

Chapter 6

Money, Speech, and Power

Participatory Budgeting as Free Expression

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On a Saturday morning in May, something unprecedented happened in Denver's Cole neighborhood.¹ The basketball gym in the local recreation center had been transformed into a public forum where residents submitted project ideas to allocate \$30,000 in their neighborhood, the first phase in a deliberative democratic process called *participatory budgeting* (PB). PB is a "form of participatory democracy in which citizens and civil society organizations have the right to participate directly in determining fiscal policy" (Marquetti et al. 2012, 63), and the event happening in the Cole neighborhood was the launch of the first PB process in Colorado. Local organizers had set up six tables in the gym, and attendees walked between the tables. At each table, neighbors were told about the PB process taking place in their community, a process organized by local activists and nonprofit organizations. Attendees then reflected on what they liked about their neighborhood and what could be improved before sharing their stories about living in the neighborhood and the project ideas they thought could benefit their neighbors.

Although the weather outside was dreary, the event bustled with energy and excitement. Mariachi music played over a stereo, light refreshments were served, children had their faces painted, and attendees created visual art to depict the type of neighborhood in which they wanted to live. People talked, laughed, and danced as they collectively decided how to spend \$30,000 to benefit the neighborhood. As one of the attendees, Jamie,² explained, "Many residents have been wanting change for many years without being heard. They are eager for someone, anyone, to listen and help them make a better community." PB offered that opportunity for Cole residents to freely express themselves by directly influencing the conditions of their neighborhood.

Given the current crisis of public participation in the United States, explorations of participatory and deliberative forms of free expression are

warranted. For example, the United States trails most of the other more economically developed countries in voter participation rates (DeSilver 2018), and, in 2018, nearly half of Americans (45%) reported that they were not at all engaged civically or politically (Jones et al. 2018). Decreases in public participation disproportionately impact historically marginalized communities, creating a form of double disenfranchisement, where marginalized communities have less influence than privileged populations at the voting polls and in-between elections, because politicians tend to listen to people who voted for them in the last election and to those who politicians believe will vote in the next election (Lerner 2014b).

In this chapter, we extend debates about free expression into the realm of public budgeting by providing a case study of two PB processes that occurred in Denver, Colorado. We argue that (a) PB offers a pathway to free expression by granting residents direct control over funds that benefit the public; and, (b) That lessons from these PB processes can help government actors design better public participation processes. We begin with an overview of how free expression has been theorized to differentiate between positive and negative liberty, with our approach emphasizing free expression as a positive liberty. We then define PB and explain how it works before turning to a discussion of the ways that PB participants in Denver saw their deliberations as constituting free expression in public budgeting—a significant departure from traditional participation processes. Finally, the chapter concludes with recommendations for advancing free expression in overlooked areas of public life, such as public budgeting. First, though, we explore differing theories of free expression and make the case for free expression as a positive liberty.

EXPRESSION AS A NEGATIVE AND POSITIVE LIBERTY

Any conception of free speech depends on an implicit conception of democracy (Baker 2011), and we focus on participatory and deliberative democracy for the purposes of this chapter. Participatory democracy emphasizes mass participation of the public (Fishkin 2019). The contemporary understanding of participatory democracy emerged from the social movements of the 1950s–1970s in the United States, wherein citizens increasingly participated in people-led movements rather than formal civic institutions (Held 2006). Participatory democracies seek to redistribute material resources to ameliorate the unsuitable conditions of many social groups, minimize unaccountable power in public and private life, and provide an open information system to ensure informed decisions (Held 2006). In deliberative democracy, nonelite citizens provide equal consideration of the views that result from discussions related to public issues and then make collective decisions about what to do

to address the public issues (Fishkin 2019). If the quintessential examples of participatory democracy are large, organized groups protesting in the streets and committing civil disobedience, then a deliberative democracy would have those same actors sit around a table to weigh options about a public issue, make a decision about what should be done, and that decision would have a binding effect. Similar to participatory democracy, deliberative democracy seeks to engender widespread participation from the demos because of assumptions that participation generates learning effects in citizens and increases the legitimacy of political decision-making.

