹² See DAVID HARVEY, REBEL CITIES: FROM THE RIGHT TO THE CITY TO THE URBAN REVOLUTION 71, 155, & 159 (2012).

¹³ See generally LEFEBVRE E, *supra* note 1; Harvey, *supra* note 1.

¹⁴ HENRI LEFEBVRE, THE URBAN REVOLUTION (Robert Bononno trans., University of Minnesota Press, 2003) (1970).

¹⁵ See CHRIS BUTLER, HENRI LEFEBVRE: SPATIAL POLITICS, EVERYDAY LIFE AND THE RIGHT TO THE CITY (2012).

the city.”¹⁶ However, a basic minimum in the RTTC is the centrality of participation; that those within the city get a voice in governance and, perhaps, to co- or re-create urban spaces. Things get trickier when trying to understand what the RTTC more specifically entails in governance choices in public participation, or how it challenges, complements, or replaces existing rights.¹⁷

The notion of a RTTC has gained considerable global traction in academic writing, as well as legislative change. The UN-Habitat New Urban Agenda¹⁸ was adopted at the United Nations Conference on Housing and Sustainable Urban Development in Quito, Ecuador in October 2016 and was endorsed by the United Nations General Assembly later that year.¹⁹ The 43-pages of the New Urban Agenda set out a shared vision for well-planned and well-governed cities in 175 sections that include principles for housing, infrastructure, governance, and participation.²⁰ Section 11 enshrines the concept of the RTTC, stating:

We share a vision of cities for all, referring to the equal use and enjoyment of cities and human settlements, seeking to promote inclusivity and ensure that all inhabitants, of present and future generations, without discrimination of any kind, can inhabit and produce just, safe, healthy, accessible, affordable, resilient, and sustainable cities and human settlements, to foster prosperity and quality of life for all. We note the efforts of some national and local governments to enshrine this vision, referred to as right to the city, in their legislations, political declarations and charters.²¹

Participatory cities are a central feature of a RRTC, with the term “participation” referenced 43 times. Section 13(b) affirms that cities must be “participatory, promote civic engagement, engender a sense of belonging and ownership among all their inhabitants,” with specific recognition of “the specific needs of those in vulnerable situations.”²² The requirements of participation become more clear in section 41, which sets out that cities must provide institutional, political, legal and financial mechanisms to broaden inclusive platforms that “allow meaningful participation in decision-making, planning and follow-up processes for all, as well as enhanced civil engagement and co-provision and co-production.”²³ With an eye to modernized mechanisms for participation, data platforms are specifically mentioned in section 160 with a requirement for: “the creation, promotion and enhancement of open, user-friendly and participatory data platforms.”²⁴

B. Public participation

¹⁶ David Harvey, *The Right to the City*, 56 NEW LEFT REV. 23, 23 (2008).

¹⁷ Purcell, *supra* note 4.

¹⁸ See Informal Meeting of The Eu Minister , Urban Agenda For The EU: ‘Pact of Amsterdam, ’ (May 30, 2016), http://ec.europa.eu/regional_policy/sources/policy/themes/urban-development/agenda/pact-of-amsterdam.pdf.

¹⁹ G.A. Res. 71/251 (Dec. 23, 2016).

²⁰ G.A. Res. 71/256 (Dec. 23, 2016).

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

“Public participation” means the methods that allow for citizen concerns, interests, and values to be brought into decision-making processes, including opportunities for direct action involving public matters.²⁵ Grounded in both legislative requirements and public expectation, local governments directly seek public participation during the decision-making process. Scholars have spent decades emphasizing why citizen participation and collaboration with government are important to promote accountability, trust, and responsiveness.²⁶

In evaluating what it means for processes to be meaningfully participatory, Sherry Arnstein’s conception of participation as a ladder, depicted in Figure 1, is an iconic representation of the forms of participation, with closed door meetings at one end of the scale, information and feedback at the mid-range level, and direct decision-making on the top.²⁷ According to Arnstein, the ladder measures the quality of participation, whereby lower rungs on the ladder, which focus on providing information are less meaningful and participatory than engaging in decision-making directly. The ladder is normative, drawing from Arnstein’s lived experiences in working on housing policy. As Arnstein emphasized, “participation without redistribution of power is an empty and frustrating process for the powerless.”²⁸ The model has been deeply impactful both theoretically and practically, with numerous studies across various fields have mapped public participation efforts onto Arnstein’s ladder as a means of evaluating the extent to which participation efforts meaningfully incorporate public perspectives.²⁹

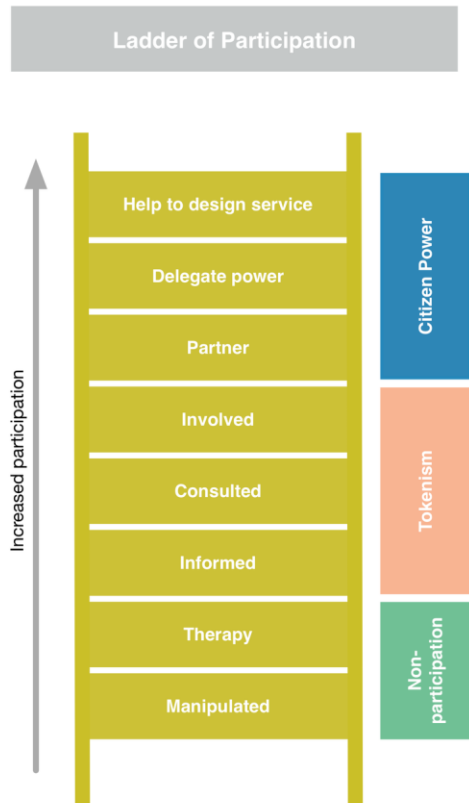
²⁵ TINA NABATCHI & MATT LEIGHNINGER, PUBLIC PARTICIPATION FOR 21ST CENTURY DEMOCRACY (2015).

