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Accounting for personal overindebtedness: Debtors' accounts in applications for debt relief at the Swedish Enforcement Authority

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Abstract

This paper aims to describe and understand the accounts given in applications for debt relief/adjustment in relation to the 'question situation' that overindebted persons stand before in their encounters with Swedish authorities. The analysis is based on the sociology of accounts and is made against the background of previous research on overindebtedness in the Nordic countries. The paper shows that the accounts given by debtors include examples of 'refusals' and 'denials', but mainly comprise narratives and accounts centred around giving 'justifications' and 'excuses' focusing on external circumstances (illness, unemployment, divorce, bankruptcy), helplessness, or a lack of knowledge or intent (others causing the debt, or problems of addiction). The applications also contain some 'concessions', 'pledges' and 'appeals' by which the debtors try to show that they are improving in taking economic responsibility and deserve debt relief. The analysis thereby shows which accounts are considered legitimate, but also that the framing cues defining and delimiting the question situation are too weak to produce uniform forms of accounting. Many applicants for debt relief respond to a wide definition of the question situation – one that relates to self-image and social identity.

Introduction¹

Problems of consumer overindebtedness and bankruptcy are related to the growth of consumer credit capitalism since the 1970s in general, and the de-regulations of the credit markets in the 1980s in particular. The possibility to be discharged of debts through debt relief/adjustment has been legally developed in Europe since the mid-1980s, and the systems for debt relief are continuously reformed to adjust for inaccessibility, disparities and unfairness in treatment, and ineffectiveness (e.g. Kilborn, 2009; Niemi-Kiesiläinen, 1999; Ramsay, 2007).

While the Swedish economy has been recovering from the financial crisis of 2008-9, many households are still in severe and increasing debt problems. Although the increase of indebted persons registered at the Swedish Enforcement Authority (SEA) is coming to a halt at approximately 5 % of the population, the number of applications for debt relief continues to increase (Kronofogden, 2010; SFS, 2006, p. 548; Kilborn, 2006).

Research on overindebtedness and debt relief in the Nordic countries has basically focused on legal changes (e.g. Carlsson & Hoff, 2000; Kilborn, 2006, 2009; Niemi-Kiesiläinen, 1999); aggregated data to explain the causes and effects of overindebtedness (e.g. Dellgran, 2000; Gumy, 2007; Konsumentverket, 2003; Kronofogden, 2008; Niemi-Kiesiläinen & Henrikson, 2005; Tufte, 2004); surveys and interviews on popular attitudes towards debt relief (Tufte, 2005); and interviews to understand the debtors situation and experiences (Jacobsson, 2003;

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Sandvall, 2008; Poppe, 2008). There is less research on the activities of the SEA and on the debtors' encounters with the authorities. Thus, we know quite little about the 'translation' of debtors' situations into official decisions (cf. Ramsay, 2007). An exception is Sellerberg's (2010) work on the accounts of bankrupt entrepreneurs.

There exists, however, much research on stories and accounts that people use in other contexts to explain deviant or improper behaviour to avoid threats to their self-image, status and identity (e.g. Maruna & Copes, 2004; Orbuch, 1997). As stated by Polletta et al. (2011: 123) in their review of the sociology of storytelling, we still 'need to know more about the sources of norms for telling and evaluating stories within institutions...' Thus, there is a value not only from an empirical but also from a theoretical point of view in studying the accounts given by debtors in an institutionalized setting such as the debt relief process.

The aim of this paper is to analyse 'accounts' given in applications for debt relief in relation to the 'question situation' (Mills, 1940) that overindebted persons stand before in their encounters with the authorities; that is, how debtors explain their situation and the origin of their debts when required to do so by the SEA. We thereby attempt both to fill an empirical void in the research on overindebtedness and debt relief and to contribute to the analysis of how accounts are produced and used in institutionalized settings – as part of the overall process of translating experiences and situations into legally binding formal decisions (cf. Latour, 2010; Polletta et al., 2011; Smith, 2005).

The main empirical material analysed consists of 60 applications for debt relief, including some attached letters. The analysis is based on the sociology of accounts and is made against the backdrop of previous research on personal overindebtedness in the Nordic countries. The

analysis of the applications is at points also contextualized by other empirical data from our ongoing research project, primarily interviews with the case officers at the SEA.²

Since our methodology implies working close to the individuals in the studied organisation, they require ethical considerations regarding integrity and openness. We took the following steps to secure ethical reflection in the research process: 1) When initiating the project, it was tried at a Regional Ethical Review Board. 2) Before gathering any data, a short presentation of the purpose and methods was circulated at the SEA, followed by presentations in two interactive video conferences arranged by the SEA. 3) The SEA lawyers took the formal decisions giving us access to case files, and we signed an agreement of secrecy with the SEA covering sensitive personal information from case files. All information that made it possible to track individuals in the files was blackened, and we omitted the names of cities, creditors and employers when citing material from the applications. 4) We informed all participants in interviews and ethnographic observation about the purpose and methods of the project, that it was voluntary to participate, and that they may withdraw their consent at any time. We identified all interviewees and meetings observed, and tried to choose selections of quotations with respect for confidentiality. 5) We presented preliminary versions of our papers at ‘dialogue seminars’ held at the SEA, with video link to all locations, giving the staff and management an opportunity to discuss methods and analyses.