Contemporary issues about the limits of free speech often probe the effects of that speech (e.g., whether it causes harm; Curtis 2000). Therefore, concerns about free expression typically are entangled with speech's material effects, which brings us to the distinction between free expression as a negative or a positive liberty.

Free expression, typically, is understood as a negative liberty that elides questions about material conditions and power (Davis 2012). Negative liberty is an absence of barriers to doing something, typically associated with individuals (Carter 2019). Negative liberties are premised on the notion that government is the enemy of liberty (Fiss 2009). Free expression as a negative liberty means that it provides the individual the right to do what they wish without interference, as long as it is lawful. Negative liberty "places a premium on the right to own property, to accumulate wealth, to defend property by arms, to mobility, expression, and political participation" (Kelley 2012, 7). For example, arguments against laws prohibiting hate speech typically assume free speech as a negative liberty. One might oppose banning hate speech because the state is interfering with people's individual right to say and do what they want. To protect freedom, the argument goes, one must oppose government regulation of expression.

Despite the dominant understanding of free speech as a negative liberty, several scholars have criticized the notion. P.E. Moskowitz argues that claims of free speech are a "smokescreen" because Americans live in a grossly unequal society where the ultrawealthy have the ability to bankroll entire political campaigns (2019, 2). For example, in theory, an everyday citizen is just as free to speak as a billionaire. However, in practice, a regular citizen's individual speech does not have the same ability to influence as a billionaire's speech. Moskowitz (2019) concluded that free speech has never really existed in the United States because freedom and liberty have never really existed for most Americans, due to the material effects of racism, sexism, xenophobia, and income/wealth inequalities. Similarly, Anshuman Mondal (2018) argues that free expression as a negative liberty fails to account for the ways culture and ideologies predetermine what any single person can say or do as well as the possible effects of that expression. In other words, all possible ideas

and modes of expression are not always equally available to every citizen. Mondal outlined how the concept of free speech itself is constrained by hegemonic norms that define the boundaries of freedom, meaning that the very understanding of free expression as a negative liberty is bounded by dominant cultural ideas of what constitutes the terms, freedom, and expression.

In contrast to free expression as a negative liberty, we emphasize the concept as a positive or collective liberty (hereafter, “collective liberty”), one that recognizes people’s material constraints. Collective liberty is the possibility of doing something to take control of one’s life (Carter 2016). Collective liberty is collective rather than individualistic, where each citizen is “free” only to the extent that each participates in democratic processes and therefore exercises their power (Carter 2016). Our understanding of free expression as a collective liberty is influenced by Angela Davis (2012). For her, collective freedom means:

The freedom to earn a livelihood and live a healthy, fully realized life; freedom from violence; sexual freedom; social justice; abolition of all forms of bondage and incarceration; freedom from exploitation; freedom of movement; freedom *as* movement; as a collective striving for real democracy. (Kelley 2012, 7)

In this understanding, freedom is not granted by the government in the form of a law. Instead, it is struggled for through a participatory process that requires different ways of thinking and being (Kelley 2012). Collective liberty necessitates a radical conception of community, where individual actors are bound together such that no one is free until everyone is free, and actors resist the tendency to reproduce social hierarchies.

By shifting the focus of free expression to that of a collective liberty, the state can become the friend of free speech rather than its enemy (Fiss 2009). The government could bar speech that makes it impossible for disadvantaged groups to participate in the public sphere. For example, unlimited political campaign contributions could be banned because they put the poor at a disadvantage in the political arena and effectively silence them (Fiss 2009). Another example might be the Voting Rights Act of 1965, which enacted government regulations to guarantee Black citizens access to the ballot box, thereby safeguarding the free expression of those citizens. As Karst (1990) explains: “Expression is power. Power is capacity. The power of expression includes the capacity to expand the boundaries of our natural community. To include all our peoples as equal citizens is to recognize that their views deserve to be heard” (149). In other words, free expression as a collective liberty requires that governing systems be designed in such a way as to guarantee that groups can collectively speak their truth and have the same chance of influencing public debate—a situation that does not exist currently

in U.S. society, where women, people of color, LGBTQ people, differently abled people, and the poor are frequently ignored or excluded from public discourse.

