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1

“If the Community Isn’t Doing Good, You’re Not”

POWER, POLITICS, AND ACCESS TO JUSTICE

JOSEPHINE, a Black woman and grandmother in her late fifties, has lived in the same New York City building for more than thirty years.¹ She “absolutely loves” the Manhattan neighborhood where her family has “the benefit of Morningside Park and Central Park, and every bus and train that you can imagine.” Josephine and her (now deceased) husband raised their children in a modest, but meticulously well-kept apartment. When their kids grew up and moved into their own homes, Josephine embraced her role as a grandmother, frequently caring for her disabled granddaughter.

A few years before her husband died, the building Josephine lived in started changing for the worse, deteriorating in ways that she and her neighbors could scarcely bear. To meet the challenge posed by the corrosion of her living conditions, Josephine changed too—but for the better. She mobilized legal resources, organized her neighbors, and fought back against the degradation of her housing and her humanity. Over the course of an hour-long interview, Josephine described all of these changes in harrowing detail. We elaborate the specifics at length in the pages to follow because the arc of Josephine’s

1. We use pseudonyms throughout this book. The names (and sometimes locations) of research participants are masked to ensure their privacy. Some research subjects asked for this. Others did not. Some even preferred to be named. But since our research participants are sometimes connected to one another (via networks, personal relationships, or word of mouth), the most feasible way to prevent unanticipated or inadvertent harm, and be considerate to those who felt most vulnerable, was to mask the names and identities of all participants.

experiences parallels the trajectory of this book, concretizing the meaning of *Uncivil Democracy*. We learn from Josephine how a fundamentally unequal political economy puts marginalized people in positions of precarity and exposes them to predation. We see how traditional levers of political power often fail to address the most pressing problems that plague the lives of such people. We observe the ways that civil legal interventions—a lawyer representing one’s interests in housing court, for example—can offer some recompense and bolster individual feelings of efficacy. Yet we discern the limits of individualistic legal approaches for solving collective problems of precarity. Finally, through the lens of Josephine’s experiences, we grasp the transformative possibilities that emerge when individuals organize—acting collectively to oppose and alter the daunting realities of an unjust political economy. All of these lessons—reflected in Josephine’s experiences and reinforced throughout this book—have implications for the prospects of a just and equitable democracy in the United States.

In 2018, Josephine’s building was sold “to a hedge fund.” Per her accounting, the new owners’ goal was “to make a profit . . . not to think about humanity and think about the tenants. To make a profit.” Without prompting, Josephine explained exactly why she was convinced that her building’s current owner did not care about tenants:

I have experienced my elevator broken from December all the way until February. . . . One of my grandkids is in a wheelchair. I brought her up one day and couldn’t bring her back down. So we had to carry her [and] an eighty-five-pound wheelchair downstairs. . . . I’ve experienced no fire alarms functioning in the hallway. Just a beep, beep, beep, which clearly tells you it needs to be changed, which is a fire hazard. We had somebody get shot directly in front of our building, and the cops told the landlord, “If you had a real camera instead of this little fake stuff sitting up here, we could see who the perpetrator was.” We’ve had people sleeping on the roof, whole families. We’ve experienced a scaffolding that’s been on top of my building for eleven years . . . and it’s a haven for drug dealers, drug sellers, people on drugs. . . . We have to dodge rats. . . . I [used to] come in this building any time I wanted to and maybe encountered one or two rats. Now you get fifty.

This only scratched the surface of the problems Josephine and her fellow tenants experienced. In conversation, Josephine noted much more: a hole in her roof due to water damage that left her exposed to infestation, a broken window that forced her to contend with a constant draft, the periodic loss of heat and hot water (“We didn’t have heat and hot water from Christmas to New Year’s”), and the unremitting refusal of the owner to make vital repairs.

Josephine’s abysmal living conditions ran deeply counter to her character, desires, and personal standards. So when the hole in her roof lingered for longer than she could abide and a broken lock caused her to fear for her life, she acted decisively.

That’s what made me go to the state. I’m not OCD, but I like a clean place. My mom had eleven kids. It was thirteen people in the house, and she said, “If you ever lived in a matchbook, keep it clean.” I have to have a clean environment or I go crazy. And that big hole that was sitting up in there, I’m scared of rats. I’m scared of rodents. I didn’t know what was going to come through that hole . . . [then] I [tried] to go out of the building one day and I couldn’t get out. And it scared me to death because what if there’s a fire. I have a granddaughter in a wheelchair . . . to not be able to get out because of a broken lock that needs to be fixed . . . it’s ridiculous because the people who run this building don’t live like that. So what makes you think we want to? . . . I went to the Division of Housing and Community Renewal. They came and they inspected everything . . . and the process is you have to write to the landlord and tell him all these conditions, and they give them a certain amount of time to fix it. And when they don’t, that’s when [the state] steps in.

Once Josephine identified, through Google, a state agency that could help her, she brought her neighbors on board. To ensure a favorable response from the Division of Housing and Community Renewal, Josephine convinced *all* the people in her building to sign the requisite forms. Though everyone came from different backgrounds, they shared the common experience of substandard housing conditions. Josephine leveraged that commonality to garner the needed signatures: “I was working with every tenant in this building—it’s twenty-eight apartments in my building and twenty-eight people signed it because *we all* couldn’t get out the building. *We all* know somebody was sleeping on the roof. *We all* know that the smoke alarms weren’t working.”

Eventually, Josephine succeeded in mobilizing the state to act. The Division of Housing and Community Renewal issued a letter to the owner of Josephine’s building ordering them to make the necessary repairs. The owner did

not comply. As a result, everyone in the building got a rent reduction of \$100 per month for three years. Notwithstanding the reduced rent, the violations of standards of habitability continued.

Still insistent on seeking redress, Josephine turned to the civil legal system. She again found a satisfying but inadequate victory. Here is her description of what happened:

JOSEPHINE: My recent experience was I woke up one day . . . [and] I heard this gurgling sound. I go in my bathroom, and my bathroom is—the toilet is sewage—raw sewage is coming up out of the toilet. . . . I called [the property management company] and I said, “You have two hours to send somebody here to fix my toilet or I will hire a plumber, a licensed plumber, get the receipt, and you will be paying for it.” And that’s exactly what I did. I personally took them to court. . . . I found a free lawyer . . . right up on [Washington] Avenue. . . . He was amazing too. Legal services. He was amazing. He was amazing.

JAMILA: What did he do?