² The project as a whole is influenced by an ‘institutional ethnography’ approach (Smith, 2005). The data consists of organizational documents and field notes from observations at the SEA, as well as 29 interviews with management and staff from all five locations where debt relief is handled in Sweden (17 case officers, 3 lawyers, 7 central/local managers, 2 administrators). The applications for debt relief analysed in this paper are taken from 60 case files selected from all five locations in Sweden. The selection was made by staff at these locations, though following detailed instruction from us in order to achieve as much variation as possible. All data were collected in 2010. All quotes have been translated from Swedish to English by the authors of this paper.

Background: overindebtedness and debt relief in Sweden

It is not only those who are already poor who are struck by overindebtedness; we also find highly educated and previously well off individuals amongst the ranks of overindebted (e.g. Dellgran, 2000; Gummy, 2007; Sellerberg, 2010; Tufte, 2004). Becoming overindebted is for many not only a dramatic economic change, but a situation with consequences for their social identity and status (Poppe, 2008). For others, it is just the final proof of a situation they have been in for years, in some cases so long that they are spoken of as ‘eternal debtors’.

Research shows that overindebted persons often become socially excluded and suffer from shame and bad health (Jacobsson, 2003; Manktelow, 2011; Sandvall, 2008; Poppe, 2008). Despite studies showing that most overindebted persons are struggling to straighten out their situation and carry their own weight, there are strong notions of overindebted individuals as being careless, unreliable and without moral standards (Tufte, 2005; cf. Efrat, 2006).

In Sweden, overindebted persons have the possibility to get help from a municipal Budget and Debt Counsellor to straighten out their economy and apply for debt relief. If the debtor decides to submit an application, the counsellor may ‘coach’ the debtor in completing it (Dellgran, 2000; cf. Schwartz, 2005). From our interviews with case officers it is clear that applications from debtors who have used these services are generally better prepared (Larsson & Jacobsson, 2012).

The main purpose of debt relief is ‘that it shall be rehabilitating; gravely indebted persons shall have an opportunity to solve their economic problems and thereby get a new chance to a

life more liveable and beneficial to society' (SOU, 2004:81, p. 143). The number of persons registered as indebted at the SEA has been around 400,000-500,000 in recent decades – i.e. approximately 5% of the population. The number of applications for debt relief is still increasing, though: from around 5,500 in 2007 to 8,500 in 2011, and the expected number for 2012 is 10,000. In part this last increase is an effect of a legal change in 2011 expanding the possibility to receive debt relief (Kronofogden, 2010; SFS, 2006:548).

The Debt Adjustment Act of 2007 states two general conditions for granting debt relief/adjustment. First, the debtor must be *qualifiedly insolvent*, which implies that 'The debtor is insolvent and so indebted that he or she cannot be assumed to have the ability to pay the debts within foreseeable time' (SFS, 2006:548, 4§; cf. Kilborn, 2006). The second condition is that 'it is reasonable considering the debtor's personal and financial circumstances to grant him or her debt relief' (ibid.). Four aspects are to be considered in this assessment of *reasonableness*, 'the age of the debts, the circumstances of their origin, the efforts of the debtor to fulfil his/her obligations, and the manner in which the debtor has participated in the case handling ...' (ibid.).³ These aspects of reasonableness are assessed both separately and in a joint *overall assessment*.

In the application form for debt relief, the debtors are put in an explicit 'question situation' – implying situations in which an actor is confronted with questions concerning the motives of

³ A legislative amendment in mid-2011 discharged the assessment of the age of the debts from the assessment of reasonableness. However, this has no implication for our analysis, since the material was gathered in 2010. The first Swedish law of debt relief from 1994-2006 encompassed another aspect of the assessment of reasonableness: 'the efforts made by the debtor... to reach an agreement with the creditors on his own'. (SFS, 1994:334, 3§). Such a voluntary agreement was called 'step 1' and it was the municipal Budget and Debt Counsellor's task to help the debtors contact the creditors. This step was, however, omitted in the legislative change of 2007 (Kilborn, 2006; cf. Sandvall, 2008, pp. 49ff.).

action that he or he has to act verbally on; that is, to give accounts for (Mills, 1940, p. 441; cf. Scott & Lyman 1968: 46). The application form requires the debtors to account for their present financial situation, for background details concerning education, employment and family relationships, for when the debts arose, for why they failed to pay, and for what they have done to resolve the situation and pay the debts. The answers to the last two questions are, by definition, accounts.