Our theorization of free expression as collective aligns well with our focus on deliberative, participatory democracy, where speech is concerned with collective decision-making and equal opportunities for participation in the public sphere. Furthermore, this is the concept of free speech that activist groups throughout the centuries have advocated for—free expression as a liberty that addresses unjust power systems and provides a better quality of life for underprivileged populations (Karst 1990). Given the connections between free expression and material conditions, we turn next to a discussion of PB as one example of deliberative, participatory democracy and a potential pathway to free expression in the realm of public budgets.

PARTICIPATORY BUDGETING

Before explaining PB, we offer a brief description of typical public budgeting practices. Traditional forms of input on public budgeting often are boring and discouraging. A local citizen may have to attend a public budget hearing, sit through complex discussions of numerical figures that are seldomly contextualized, and only provide input at the end during a question and answer period. Frequently, to make an impact on budgeting, one must be able to demonstrate some form of accounting expertise. Indeed, it is precisely because public budgets are so opaque and complicated that they deserve attention and input from the general public (Lerner 2014a). However, too often, ordinary citizens are denied a seat at the table to provide input or have significant influence over public budgets, despite the fact that budgetary decisions impact nearly every aspect of a person's life, from how much money their school receives, to how many units of affordable housing are built in their community.

In contrast to interpreting budgets simply as technocratic actuarial accounts, the PB process takes as its starting point that budgets are moral documents. That is, public budgets lay out taxpayers' priorities and possess ethical implications about whose interests among the demos will be best served (Lerner 2014a). PB was created in Porto Alegre, Brazil, in 1989 because residents and their elected officials realized that traditional participation processes had disproportionately benefited economically privileged populations at the expense of the poor. PB, therefore, has a long-standing association with social justice. Since its inception, PB was intended to promote participation among marginalized, oppressed, and historically excluded community residents in redirecting capital funds to meet their needs (de Souza Santos 1998; Fung and Wright 2003). Studies of PB since then have found that the process

increases governmental transparency (Goldfrank 2011; Shah 2007; Wampler 2000), improves government accountability (Alves and Allegretti 2012; Goldfrank 2011; Shah 2007), and promotes social equity (Gonçalves 2014; Touchton and Wampler 2014). Because of these effects, PB has been implemented in more than 3,000 locations worldwide, and it has been endorsed as a best practice for democracies by entities as varied as the World Bank, the International Monetary Fund, and the Movement for Black Lives (Lerner 2011; Phelps 2016).

A typical PB process proceeds in five phases and lasts for eight to nine months. In the first phase, organizers invite residents of a geographic area to form a steering committee. The selection process for committee members varies; in Europe and North America, members are often appointed by elected officials, whereas in Latin America, typically, members are nominated by civil society organizations to serve as representatives of those organizations and their constituents (Leighninger and Rinehart 2016). Once appointed, steering committee members design the PB process and write a rulebook that includes rules for people's inclusion and participation, project eligibility criteria, process timeline, number of events to be held, and any subcommittees to be formed (Hagelskamp et al. 2016).

After steering committee members create the rulebook, PB moves into the second phase of idea collection, with organizers and steering committee members inviting all eligible residents who meet the participation criteria to identify community needs and submit ideas for community improvement projects. This phase often includes what are termed neighborhood assemblies, such as the one depicted at the start of this chapter, with residents of the city coming together to identify common problems experienced in their communities and brainstorming potential solutions.

In the third phase of PB, residents volunteer to serve as budget delegates who vet project ideas according to the steering committee's project eligibility criteria. Those budget delegates work with city officials to develop eligible project ideas into full-fledged project proposals that include estimated cost, project design, and completion timeline. In the fourth phase, successful project proposals are placed on a ballot, and participants vote for projects to fund, with those receiving the most votes being funded, within the constraints of the budget allocated to the PB process. Finally, in the fifth phase, local government implements the funded projects, the steering committee revises the rulebook (e.g., to find ways to increase participation rates, refine project eligibility criteria, and/or improve communication by steering committee members, budget delegates, and city officials), and the process repeats itself the next year.

