

FINANCIAL IDENTITY IN THE AMERICAN CREDIT SYSTEM: THE HABITUS OF THE DEBTOR

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INTRODUCTION

"It is often forgotten, but from Plymouth Rock to the present, American dreams have usually required a lien on the future."
—Lendol Calder¹

"The merchant evidently believes the State street proverb that nobody fails who ought not to fail. There is always a reason, in the man, for

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1. LENDOL CALDER, *FINANCING THE AMERICAN DREAM: A CULTURAL HISTORY OF CONSUMER CREDIT* 27 (Princeton Univ. Press 1999).

his good or bad fortune, and so in making money.”
—Ralph Waldo Emerson²

“The specific logic of the social world, that ‘reality’ which is the site
of a permanent struggle to *define* reality.” —Pierre Bourdieu³

Currently, the foundation of contemporary capitalism in the United States is a credit-based economic structure⁴ rooted in eighteenth and nineteenth century borrowing and lending structures.⁵ Today, most large consumer purchases⁶ and transactions are effectuated through credit financing: an individual (the debtor) borrows money from a large financial institution (the creditor) in order to fund a large purchase.⁷ Credit cards are the norm for smaller—but essential—purchases like groceries and gas.⁸ In 2022, the Federal Reserve reported national credit card debt of over \$3 trillion.⁹ With over 75% of American households having at least one,¹⁰ credit cards are the most ubiquitous consumer credit product in the United States.¹¹

At any given moment, most participants in a capitalist economic structure owe a debt.¹² Most Americans who comprise the middle and lower class of the current economic structure are identified as debtors: those who owe a debt on a loan, such as a credit card balance.¹³ The United

2. Jen Sorenson, *Capitalism Is a Harsh Mistress*, CHICAGO READER (Mar. 24, 2005), <https://chicagoreader.com/arts-culture/capitalism-is-a-harsh-mistress/>.

3. PIERRE BOURDIEU, *LANGUAGE & SYMBOLIC POWER* 224 (John B. Thompson ed., Gino Raymond & Matthew Adamson trans., Harvard Univ. Press 1991) [hereinafter, BOURDIEU, *LANGUAGE & SYMBOLIC POWER*].

4. The author recognizes that the current economic structure in the United States does not function as a free market capitalist system in the purest sense. As the author’s former co-author, Ralph Nader, correctly comments, the American economic system is more a form of corporate socialism in that the governmental and political structures work to benefit and protect corporate entities, not people. See generally LINDA COCO & RALPH NADER, *CHILDREN FIRST: A PARENT’S GUIDE TO FIGHTING CORPORATE PREDATORS* (1996).

5. CALDER, *supra* note 1, at 206–08.

6. Large consumer purchases include purchases such as vehicles, homes, and electronics. See Robert C. Kelley, *Big-Ticket Item: What It Means, Examples*, INVESTOPEDIA (Jan. 29, 2023), <https://www.investopedia.com/terms/b/big-ticket-item.asp>.

7. See generally *What Is Credit Financing*, FASTERCAPITAL, <https://fastercapital.com/questions/what-is-credit-financing.html> (last visited Mar. 19, 2022).

8. See Elizabeth Gravier, *Should You Use Credit, Debit or Cash for Everyday Purchases? We Asked an Expert*, CNBC (Nov. 14, 2023), <https://www.cnbc.com/select/cash-debit-or-credit-for-everyday-purchases/>.

9. *The Consumer Credit Card Market*, CONSUMER FIN. PROT. BUREAU 31 (2023), https://files.consumerfinance.gov/f/documents/cfpb_consumer-credit-card-market-report_2023.pdf.

10. Robert Adams, Vitaly M. Bord, & Bradley Katcher, *Credit Card Profitability*, FED. RSRV. BD. (Sept. 9, 2022), <https://www.federalreserve.gov/econres/notes/feds-notes/credit-card-profitability-20220909.html>.