The sociology of accounts and institutional ethnography

The sociology of accounts was articulated in a paper by Scott and Lyman (1968) on how people explain ‘unanticipated or untoward behaviour’ in order to maintain their social identity and position, and avoid shame or negative social sanctions. They defined an account as ‘a linguistic device employed whenever an action is subjected to valuative inquiry’ (Scott & Lyman 1968: 46). The basic ideas of the paper were influenced by Mills’ take on ‘situated actions and vocabularies of motive’, and the discussion of ‘question situations’ (Mills, 1940, p. 905). Another influence was Goffman’s studies of how people explain and apologize for embarrassing incidents, and how situations are ‘framed’ (e.g. Goffman, 1961). A third influence was the criminological concept of ‘techniques of neutralization’ presented by Sykes and Matza (1957), referring to how individuals explain and justify acts of deviance to avoid negative sanctions by society.

To give an account, thus, implies to explain why something has occurred – e.g. the Enforcement Authority’s inquiries about why one has failed to pay one’s debts and is in need of debt relief. The analysis of accounts has some traits in common with sociological analyses

of narratives and stories, which are occasionally merged in what Polletta et al. (2011) call ‘the sociology of storytelling’ (cf. Orbach, 1997; Maruna & Copes, 2004). Yet it is still reasonable to keep the analytic distinction since the analysis of accounts often focuses on the substance of the arguments whereas the analysis of narratives focuses on their form and structure (Riessman, 1993, pp. 18f.; Smith, 2000).⁴ Although accounts may be ‘storylike’ (Harvey, 2001; Orbach, 1997), their power is not in the causal description or development, but rather in the adjustment to the situation and the audience. In line with Tilly (2006, pp. 32ff.), we might say that accounts are based on conventionally accepted reasons for the occurrence of a situation or action. Accounts are, thus, often produced from a given formula fitting the situation – what Mills speaks of as ‘vocabularies of motives’, which have ‘ascertainable functions in delimited societal situations’ (1940, p. 439).

While Scott and Lyman (1968) discussed only a few classes and types of accounts, subsequent research has identified a large number of types (Maruna & Copes 2004, p. 64; cf. Antaki, 1994, p. 50; Fritsche, 2002; Orbach, 1997; Schönbach, 1990). In performing our analysis we started from a list of 36 types of accounts found in previous research. Since we did not identify all 36 account types and some of them were quite adjacent in the material, we chose to group them into the overall classes of *refusals and justifications*, *excuses* and *concessions and appeals*. In this we were particularly inspired by the ‘ways model’ of account-giving developed by Fritsche (2002), which is an integrative meta-taxonomy of accounts placing different types of accounts into a process of ‘episodes’ or ‘ways in which an actor covers by confessing her guilt’ (Fritsche, 2002, p. 382).

⁴ Becoming overindebted may of course imply longer narratives. For the sake of clarity and space, we have, however, chosen to concentrate on the analysis of accounts in this paper.

The accounts of the overindebted are used at the SEA in producing what Mills (1940, p. 911) calls ‘institutionalized actions’, by processing them through established procedures. Studying such processes is part of what Smith talks about as ‘institutional ethnography’, i.e. studying ‘how people’s activities or practices are coordinated’ in practice, not least through language (Smith, 2005, p. 59). Of particular significance for our case is to study ‘documents in action’: how they are produced, activated, and used in a routine activity of an institution (Smith, 2005, pp. 101ff.; cf. Polletta et al., 2011, pp. 114-118).

In order to reach a decision on debt relief, the accounts given by debtors and other information retrieved from registers have to be ‘translated’ into the codes and categories of the institution; that is, into descriptions or explanations that are produced by professionals through ‘a double conversion: from cause-effect accounts into formulas, and from popular idioms into specialized discourse’ based on formally established categories, procedures and rules – mainly law (Tilly, 2006, pp. 119f.; cf. Hawkins, 1992). The translation of individuals’ accounts into an administrative decision can be made by fitting the arguments into a ‘standardized vocabulary’ (Smith, 2005, pp. 101ff.). This is done by translating and subsuming the particularities of an account or story into the general categories and codes that make it possible to assess it beyond its local context. This means that the various document formats, and their production and function, are basically predetermined, and must as such be relatively independent of the individual officer’s personal beliefs and practices.

This process of ‘objectification’ results in an institutional encoded reality that trumps the individual accounts or stories, ‘making the actual institutionally actionable’ (Smith, 2005, p. 186) – an official and legally binding decision can then be taken. One of the main aims of

institutional ethnography is thus to understand how ‘truth’ is produced in a certain setting – in the legal setting by ‘stringing text and Codes together’ (Latour, 2010, p. 13).