In Porto Alegre, Brazil, the process achieved impressive results. Before PB was implemented, approximately one-third of Porto Alegre's 1 million

residents lived in slums on the city's outskirts and lacked access to basic infrastructure, such as clean water, sanitation, medical facilities, and schools. After nine years of employing PB, 98 percent of households possessed sewer and water connections, and the city increased spending on public housing, schools, and health services (Bhatnagar et al. 2003). Participation in PB in Porto Alegre increased from less than 1,000 to more than 14,000 participants from 1989 to 2000, which corresponded with higher levels of government transparency and accountability, by increasing perceived levels of governmental legitimacy among the populace (Baiocchi 2003).

Michael Touchton and Brian Wampler (2014) found that PB in cities across Brazil improved citizens' well-being. Specifically, they found that PB led to an estimated 6 percent increase in spending on health care and sanitation, an 8 percent increase in the number of civil society organizations operating in a municipality, and an 11 percent decrease in infant mortality per 1,000 births.

In North America, a meta-analysis was conducted of findings from all forty-six jurisdictions (e.g., cities, public housing authorities, and schools) on the continent that implemented and evaluated a PB process between July 2014 and June 2015 (Hagelskamp et al. 2016). The study found that PB processes were relatively successful in engaging participation from members of underrepresented populations. In all of the processes included in the study, the minimum eligible age for voting in PB was lower than eighteen years old, with the most common minimum voting age being fourteen or sixteen. In comparing demographics of each jurisdiction that implemented PB, residents under eighteen years old and older adults were overrepresented in PB; additionally, "in nearly all communities, black residents were overrepresented or represented proportionally to the local census among voter survey respondents" (Hagelskamp et al. 2016, 6), although Latin Americans were underrepresented in most PB sites. Residents from lower-income households and, in most communities, women, were also overrepresented or represented proportionally to local census figures, but people with less formal education were underrepresented.

The relationship between free expression and PB can be understood clearly once the process is separated into two key dimensions: a communicative dimension and a sovereignty dimension (Baiocchi and Ganuza 2017). In other words, PB provides an opportunity for residents to deliberate in public fora, and the PB participants can then exercise their sovereignty over budget dollars, thereby combining issues of free expression (the communicative dimension of PB) with material conditions and the exercise of power (the sovereignty dimension of PB).

Because of PB's effects on public participation, we focus our attention in the next section on the relationships between the process and free expression. Specifically, we analyze two PB processes that occurred in Denver, CO, and

the ways that participants saw their deliberations as a way to exercise agency and influence their communities.

PARTICIPATORY BUDGETING AND FREE EXPRESSION IN DENVER

In 2018, a coalition of local nonprofit organizations, using private grant funds, launched two PB processes in Denver: one on the Auraria higher education campus (home to a community college and two state universities) and one in the Cole neighborhood. The nonprofits called this grassroots experiment in direct, deliberative, and participatory democracy, *This Machine Has a Soul* (TMHS). The organizers believed the local government's existing processes for budgeting and citizen engagement were opaque, machine-like, and soulless. Organizers wanted PB to remind residents and city leaders that *this* machine—the PB process—did indeed have a soul, for it was powered by the people of the city who are vital to its functioning. The organizers chose to implement two processes so as to spread the benefits of PB to multiple communities, with each site allocating \$30,000 for community improvement projects. Organizers indicated that TMHS would serve as a pilot project, and they hoped that the processes' success would spur city leaders to implement PB citywide with a larger pot of money.

The analysis that follows is derived from data collected from both PB sites.³ We implemented a community-based research project by partnering with the organizers to develop research questions, data collection instruments (survey questionnaires and interview protocols), and practical recommendations for improving future PB processes. Community-based research consists of a collaborative enterprise between academic researchers and community partners and promotes social change to advance social justice (Strand et al. 2003). The data included participant observations and semistructured interviews. We attended thirty-three TMHS events, which generated just over 400 pages of fieldnotes, and we interviewed seventeen PB participants, with each interview lasting approximately thirty to sixty minutes. Participants expressed concerns about free expression when contrasting PB with traditional forms of public participation, and when discussing how the process could counteract oppressive forces.