11. *Id.*

12. *Debt*, OXFORD ENGLISH DICTIONARY (2d ed. 1989). n. 1. That which is owed or due; anything (as money, goods, or service) which one person is obliged to pay or render to another: a. a sum of money or a material thing. b. a thing immaterial. c. That which one is bound or ought to do; (one’s) duty. 2. a. A liability or obligation to pay or render something; the condition of being under such obligation.

13. TERESA A. SULLIVAN, ELIZABETH WARREN, & JAY LAWRENCE WESTBROOK, *THE FRAGILE MIDDLE CLASS: AMERICANS IN DEBT* 28 (“Studies of the American population show that

States' current economic order values wealth accumulation and imposes credit upon those lacking financial resources. Debt and debt relations based in contracts are the foundation of the economic order. For the middle class¹⁴ and the precariat in America, debt is a way of life. As David Riesman aptly explains, middle-income Americans are the "debtor class" of the United States' capitalist ordering structure.¹⁵

Within this capitalist ordering structure, an individual's financial identity is created. The credit and debt system mandates individuals to assume a sense of personal responsibility, accept the authority of contracts, and submit to both the discipline of regular payments and the supervision of credit bureaucracies.¹⁶ The credit system's apparatuses are used to control and evaluate individuals' character and conduct within the credit system to shape and determine individuals' access to financial resources.¹⁷ Individual behavior, especially using credit, characterizes the individual's essential nature as a moral actor within the economic and social order. An individual's conduct is a proxy for their creditworthiness.¹⁸

External environmental structures that reflect the credit system's dominant categories of thought form an individual's financial identity.¹⁹ The credit system is the backdrop for discourse that shapes social and cultural understandings of financial matters, and through which social and economic forces and mandates are internalized.²⁰ The predominant model for the United States' financial identity is hegemonic.²¹ Reliance on financing, or payment for consumer goods made in installments, places most Americans (the lower and middle classes) in the debtor class.²² The external regime of the credit system imposes a disciplinary apparatus of "regular payments, the supervision of credit bureaucracies, and ultimately the threat of embarrassment, [and] harassment" when a debtor fails to make payments resulting in repossession, seizure, and bankruptcy.²³ Thus,

Americans determine class identification using many variables, including education, occupation, cultural factors, lifestyle, beliefs and feelings, and income and wealth. In everyday interactions, manners, speech patterns, and dress may be the cues on which most people rely. . . . Americans are more sensitive to affluence as a class indicator than the French are."

14. *Id.* ("The most important point to make about the American middle class is that most Americans believe that they are in it. When asked in an open-ended question to identify their class membership, nearly three-quarters of the adult population of the United States volunteer an identification with the 'middle' or 'average' class. . . . As political scientists Kenneth Dolbeare and Jannette Hubbell assert, 'Middle-class values are by definition those of the American mainstream.'").

15. David Riesman, *Abundance for What?*, 14 BULL. ATOMIC SCIENTISTS 135, 136 (1958).

16. CALDER, *supra* note 1, at 207–08.

17. CALDER, *supra* note 1, at 206–08.

18. *See generally* JOSH LAUER, CREDITWORTHY: A HISTORY OF CONSUMER SURVEILLANCE AND FINANCIAL IDENTITY IN AMERICA.

19. *See generally* BOURDIEU, LANGUAGE & SYMBOLIC POWER, *supra* note 3, at 221–27; CALDER, *supra* note 1, at 206–08.

20. CALDER, *supra* note 1, at 206–08.

21. Nadia Urbinati, *From the Periphery of Modernity: Antonio Gramsci's Theory of Subordination and Hegemony*, 26 POL. THEORY 370, 370 (1998) (explaining Antonio Gramsci's theory of hegemony).

22. CALDER, *supra* note 1, at 206.

23. *Id.* at 207.

the debtor class is taught a form of “regulated abundance”²⁴ within the all-encompassing “iron cage”²⁵ of disciplinary rationalism that regulates the lives of those born into the economic order.²⁶

Credit bureaus’ information gathering and credit reports control an individual’s ability to make a living and survive in the United States.²⁷ Credit reports and credit scores strongly influence whether an individual can find rental housing, gain employment, obtain utilities, purchase a vehicle, buy a home, and attend higher education institutions.²⁸ The credit system can provide individuals with life’s necessities, but as the metal slats of the iron cage shift and tighten with a low Fair Isaac Corporation (FICO) score²⁹ or a poor credit report, an individual’s freedoms and safety are limited or even eliminated.