JOSEPHINE: Well, he gave me good advice. He went with me to court. He made sure I had court dates. He made sure I didn’t do anything that will make me lose my apartment. Like, I was going to get the ceiling fixed myself, but I wasn’t going to fix it exactly like they had it. I figured since I’m going to get it fixed, if I want stucco, let me get stucco. And he was like, “No, because in your lease it says, if you alter the apartment, they can put you out.” And I didn’t think about that stuff. “The walls need to be white.” So he told me. He said, “When they come in here, [Josephine], the walls need to be white, or they can say you altered the apartment and charge you. You don’t want that stuff to backfire.” He was humane. *My thing is, just treat me like a person.* Don’t treat me like a thing. Treat me like a person. Understand that I have concerns . . . that’s my thing with [the property management]. Don’t just dismiss it and say, “Oh, she could go a month without a toilet,” when number one, you’re not [going without]. Number two, it’s not legal. And number three, why should I have to do that if I sent you my rent?

JAMILA: So how many times did you go to court? Have you had your court date?

JOSEPHINE: One time. It was on Zoom [during the pandemic]. I won, and that was that.

JAMILA: You won?

JOSEPHINE: Oh, yeah. I got my \$187.37. Yes. Yes, ma’am.

Though a court victory that netted less than \$200 might not seem like much, it was meaningful to Josephine. It signaled her ability to confront a wealthy, irresponsible landlord—a veritable David and Goliath scenario—and win. It buoyed her confidence and confirmed her belief that something could be done to improve her living situation. But the court case was only a triumph for Josephine. It did nothing for the other tenants in her building who faced similar problems. It did nothing to solve the deeper issues that necessitated her court battle in the first place. And that did not sit right with Josephine. She had grown up with a deep-seated sense of responsibility to those around her. That ethos rendered her win hollow.

My mom was a humanitarian. My mom had thirteen people in my household, and she still managed to feed other people, have rent parties, made sure that Sam had a pair of shoes. And I watched that. And she always told us, “Listen, if the community isn’t doing good, you’re not.” So I always took that.

With “the community” looming large in her mind, Josephine met Aiden, and the opportunity emerged to do more. Aiden was a young White man from across town who lived in one of the other buildings owned by the company, which we will call Stonehill, that owned Josephine’s building. Stonehill had acquired more than one hundred buildings across the city, and the tenants in those other properties suffered similarly appalling situations as Josephine and her neighbors. Aiden was attempting to organize Stonehill tenants throughout the city so that they could fight together. Somewhere along the way, Aiden heard about Josephine; word had gotten around about her reputation for being a force of nature. So Aiden found her and brought her into the coalition of tenants he was forming. He asked Josephine to organize the tenants in her building as part of the larger coalition of all Stonehill tenants.

Aiden came to me in the embryonic stages of [the coalition]. . . . I went out the building one day, and Aiden introduced himself to me and said that somebody had given him my name. . . . When Aiden came to me, I was definitely on board. It was right after we had the rat problem, which we still have. . . . When he came to me, I was full of complaints, and he was full of complaints. . . . I said, “I’m tired of talking to people about my complaints [when I] can’t do anything about them. It doesn’t make any sense. If we’re going to sit down and complain over tea every day, we’re still going to be complaining fifty years from now. I want a resolution. I want to know if I join this coalition—it’s like protesting and protesting and protesting. At some point, you have to stop protesting and go to step two.”

That honest conversation was the start of Josephine's pivotal role in the Stonehill Tenants Coalition. The work she's done since has been wide-ranging, but one core element has been organizing people in her building:

And some of the people in this building were willing. Then you have some that's scared. Then you have some that's immigrants. Then you have some that think it's going to interfere with their public assistance and their Section 8. And then you have some that just settle—if this is what they're giving me, this is what I'm going to take—whereas with me, I want what I pay for. . . . Since I've been involved with [canvassing for the coalition], we're trying to make people aware . . . and organizing, getting more people—two voices is louder than one. So getting people organized, getting people on board, finding out what their complaints are, finding out what they want, and what they need. How long have you been complaining about this, and what do you want to do about it? If they're turning this place into co-ops, which was one of the rumors we heard, let us know so that we can buy in if we want to, that kind of stuff, but don't try to push us out like we don't belong here. Don't try to push us out because you want to sell the apartment at market rate to make your profit.

The Stonehill Tenants Coalition gave Josephine an avenue for putting her mother's wisdom into practice (“if the community isn't doing good, you're not”). She helped to build the coalition by deepening her ties to community. She got people out to meetings, listened carefully to their struggles, and worked alongside them to develop concerted political strategies addressing the problems that emerged: “The coalition is growing, and I am so proud that Aiden called me and told me that my building had the most tenants at the meetings. And my building has the least apartments. . . . So people are involved.”

The coalition met weekly, at first on Zoom during the pandemic and then in person. Listening to the struggles of Stonehill tenants was moving and motivating. As Josephine described it:

[The meetings] are explosive, and they're emotional. I mean, some of these people, when you hear—we had a girl talk to us about rat mites. And I had never in my life heard of a rat mite. . . . I guess they're similar to bedbugs. And when she told her story, I wanted to cry. I wanted to cry. She had to go to the hospital. She had to take antibiotics, and they did not care. They didn't care.

Frequent meetings helped Josephine and her fellow tenants to develop empathetic relationships, a crucial springboard for collective action. Stonehill tenants met with local elected officials, challenged hedge fund managers, and initiated a rent strike, withholding their rent and keeping it in a secure escrow account until their landlord responded (a tactic that provides them with legal protection from eviction). As Josephine so wittily explained, “My rent money is on vacation at Chase Manhattan Bank, and it’s staying in hotel escrow.” In all of these ways and more, Josephine and her neighbors pursued a transformative vision of a humane political economy:

The goal is to have us live like human beings on a consistent basis without having to go jump through hoops. . . . We pay our rent. We’re human. We don’t want to walk through piss in the elevator and be scared to come in our building. . . . I want to see . . . humanity play a role.

This book is about people like Josephine. People who face problems that bring them into the orbit of the civil legal system: into courtrooms where they struggle against predation and grasp (often fruitlessly) for amends; into legal aid offices where they seek representation from those with expertise in navigating complex, adversarial legal processes; and into community organizations where they find support, mutuality, and—most vitally—prospects for building and exercising power to improve and change the conditions that precipitate their problems.² In the pages to follow, we lay out the core research questions that motivate this work, the methods we use to answer those questions, and the scholarly contributions we make by doing so. But we begin with Josephine because this book is most fundamentally about people—those who are subjugated at intersections of race, gender, and/or class; those who are essential for realizing the aspiration of US democracy but marginalized within democratic politics; and those who are most affected by the quality and nature of civil legal systems.