²⁶ Benjamin Clark & Jeffrey Brudney, *Citizen Representation in City Government-Driven Crowdsourcing*, 28 COMPUTER SUPPORTED COOP. WORK 883, 884-85 (2019).

²⁷ Sherry Arnstein, *A Ladder of Citizen Participation*, 35 J. AM. PLANNING ASS’N 216, (1969).

²⁸ *Id.* at 216.

²⁹ See, e.g., Carissa S. Slotterback & Mickey Lauria, *Building a Foundation for Public Engagement in Planning*, 85 J. AM. PLANNING ASS’N 183, (2019). The authors found that as of April 2019, Arnstein’s seminal work had been cited more than 17,000 times, with more than 13,000 of those citations in the past decade in topics ranging from forestry, social work, marine policy, and criminology.



*adapted from
 Thorburn, Lewis and Shemmings, 1995
 and Arnstein, 1969

Figure 1: Arnstein’s Ladder of Citizen Participation³⁰

In most municipalities, the main participatory vehicle is giving residents an opportunity to speak or submit written documents at the meeting where local officials will make a decision. Behind the scenes, officials may also seek input on policies, including conducting public engagement sessions, provide information to residents, solicit feedback, and even provide opportunities for residents to make small-scale decisions. Participation is used by municipal governments after city officials have vetted ideas and developed policy options, or perhaps even final models for implementation. These activities fall within the middle scale of the ladder, providing information on existing policies and opportunity for feedback. This has contributed to “consultation fatigue”—where equity-deserving communities are asked over and over again for feedback, where that feedback isn’t incorporated into meaningful policy decisions—is one of the main critiques of public engagement practices.³¹

While conceptually compelling, critics suggest that Arnstein’s ladder does not fully capture the

³⁰ *Id.* at 217.

³¹ See Deborah Cowen, *Suburban Citizenship? The Rise of Targeting and the Eclipse of Social Rights in Toronto*, 6 SOCIAL & CULTURE GEO. 335, (2005); Vanessa Parlette & Deborah Cowen, *Dead Malls: Suburban Activism, Local Spaces*, *Global Logistics*, 35 INT’L J. URB. & REG. RES. 794 (2010).

complexity of participation owing to its two-dimensional nature. For example, governments may offer direct, decision-making opportunities to residents through mechanisms such as participatory budgeting. These efforts may which appear to delegate power, but in reality may be time-limited or pilot initiatives, not ongoing governance changes that shift the balance of power.³² In other cases, bodies such as community councils may have power to make a small number of decisions, but without a budget.³³ As a result, activities may move between “citizen power” and “tokenism” on the ladder, and a more detailed examination is needed to understand whether or not an initiative has resulted in a transfer of authority. Crowdsourcing, described next, also adds further dimension to Arnstein’s ladder.

II. A framework for ‘municipal crowdsourcing’

A. What is crowdsourcing?

The term “crowdsourcing” was coined far outside of public decision-making in 2006 by *Wired* journalist Jeff Howe, who observed the rise of people to participating in research and idea generation at a fraction of the cost. He wrote,

Technological advances in everything from product design software to digital video cameras are breaking down the cost barriers that once separated amateurs from professionals. Hobbyists, part-timers, and dabblers suddenly have a market for their efforts, as smart companies in industries as disparate as pharmaceuticals and television discover ways to tap the latent talent of the crowd. The labor isn’t always free, but it costs a lot less than paying traditional employees. It’s not outsourcing; it’s crowdsourcing.³⁴

As Howe observed, the power of idea generation beyond the four walls of traditional company using social media platforms like Twitter is a “whole new paradigm,” that involves “bringing people in from outside and involving them in this broadly creative, collaborative process.”³⁵ Jan Kietzmann exclaimed in the business context that crowdsourcing did not simply replace tasks once performed by employees; it reinvented functions never previously engaged in.³⁶

In 2012, Professors Estelles-Arolas & Gonzalez-Ladron de Guevara analyzed 40 original definitions and integrated them into the following lengthy definition:

Crowdsourcing is a type of participative online activity in which an individual, an institution, a non-profit organization, or company proposes to a group of individuals of varying knowledge, heterogeneity, and number, via a flexible open call, the voluntary undertaking of a task. The undertaking of the task, of variable complexity and modularity, and in which the crowd should participate bringing their work,

³² See, e.g., Alex Karner, Keith B. Brown, Richard Marcantonio & Louis G. Alcorn, *The View from the Top of Arnstein’s Ladder*, 85 J. AM. PLANNING ASS’N 236 (2019).

³³ Erwin Chemerinsky & Sam Kleiner, *Federalism from the Neighborhood Up: Los Angeles’s Neighborhood Councils, Minority Representation, and Democratic Legitimacy*, 32 YALE L. & POL’Y REV. 569 (2014).

³⁴ Jeff Howe, *The Rise of Crowdsourcing*, WIRED (June, 2006), https://sistemas-humano-computacionais.wdfiles.com/local--files/capitulo%3Aredes-sociais/Howe_The_Rise_of_Crowdsourcing.pdf.