The current system’s effectiveness is rooted in the American financial identity, which successfully situates individual behaviors, decisions, conduct, and personal control within the instability of the free market capitalist economy. In *Debt for Sale: A Social History of the Credit Trap*, anthropologist Brett Williams questions the internalization and naturalization of this financial identity model by pointing to the larger economic forces that limit the possibilities for and shape decisions available to the individual: “In the face of this rude exploitation, [i.e., employment insecurity, the cultural emphasis on spending money through marketing and advertising, the rising costs of education and healthcare, and the organized credit industry—target marketing, easy credit, and increasing opportunities to use credit in daily life] why aren’t we angry at banks? Why, instead, do we blame debtors?”³⁰ Williams locates the debtor class as part of a wealth structure that relies on credit—debt relations to create profit.³¹

24. *Id.* at 206.

25. MAX WEBER, *THE PROTESTANT ETHIC AND THE SPIRIT OF CAPITALISM* 123 (Talcott Parsons trans., Routledge 1992) (1930) (“This order is now bound to the technical and economic conditions of machine production which today determine the lives of all the individuals who are born into this mechanism, not only those directly concerned with economic acquisition, with irresistible force. Perhaps it will so determine them until the last ton of fossilized coal is burnt. In Baxter’s view, the care for external goods should only lie on the shoulders of the ‘saint like a light cloak, which can be thrown aside at any moment.’ But fate decreed that the cloak should become an *iron cage*.”) (emphasis added); see also CALDER, *supra* note 1, at 29.

26. WEBER, *supra* note 25, at 123.

27. Christy R. Bieber, *Why Is Credit Important?*, CREDITKARMA (June 6, 2023), <https://www.creditkarma.com/advice/i/why-is-credit-important>.

28. See *id.*

29. A FICO (Fair Isaac Corporation, founded in 1956 by Bill Fair and Earl Isaac) score is a cumulative, three-digit number that considers the individual’s payment history, outstanding debt, and number and type of accounts as reported to the largest credit reporting agencies—Equifax, Experian, and TransUnion. Scores range from 300 to 850. Anything above 700 is considered to represent excellent “financial health.” See generally *What is a FICO® Score?*, MYFICO, <https://www.myfico.com/credit-education/what-is-a-fico-score> (last visited Mar. 19, 2024).

30. BRETT WILLIAMS, *DEBT FOR SALE: A SOCIAL HISTORY OF THE CREDIT TRAP* 51 (2004) (alteration added).

31. *Id.* at 33. Williams traces the development of credit and debt relations from the Revolutionary War to the present. She explains that Americans have long relied on credit and gone into debt

Williams' analysis considers the economic relations, historical processes, class structure, and legal order that have created the conditions causing individuals in the United States to find themselves in a sea of *debt*.³² She explores the predatory lending strategy of financial service companies: instead of encouraging productive investments, they offer individuals with low incomes high-interest credit cards, student loans, and mortgages.³³ Williams connects these practices to the fall of the middle class, the elimination of small businesses, the exploitation of college students, and inequalities in the cost of credit for different class groups.³⁴ When debt becomes a problem for an individual, the social collective (including that individual, their friends, and their family) is exceedingly quick to point an accusatory finger—an individual's debt problem must be the result of that individual's poor choices.³⁵ Yet no one places blame on financial institutions.

The first part of this Article describes the origin of the modern credit system and introduces the idea of a distinct financial identity. Part II discusses the American Credit System and the identity of the debtor. Part III uses the theoretical tools of French theorist Pierre Bourdieu, particularly his notion of habitus, to set the stage for understanding how individual debtors internalize the external structures of market capitalism and consumer debt society. Finally, the Article concludes by reemphasizing the consent and replication structures underpinning financial identity oppression in American capitalism.

