

We the North

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Ellen P. Goodman & Julia Powles, *Urbanism Under Google: Lessons from Sidewalk Toronto*, __ **Fordham L. Rev.** __ (forthcoming 2019), available at [SSRN](#).

National Geographic's [April 2019](#) issue focused on 'cities', presenting photographs, highlighting challenges, and wondering about the future. Its editor highlighted that two-thirds of the world's population is expected to live in a city by 2050, and recent history is replete with unfinished or abandoned blueprints for what this future might look like. Yet in the field of technology law and urban planning, the biggest story of the last two years may well be that of Toronto, where a proposal to rethink urban life through data, technology, and redevelopment has prompted important reflections on governance, privacy, and control.

In *Urbanism Under Google: Lessons from Sidewalk Toronto*, forthcoming in the *Fordham Law Review*, [Ellen P. Goodman](#) and [Julia Powles](#) set out to tell the story of the '[Sidewalk Toronto](#)' project, from its early announcements (full of promise but lacking in detail) to the elaborate (yet no less controversial) legal and planning documents now publicly available. Goodman and Powles contribute to the public and academic scrutiny of this specific project, but their critique of process and transparency will obviously be of value in many other cities, especially as 'smart city' initiatives continue to proliferate.

[Sidewalk Labs](#), associated with Google through its status as a subsidiary of Alphabet (Google's post-restructuring parent company), is working with [Waterfront Toronto](#) (the tripartite agency consisting of federal, provincial and municipal government) to redevelop a soggy piece of waterfront land, 'Quayside'. Or is it? One of Goodman and Powles' main observations, splendidly delivered as an a-ha moment halfway through the piece, is how the relationship between, on one hand, the Quayside proposal and, on the other, the wider idea of redeveloping waterfront lands has come to public attention. And indeed, the complexity of the project and its associated documents must have been a key driver for Goodman and Powles, as much of the article's contribution comes from its careful and close reading of the extensive documentation now published by Sidewalk and by Waterfront Toronto.

Sidewalk Toronto has prompted many reactions. Some are enthusiastic about the promise of a great big beautiful tomorrow. Others see a dystopian surveillance (city-)state where every move is not just tracked but monetised. In Goodman and Powles' account, the focus is on two issues: (1) the corporate and democratic issues arising out of the relationship between Waterfront Toronto and Sidewalk Labs (including the role of the different levels of government and scrutiny operating in Canada) (part 2), and (2) the specific 'platform' vision set out by Sidewalk in its plans (part 3).

The corporate and democratic issues highlighted primarily relate to the role of Waterfront Toronto, which is itself a distinctive agency within the Canadian administrative state. The authors argue that insufficient detail about the project was provided at early stages, and that the processes for public engagement did not allow for sufficient participation by the public (especially as a result of information asymmetries). Various incidents from this period, including leaks, resignations, and media commentary, are set out.

Considering the 'platform' vision, a set of concerns trouble the authors. Drawing upon Sidewalk's own textual and visual representations of its intentions, they identify efficiency and datafication as the key outcomes of a platform-led approach, and situate these developments in a wider 'smart city' literature. Testing [Ben Green](#)'s work on asymmetries of power, and applying broader concepts such as legal scholar [Brett Frischmann](#)'s account of infrastructure and

geographer [Rob Kitchin](#)'s discussion of the embedding of values, they find that Sidewalk's approach is radical (or at least an exaggerated version of what is already seen in some smart city initiatives) and potentially a concentration of great power and influence.

One of the most fascinating concepts to emerge from Sidewalk's plans, and the vibrant debate that these plans have provoked in Canada and elsewhere, is 'urban data'. Sidewalk defines this broadly as data collected in public spaces and certain other spaces, normally de-identified. Goodman and Powles respond to this emergent (and non-statutory) category in both parts 2 and 3. They are not convinced by de-identification, self-certification, or the novelty of what Sidewalk proposes. Nor are they reassured by the emergent (and fashionable) idea of 'data trusts' as a way of addressing legal and popular concerns about the impact of initiatives like this on privacy and intellectual property, and questions of ownership and control associated with both issues.

On their return to the urban data' issue in the later pages, and bringing together the democratic and platform issues, the authors raise a set of broader questions about control over shared spaces (adding to Lillian Edwards' influential [exploration of public/private divides in smart cities](#)). Neatly, then, [Lawrence Lessig](#)'s rhetorical and conceptual use of the history of road building and city planning as paving the way for an understanding of (information) architecture as law comes full circle, as Goodman and Powles wonder how control over a digital layer calls into question the norms of planning and land use.

The authors end on a somewhat resigned note, highlighting the infamy and 'inevitability' of the project. Today, though, there is still some doubt as to whether Sidewalk's plans will come to fruition in their current form. As the Toronto-based scholar Natasha Tusikov, well known to scholars of technology law through her pioneering investigation of [industry-led governance of Internet 'chokepoints'](#), has [just written](#), the June 2019 [release](#) of Sidewalk Toronto's master plan has led into a new and much-watched round of [consultations](#). Sidewalk's next steps may therefore disclose the extent to which the critiques set out here by Goodman and Powles can, if at all, be resolved within this project—although their analysis can also inform the work that other cities and development agencies might be planning.

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