³⁵ *Id.*

³⁶ *Id.* at 2.

money, knowledge and/or experience, always entails mutual benefit. The user will receive the satisfaction of a given type of need, be it economic, social recognition, self-esteem, or the development of individual skills, while the crowdsourcer will obtain and utilize to their advantage what the user has brought to the venture, whose form will depend on the type of activity undertaken.³⁷

This definition suggests that crowdsourcing is broad enough to encompass an open call to any broad group of people using an online model of some kind. It also assumes there is some mutual interest based on the participation of those bringing ideas to the party asking for them, even though there is no obligation for implementation of the ideas generated. Crowdsourcing also takes place *somewhere*, with the need for some kind of a platform to host an activity and link the crowd and beneficiary together.³⁸ Crowdsourcing is predicated on access to technology, a fact that instantly affects poorer residents given the digital divide.³⁹

In practice, crowdsourcing is broadly and inconsistently used to capture the many ways in which actors are solicited for feedback and assistance, owing to the technological, organizational and social variety within which the activity takes place.⁴⁰ Crowdsourcing can be carefully tailored: sometimes wide open to a broad range of participants, while other times narrowed to a highly defined network of experts.⁴¹ As Professors Estellés-Arolas, González-Ladrón-de-Guevara note, the inherent meaning of crowdsourcing is often blurry in relation to who participates, how, for what purpose, or with what anticipated outcome.⁴²

B. The need for a municipal crowdsourcing framework

In respect of government soliciting the input of residents towards a policy decision, which has become more prevalent in the last decade, the definition of crowdsourcing matters.⁴³ Crowdsourcing implies something “new” and better than existing participatory processes; something that “everyday citizens” can access to influence decision-making.⁴⁴ As Professor Barbora Haltofová states in her study of crowdsourcing at the local level in the Czech Republic,

³⁷ Enrique Estellés-Arolas & Fernando González-Ladrón-de-Guevara, *Towards an Integrated Crowdsourcing Definition*, 38 J. INFO. SCI. 189, 197 (2012).

³⁸ Yuxiang Zhao & Qinghua Zhu, *Evaluation on Crowdsourcing Research: Current Status and Future Direction*, 16 INFO. SYSTEMS FRONTIERS 417, (2012).

³⁹ Daren C. Brabham, *Crowdsourcing the Public Participation Process for Planning Projects*, 8 PLANNING THEORY 242, 255 (2009).

⁴⁰ Jan H. Kietzmann, *Crowdsourcing: A Revised Definition and Introduction to New Research*, 60 BUS. HORIZONS 1, 1 (2016).

⁴¹ Tanja Aitamurto, Aija Leiponen, & Richard Tee, *The Promise of Idea Crowdsourcing - Benefits, Contexts, Limitations*, NOKIA IDEAS PROJECT (June, 2011), https://www.researchgate.net/publication/257926136_The_Promise_of_Idea_Crowdsourcing-Benefits_Contexts_Limitations.

⁴² Estellés-Arolas & González-Ladrón-de-Guevara, *supra* note 37; *see also* Kerri Wazny, *Crowdsourcing: Ten Years In: A Review*, 7 J. GLOB. HEALTH 1, (2017).

⁴³ *See generally* BETH S. NOVECK, SMART CITIZENS, SMARTER STATE: THE TECHNOLOGIES OF EXPERTISE AND THE FUTURE OF GOVERNING (2015); Tanja Aitamurto & Helene E. Landemore, *Five Design Principles for Crowdsourced Policymaking: Assessing the Case of Crowdsourced Off-Road Traffic Law in Finland*, 2 J. SOC. MEDIA ORGS. 1, (2015).

⁴⁴ Brabham, *supra* note 39, at 255 .

there is an “assumption is that crowdsourcing helps to develop alternative ways for public participation, encourage open communication between citizens and decision makers, and thus foster civic engagement.”⁴⁵ When crowdsourcing takes place as part of government processes, accessibility and equity must be considered. As Professor Daren Brabhan states, “Issues of access to technology are important ones, for any democratic model is problematic if it is predicated on access to something that not everyone has access to.”⁴⁶

Crowdsourcing provides a process where “the crowd is asked to submit ideas and perspectives, and the input is then synthesized and incorporated as needed into the policy-making process.”⁴⁷ Crowdsourcing therefore goes beyond simply informing the public, as the practice seeks feedback and ideas at early stages of policy development. This suggests that crowdsourcing is a form of citizen power or helping in the design of a service, as depicted on the top of Arstein’s ladder. However, crowdsourcing as a practice does not transfer power to citizens, absent other delegated processes.⁴⁸ Instead, while the public may offer ideas at early stages of policy formation, once these ideas are provided, the next steps are a black box.⁴⁹ Since crowdsourcing doesn’t itself transform the decision-making process, much depends on the will of elected officials and whether there are continued demands for direct participation.⁵⁰

There are also advantages to crowdsourcing that aren’t reflected in Arstein’s ladder, yet are integral to the RTTC. Existing forms of public participation efforts have been shown to largely attract the same constituents as those who engage in community representation efforts—meaning more affluent, white, older residents.⁵¹ Studies have shown that crowdsourcing may be able to pull in those residents who would otherwise be disillusioned by democratic or political processes to give them an opportunity to engage in a meaningful manner in the process.⁵² Transparency and anonymity can make crowdsourcing especially beneficial, as participants may be willing to contribute in environments that they would otherwise not feel comfortable.⁵³

1. Crowdsourcing a municipal crowdsourcing framework

⁴⁵ Barbora Haltofova, *Fostering Community Engagement through Crowdsourcing: Case Study on Participatory Budgeting*, 13 THEORETICAL & EMPIRICAL RESEARCHES URB. MGMT. 5, (2018).

⁴⁶ *Id.* at 255.

⁴⁷ Tanja Aitamurto, Hélène Landemore, & Jorge Saldivar Galli, *Unmasking the Crowd: Participants’ Motivation Factors, Expectations, and Profile in a Crowdsourced Law Reform*, 20 INFO., COMM. & SOC. 1239, 1239 (2017).