Refusals and justifications

According to Fritsche’s (2002) ‘ways model’ of accounting, the first option for a person exposed to blame to defend him/herself is to delegitimize the accusation, either on the grounds that it never happened, or that the opponent has no right to blame. The only examples of such *refusals* in the applications are statements that the debts ‘no longer exist because they are “fictitious”’ (Case 25) or only ‘alleged’, since they were already fully paid or were just not deleted from the registers of the debt-collecting agency. The main reason that such accounts are unusual seems to be that debt relief is something you voluntarily apply for, which means that the applicant agrees on the existence of debts. We have not studied the process of debt recovery at the SEA, but a study of overindebted individuals in Norway shows that such denials are, for many, part of the process of accepting being overindebted (Poppe, 2008, p. 123).

Although most applicants recognize the debts, there are many ways to deny moral or legal culpability. The justification closest to refusal is the *condemnation of condemners*. Such accounts are more common than straight refusals. In one case, the SEA is accused of making small payments to the bank impossible by levying distraint on the debtor’s income. In other cases such condemnation is directed at the creditors, banks and debt collection companies for refusing to negotiate on deferred payments, applications for voluntary debt adjustment or a composition offer from the debtor. One debtor states that ‘Since the [Bank] in no way... tried

to help me, I do not think I need to accept their weird motivations and threats' (Case 15).

Another example is taken from one of the cases of refusal above:

I have taken legal action against the debt collection companies' deceptive methods, partly to get rid of the faulty demands, and partly to receive damages for those companies' criminal acts, and thus be capable of paying my real debts. (Case 25)

Some cases broaden this condemnation to other authorities for aggravating the debtor's situation: the Social Insurance Agency, courts, as well as the Debt SEA. The most extreme example is the following:

I am a victim of crime from a trustee – and illegally bugged by a police – he sold my condominium at a losing price. And the (bank) lies about the debt.... The debts are not mine I am a victim of crime, check with the debt collection service and the (bank) and with crim (illegible) I have been misdiagnosed and received malpractice, been damaged by psychiatry and been incorrectly (illegible) that the SEA used as an excuse not to grant me debt relief. I have been beaten since I was little by (illegible) authorities and suffered reprisals to be silenced. (Case 53)

Though such accounts may seem less credible, they may be understandable considering the strong feelings of revenge that are often part of the experience of overindebtedness. It is not unusual for overindebted individuals to believe that authorities have contributed to their economic problems due to inconsequential rules or cracks in the coordination of the social insurance and unemployment benefits systems (Sandvall, 2008, pp. 88f.). Conspiracy-like accounts of this kind were also found in interviews with overindebted persons in Norway (Poppe, 2008, pp. 190f.).

Two classical justifications in other research – *denial of injury* and *denial of victim* – are quite absent in the studied applications. However, two other accounts that justify by ‘bypassing’ the norm can be found: *appeal to higher loyalties* and *social comparisons* (Antaki, 1994, p. 50; Fritsche, 2002; cf. Maruna & Copes, 2004; Scott & Lyman, 1968; Sykes & Matza, 1957). The former type is primarily about values, e.g. young and elderly relatives have been prioritized over the interests of creditors. Such accounts may be in an indirect form: ‘it is difficult to cope with all the collection letters for a single parent with three young children’ (Case 2). But they may also be directly stated as causes of the debts: ‘The telephone debts are due to my mother being seriously ill in [Country]’ (Case 13).

I took loans to buy a washing machine, furniture and car ... The economy was extra tight during my studies for 3.5 years (1995-98) when I had two children living at home and it was impossible to pay the debts. (Case 2)

Social comparisons are justifications that aim to make the debt morally and socially acceptable by referring to the fact that others have acted in a similar way. The only explicit case in our material is the following:

I want to point out that we were not the only ones who suffered from the banks’ hysteria of nailing everyone who borrowed money in the late 80s and early 90s. It was the regular people that had to take the beating. At that time I had no problems, but the banks did. Because of that we were many small business entrepreneurs who ran into trouble. (Case 57)

Though this is the only case in our material, Poppe’s interviews with overindebted persons in Norway shows a number of stories with references to the extravagant lending of the 1980s (Poppe, 2008, pp. 183ff.).

Excuses

Whereas *justifications* deny moral or legal culpability, *excuses* are a class of accounts that do not deny that the act or situation is morally wrong. Rather, they deliver arguments that it is excusable since there are mitigating circumstances. Such accounts often refer to *lack of knowledge, helplessness, accidents* or pure *necessity* (Fritsche, 2002; cf. Maruna & Copes, 2004; Scott & Lyman, 1968). There are also similar types of accounts maintaining a *denial of (full) responsibility* by claiming that others were responsible – at least through *joint production* – or by an *appeal to defeasibility*, i.e. that one was incapable of volition due to psychological causes or drugs or alcohol abuse (Antaki, 1994, p. 50; Scott & Lyman, 1968).