A person-centered approach drives our analysis of US civil legal institutions, their role within the broader American political economy, and their

2. We define power as the capacity of individuals, groups, communities, and organizations to influence the structural conditions that affect them and others (Rosino 2016; Michener 2023c).

implications for democracy.³ Building on multiple scholarly literatures, we use a variety of methods (policy mapping, historical analysis, surveys, ethnography, and in-depth interviews) to systematically illuminate the processes that produce civil legal inequality and the politics surrounding it. We do this with a central purpose: to understand how civil legal systems structure the political lives of racially and economically marginalized people, and thus shape their power.⁴

All along the way, we center people like Josephine because their experiences warrant being heard, seen, and understood; because the profoundly uncivil realities of the civil justice system matter for their lives; and because US democracy cannot thrive (or even exist) without them. In *Uncivil Democracy*, we argue that legal representation vitally protects people like Josephine and can incrementally strengthen their sense of individual efficacy and trust in the legal system. But we also reveal the limits of this kind of procedural fairness. Increasing access to justice through an ever-growing *supply* of lawyers elides the structural problems that generate the *demand* for lawyers in the first place. Problems like poverty, racial inequality, lack of affordable housing, and inadequate health care come to manifest as legal problems, especially when more effective political routes to resolution are foreclosed. These troubles, though, are rooted in an unequal, precarious, and sometimes predatory political economy. Only collectively organizing to exercise power holds promise for more fundamental change. Ultimately, civil legal representation is necessary but woefully insufficient. As Josephine so clearly recognized, people like her need more than a lawyer; they need the power to alter the conditions that create their precarity.

3. Political economy approaches focus on how economic and political systems are linked. Many aspects of civil legal systems reflect dynamic interactions between markets and politics. As we will describe in detail throughout the book, the most distinctive features of the American political economy—multilevel, multiveneue governance, unique interest organization, and systematic racial division (Hacker et al. 2022)—are also pivotal elements of the politics of civil legal institutions.

4. By “structure” and “shape,” we do not mean “effect.” In this book, we focus less on identifying cause and effect, and more on understanding *what* people experience when they navigate civil legal institutions, *how* such institutions are embedded within the American political economy, and *how* civil legal experiences come to have meaning for political life. The latter is what we mean when we say “structure.” This is similarly what we mean when we say “shape.” Generally, we do not intend to denote or imply causal relationships unless we explicitly say so. For more details on our methodological approach along these lines, see the qualitative appendix.

In addition to taking a person-centered approach, *Uncivil Democracy* orients primarily around the case of housing and the process of tenant organizing. Civil justice issues are myriad—too vast for one book to cover comprehensively. Attempting to study every civil legal domain would have made it difficult for us to dig deeply and richly enough into any given arena. Concentrating on housing enabled us to develop a thematically connected set of narratives that reflect struggles related to one of the most fundamental aspects of the American political economy.⁵ As the biggest expense for most families, housing is a site of perennial crisis in the United States (Bureau of Labor Statistics 2024).⁶ The problems of housing affordability, quality, and accessibility have only intensified over time. As home prices soar to record highs, climate change threatens housing stock, and housing cost burdens intensify, staggering numbers of people find themselves struggling to keep a roof over their heads (Joint Center for Housing Studies of Harvard University 2024). The financialization of housing through the increased role of private equity, venture capital, and other extractive actors has only worsened such problems (Fields 2017; Fields and Uffer 2016; Kohl 2021; Lima 2020).⁷ Market conditions and government policies disadvantage all but the wealthiest, and do so in racially disparate and politically polarizing ways (Fields and Raymond 2021; Lewis 2022; Michener 2025c; Robinson 2021). As a result, housing unaffordability, substandard quality, commodification, and inaccessibility are core features of political-economic relations in the United States.

Navigating housing in this unequal political economy pushes many marginalized people into the web of the civil legal system—necessitating that they fight evictions, inhumane living conditions, incursions of their legal rights, and much more. At the same time, these conditions create incentives for political action. Consider Josephine, whose story initiated this chapter. Housing was the fulcrum around which her political participation and community organizing pivoted. This is in line with a lengthy history of struggle within racially and economically marginalized communities, where contestation over housing has long persisted (Feldman and Stall 2004; Fields 2015; Karp 2014; Madden and Marcuse 2016; Michener 2019b; Michener and SoRelle 2022; Moffett-Bateau

5. Our focus on housing emerges via our qualitative interview and ethnographic data. Our quantitative and historical analyses account for a fuller breadth of civil legal problems.

6. Housing accounted for 32.9 percent of all consumer expenditures in 2023.

7. “Financialization” refers to the increased dominance of financial markets and actors in the housing sector (Wijburg 2021).

2023, 2024; Rodriguez 2021; Taylor 2013; Thurston 2018; Williams 2004; Wolfinger 2009). The political economy of housing is marked by racialized oppression through processes of exclusion or predatory inclusion (Rothstein 2017; Taylor 2019; Thurston 2018; Trounstein 2018).⁸ Racially marginalized communities have struggled against such oppression, leveraging political institutions ranging from legislatures and courts to community organizations and social movements (Baranski 2007; Feldman and Stall 2004; Juravich 2017; Karp 2014; Rodriguez 2021; Williams 2004). This makes housing an instructive and compelling case for understanding the workings of civil legal systems as well as the flow of politics and power in the lives of marginalized people.

Civil (In)justice in the United States

People like Josephine face hundreds of millions of new civil justice problems each year in the United States (Hague Institute for Innovation of Law and the Institute for the Advancement of the American Legal System 2021; Sandefur and Teufel 2020). Many of these involve the stuff of everyday life: disputes surrounding housing, health care, wage theft, debt collection, access to public benefits, child custody, and the like. These “justiciable events”—problems that raise legal issues, but may or may not receive legal attention (Genn 1999; Sandefur 2007)—can have devastating repercussions: displacement, houselessness, loss of income, family separation, diminished health, poverty, and too much more (Sandefur and Teufel 2020). Despite the weight and consequences of civil legal problems, most people face them alone, and as many as 120 million US civil justice issues remain unresolved (Hague Institute for Innovation of Law and the Institute for the Advancement of the American Legal System 2021).⁹

One of the most widely touted ways for policymakers to address civil legal problems is to provide access to counsel in civil courts for lower-income litigants—a form of governmental support that is sometimes hailed as the balm to soothe the wounds inflicted by enduring civil justice inequalities. Indeed,

8. “Predatory inclusion” refers to the “process whereby members of a marginalized group are provided with access to a good, service, or opportunity from which they have historically been excluded but under conditions that jeopardize the benefits of access” (Seamster and Charron-Chénier 2017).