⁴⁸ See Tanja Aitamurto, *Crowdsourcing for Democracy: A New Era in Policy-Making*, 1 COMMITTEE FOR THE FUTURE, PARLIAMENT OF FINLAND 3 (2012), https://fsi-live.s3.us-west-1.amazonaws.com/s3fs-public/Crowdsourcing_for_DemocracyF_www.pdf. ; see also Kaiping Chen & Tanja Aitamurto, *Barriers for Crowd’s Impact in Crowdsourced Policymaking: Civic Data Overload and Filter Hierarchy*, 22 INT’L PUB. MGMT. J. 99 (2018).

⁴⁹ See John Prpić, Araz Taeihagh, & James Melton, *The Fundamentals of Policy Crowdsourcing*, 7 POL’Y & INTERNET 340, 352 (2015).

⁵⁰ Tanja Aitamurto, *Crowdsourced Democratic Deliberation in Open Policymaking: Definition, Promises, Challenges*, 13 INT’L REPORTS SOCIO-INFORMATICS 79 , 87 (2016).

⁵¹ Archon Fung, *Varieties of Participation in Complex Governance*, 66 PUB. ADMIN. R. 66 (2006).

⁵² See Henrik S. Christensen, Maija Karjalainen, & Laura Nurminen, *Does Crowdsourcing Legislation Increase Political Legitimacy? The Case of Avoin Ministeriö in Finland*, 7 POL’Y & INTERNET 25, 39 (2015).

⁵³ Aitamurto, *supra* note 48.

To understand what “crowdsourcing” entails in the context of municipal decision-making, I decided to solicit by email a group of twelve highly specialized participants with knowledge of local decision-making, including academic, journalists and community activists, to identify the key characteristics of municipal crowdsourcing. I asked them two questions: (1) What does “municipal crowdsourcing” mean to you? (2) What kinds of decisions should never involve crowdsourcing (if any)? These questions were intentionally open-ended, meant to bring the participants’ experiences into a municipal crowdsourcing framework, particularly those working outside of academia.⁵⁴ These experts were located across Canada and the United States. Participants were free to respond openly, as opposed to providing fixed, categorized responses, and had the opportunity to explain their responses and redirect the question.⁵⁵ By design, all participants were familiar with the effect of technology on local governance.

I engaged in this exercise in order to understand what should be included in a framework for municipal crowdsourcing. While ‘crowdsourcing’ has been defined in reference to municipal initiatives, this Article deepens the connection between crowdsourcing and participation, especially what is and is not crowdsourcing. For example, Professors Seltzer and Mahmoudi suggest there are five components for a project to be considered crowdsourcing: efforts to include a diverse, heterogeneous crowd composed of experts and nonexperts; a relatively clear task and with some notion of the desired product; open submission of ideas; an easily accessible and broadly understood Internet platform; and some sense of how successful solutions will be selected.⁵⁶ Based on these factors, some projects called crowdsourcing did not meet these standards.⁵⁷ The components identified by Professors Seltzer and Mahmoudi were not unique to municipal projects. I suggest, however, that crowdsourcing at the municipal scale has its own distinct logics.⁵⁸

Four themes emerged. First, all participants raised the question of which people were solicited and for what purpose. To one participant, crowdsourcing can be broadly used, enabling “a grouping of ordinary non-expert people coming together to share information or skills on a certain topic.”⁵⁹ An administrative law expert distinguished the soliciting of information directly from a large sample of individuals who consciously provide feedback from the use of passive data, although, in both cases, the purpose of the collection and use of information is to “tackle some sort of problem.”⁶⁰ Participants observed that crowdsourcing is not necessarily connected to decision-making: “decisions are not made through crowdsourcing: crowdsourcing is simply a method to collect feedback/input/resources that can be used to inform decision-making.”⁶¹ In terms of how to treat crowdsourced information, one participant cautioned that, “it is always important to recognize [responses] as anecdotal, and axiomatically not authoritative or exhaustive. The responses are

⁵⁴ Mary Jane Mossman, *Toward ‘New Property’ and ‘New Scholarship’: An Assessment of Canadian Property Scholarship*, 23 OSGOODE HALL L. J. 633, 635 (1985).

⁵⁵ Gill Valentine, *Tell me about...: Using Interview as a Research Methodology*, in *METHODS IN HUMAN GEOGRAPHY* 110 (Robin Flowerdew & David M. Martin eds., 2005).

⁵⁶ Seltzer E, Mahmoudi D. Citizen Participation, Open Innovation, and Crowdsourcing: Challenges and Opportunities for Planning, 28(1) J. PLANNING LIT. 3 (2013), doi:10.1177/0885412212469112.

⁵⁷ *Id.*

⁵⁸ See, e.g., Benjamin Clark & Jeffrey Brudney, *Citizen Representation in City Government-Driven Crowdsourcing*, 28 COMPUTER SUPPORTED COOP. WORK 883 (2019).

⁵⁹ Criminologist, Confidential Crowdsourcing Survey (Oct. 2021).

⁶⁰ Administrative law scholar, Confidential Crowdsourcing Survey (Oct. 2021).