Direct excuses referring to a lack of knowledge are quite rare. A number of more indirect referrals to ignorance exist, for example applicants stressing that they are ‘poorly educated’, or were not ‘ready to run a business’. There is also a slightly weaker variant of ignorance, claiming an inability to prioritize, in this case in combination with an appeal to higher loyalties:

I only wanted to help my sick mother who is in (Country). It was war and she was in great need of medicine and medical care. I was not aware that my priorities were wrong and that I should have paid my debts. (Case 43)

Other accounts deny a full or sole responsibility, mainly by claiming that a relative is really the one responsible. Some state that a previous partner or spouse indebted them, thereby denying the full moral responsibility without rejecting the legal responsibility:

It all started when my father got a credit card in my name. I was the only family member who had a permanent income and my dad forged my signature. This was in (year). I was 17 years old then. When I saw no end to these loans I took new loans to solve the old ones. (Case 46)

However, there are also accounts where the debtor approaches a total denial of responsibility, mainly by referring to mental health problems. The most explicit is one where a trustee attached a letter to the application, describing how the debts originated from mental illness and how the debtor's economy for this reason was 'completely out of control' (Case 3).

A rather large number of applications state external causes as explanations, and appeal to *situations of helplessness* or *unfortunate circumstances* as mitigating. As shown in previous research, the major risk factor for becoming overindebted is exposure to not one but several unexpected events such as sickness, death, divorce, unemployment, bankruptcy and addiction (Dellgran, 2000; Gumy, 2007; Niemi-Kiesiläinen & Henrikson, 2005; Poppe, 2008; Sandvall, 2008, pp. 71-82). Not surprisingly then, the most commonly recurring accounts in our study refer to illness or injury. The following is one of many possible examples of this:

My husband died in April -06 and it was a shock. I was (am) still in debt because then two incomes became one. Found it difficult to get on my feet and realize that I alone had to take over all the responsibility. (Case 15)

Events of illness, injury and death are often accompanied by unemployment or incapacity to work, as in this short account of when the debts arose and why: ‘Started 1993-1994. I drove truck between Sweden and (country). Poor profitability and additional workload burned me out completely’ (Case 24).

In addition to illness and unemployment, business bankruptcy is a recurring excuse for debt. As with the aforementioned excuses and justifications, this explanation usually implies that something hit the debtor undeservedly. In several cases, the description is only a few words and little is said beyond that bankruptcy has caused debt, which is exemplified by this short account of when and why the applicant became overindebted: ‘After divorce and business bankruptcy in 1996’ (Case 6). Other cases give quite complex narratives, where bankruptcy is only one of several events that led to debt problems. An initial event had often been followed by divorce, unemployment, illness and drinking problems.

In a number of cases, alcohol and drug problems are a central part of the explanation given. This is a way of giving excusing accounts for not ‘being able’ to pay, or for ‘losing control’ of the economy. Yet this does not mean that the debtor denies responsibility. In fact, some on the contrary explicitly state that they are ‘fully aware’ of their responsibilities. One example is the following account of a difficult combination of psychological disorders and drinking problems, which is not only an *excuse* but a *concession* as well:

During the past 10 years ... my alcohol problems escalated and developed into manifest dipsomania. I could (and can) cope quite well with my depressions and phobias and my anxieties with the help of medication, but my alcoholic relapses, more or less intense, became more and more frequent [...] It was during this alcoholic relapse that I gradually undermined my finances. [...] I want to emphasize that I in no way disclaim from the

responsibility for my financial situation. My mental state is not meant as an excuse but an explanation. (Case 30)

Also, we found two variations of the account-type *defence of necessity* (Fritsche, 2002; Maruna & Copes, 2004). The first refers to the *impossibility* of straightening out the situation and the second to the *necessity* of the expenses causing the debt. The former is often part of accounts where the applicants exclude the history and the origin of the debts – something that in fact is absent in most applications, probably because the SEA primarily is interested in the *direct* causes of the debts. The *impossibility* is often presented as a loss of agency, with referrals to being ‘forced into bankruptcy’, having ‘no possibility of permanent employment’, or simply not ‘being able’ to pay or finding ‘no way out’. Such accounts do not necessarily imply that the debtor feels that he/she is entirely without fault. They are also related to the condition that the debtor must be *qualifiedly insolvent* to obtain debt relief. Some state for example that they have ‘no scope’ or ‘no opportunities’ to pay, or that the amounts ‘exceed my means to pay’. Others explain the existence of new debts in the same manner: ‘the reason for the relatively fresh consumer debts is that the household’s money was insufficient for the running costs of living’ (Case 8). Such accounts are ways of expressing that one is so overindebted that debt relief is the only way out:

I have no assets to sell. I have had a pension since 2004 and have been unable to pay my debts, which originated in (year) when I started my own company. I also took new loans to pay off old debts. My ability to ever be able to pay my debts is non-existent since I have no chance of increasing my income. (Case 45)

The flip side of such impossibility to do anything is the coercive power in the situation, often accounted for as a *necessity* for loans to pay for furniture, housing and food:

I was put on the sick list (date) due to burnout. Our house burned down in (the year before). The insurance

company has always given us trouble; we did not get what we should have got so we were forced to take out a loan to build a new home... (Case 10)

Such accounts referring to necessities are also used when arguing for keeping part of the income free from distraint, or for limiting the repayment amounts. Such limits may be based on the need for transportation, as in the statement that ‘I am in great need of a car since I have hip and knee problems’ (Case 7), or the note written by a case-handling officer after a phone call to get supplemental information from the debtor: ‘The debtor has a truck and states that he needs it to visit his daughter’ (Case 11).