9. Throughout this book, we will refer to justiciable events, whether they formally enter the realm of the civil legal system or not, as civil legal problems or civil justice problems, interchangeably.

Senator Walter Mondale once deemed the federal program of financial support for legal services “the most effective poverty program, dollar for dollar,” in the United States. Mondale’s assertion reflected a sober awareness of the importance of the legal system in the lives of low-income people and the difficulties they experience in navigating it. The US polity is simultaneously characterized by a reliance on legal contestation for dispute resolution *and* limited access to the courts for those making rights-based claims (Burbank and Farhang 2017; Kagan 1991, 2019; Staszak 2015). Many areas of civil law—housing, public benefits, immigration, and debt collection—concern the relationship between denizens and the state.¹⁰ Navigating the civil legal system is thus necessary (though, as we will show, not sufficient) to receive the benefits and protections nominally guaranteed by government policies (Michener 2023a). Given this, access to civil legal representation is a fundamental aspect of a free and fair society that remains out of reach for many of the most vulnerable.

Notwithstanding the immense importance of the protections enshrined by civil law, there is no constitutionally guaranteed right to civil legal counsel.¹¹ While the Legal Services Corporation (LSC) Act of 1974 acknowledged that “providing legal assistance to those who face an economic barrier to adequate legal counsel will serve best the ends of justice and assist in improving opportunities for low-income persons,” there is a yawning chasm between the ideal established by this law and the reality that has materialized since its enactment. This “justice gap”—the difference between the level of legal assistance necessary to meet the needs of low-income people and the level of legal assistance available to them—is striking. Between 50 and 80 percent of people living in poverty in the United States have difficulty obtaining civil legal representation to address their problems, leaving them without a critical tool to protect their rights and livelihoods (Chu et al. 2013; Rhode 2004).

10. Scholars often distinguish between private law—disputes between private individuals or entities—and public law—disputes that involve questions of constitutional or administrative law in which government entities are implicated. The civil legal system encapsulates both types of proceedings, but most civil justice problems of the type we describe in this book are matters of private rather than public law. Despite that designation, government policies and benefits are frequently implicated in private law disputes (e.g., housing vouchers in eviction cases), as the examples throughout the book will demonstrate.

11. In *Gideon v. Wainwright* (1963), the US Supreme Court found a right to counsel in criminal cases involving felony charges. In *Argersinger v. Hamlin* (1972), the Supreme Court supported the right to counsel in criminal cases involving misdemeanor charges. No equivalent federal rights exist for civil cases.

The justice gap is especially imperative because low-income people are both disproportionately in need of civil legal safeguards and significantly less likely to have recourse to them. In 2022, 74 percent of low-income households in the United States experienced at least one civil legal problem, and nearly 40 percent experienced five or more such problems. Among a vast array of reported problems, the LSC (2022) estimates that 92 percent of eligible problems received inadequate or no legal attention. While scholars rightly challenge the notion that all such problems are best served through formal legal processes (e.g., see Sandefur 2019), this still represents a massive disconnect between the frequency with which people experience justiciable civil problems and their capacity to get legal help for those problems.

The high demand for civil legal representation combined with its limited supply means that for every person who receives publicly funded legal assistance, there is at least one applicant turned away because of insufficient capacity. In fact, there is less than one civil legal aid attorney to help every ten thousand people living in poverty in the United States—a rate deemed the minimum for adequate access to justice (National Center for Access to Justice 2016). As a result, low-income litigants frequently appear in court without lawyers, and vast numbers of people do so because they cannot afford one. These patterns unfold unequally across social groups. In 2022, 71 percent of LSC (2023) clients were women and nearly 60 percent were people of color—32 percent Black, 17 percent Latinx, 3 percent Asian and Pacific Islander (AAPI), and 2 percent Native American.¹²

Racially and economically differentiated need for and access to civil legal representation has meaningful consequences. Evidence indicates that having civil counsel can help to narrow health disparities, bolster wealth (through increased property values), improve communication between public institutions and impoverished communities, and reduce poverty (Cunningham 2016; Houseman and Minoff 2014; Powers 2015; Teufel et al. 2015). Unrepresented or self-represented litigants are at a dramatic disadvantage in the convoluted and highly specialized US court system (Fleming-Klink, McCabe, and Rosen 2023). People who are denied access to legal representation have more negative experiences of the courts (Bezdek 1991; Tyler and McGraw 1986; Zimmerman and Tyler 2009).

12. The LSC collects race and ethnicity data on clients served by grantees as a single identity (where race and ethnicity are not considered separate identities). Note that 3.9 percent of these clients identified as multiracial and 2.1 percent were of unknown racial background.

Despite the value of legal aid as a policy tool, policymakers at both the federal and state level have failed to maintain a robust program of civil legal service provision for those in need. As a result, civil legal resources, and the prospects for access to justice they entail, are distributed scarcely and inequitably. Even more significant than the failure to provide access to civil justice is the broader failure to reckon with how the justice gap follows from and exacerbates existing inequalities within the larger political-economic system (Michener 2023a).

The Political Economy of Civil Justice

Notwithstanding the scope and significance of civil legal systems in the lives of racially and economically marginalized people, the dynamics of the justice gap are seldom considered core to the American political economy or welfare state (Michener, SoRelle, and Thurston 2022; Rahman and Thelen 2022).¹³ Yet civil courts are inundated precisely because they function as a stopgap in the face of an insufficient and unequal infrastructure for public goods provision. As noted by Colleen Shanahan and colleagues (2022, 1473), civil litigants

do not end up behind that door by coincidence. Rather, this is a foreseeable consequence of the absence of affordable and adequate housing, health care, childcare, and education, the absence of fair and equal wages, and the presence of mass incarceration in our society. State civil cases involving debt, family relationships, and children have different names on the courtroom door but similar stories behind those doors.

US civil legal processes are embedded within economic and political structures that generate as well as perpetuate economic precarity (Callison, Finger, and Smith 2022; Hepburn et al. 2021; Sandefur 2019). Inequality has grown as federal, state, and local policies neglect rising housing costs, flattened wages, predatory consumer practices, meager social welfare supports, and much more (Brady, Blome, and Kleider 2016; Franko 2021; Franko and Witko 2018; Petach 2022; SoRelle 2020; Taylor 2019).