PB Compared to Traditional Public Participation

Denver PB participants explicitly compared the communication that occurs in PB with communication that occurs in other traditional forms of public participation (e.g., attending government meetings or contacting elected

officials). Maya was a facilitator for the Cole PB process, and she had worked previously for a Denver city council member. In an interview, she contrasted speech in traditional participation processes with speech that occurs in PB, explaining that city staff in municipal budget hearings already have their desired projects selected, and the community's input is relegated to questions about the city's predetermined plans. For Maya, PB was important because it garnered participation from people who did not usually attend budget hearings, and it meaningfully incorporated their views. Her remarks illustrated that the supposed free expression allowed in local government meetings was, in fact, disempowering because policymakers already had made up their minds. In contrast, the PB process ensured that resident voices made an impact on public spending.

Several Cole residents remarked on how the PB process was a more effective form of public participation because the process was run by their neighbors, instead of elected officials, and because their contributions were meaningful. They saw PB as providing an opportunity for their community to collectively exercise power. In an interview, Tonya, a steering committee member, contrasted the disempowering aspects of traditional participation processes with PB:

Usually, we don't have a voice. Usually, the money comes into the neighborhood along with a program, along with the staff, and either we participate or we don't. And it doesn't seem to matter. And then the money leaves, and the staff leave because they're not residents. This [PB] was totally the opposite. They were seeking people from the neighborhood.

PB participants understood the process as providing a significant alternative to traditional forms of public participation, especially in the ways that PB offered them agency, autonomy, and opportunities to raise a collective voice.

As a final contrast with the city's other forms of participation, many PB participants appreciated opportunities to build relationships with their neighbors, thereby expanding the notion of community. Reyna, a Cole steering committee member, thought that relationships needed to be at the forefront of PB. She said, "If we're going to do things different than the city and county of Denver . . . then we need to act like it." For her, that meant PB participants needed to continue to "hit the streets" and talk to people in the neighborhood. "We really need to make relationships and connections," Reyna explained, emphasizing the importance of getting to know neighbors over time. PB, therefore, offered an opportunity for dialogic encounters with others, where communication between actors is intersubjective and foregrounds ethical responsibilities. In dialogue, interlocutors emerge as whole persons through interactions with another, and the encounter incorporates recognition of the

sacredness of other persons in a way that does not assimilate or subsume their otherness but rather cherishes them in their difference (Lipari 2004). In working with their neighbors over months through PB, participants developed relationships with one another in ways that traditional forms of civic engagement lacked. PB guaranteed that participants would have an audience, that they would be heard, and that their ideas would make an impact—all relevant aspects of free expression as a collective liberty.

Resisting Oppression

Understanding free expression as a negative liberty often obscures social inequities and thereby reinforces dominant social systems. In contrast, Denver PB participants saw their engagement in the process as an opportunity to resist oppression and advance social justice discourses. PB afforded participants space to express themselves in such a way as to address historic inequities. Camila demonstrated the ability of PB to voice counter-hegemonic discourses in an interview: “With participatory budgeting, what we do is place power in people’s hands. People will make decisions based on the value systems that have been cultivated through family, through the institutions that they’re a part of.” Making budgetary decisions based on familial values, especially for families of color, is a significant departure from the actuarial, rationalized framing of government budgetary decisions. Engagement with PB offered opportunities to make budgeting decisions based on ancestral traditions and value systems (e.g., intergenerational solidarity, environmental sustainability, and community ownership), rather than supposedly objective mathematical formulae. For example, PB voters in Cole—despite a lack of participation from young people—approved a project that would support youth empowerment programming, demonstrating recognition from adults that young people needed their support. Another winning project provided garden beds and home gardening lessons so that residents could grow their food sustainably. Lastly, to promote community development and collective ownership over public goods, PB voters in Cole approved an outdoor movie set up so the neighborhood could host outdoor movie nights for local residents.