Concessions and appeals

According to Fritsche’s (2002) model, when criticized, promises to improve is a way to ‘bypass’ the blame. Yet we find such promises to rather be part of the class of accounts that do not ‘block’ the criticism, namely *concessions*. Concessions include not only *pledges* – which in fact implicate a moral concession – but also straightforward *acceptance of guilt*, *regret* and *appeals for compassion*.

There are only a few explicit concessions in the applications. Some acknowledge having ‘prioritized wrongly’, or not having fully understood that things were ‘going downhill’, admitting that they should have paid their debts. They are also accounts from debtors’ admitting the legal responsibility but having reservations regarding the moral responsibility, since they actually tried to straighten up:

I am aware that I am legally responsible for the debt that has occurred as a result of my drug abuse. I have tried to carry my own weight as far as possible considering my capacity to pay. (Case 56)

Such confessions border to *pledges*, which are very frequent, not least since it is important for the debtors to show efforts to fulfil their obligations. As noted above, this is part of the assessment of *reasonableness*. Such accounts also signal that the debtor is already in the process of becoming ‘economically rehabilitated’, i.e. becoming able to take responsibility for his/her future economy. Examples are accounts stating that the debtor wants to ‘carry his/her own weight’, that he/she is prepared to ‘do everything I can to get on my feet, economically speaking’, or that he/she now has ‘learned the lesson of my life’, and that ‘from this application onward, I will not incur debts again’.

I've incurred a lot of unnecessary debt over the years. Recently, I have come to realize that I cannot buy more than I can afford. I have not incurred any new debts for about a year. (Case 46)

Pledges of this kind may also be related to rehabilitation of underlying problems that also imply indirect concessions: ‘I am now in control of my panic attacks and am nowadays happy with my wife and kids, and I am employed by my mother; I believe in my future’ (Case 49).

Yet, statements written in response to the request in the application form to ‘Describe what you have done to try to resolve your situation and pay off the debts (for example sold the car, changed residence)’ are the most common form of concessions. Two ‘right’ answers are indicated already by the examples in parentheses, and indeed, these are the most commonly stated efforts: to get rid of the car or to move to a more affordable place to live. Usually the debtors state having done both of these things, and more, to cut their expenses:

I have been living below the subsistence level since 1990. I don't have a car or any other motor vehicle, no TV, no daily newspaper, no Internet, no insurance and no possibility to go on vacation, and I live in an old apartment with two rooms and a kitchen. (Case 26)

A common measure described is that of being subject to distraint on income, and many claim to live below the subsistence level. Some state that there was not even an income to distraint, or that they have chosen an even cheaper place to live – a trailer. Another measure – which was compulsory before 2007 – is that they have made themselves subject to voluntary debt renegotiation with their creditors. Other state that they have borrowed from relatives or friends, or taken more favourable loans, to pay overdue debts and keep things going a little longer.

Excuses and concessions are often supplemented with *appeals for compassion*. Such accounts often express a wish to leave this difficult time behind them, if only to 'get out of debt before it's time to move on', as expressed by an 83-year-old debtor (Case 7). Common elements of such appeals are that a decision on debt relief would have a positive effect on the applicants' health, mentally as well as physically, or that they simply cannot cope any longer. Such claims may be substantiated by references to consequences for their children:

I have many chaotic years behind me. I have been a single mother with two children and I have a severe whiplash injury from a traffic accident (date). [...] I know it's serious that I have received parking tickets and that I have not paid them. My life as a single mother and being overindebted because of my former partner made it difficult to sort out the situation, think clearly and prioritize rightly. My daughters are now adults and I want to try to get my life in order. It is important for my health, both mentally and physically, to straighten out my debt situation. (Case 42)

Many also explicitly express a *wish for a normal life*. It may be that the debts hindered them from having ‘a proper relation’ or, as in the following extract from an application of a pregnant woman with a history of drug problems, from being a good mother:

... considering my past, it feels important that I get the opportunity to re-establish my role as a worthy mother. I am sorry to say that I let down my previous children all too often, because of my addiction and my bad way of living. Now I am faced with the opportunity to show myself and my children that I am a good mother. (Case 56)

Others appeal for a positive decision by claiming that such a decision would be the only ‘right’ one.

The reception and translation of debtors’ accounts

The above analysis of debtors’ accounts is of value as supplements to interview-based research on the experiences of overindebted persons. However, from the approach of institutional ethnography, these accounts are better approached as part of how ‘the actual’ is made ‘institutionally actionable’ (Smith, 2005; cf. Latour, 2010). Thus we need to think of these accounts as ‘documents in action’ that are co-produced and translated by the SEA.