The culprit lies in policy design and implementation choices (e.g., Michener 2018; SoRelle 2020; Soss, Fording, and Schram 2011) as well as in a larger political unwillingness to rein in poverty and inequality (Brady, Finnigan, and Hübgen 2017; Partridge and Weinstein 2013). Ineptly mitigated

13. For some exceptions, see Farhang 2010; Melnick 2010; Tushnet 2009.

market excesses have proliferated economic deprivation that overflows into the civil legal system. But civil legal processes were not designed to tackle structural inequality and thus have proven inadequate to the task (Michener 2023a). Indeed, a reliance on litigation often does just the opposite, prioritizing the individual economic nature of people's problems at the expense of addressing their collective political dimensions.¹⁴ The spillover of economic and social needs into the legal system creates what Shanahan and colleagues (2022, 1474–75) call an “institutional mismatch”:

We see an *institutional mismatch*: state civil courts are institutions where people bring their social needs more than their [legal] disputes. The work of state civil courts is a daily manifestation of the failure of the executive and legislative branches to disrupt structural inequality or invest in systems of care to mitigate it. These courts operate in the breach to address social needs because they cannot decline the cases presented to them. Thus, the social needs people bring to court are framed as disputes in order to access social provision. . . . This leaves state civil courts attempting to address—within the constraints of their dispute resolution design—the social needs of litigants.

Institutional mismatch indicates a political economy of civil justice characterized by an inability or refusal, as quoted above, “to disrupt structural inequality or invest in systems of care to mitigate it.”

A long tradition of law and political economy scholarship charts how the broader judicial system creates as well as enforces rules that structure pervasive inequalities in a capitalist economy—more often in ways that benefit elite economic interests (e.g., Brown 2015; Culpepper 2010; Fraser 2014; Galanter 1974; Sabbeth 2021; Streeck 2011).¹⁵ The civil legal system plays a critical role

14. There is a robust debate among scholars about the degree to which private law can be mobilized to shape public or collective outcomes (e.g., see Burstein 2017; Zemans 1983). But considerable work from political theorists and critical legal scholars demonstrates how a reliance on private law and regimes based on individual rights can undermine incentives to address the collective nature of social problems (e.g., Brown 1995; Marx [1844] 1926; Smith 1997; Spade 2015; Waldron 1993).

15. For example, scholars who study the political economy of litigation and administrative law have demonstrated how the legal system can privilege business interests (Culpepper 2010) and “repeat players” (Galanter 1974), who over time, accumulate the advantage of expertise, relationships, and resources that allow them to prevail over those who navigate the courts with less frequency.

in enforcing the contract and property rights that undergird a capitalist system. But it does so in a systemically coercive, extractive manner that disadvantages low-income, racially marginalized litigants. Most race-class-subjugated litigants do not appear in civil court voluntarily.¹⁶ Josephine—who successfully initiated proceedings against her landlord—is anomalous in this sense. In contrast, most people are forced into legal proceedings by landlords, debt collectors, and other well-resourced actors. Once there, the courts invoke a variety of both formal and informal strategies—from a reliance on default judgments to a lack of discovery or equitable presentation of evidence—to quickly and efficiently dispossess assets from already marginalized litigants and redistribute them to economic elites (Brito et al. 2022; Fleming-Klink, McCabe, and Rosen 2023; Hanley, Howell, and Teresa 2024; Kepes and Kempler 2024; Sabbeth 2022; Sudeall and Pasciuti 2021). In the process, the civil courts both maintain and deepen existing inequalities in economic power.

Employing a political economy perspective to explore the justice gap illuminates the collective dimensions of the individual claims that flow through the civil legal system, and highlights the importance of power relations in structuring both the precursors to and ramifications of civil legal inequality (Michener 2023a).¹⁷ Figure 1.1 illustrates the complex set of factors at play in a political economy approach to the justice gap.

To date, scholars and practitioners have primarily focused on understanding and addressing the substantive elements of the justice gap (noted in the top layer of each square in figure 1.1). The prevalence of material hardship gives rise to civil justice problems and thus generates demand for civil legal representation (Michener 2023a; Shanahan et al. 2022). Relatedly, substantive concerns about the supply of civil legal representation dominate both historical scholarly accounts and proposed solutions to inequalities in access to justice (see Michener 2025b; Sandefur 2019). Finally, a growing literature considers

16. We draw on the insights of Joe Soss and Vesla Weaver (2017, 567) in using the “race-class-subjugated” construction, which recognizes that “race and class are intersecting social structures . . . that defy efforts to classify people neatly.”

17. Political economy means different things to different scholars. We do not use political economy to refer to the application of rational, public choice models or formal theory to study judicial politics, although there is a robust literature in this vein (e.g., de Figueiredo and de Figueiredo 2002; Eskridge and Ferejohn 1992; Gelly and Spiller 1990; McNollgast 1990, 1994; Weingast 2002). Instead, we employ the substantive meaning of political economy as work that explores the interplay of US market, political, and policy institutions along with their varied material and political repercussions.

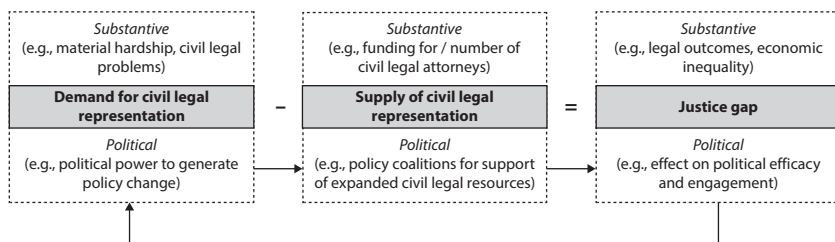


FIGURE 1.1. Political economy of the US civil legal system

the negative legal and socioeconomic ramifications that the justice gap produces in the lives of marginalized litigants. While attention to the socioeconomic determinants and consequences of inadequate civil legal representation is important, both scholars and practitioners too often overlook critical dimensions of the justice gap: politics and political power.¹⁸ We contend that comprehensively examining access to civil justice requires addressing the distribution and configuration of power in the American political economy.

Though civil law has sometimes been optimistically envisioned as a mechanism “by which power may be diffused throughout society” (Zemans 1983, 693), civil litigants are often on the losing end of power imbalances. Charting the political economy of the justice gap necessitates grappling with how power asymmetries operate within and beyond courts and other civil legal spaces. The ebb and flow of structural inequality is contingent on power relations. This is why we center on the role of power resources—organizations and actors that can both build and channel the influence and capacity of people with civil legal problems—in shaping the structural drivers of civil legal outcomes (Korpi [1978] 2022).