⁶¹ Community activist, Confidential Crowdsourcing Survey (Oct. 2021).

limited/skewed by connectivity, participation on social media, language, etc.”⁶²

Second, participants highlighted the voluntary, low (or no) cost nature of crowdsourcing and the balance of power once the information is received. Crowdsourcing moves in a one-way direction, where information is received and then used by the crowdsourcer as they determine. For example, “To me, crowdsourcing is the act of putting out an open call to individuals to solicit free resources: in economic terms these resources can include an individual’s labour, intellectual property (ideas, knowledge/research, feedback), social capital (connections), capital/money. The individuals provide their resources on a voluntary basis and the crowdsourcer decides what to do with the resources offered to them.”⁶³ To another participant, crowdsourcing may or may not yield operational responses, but “It’s always fine to collect feedback or resources if your decisions aren’t required to be determined entirely by that feedback or the options provided.”⁶⁴

Third, participants highlighted the connection between social media and crowdsourcing, especially Twitter. Social media is a means to reach a broad audience. As one participant put it, they use social media for questions focused on “ordinary people living in urban settings.”⁶⁵ Crowdsourcing is thus a “democratized means” to reach people directly, with the ability “to cut out institutional intermediaries by and large (except, of course, the relevant platform).”⁶⁶ However, despite the seemingly “open call” for feedback, crowdsourced questions are “inevitably broadcast to a narrow segment of the public and travels based on the social networks of those in that segment. While the call can be communicated widely in terms of geography, its reach can be very narrow in terms of class, age, and culture.”⁶⁷

Fourth, participants identified a number of challenges of crowdsourcing as they relate to municipal governance, participants identified: the time and energy required to respond to crowdsourcing requests, which is often unpaid; the lack of clarity on what actually counts as a meaningful response pool; that those who have the time to participate may lead to underrepresentation of historically marginalized people; solicited feedback may not be acted upon or used as a basis for advocacy, but not to tackle big problems; and crowdsourcing may be used – and depended upon – to fill gaps left by government inaction.⁶⁸

Based on this data, as well as the definitions provided by Professor Estellés-Arolas & González-Ladrón-de-Guevara, and the components Professors Seltzer and Mahmoudi, I suggest five components for a project to be considered municipal crowdsourcing:

1. Plural efforts to include a diverse crowd;
2. Attention to diversity and equity, which is made clear in policy documentation;
3. Low-barrier technology to ensure widespread access;

⁶² Journalist, Confidential Crowdsourcing Survey (Oct. 2021).

⁶³ Community activist, Confidential Crowdsourcing Survey (Oct. 2021).

⁶⁴ Property law scholar, Confidential Crowdsourcing Survey (Oct. 2021).

⁶⁵ Journalist, Confidential Crowdsourcing Survey (Oct. 2021).

⁶⁶ Property Law Scholar, Confidential Crowdsourcing Survey (Oct. 2021).

⁶⁷ Community activist, Confidential Crowdsourcing Survey (Oct. 2021).

⁶⁸ Administrative law scholar, Confidential Crowdsourcing Survey (Oct. 2021); Property law scholar, Confidential Crowdsourcing Survey (October 2021); Community activist, Confidential Crowdsourcing Survey (October 2021).

4. A clear question; and
5. A robust, transparent decision-making process which clearly articulates how crowdsourced and other data fit in overall decision-making.

These components add an important element to existing definitions of crowdsourcing: the identification of whether the direct solicitation of non-experts for feedback at the early stage of policy development has been integrated into the broader decision-making framework. As evidenced by existing studies, crowdsourcing is one means of obtaining information. At the municipal scale, it suggests greater democratization (citizen power on Arnstein's ladder) even where the practice does not lead to a meaningful, inclusive participation. This revised definition for application at the municipal scale addresses the manner in which the design of Arnstein's model obscures crowdsourcing's embeddedness within broader decision-making processes. To ensure that crowdsourcing isn't window dressing, crowdsourcing must be shown alongside other engagement processes, in particular how idea generation is integrated once received.

The crowdsourcing of Mexico City's constitution provides an illustrative example.⁶⁹ In the mid-2010s, Mexico City sanctioned a digital tool allowing for citizens' initiatives through platforms like Change.org for input relating to, especially, decentralizing the city's government. Mexico City is a very large metropolis, and jurisdictionally equivalent to a state or province, rather than a municipality in that it has its own constitution.⁷⁰ Nonetheless, the outcomes were noteworthy: tens of thousands of citizens participated in the process, directly translating into 14 articles of the Constitution out of 341 proposed by citizens.⁷¹ In practice, crowdsourcing was one small element of the approach used for constitutional change. More significant was the appointment of a citizen panel that worked with city staff to translate ideas – including those that were crowdsourced from a relatively small fraction of residents – into constitutional language. While there is widespread agreement overall that the process was more open and participatory, critics question whether crowdsourcing can be understood as a standalone tool, a short-term initiative to address perceptions of corruption,⁷² or whether its power was its role alongside the citizen panel.⁷³ Either way, the translation of crowdsourced feedback into meaningful change was enabled through the citizen panel, a body with delegated authority. In crafting a participatory framework that includes crowdsourcing, it is imperative to understand the governance mechanisms that receive the information and determine what will be done with it.

III. Testing crowdsourcing at the municipal scale: Sidewalk Toronto

Governance frameworks for smart city initiatives are generally created at the local level rather than

⁶⁹ Dominik Hemmi, *Crowdsourcing a Constitution: Iceland and Mexico City — Pioneers of Participation at the Highest Level*, MEDIUM (Jan. 9, 2020), <https://medium.com/the-hitchhikers-guide-to-digital-democracy/crowdsourcing-a-constitution-iceland-and-mexico-city-pioneers-of-participation-at-the-highest-a8a56ceb5096>.

⁷⁰ Constitución Política de los Estados Unidos Mexicanos 1917 (as amended) (Mex.). Pan American Union (1890).

⁷¹ Hemmi, *supra* note 69.

⁷² Tyler Woods, *The Govlab is Taking on Corruption in Mexico and Thinks Crowdsourcing Can Help*, TECHNICAL.LY (May 24, 2017), <https://technical.ly/civic-news/govlab-taking-corruption-mexico-thinks-crowdsourcing-ideas-can-help/>.