As presented above, the SEA puts the debtor before this specific ‘question situation’ through the application form. The debtor is asked to give information on details regarding when the debts arose, why he/she failed to pay, and what he/she has done to resolve the situation. The ‘audience’ for these accounts is the case officers. They are the ones performing the translation, through the ‘double conversion’ described in the section on institutional

ethnography above, in order to reach a legally binding decision. Thus, it seems reasonable to contextualize the accounts by taking a closer look at the reception and translation of them at the SEA.

The accounts facilitate the assessment of *reasonableness* discussed above. However, the case officers express quite diverging opinions on the value of debtors' accounts and stories. Some state that the assessment of reasonableness is of minor interest if the debtor fulfils the condition of being *qualifiedly insolvent*. Thus, they state, the debtors' accounts are of less importance, and they prefer to stick with the 'raw facts' of the application and information retrieved from registers. Some officers, thus, see no need for detailed accounts. It 'does not matter whether they write really good arguments or no good arguments ...' (Interview 5).

Long descriptions are of less use in the case-handling situation:

... *some* write real, like *A4 pages* about their miseries, and (sigh). It, that is, this is administrative law, whatever is written I must have *read*. I cannot skip it, if they have written it. So it would have been better if it had not been *written*, since they present lots of things that are not relevant in *my assessment*, but the *debtor* does not understand that. So they're in the process of explaining everything, how proper they are and how sad it is for them, but I do not care about it! (Interview 11)

Other officers find it easier to write the proposal and decision if there is some description of the circumstances of the debt, and some emphasize that the condition of *reasonableness* is really 'half of the assessment'. It may be enough just to have a single sentence 'like "I had a company, and the company went bankrupt."' So, I do not know much more' (Interview 2). The reason for this is that the age of the debts is seen as the most important aspect of the assessment of *reasonableness* – as discussed above in the presentation of the Debt Adjustment Act, the age of the debts is the first requirement mentioned in the Act. Still, when assessing

the other aspects – the circumstances of the genesis of the debts, the efforts made by the debtor, and his/her participation in the case-handling – it may be of value to have ‘some kind of, like, little story’ (Interview 13), not least to be able to write a proposal for debt relief to the creditors. It is, however, not *that* important that the accounts are accurate descriptions. As stated by one of the officers, he/she ‘has neither the time nor the role that I have to dig into what is actually true and not’ (Interview 3). They have to ‘weed out the most important’ and look ‘more at what kinds of debts there are’ (Interview 9). Thus, the legal and institutional codes and categories are really the point of departure for writing the proposals and decisions. An illustration is given on how one may treat the question of the debtor’s effort in case handling:

What they have done to sort out their financial situation? [...] I look at my records and see if they have a distraint. Distraint of income. If they do and I *see* that they do not have, kind of, a *really expensive* apartment or a *giant flashy* car [...] I usually write in the proposal that: ‘The person has had a distraint of income, and then he is considered to have made the effort required to, to pay the debts.’ It’s, really, it’s, it’s a little bit stupid since it’s not the *person* who has chosen to have the distraint, so he/she has not made an *active* choice, probably. But *anyway*, you have to, you may *see* it so. (Interview 9)

Irrespective of approach to dealing with debtors’ accounts, the officers emphasize the importance of writing arguments that convince creditors – if only to avoid having to have the matter reconsidered. For this, it is not as important to check that the story is correct, but rather to *interpret* what it says: ‘I do not think that I pay attention to *the way they express themselves*; but I understand that ... there could be anything behind, no matter what is *written*’ (Interview 10). This interpretative skill is a professional one, and one that apparently plays a major role for the outcome. Yet there are also ways to work with debtors’ accounts to separate ‘facts’ and ‘truth’ from what seems to be just ‘a story’:

... If it's like this: 'I had a company that went bankrupt -93, and after that I became ill and sad and have incurred automobile insurance charges', like. If it is like that you see very clearly, then, then I can, then I write it with *my own words*. 'This and this has happened.' But ... sometimes it is this kind of *really incredible* stories [...] Would it be tried in court they would *go through* everything really meticulously, as well. 'What is the evidence, did this and that really happen?' But, but then, I can, it happens that I reproduce, like, their words too, and not just try to write 'It was like this he meant', but rather use, the way they expressed themselves expressed a bit. [...] I do not think I do like quotations marks, I think you get it, like with their tone, a bit. (Interview 3)

To sum up, there is a considerable degree of *discretion* for the case officers in both using these accounts in the assessment and in translating them to an official decision. As shown, the case officers are not that interested in the accounts, and in many cases care quite little about their accuracy. The accounts are rather seen as part of the stock of information on a debtor to be selected from when writing a proposal or decision on debt relief. All in all, quite some translation work needs to be done in order to take the leap from the application to a decision – and this process is unknown to the applicants other than through the 'framing cues' given by the application form or complementary information from Budget and Debt Counsellors or the SEA (cf. Larsson & Jacobsson, 2012).