In the Auraria PB process, budget delegates were directed to consider issues of equity when evaluating projects. For example, at one meeting, the facilitator Jeremiah discussed several hypothetical project ideas with the group. He said project ideas such as prayer rooms, wheelchair ramps, and food pantries deserved full consideration. As Jeremiah explained, “We want you to consider how much need there is in the whole community versus how much impact there is on those who use it.” In other words, a project such as a wheelchair ramp may not benefit a large number of students on campus, but it would significantly improve the quality of life for students in wheelchairs

and therefore should be weighted according to its ability to affect the lives of under-resourced community members. These concerns for equity imbued the entirety of the Auraria PB process. For example, one student proposed a retreat for Indigenous youth on campus to help them build community and adjust to life on campus. That project, despite only benefiting a small number of Auraria students, was approved by budget delegates and placed on the ballot. Ultimately, the Indigenous retreat placed high enough in the vote results (eighth place) that it received funding to be implemented.

In the Cole PB process, participants saw PB as offering an opportunity to fight back against oppressive systems. According to one woman, the question for the community was “Did we fight? Did we say anything while this change was goin’ on? Yeah, we did.” PB was that opportunity to fight back against undesirable change. Nicole explained in an interview that Cole was a diverse neighborhood, but it was being gentrified, “and the people who are able to be engaged the most are the people who have the most privilege.” In another interview, Camila explained the justification for implementing PB in the Cole neighborhood:

Today, we have one of the highest concentrations of poverty, low levels of education, and high levels of immigrant and monolingual Spanish speakers in the community. [The neighborhood] was a perfect target for a project like this because they [city officials] didn’t expect for community [*sic*] to have the financial or political resources to fight back.

Despite having formal equality in expressing themselves, many Cole residents lacked the resources necessary to effectively influence civic affairs, leading to local officials adopting policies that incentivized wealthier residents moving into the neighborhood and increasing housing costs. In understanding expression through PB as a collective liberty, the organizers and participants utilized the process to address the concerns of marginalized residents, thereby providing discursive space to resist oppressive conditions. According to Nicole, equity was “the foundation of everything” in their PB process.

CONCLUSION

PB provided opportunities for residents to exercise collective agency over a public budget. Participants recognized PB as a dramatic departure from traditional forms of civic engagement because it was more inclusive and built relationships among neighbors. Participants understood the dialogic encounters that occurred through PB as an improved form of public expression because they recognized each other’s humanity and the responsibilities

they all possessed to improve their communities, rather than simply pursuing individual self-interests. Lastly, participants utilized PB as a way to ensure that their communication resisted oppressive systems. Expressions during the PB process countered hegemonic norms, and the project outcomes of the process were intended to advance social justice by addressing inequities within their communities.

The findings from this study possess several implications for those interested in the exercise of free speech. Low-income communities of color have been effectively censored from providing input in public spending decisions. Liberal democratic values of moral equality, although valuable, often fall short of illuminating the material barriers that prevent people from exercising effectively their right to free speech. Furthermore, notions of free speech as a negative liberty do not take into consideration the effects of expression, and the right of collectives to be heard and exercise their power to influence public discourse. In pushing at the boundaries of free speech studies, we hope more people will begin to ask questions about arenas of public life over which they possess not just the right to free speech but also the right to influence outcomes that can advance social justice. More attention ought to be focused on public budgets and other forms of civic input processes as an arena of free speech. Are hearings inclusive? Are they participatory? Do citizens' contributions have a demonstrable effect on the outcomes? When these questions are answered in the negative, actions ought to be taken to pursue systemic reform that protects free speech not just as a negative liberty but also as a collective liberty. Readers could work with friends, neighbors, and classmates to advocate for the adoption of PB on their campus or city.

As we have demonstrated in this chapter, PB provides one pathway for free expression in public budgets, an area of civic life that, too often, is neglected. The process offers opportunities for residents to exercise collectively their rights, be heard by government officials and neighbors, and work together to create a more just world.

NOTES

1. We would like to thank Warm Cookies of the Revolution, Project VOYCE, and Project Belay for their collaboration on the larger research project. We also want to thank Denver's Cole neighborhood residents and Auraria campus students who participated in the participatory budgeting processes.

2. All participant names are pseudonyms.

3. For additional details about research methods, see Russell and Gardner (2019) and Gardner and Russell (2020).

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