⁷³ Hemmi, *supra* note 69.

by state or federal governments.⁷⁴ Amongst other reasons that local governments create smart city frameworks is that they are better able to foster citizen-centric governance.⁷⁵ Robert Wilhelm Siegfried Ruhlandt notes the important oversight role of local governments in crafting legal frameworks and policies for smart city governance.⁷⁶ Typically, citizen engagement is overseen by municipal departments and, generally speaking, public and especially elected authorities in the lead even where there are non-governmental partners involved.⁷⁷ There is no single way that this should be done. Some authors call for direct engagement by governments,⁷⁸ others suggest a steering role given the presence of many stakeholders.⁷⁹ Crowdsourcing may also be used as a tool to generate ideas or gather data for “smart city” initiatives.⁸⁰

In 2017, Waterfront Toronto (WT), a tripartite agency created by the federal, provincial and municipal governments, announced the development of a smart city along Toronto’s waterfront, in partnership with Sidewalk Labs.⁸¹ Sidewalk Labs was specifically tasked with integrating technological solutions to city services, housing and other initiatives to be defined along the waterfront area, although the bid documents were broad and vague regarding the ultimate deliverables.⁸² Sidewalk Labs’ Master Innovation & Development Plan (MIDP) noted the

⁷⁴ Margarita Angelidou, *Smart City Policies: A Spatial Approach*, 41 CITIES S3, S3 (2014), <https://www.sciencedirect.com/science/article/pii/S026427511400095X>; see also Manuel P. Rodriguez Bolivar, *Mapping Dimensions of Governance in Smart Cities: Practitioners Versus Prior Research*, ASS’N FOR COMPUTING MACHINERY (June 8, 2016), dl.acm.org/citation.cfm?doi=2912160.2912176; Karima Kourtit, Peter Nijkamp & John Steenbruggen, *The Significance of Digital Data Systems for Smart City Policy*, 58 SOCIO-ECONOMIC PLANNING SCI. 13 (2017), doi.org/10.1016/j.seps.2016.10.001.

⁷⁵ Angelidou, *supra* note 74.

⁷⁶ Robert W.S. Ruhlandt, *The Governance of Smart Cities: A Systematic Literature Review*, 81 CITIES 1, 4-8 (2018).

⁷⁷ *Id.*

⁷⁸ *Id.* at 7.

⁷⁹ Ruhlandt, *supra* note 76; see Renata P. Dameri & Clara Benevolo, *Governing Smart Cities: An Empirical Analysis*, (2015) 34 SOC. SC. COMPUTER REV. 693 (2015); Francesco Bifulco, Marco Tregua & Cristina C. Amitrano, *Co-Governing Smart Cities Through Living Labs. Top Evidences from EU*, 50 TRANSYLVANIAN REV. ADMINISTRATIVE SCIENCES 22 (2017), Alois Paulin, *Informating Smart Cities Governance? Let Us First Understand the Atoms!*, 7 KNOWLEDGE ECON. 329 (2016).

⁸⁰ See, e.g., Nada. Staletić, Aleksandra Labus, Zorica Bogdanović, Marijana Despotović-Zrakić, Božidar Radenković, *Citizens' Readiness to Crowdfund Smart City Services: A Developing Country Perspective*, 107 CITIES (2020), <https://doi.org/10.1016/j.cities.2020.102883>.

⁸¹ Alex Bozickovic, *Google's Sidewalk Labs Signs Deal for 'Smart City' Makeover of Toronto's Waterfront*, GLOBE & MAIL (Oct. 17, 2017), <https://www.theglobeandmail.com/news/toronto/google-sidewalk-toronto-waterfront/article36612387/>. See also Waterfront Toronto, *Request for Proposals Innovation and Funding Partner for the Quayside Development Opportunity*, (Mar. 2017), <https://quaysideto.ca/wp-content/uploads/2019/04/Waterfront-Toronto-Request-for-Proposals-March-17-2017.pdf>.

⁸² Waterfront Toronto, *Innovation and Funding Partner Framework Agreement Summary of Key Terms for Public Disclosure*, SIDEWALK TORONTO 1–2 (Nov. 1, 2017), sidewalktoronto.ca/wp-content/uploads/2018/05/Waterfront-Toronto-Agreement-Summary.pdf. - As stated at 2: “For the purposes of that planning work, there will be two sites included in the planning work of the MIDP [Master Innovation and Development Plan]: (i) Quayside which is the area bounded by Lakeshore Boulevard on the north, Bonnycastle Street on the west, Queens Quay Boulevard and its future extension to the south, and including 333 Lake Shore Boulevard East on the east and any developable lands created by any road realigned within the Quayside boundaries, and excluding any lands not publicly owned; and (ii) the Eastern Waterfront which is the area bounded by the Inner Harbour on the west, Keating Channel and Lake Shore Boulevard to the north, Lake Ontario to the south, and Leslie Street to the east... Quayside is the site on which the parties expect to first pilot the technologies and strategies included in the MIDP.”

ambitions behind the project: “This effort defines urban innovation as going beyond the mere pursuit of urban efficiencies associated with the “smart cities” movement, towards a broader set of digital, physical, and policy advances that enable government agencies, academics, civic institutions, and entrepreneurs both local and global to address large urban challenges.”⁸³

Public input was not sought prior to the issuance of the request for proposals for Quayside.⁸⁴ The City of Toronto did not have a Council-approved definition of “smart city” or a policy framework guiding decision-making during the time that Sidewalk Toronto was under consideration nor for several years later.⁸⁵ Ultimately, the deal fell through, with Sidewalk Labs announcing its retreat from Toronto in 2020. The Sidewalk Toronto proposal has been treated in the literature as a cautionary case study of how *not* to do public engagement efforts in urban projects.⁸⁶ Professors Goodman and Powles attribute this suspicion to, in part, the fact that the public engagement exercises were managed by Sidewalk Labs, which was a private company with minimal accountability to the public or any input the public would bring.⁸⁷