I. THE MODERN EXTERNAL CREDIT SYSTEM: AN IRON CAGE³⁶

A. *The Origin of Credit Lending and Financial Identities*

The current American credit system is rooted in England's Victorian Era, which saw families going into debt for consumer goods.³⁷ Nineteenth-century households borrowed money from mortgage lenders, pawnbrokers, personal loan lenders, retailers, and private lenders.³⁸ This complex and varied credit system served the needs of borrowers needing financial assistance.³⁹ Middle-class Victorians used the credit system to purchase

during hard times. Williams focuses her analysis on the emergence of the banking industry's systematic marketing of credit cards to individuals beginning in the 1950s and through the greatest marketing campaigns of the 1970s.

32. *Id.* at 1, 4–5.

33. *Id.* at 44, 47, 60.

34. *Id.* at 126.

35. *Id.* at 128.

36. WEBER, *supra* note 25, at 181. (“This order is now bound to the technical and economic conditions of machine production which today determine the lives of all the individuals who are born into this mechanism, not only those directly concerned with economic acquisition, with irresistible force. Perhaps it will so determine them until the last ton of fossilized coal is burnt. In Baxter's view, the care for external goods should only lie on the shoulders of the ‘saint like a light cloak, which can be thrown aside at any moment.’ But fate decreed that the cloak should become an *iron cage*.”) (emphasis added).

37. CALDER, *supra* note 1, at 31–32.

38. *Id.* at 38.

39. *Id.* at 58.

consumer goods and maintain their middle-class lifestyle.⁴⁰ They improved their living standards by buying furniture, housewares, machines, musical instruments, stoves, clothing, jewelry, and other commodities to adorn their homes on credit.⁴¹ Commentators described the financial reality of the middle class as “the poverty of the middle class”—the middle class standard of living was based on installment payments out of future income.⁴² In 1873, labor leader Ira Steward commented, “Has not the middle class its poverty? . . . Very few among them are saving money. Many of them are in debt; and all they can earn for years, is, in many cases, mortgaged to pay such debt.”⁴³

The credit revolution was solidly part of the modern American way of life by the late 1800s and early 1900s, with installment lending offered to Americans to purchase sewing machines, farm equipment, furniture, pianos, clothing, and automobiles.⁴⁴ Contrary to the golden age of economic virtue myth,⁴⁵ using credit to purchase family and household goods was commonplace in the nineteenth century.⁴⁶ By 1858, private individual and family indebtedness was about \$1.5 billion, or \$300 per household.⁴⁷ This amount increased to nearly \$30 billion for private individual and family household indebtedness by 1888.⁴⁸ In the 1890s, the census estimated that each American household had about \$880 of debt with an average annual income of about \$475.⁴⁹

From the early 1900s until 1930, the practice of financing consumer goods expanded enormously.⁵⁰ By the 1920s, widespread acceptance cemented consumer financing as a fixture in American economic life.⁵¹ By 1924, the total national retail auto installment credit reached \$670 million.⁵² By 1929, the retail installment debt reached about \$7 billion.⁵³ Post-World War II years saw a marked increase in the credit industry, providing the necessary capital for consumer goods.⁵⁴ Some argue that the credit era truly began in the 1950s.⁵⁵ And yet, the birth of the notion of America as

40. *Id.*

41. *Id.* at 59–60 (“[A]n increasing number of families [bought] the goods that defined a middle-class life: furniture sets, pianos, encyclopedias, books. Furniture deals sold sets averaging seventy-five to one hundred dollars on terms, generally, of 10 percent down and payments for up to eighteen months.”).

42. *Id.* at 58–59.

43. *Id.* at 59.

44. *Id.* at 111, 203.

45. *Id.* at 23.

46. *Id.* at 39.

47. *Id.*

48. *Id.*

49. *Id.* at 40.

50. *Id.* at 157.

51. *Id.* at 183.

52. *Id.* at 184.

53. *Id.* at 201.

54. *Id.* at 292–93.