As figure 1.1 illustrates, questions of political power emerge for each element of the justice gap equation (noted in the bottom layer of each square). *Demand* for legal services is generated in large part by a political economy of scarcity wherein the people with the fewest resources lack the power to change the

18. Scholars of public law and judicial politics have long argued that the US courts are inherently politicized (e.g., Cameron et al. 2000; Hasen 2013; Kagan 2019; Melnick 1983; Sessa-Hawkins and Perez 2017). Moreover, the courts have played a critical role in the political development of the US state (Gerstle 2017; Skowronek 1982; Tushnet 2011) and continue to shape the politics of policymaking in critical ways. We build on these insights by extending the emphases on politics and power into the literatures that examine access to justice in civil legal contexts.

policies that impede their well-being (Michener 2023a). Many people facing civil justice problems are grappling with continuous threats of deprivation that they have limited ability to deter. Such constrained power both engenders the circumstances that create civil legal problems and reduces political pressure on policymakers to be responsive to those problems. Since legal needs are a function of power, the justice gap cannot be bridged without deploying power in ways that reduce the scale of legal needs (e.g., decrease demand).

Political dynamics also shape the *supply* of civil legal representation available for those who seek out or are forced into the civil legal system. In the absence of sufficient political pressure from those who stand to benefit most from expanded access to representation, policymaking elites lack the political incentives to provide adequate funding to support civil legal representation for low-income litigants, particularly, as we will show in chapter 4, in the face of growing conservative opposition to such efforts. Instead, their actions reflect the concerns of economic elites, such as landlords and property owners, government agents, and even legal professionals, who are invested in harnessing the coercive and extractive elements of the civil legal system for their benefit.

Finally, our political economy approach acknowledges that the justice gap has significant repercussions for political life. As the following section outlines in greater detail, we contend that civil legal problems and institutions structure experiences in ways that have meaningful implications for how people perceive political efficacy, citizenship, and governing institutions, as well as how they make decisions about individual and collective political action.

Civil Injustice and Political Power

Uncivil Democracy marshals a variety of original evidence to show how experiences of the civil legal system are politically meaningful. We pay particular attention to the varied processes through which individual and collective power can be expanded or contracted when people come into contact with the civil legal system. Figure 1.2 presents an overview of the pathways along which we argue the civil legal system can structure political power for those in positions of precarity.

As we have described in this chapter, the underlying social policy infrastructure generates economic precarity that produces a wide-ranging set of civil justice problems. These problems can alter the resources a person has available to them as well as their sense of political efficacy, democratic belonging, and institutional trust. For those whose civil justice problems are funneled

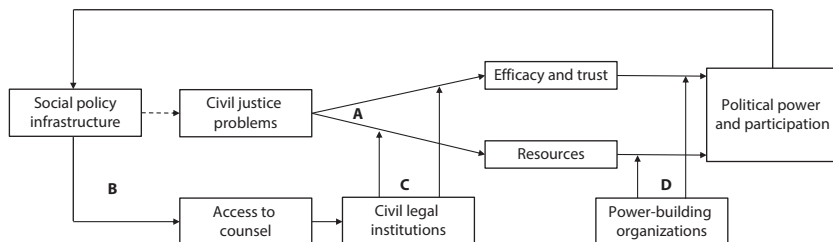


FIGURE 1.2. Pathways of political power in the civil legal system

through the legal system, interactions with civil legal institutions—with and without counsel—can further structure resources, efficacy, and trust in distinct ways. When civil justice problems and interactions with the court bring people like Josephine into the orbit of power-building organizations, like tenant groups, those experiences also bear on the relationship between civil legal problems and political power. Each chapter of this book delves into the theoretical and empirical underpinnings of these processes along with the consequences for racially and economically marginalized people trying to navigate them.

As we explore the pathways of political power laid out in figure 1.2, we intentionally avoid making causal arguments.¹⁹ We rely on multiple kinds of evidence interwoven throughout each chapter.²⁰ Some of this evidence is

19. We refer here to a conceptualization of causation that is aligned with the potential outcomes framework (also known as the Rubin causal model), which supposes “that every subject has multiple outcomes that could have been observed, corresponding to each possible treatment . . . even though only one outcome was ultimately observed,” and posits causal effects as “the difference between what actually happens in a given case and what would have happened had that case been assigned to a different treatment category” (Keller and Branson 2024, 575; Seawright 2016b, 19).

20. We do not assume that multiple triangulated methods inherently or inevitably improve on the quality of evidence. Rather, we thoughtfully integrate distinct methods based on what we seek to know and how best to learn it. While we share some of J Seawright’s (2016a, 49) criticism of triangulation as insufficient insofar as it “provides multiple, somewhat incommensurable answers to causal questions,” we do not follow Seawright’s (2016a, 47) exhortation toward “integrative multimethod research” in which “two or more methods are carefully combined to support a single, unified causal inference” where “additional methods are used to test or reframe the assumptions behind the central causal inference.” While there is certainly value in an integrative approach of this sort, it diverges from our own in that we do not center or fixate on causal inference as our core aim. In contrast, our central research goals orient around offering

quantitative, identifying associations that corroborate our rendering of the pathways of power. Some is historical, situating civil legal processes within a broader arc to help us understand how and why they operate. Much of our evidence is based on qualitative experiential accounts that describe the nature of people’s interactions with civil legal institutions (courts, legal aid organizations, and tenant groups) and the politically relevant meaning they make in response to encounters with those systems.

We employ quantitative methods when useful, but not in strict service to a causal explanation. Instead, we remain focused on generating descriptive knowledge of *what* is happening within civil legal systems, *how* people are making sense of it, and *what* this means for US democracy. While this lays a rich foundation that can be built on by scholars seeking to estimate causal relationships, we commit primarily to the first-order tasks of describing how civil legal processes operate within people’s lives; mapping the micro-, meso-, and macro institutional realities those processes are embedded within; and surfacing the implications for politics and power in marginalized communities.

The Racialized Political Economy of Civil Justice

As we explore dynamics of politics and power, one of the most significant themes that emerges is that the political economy of access to justice produces racialized outcomes. From the political development of policy to the community organizing efforts to combat civil justice problems, racialized political dynamics are a force that pervades the civil justice landscape. This does not mean civil legal problems only affect people of color (though they do so disproportionately).²¹ Instead, it means that civil legal processes take on racial meaning and significance, despite having no inherent racial valence (Omi and Winant 1986). Notwithstanding this reality, scholars of the civil courts lament how the “relationship between race and civil courts has been understudied

deep description of experiences and processes, capturing the ways potential causal mechanisms unfold in practice, developing noncausal explanations to support constitutive arguments (Navarrete 2024; Pacewicz 2022), and charting political possibilities (as opposed to probabilistic likelihoods). In the qualitative appendix, we elaborate on these aims and the ideas underlying them.

21. While many of the experiences we center in the book are those of Black women, we intentionally include the voices of a broad swath of people from different geographic locations and with distinct backgrounds (racially and otherwise).

and undertheorized” (Brito et al. 2022, 1244). We rectify this oversight by paying particular attention to the racialized political dynamics of the development and consequences of access to civil justice.