However, this simple story obscures the opportunity to examine a large-scale attempt at crowdsourcing public participation, which was a key element of Sidewalk Labs’ approach.⁸⁸ Shortly after Waterfront Toronto announced Sidewalk Labs’ successful bid, participation was prioritized by the two entities, stating:

[The] plan is something we will spend the next year co-creating with the city and the local community. We want all Torontonians to participate, whether in person or online, by sharing their hopes, questions, and ideas for Sidewalk Toronto. It’s essential to hear from a wide diversity of local voices, because we are committed to making the Eastern Waterfront affordable and accessible to people of all backgrounds, ages, and means.⁸⁹

Applying the framework for municipal crowdsourcing allows for a more nuanced understanding of how this participatory tool was used. First, Waterfront Toronto and

⁸³ SIDEWALK LABS, *TORONTO TOMORROW: A NEW APPROACH FOR INCLUSIVE GROWTH* 16, 138 (2019), https://sidewalk-toronto-ca.storage.googleapis.com/wp-content/uploads/2019/06/23135619/MIDP_Volume1.pdf.

⁸⁴ John Lorinc, *Waterfront Toronto Gets Tough with Sidewalk Labs*, SPACING TORONTO (July 31, 2018), spacing.ca/toronto/2018/07/31/lorinc-waterfront-toronto-gets-tough-with-sidewalk-labs.

⁸⁵ City Of Toronto, *Open Data Master Plan 2018-2022* (Jan., 2018), toronto.ca/legdocs/mmis/2018/ex/bgrd/backgroundfile-110740.pdf. Participants in the Smart City Working Group established March 2016 out of Toronto Regional Board of Trade Municipal Performance Standards Committee. See *City Of Toronto, Smarter Cities Initiative* 1, 7 (2017), www.toronto.ca/legdocs/mmis/2017/ex/bgrd/backgroundfile-107505.pdf.

⁸⁶ See Monique Mann et al., *#BlockSidewalk to Barcelona: Technological Sovereignty and the Social License to Operate Smart Cities*, 71 INFO. PRIVACY IN THE DIGITAL AGE 1103, 1107 (2020).

⁸⁷ Ellen Goodman & Julia Powles, *Urbanism Under Google: Lessons from Sidewalk Toronto*, 88 FORDHAM L. REV. 457, 480 (2019), at 458.

⁸⁸ See Richmond Ehwi, *Stakeholder Engagement in Smart City Initiatives: Insights from a Review of Smart City Initiatives in Four UK Cities*, CAMBRIDGE CENTRE FOR HOUSING & PLANNING RES. 1, 7 (Feb., 2020), https://www.cchpr.landecon.cam.ac.uk/system/files/documents/stakeholder_engagement_review_0.pdf.

⁸⁹ Daniel Doctoroff & Will Fleissig, *The Neighbourhood of the Future Starts with Your Ideas*, TORONTO STAR (Nov. 1, 2017), <https://www.thestar.com/opinion/commentary/2017/11/01/the-neighbourhood-of-the-future-starts-with-your-ideas.html>.

Sidewalk Labs used plural efforts to include a diverse crowd. The engagement process adopted by Sidewalk Labs appeared to be broad and multi-faceted. Over 21,000 people engaged in the project, including: dozens of community meetings and programs, large-scale roundtable meetings, public talks, hundreds of meetings, not to mention advisory boards and working groups, a resident's reference panel, a Sidewalk Toronto Fellows Program, and outreach to underrepresented groups.⁹⁰

Second, attention was made to attractive a diverse crowd. No community seemed was untouched, including children (Waterfront Toronto hosted a day camp).⁹¹ They included approaches that ranged from consultations with members of the public to focused conversations with specific community members. The Sidewalk Toronto Fellows Program and outreach to equity-deserving community members were specifically used to ensure input from a broad range of community members.⁹²

Third, low barrier technology was used to ensure widespread access. Sidewalk Labs used crowdsourcing to generate ideas as to how the vacant Quayside area should be used in a number of different ways. First, the company held large public engagement events, broadly advertised via social media, which included time for information sharing, but the bulk for brainstorming, where attendees were invited to share ideas on open-ended questions for the eventual design of Quayside. Participants could attend the events in-person or virtually. Second, social media was used to invite commentary, questions, and ideas on Sidewalk Labs' proposals, both during and after the large engagement events.⁹³

Fourth, the questions were clear. Sidewalk Labs consistently framed the feedback around the following questions and issues:

Which urban challenges are most urgent? Where can technology prove useful in finding solutions, and where is it not the right tool? Which of our ideas are great, which are crazy, and what did we miss? We need your ideas, your aspirations, your critiques, your concerns. We hope you'll email us, call us, tweet at us, and, if possible, join us in person at a series of public conversations.⁹⁴

On the fifth component - a robust, transparent decision-making process which clearly articulates how crowdsourced and other data fit in overall decision-making – the use of crowdsourcing

⁹⁰ *Overview*, SIDEWALK LABS 24, 66-83 (2019), https://storage.googleapis.com/sidewalk-labs-com-assets/MIDP_Volume0_Accessible_Document_8881e5367a/MIDP_Volume0_Accessible_Document_8881e5367a.pdf.