Conclusions

In this paper we have analysed accounts of overindebted persons in applications for debt relief at the Swedish Enforcement Authority (SEA). As analytical tools we used the sociology of accounts in general, and Fritsche's (2002) process ('ways') model of account-giving in

particular. This model seems well adjusted to such empirical studies, and we only had to make some minor adjustments due to the character of the empirical material.

Empirically, the analysis shows that the debtors' accounts include relatively few examples of *refusals*, while the main bulk of accounts were focused around giving *justifications* and *excuses*. The relative absence of refusals is explained by the fact that debt relief is voluntary, which implicates an acknowledgement of the existence of debts. Among the *justifications*, there were no denials of injury or of victims, which are common in criminological research on accounts (Maruna & Copes, 2004). We did find, however, some condemnation of condemners as well as appeals to higher loyalties and social comparisons. The *excuses* were based primarily on referrals to unfortunate circumstances, helplessness or pure necessity – based on illness, unemployment, divorce or bankruptcy. Other excuses referred to a lack of knowledge or an appeal to defeasibility (i.e. problems of addiction or others causing the debt). It is not surprising that excuses are particularly common in these accounts, since research shows that a combination of unfortunate events are the major factors leading to overindebtedness. The applications also contain some *concessions*, such as acceptances of responsibility and promises to reform, but appeals for compassion as well. Many of these concessions were seemingly produced to show that they were already improving in taking economic responsibility, and therefore deserved debt relief.

These results are valuable in themselves as supplements to interview-based research on the experience of overindebted persons. However, we argue that they should rather be understood from the approach of institutional ethnography (Smith, 2005). That is, the institutional setting in which the 'question situation' is defined is a central aspect of the interpretation of these accounts (Mills, 1940). The applications are 'documents in action', co-produced and

translated by the SEA. The point is that many, if not all, of the accounts are produced to meet the expectations of a specific audience: the SEA. The applicants' accounts and choice of 'framing' are cued by both the application form, and other information from the SEA, and are often co-produced by a Budget and Debt Counsellor. Thus, the applicants have some information on the official frames of the question situation, i.e. what legal codes and administrative practices the case officer relies on when making the translation of the accounts and other applicant information into a formal decision.

From this perspective, we believe that the results show that applicants see external circumstances, lack of knowledge and basic needs as particularly valid reasons for being overindebted. Many also seem to realize the importance of relating to the conditions stated in the Debt Adjustment Act, i.e. of showing that they are *qualified insolvent*, that they have done their best to pay off their debts and that they promise to straighten out their economy in the future. This interpretation is substantiated by the fact that although there are some concessions, there are none of the kind found in interview research, namely that the interviewee confesses to have engaged in over-consumption, or that he/she finds that others, behaving less badly, are really more deserving of debt relief (Sandvall, 2008, pp. 103ff.; Poppe, 2008, p. 197). There may of course be many reasons for the presence of such accounts in some studies, and for the absence of them in others, but one of the important ones is that applying for debt relief is a different type of 'question situation' compared to a research interview.

Still, as shown by the analysis of case officers' experiences of applicants' accounts, the framing cues delimiting the question situation are not strong enough to produce uniform forms of accounting. One reason is that some applications are produced without help from a

Budget and Debt Counsellor. Another is that these counsellors, according to the case officers, give advice of quite varying quality. Regardless, it is obvious that many applicants respond to a much wider definition of the question situation than the one used by ‘the audience’ – one that relates to their self-image and social identity. As discussed in other research, giving accounts and explaining can be about protecting oneself from feelings of shame, guilt, loss of self-esteem, remorse or cognitive dissonance, or trying to restore a social position and re-establish relationships with others by apologizing or verbally bridging the conflict between the expectations of others and one’s own actions (Maruna & Copes, 2004, pp. 18f., 35ff.; McAdams, 2008). Thus, applicants do not only address the narrow frames of the official question situation, but also wish to be forgiven, or at least gain social acceptance of what has happened to them.

In this paper we have only touched upon the process of translation of accounts into official decisions at the SEA. The paper has not considered the full implication of ‘institutional ethnography’ (Smith, 2005).⁵ The point in presenting a condensed analysis of interviews with the case officers was rather to give a slight understanding of the reception of these accounts by their true ‘audience’, and to highlight how these accounts are best approached as ‘documents in action’ that are produced and translated into official decisions. Hence, the contribution of this paper is not only empirical. We also present an important approach to the analysis of accounts – that they must be interpreted in light of the specific ‘question situation’ in which they are produced. This is of course not a new insight, but one that leans on the analytical approach once put forward by Mills (1940, p. 439), stating that ‘vocabularies of motives’ should be understood as having ‘ascertainable functions in delimited societal situations’.

⁵ This is however the aim of the overall research-project. For an overview of the process of case-handling at the SEA, see Larsson & Jacobsson (2012).

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