55. *Id.* at 16–17 (“The credit era is often said to have begun in the 1950s, and not without reason. As I saw in my attempt at graph marking, consumer credit swelled tremendously between 1945 to 1958, dwarfing earlier expansions.”).

a “consumer society” was announced in the 1970s; modern capitalism took root in mass production, mass marketing, and mass finance.⁵⁶ By the 1970 to the 1980s, the financialization of the average person’s life became all encompassing; the average person had or strove for a mortgage, student loans, a car payment, and credit cards for daily purchases.⁵⁷

With billions of dollars owed on consumer credit accounts, regulated and rational financial conduct became the norm.⁵⁸ Lower- and middle-income individuals continued to spend their future income to purchase and use consumer goods immediately.⁵⁹ With this practice, over time “the modern concept of financial identity emerged . . . in the handwritten ledgers, credit rating books, and consumer records of credit reporting organizations.”⁶⁰ The hand-tallied financial identity soon gave way to an increasingly centralized, impersonal, and machine-generated personal financial identity.⁶¹ As the modern credit system trapped Americans in ever more complex relations of debt bondage, it also delivered their financial identities into the “bonds of institutional surveillance.”⁶²

B. Rational Financial Identity and Social Contract

Contrary to the medieval emphasis on the divine and the denial of the individual, John Locke writes that all individuals have natural rights based on natural laws.⁶³ Rather than existing within the group’s rules, each particular individual can discover their place according to natural law and through reason.⁶⁴ Yet Locke clearly states that this ability to reason and discover natural law is *not* the freedom and liberty to do whatever one likes, live as one pleases, and not be bound by the social contract.⁶⁵ The social contract connects a rational individual with other rational individuals to form the social group.⁶⁶ Individuals have power, freedom, and property because of the rationality and legitimacy of the social contract.⁶⁷

For Locke, the social contract is legitimate and enforceable because it is based on certain known and agreed-upon principles and

56. CALDER, *supra* note 1, at 11–12 (“This notion of a national ‘fellowship of consumers’ was itself a thinner version of a sociological concept introduced in the 1970s—‘consumer society.’ As Daniel Bell and others described it, the edifice of consumer society rests squarely upon the pillars of three social inventions: mass production, mass marketing, and mass finance, or consumer credit.”).

57. Justin Sean Myers, *Neoliberalism, Debt and Class Power*, in CLASS: THE ANTHOLOGY, 337, 344 (Stanley Aronowitz & Michael J. Roberts eds., 2018) (“The massive financialization of daily life since the 1970s—home, education, medical care, clothing, food, car—signaled the movement of credit from the background to the foreground, from a supplement of wage-income to the primary mechanism maintaining accumulation.”).

58. CALDER, *supra* note 1, at 157.

59. *Id.* at 156.

60. LAUER, *supra* note 18, at 272.

61. *Id.*

62. *Id.*

63. JOHN LOCKE, TWO TREATISES OF GOVERNMENT AND A LETTER CONCERNING TOLERATION 3 (Ian Shapiro ed., Yale Univ. Press 2003).

64. *Id.* at 26.

65. *Id.* at 37–38.

66. *Id.*

67. *Id.*

relationships—in exchange for protection from the government, the rational individual offers obedience and support to the social collective.⁶⁸ It is not arbitrary or the result of despotism. Unlike the ranked status structure of medieval times, individuals can determine their position in the world based on personal abilities⁶⁹—the individual becomes, as Alexis de Tocqueville describes, the master and creator of their own life.⁷⁰ Collections of independently-reasoning individuals compose the social whole⁷¹ and as a result, the individual and individual action becomes the focus of the policy and the structures of what is called Western or *bourgeois law*.⁷²

Unsurprisingly, contract principles and theory are the basis of modern American law, the economic order, and societal norms.⁷³ In *Born Losers: A History of Failure in America*, which is about financial failure in 1841–1843, historian Scott Sandage writes:

Contract was the framework of achieved identity; by his own toil and acumen, any free man could make deals to advance himself. Hence, “nobody fails who ought not to fail.” The law’s proper role was to preserve liberty of contract unfettered and to refrain from hindering its exercise. Massachusetts Chief Judge Lemuel Shaw . . . was the central force in raising “the paradigm of contract to its supreme place in nineteenth century legal thought.” . . . [A]fter the Civil War, contract brought forth a new ideal of freedom: every citizen an entrepreneur. In theory, every man . . . enjoyed unfettered choices to sell his labor for wages . . . to incur *debts* or not.⁷⁴