⁹¹ *Public Engagement*, SIDEWALK LABS 1, 6 (2019), https://storage.googleapis.com/sidewalk-labs-com-assets/The_Public_Engagement_Process_for_Sidewalk_Toronto_eeffa37291/The_Public_Engagement_Process_for_Sidewalk_Toronto_eeffa37291.pdf [hereinafter *Public Engagement*].

⁹² *Overview*, SIDEWALK LABS 24, 66-83 (2019), https://storage.googleapis.com/sidewalk-labs-com-assets/MIDP_Volume0_Accessible_Document_8881e5367a/MIDP_Volume0_Accessible_Document_8881e5367a.pdf.

⁹³ *Public Engagement*, *supra* note 91, at 3.

⁹⁴ Daniel Doctoroff, *Open Letter from Sidewalk Labs*, SLIDESHARE (Oct. 17, 2017), <https://www.slideshare.net/civictechTO/sidewalk-labs-vision-section-of-rfp-submission-toronto-quayside>.

becomes more evident. Professor Andrew Clement, who served as one of Sidewalk Labs' advisory board members, noted: "Sidewalk has deployed the language of public engagement and participation on a project-wide basis, but confined its substantive participatory practices to relatively narrow aspects of implementation, leaving its original technology-centred and data-driven visions intact. In effect this serves to subvert rather than reinforce the democratic ideals that underpin public consultation processes."⁹⁵

When Sidewalk labs eventually published the MDIP, the general conclusion was that public input played a very limited role in Sidewalk Labs' ultimate proposals.⁹⁶ Tenney et al suggest that rather than the Sidewalk proposal fostering genuine public consultation, input was asked "after the fact."⁹⁷ Professor Shannon Mattern posited that engagement efforts can be "deployed as part of a public performance wherein the aesthetics of collaboration signify democratic process, without always providing the real thing."⁹⁸ Mattern went on further to suggest that a performative initiative that utilizes "a disingenuous use of maps, apps, and other tools of participatory planning [that]. . . threatens to undermine the democratizing . . . of civic design."⁹⁹

Meaningful participation plays a central role in RTTC, with a promise that residents will have a voice in city decision-making and the creation of urban spaces.¹⁰⁰ The Sidewalk Toronto example merits particular attention as crowdsourcing did not play a meaningful role in the big picture, design-setting stage of the smart city effort. The areas where the public provided input – having accessible transit, a focus on a data-driven design – were attributed to public input, but already appeared in the earliest information disseminated by Sidewalk Labs.¹⁰¹ This was ultimately a lost opportunity, as crowdsourcing could also have been used to grapple with the key critique of the project, data transparency and digital privacy, by bringing in tech-savvy local advocates to brainstorm on how to fill in the transparency and privacy concerns.

Conclusion

The true essence of democracy is to represent the people. Thus, as a society, we should be in constant evaluation of its effectiveness and ability to respond to pressing societal needs and issues. As society evolves, so should democracy. Crowdsourcing offers a new form of technology to reach a broader range of people and gather input. Where people seek to be engaged, crowdsourcing can facilitate democratic aims that, one hopes, can improve policy formation. Municipal

⁹⁵ Andrew Clement, (*Pseudo-*) *Participation in 'Smart City' Planning: Sidewalk Labs' Fraught Toronto Foray*, in SMART CITIES IN CANADA: DIGITAL DREAMS, CORPORATE DESIGNS (Mariana Valverde & Alexandra Flynn eds., 2020).

⁹⁶ See Peter A. Johnson, Albert Acedo, & Pamela J. Robinson, *Canadian smart cities: Are we wiring new citizen-local government interactions?*, 64 CDN GEOGRAPHER 402, 413 (2020); see also Gary Sands, Pierre Filion, & Laura A. Reese, *Techs and the Cities: A New Economic Development Paradigm*, 5 URB. PLANNING 392, 397 (2020).

⁹⁷ Matthew Tenney, Ryan Garnett, & Bianca Wylie, *A Theatre of Machines: Automata Circuses and Digital Bread in the Smart City of Toronto*, 64 CD'N GEOGRAPHER 388, 399 (2020).

⁹⁸ Shannon Mattern, *Post-It Note City*, PLACES J. (2020), <https://placesjournal.org/article/post-it-note-city/?cn-reloaded=1>.

⁹⁹ *Id.*

¹⁰⁰ Purcell, *supra* note 4.

¹⁰¹ Public Engagement, *supra* note 91.

crowdsourcing offers intuitive appeals as a means to realize the right to the city, including the capacity to shape municipal space both physically and in its governance.

However, crowdsourcing is vulnerable to performativity in municipal governance. Through the use of crowdsourcing, public entities can seem to be reaching out to others for input without actually using or integrating it into any decision-making processes. In Mexico City, the locality was seeking input and participation generally, with crowdsourcing one of many tools, with a citizen panel directly tasked with integrating crowdsourced ideas into constitutional development. By contrast, in the Sidewalk Toronto example, crowdsourcing was used to gather input, but the lack of clear accountability or transparency obscured any promise that crowdsourcing was truly meant to play a role in policy change.

Crowdsourcing can be a valuable participatory tool embodying the RTTC. Yet for crowdsourcing to be more adequately captured, Arnstein's ladder must be broadened through a connection between crowdsourcing and the manner in which the practice is integrated in decision-making. This may be true of other participatory tools, but in centering crowdsourcing, this paper acknowledges the particular optics of this outward-facing, performative engagement mechanism. Crowdsourcing can seem to be almost *prima facie* participatory, concealing the more important question of why the information matters and how it will be used. The complexity of local democracy makes complicated the assertion of a simple model or typology. However, when it comes to crowdsourcing, to understand its efficacy, there must be some connection made between the use of this promising tool and the actual institutions involved in policy development. A RTTC with inclusive, participatory decision-making demands it.