A primary reason why civil justice is racialized is because it is tethered to and built on institutions with long and well-documented histories of racism (e.g., courts, housing markets, and regulatory regimes). These institutions have driven the processes that give the construct of “race” social and political meaning (e.g., Bell 1980; Crenshaw 1988; King and Smith 2005; Lopez 1996; Novkov 2002; Smith 1997, 2003). Moreover, when public institutions and policies are designed in ways that disproportionately allocate benefits and burdens to groups based on social systems of racial classification, while simultaneously decentralizing control over those policy institutions (as is the case for programs to support access to counsel), racialized patterns are a likely outcome (Michener 2019b). Indeed, scholars have demonstrated disparate racial impacts in several domains of civil law (e.g., Brito et al. 2014; Roberts 2009, 2014).

The political economy of civil justice is also consistent with the expectations of racial capitalism and racial authoritarianism that operate within the broader American political economy (Brito et al. 2022; Libgober 2025; Robinson 1983; Soss and Weaver 2017; Weaver and Prowse 2020). *Uncivil Democracy* details a decades-long process by which economic and political power have accumulated to elites in ways that enabled as well as intensified predation and exploitation among predominantly race-class-subjugated communities—a hallmark of racial capitalism (Robinson 1983; Táíwò et al. 2021). For example, chapter 4 details how both the extension and retrenchment of federal support for civil legal counsel is frequently driven by efforts to preserve an underlying racialized power structure. From attempts to remove control over federal grants from the hands of community action agencies that require participation in decision-making from the diverse constituents they represent, to modest extensions of access to counsel as a tool to “civilize” restive urban, predominantly Black and Latinx communities and prevent their collective mobilization, the suppression of economic and political power among racially marginalized groups features prominently in this book.

Racial capitalism also emerges in our archival historical work and as a theme reflected in people’s experiences navigating the civil legal system. Theorists of racial capitalism “tie race and class together with the broader system of capitalism that determines how income, wealth, and social advantages are produced and distributed” (Táíwò et al. 2021, 17). In a similar vein, we

repeatedly demonstrate that racialized inequality is a glaring and widespread feature of civil legal experiences, hardening existing economic and political hierarchies. The people whose voices inform this research relay how this happens in excruciating detail. They describe how state institutions and actors like courts and judges, together with economic elites, such as landlords and property managers, generate and deepen the racialized power differentials that emerge in the civil justice system. They often portray these outcomes not as individualized experiences but rather as collective patterns of structurally rooted racism. Such observations are particularly notable because we rarely prompted interviewees to talk about race. Instead, racialized accounts emerged organically from people’s own evaluations of their experiences.

It is clear in the words of those most harmed that the racially marginalized people at the proverbial bottom of US power structures bear the weight of disproportionate detriment. Consider the perspective of Ali, a leader of a tenant organization in the Deep South:

My organizing was rooted out of struggles from my own family, my own struggles with housing insecurities and housing instabilities, and lack of access to housing, *the whole historical way that housing has been used to racialize generations in my own personal history*. We [organize] because the need is so great. . . . What do we want to do to change these systems and the systematic use of housing, and how it’s used for other people’s capital gains and our losses? . . . [Change] is not going to come because we want it to. It’s not going to come because they feel that they need to do something out of good faith. . . . It’s going to come because we organized really well to make it happen.

Ali, and so many of the other people whose perspectives we center in the pages to follow, experienced unequal civil legal processes that disproportionately extract from and punish people of color. By highlighting such experiences and contextualizing them in relation to the American political economy, *Uncivil Democracy* contributes to existing scholarship on access to justice and racial capitalism.

A Road Map for *Uncivil Democracy*

For nearly two decades, political scientists have increasingly turned their attention to the punitive politics of the criminal justice system. This has yielded important research on the political development of the carceral state, role of

public opinion in shaping that trajectory, and participatory consequences of carceral experiences (Burch 2013; Enns 2016; Forman 2017; Fortner 2015; Gottschalk 2006, 2011, 2016; Lerman and Weaver 2014; Murakawa 2014; Walker 2020; Weaver 2007). Contrastingly, political scientists have been less attentive to the other half of the US legal system: the realm of civil law.²² Focusing specifically on the political economy of the justice gap, *Uncivil Democracy* comprehensively explores the historical trajectory of the justice gap, its contemporary upshots, the ways that inequitable access to legal representation structure political life, and the implications of all of this for how we understand pathways to more fundamental political transformation.

Our entry into these tasks begins in chapter 2 with an overview of how the civil legal system and access to civil legal representation works in the United States, paying particular attention to policy variation across states. We analyze original data on nearly thirty years of state policymaking alongside evidence from lawyers and tenants describing challenges navigating legal problems with housing. Together, these data contextualize crucial institutional realities that shape the ebb and flow of the justice gap across states, and situate the political economy of civil justice within an unequal federated polity.

With a clearer picture of the civil legal system, chapter 3 turns to understanding the nature of demand for civil justice. It looks at the landscape of civil justice problems in the United States, concretizing the political repercussions of those problems and their democratic implications. The chapter begins by using original, national survey data to show the magnitude and scope of civil

22. To be sure, scholars—predominantly from political theory and public law—have studied many aspects of administrative and constitutional legal development, with a focus on civil rights and discrimination (e.g., Farhang 2010; Law 2010; Novkov 2001, 2002; Smith 1997). While these studies ask important questions about how aspects of civil law shape social, political, and economic citizenship in the United States, they concentrate primarily on macrolevel development within the realm of public law. A separate literature attends to elements of private civil law, examining the political economy of litigation and torts with a primary focus on the economic costs of litigation (e.g., Danzon 1984; Jacobi 2009; McIntosh 1990). While these literatures have much to add to our understanding of civil law broadly construed, neither pays much attention to the political economy of the justice gap. Nor do they address the political consequences for individuals navigating civil legal processes. Furthermore, the work on the political economy of litigation and torts is largely inattentive to questions of race. The existing scholarship on the politics of the broader civil legal system mainly revolves around the role of elite actors—policymakers, judges, lawyers, and so on—with less attention to the perspectives of the individual litigants—particularly low-income, racially marginalized ones—who are navigating these systems. These are the voids of knowledge we seek to fill.

legal problems as well as the variation in those experiences across hierarchies of class and race. The chapter then turns to the political consequences of civil legal problems. Building on theoretical frameworks that show how resources, negative life events, and interactions with governing institutions shape political behavior, we demonstrate how civil justice problems translate to feelings of trust (or distrust) in legal and political institutions along with evaluations of individual political efficacy (path A in figure 1.2). Analyzing our survey data alongside ethnographic observations and over one hundred in-depth qualitative interviews with people navigating housing challenges, the chapter shows how experiences with civil justice problems can undermine trust, efficacy, and engagement, eroding political power for communities that are already marginalized.

Having registered the demand for civil justice—and the political implications of that demand, chapters 4 and 5 turn to the politics of supply in the justice gap equation. Specifically, chapter 4 details the rise and retrenchment of federal efforts to provide access to civil legal representation for low-income people (path B in figure 1.2). Drawing from archival and legislative records as well as an original dataset of all federal bills proposed to address access to civil legal counsel from 1966 through 2020, the chapter explains how the politics of civil legal aid became entangled with a larger, racialized debate over who deserves power in the United States. Going further, chapter 4 demonstrates how three main groups of policymakers emerged in the debate over civil legal representation, each with a distinct vision for the distribution of economic and political power in the United States. For proponents of a structural transformation approach, the provision of civil legal representation provided an opportunity to transform economic and power relations, leading to a more equitable political economy. Procedural justice advocates, by contrast, pursued carefully circumscribed access to counsel as an opportunity to offer individual procedural justice to beneficiaries deemed deserving of assistance. These advocates did not espouse aspirations to reshape the underlying inequalities in socioeconomic or political power. Finally, a third and growing contingent of welfare opponents pursued the complete elimination of federal support for civil legal representation as part of their larger efforts to undermine the welfare state. By examining the push and pull among these three groups, we chart the development of a policy equilibrium that maintains widespread but under-resourced programs of legal representation for low-income people, limiting the prospects for robust access to justice and thwarting the potential to rebalance power relations.

Continuing to examine the politics of supply, chapter 5 asks how the provision of legal counsel—for the few who receive it—is understood by those who experience civil justice problems. In essence, chapter 5 investigates the political consequences of a procedural justice approach to the civil legal system—one that is designed to facilitate a fairer process for individual claim making (e.g., see Thibaut and Walker 1975; Tyler 1988) without providing recourse to collective, transformative power. Drawing on insights from the policy feedback literature, which contends that people’s interactions with public institutions like the courts can influence their trust and sense of political efficacy, we show how access to counsel can improve litigants’ experiences of the civil legal system, with modest positive consequences for individual political efficacy. We demonstrate how access to counsel is associated with moderately increased trust in the civil legal system.

Nevertheless, the limits of access to counsel—both in scope and efficacy—have been well-documented (e.g., see Sandefur 2016, 2019; Wallat 2019). And while the provision of procedural justice might improve outcomes for individual litigants, it also bolsters the legitimacy of the courts without sufficiently ameliorating the problems that drive people into them. Thus in chapter 6, we extend our consideration of access to civil justice beyond courts and lawyers to investigate the possibilities that emerge when robust community organizing builds legal as well as political power within marginalized communities (path D in figure 1.2). Drawing on qualitative interviews with members and leaders of tenant organizations across the country, chapter 6 explores the relationship between the civil legal system and collective organizing in the context of housing. It charts how attorneys and organizers can work together to both get individuals the legal support they need and identify pathways for change in the absence of efficacious civil legal remedies. This chapter more closely reflects the ambitions of those poverty lawyers and law reform proponents who saw in the civil legal system a way to transform the American political economy into a more equitable, less precarious system for people who have been historically marginalized at the intersection of race and class.

The book concludes with a holistic view of the political economy of access to justice, postulating that the underlying structural and institutional processes described in the preceding chapters perpetuate economic precarity and engender demand for civil justice. It then considers how civil legal issues can be addressed within and beyond legal frameworks. By focusing on how community organizations build power among people navigating civil justice problems, this concluding chapter looks at the potential to move from a system that

individualizes legal problems (and solutions) without addressing underlying conditions of precarity toward more transformative, collective enactments of community power and politics. Taken together, these chapters offer a novel and necessary account of the political economy of the justice gap.

It is not possible to fully comprehend the political causes and consequences of US legal institutions without accounting for the substance, meaning, and effects of access to civil justice. Nor is it possible to fully make sense of the American political economy without considering how civil justice problems and their attendant legal remedies construct political power for people in positions of precarity. Perhaps most important, civil legal benefits and protections are essential mechanisms mediating the relationship between denizens and the state (Michener, SoRelle, and Thurston 2022). As such, a thorough accounting of democratic citizenship in the United States demands recognition of the politics of access to civil justice.

Uncivil Democracy sits at the nexus of several distinct scholarly literatures, contributing to our understanding of access to justice, policy feedback, racial politics, and political economy.²³ Bridging these important but disparate literatures as well as integrating them into bottom-up empirical research on civil legal institutions offers a distinctive account that charts pathways of power in the civil legal system, illuminates the racialized political dynamics of the justice gap, incorporates collective organizing into an account of power building within the civil legal system, and gives primacy to the voices and experiences of people at the proverbial bottom of civil legal power structures.

Uncivil Democracy has critical implications for politics, policies, and people. Policymakers at all levels of government have identified access to justice as a key issue in the contemporary political landscape (although as chapter 4

23. The existing sociological and legal scholarship on access to justice places limited emphasis on political economy or politics more broadly, while the existing American political economy literature in the field of political science is largely devoid of direct insights on civil legal systems. Moreover, the interdisciplinary literature on the political economy of civil law overlooks the racialized, individual-level political consequences of people’s interactions with civil justice institutions. Relatedly, while racialized processes overdetermine civil legal outcomes, research on US racial politics and racialized policy feedback offer little by way of systematic attention to the civil legal domain (Libgober 2025; Michener 2019b; Michener, SoRelle, and Thurston 2022).

demonstrates, those priorities are often contingent on shifts in political administration). In 2023, for the first time ever, the federal government allocated funds for medical-legal partnerships—unique institutional configurations that merge social policy and legal aid. Increasingly popular “right to counsel” efforts continue to gain steam across cities and states (Benfer et al. 2025). Perennial debates on the relationship between the welfare state, courts, and economy are coming into sharper relief than ever, particularly in the aftermath of COVID-19 emergency policies like the federal eviction moratorium and the state moratoriums on civil debt collection cases (Michener 2023c). We offer an analysis of civil justice, power, and democracy that can meaningfully inform these policy debates.

Uncivil Democracy speaks to some of the most salient, pressing, and practically important policy and political issues in the United States. It also points to a path forward. Beyond simply observing the experiences that people have with civil justice problems, civil legal institutions, and the political ramifications thereof, this book foregrounds power and highlights organizing as a pathway to change.

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