Individualism and freedom join in the ability to contract within the American economic order; individual men come to view themselves and others as responsible for contracting in the marketplace.⁷⁵ The idea was that individuals could make wise decisions for personal economic progress or choose debt.⁷⁶

The decisions a person makes, the credit relationships they create, and their outcomes reflect the person’s internal character. Sandage explains that into the nineteenth century, a person’s character traits became a marker of the person’s financial identity.⁷⁷ In the twentieth century, these traits became viewed as a part of a person’s psychology.⁷⁸ This

68. *Id.*

69. *Id.* at 44.

70. ALEXIS DE TOCQUEVILLE, *DEMOCRACY IN AMERICA: VOLUME 2*, at 95 (Vintage Classics 1990).

71. LOCKE, *supra* note 63, at 44.

72. See generally Jane F. Collier, Bill Maurer, & Liliana Suarez-Navaz, *Sanctioned Identities: Legal Constructions of Modern Personhood*, in 2 *IDENTITIES: GLOBAL STUDIES IN CULTURE AND POWER* 1, 1–2 (1997).

73. SCOTT A. SANDAGE, *BORN LOSERS: A HISTORY OF FAILURE IN AMERICA* 64 (2006).

74. *Id.* at 63–64 (emphasis added).

75. *Id.* at 66.

76. *Id.* at 64.

77. *Id.* at 9–11.

78. *Id.*

internalization of the individual financial identity is most apparent in the Great Depression.⁷⁹

Sandage's accounts from the 1920s and 1930s are replete with descriptions of personal character and personality flaws related to credit and debt behaviors.⁸⁰ During the Great Depression of 1929, numerous individuals took their lives to avoid the shame of a failed financial identity.⁸¹ Sandage writes that "[o]urs is an ideology of achieved [financial] identity," and financial failure is an imputed deficiency of self.⁸² The capitalist system's volatility is attributed to individuals' beliefs, actions, and behaviors rather than to the economy's cycles.⁸³ The model of financial identity was further developed and was reified in the late twentieth and early twenty-first centuries.

C. Credit Reports and FICO Scores: The Creation of Modern Financial Identities

In the twenty-first century, financial identity in contemporary society is no longer determined by the individual's reputation in a local marketplace or community in face-to-face transactions; instead, it is calculated based on third-party data.⁸⁴ Numbers and reports controlled by corporations determine an individual's financial identity and moral character.⁸⁵ Financial failures and successes are now measured by credit scores emanating from three primary credit reporting agencies: Equifax, TransUnion, and Experian.⁸⁶

Each of these corporations collects and compiles certain financial information on individuals, including aliases, birthdays, ten years of addresses, employment history, all credit card accounts, mortgage accounts, car loans, and sometimes, family members' names and social security numbers.⁸⁷ The agencies keep track of all activity on the credit accounts: payment history, late payments for up to ninety days, any payoffs, account closings, new credit applications, comments by the lender, and more.⁸⁸ This compilation of information marks the economic and social standing of the individual.⁸⁹ As the National Association of Credit Managers president stated in 1918, "Let us preach the doctrine that credit is character, and

79. *Id.* at 6.

80. *Id.* at 258–263.

81. *Id.* at 260.

82. *Id.* at 265.

83. *Id.* at 260–62.

84. LAUER, *supra* note 18, at 270–72; CALDER, *supra* note 1, at 19–20.

85. LAUER, *supra* note 18, at 272–73; CALDER, *supra* note 1, at 20.

86. *FDIC Consumer News - Winter 2018 Consumers*, FDIC, <https://www.fdic.gov/consumers/consumer/news/cnwin18/creditreports.html> (last visited April 2, 2024). A fourth credit reporting agency exists to whom the other three report. This agency is not accessible by the individual consumer. Banks and other large corporate lenders have access to the data. See Jamela Adam, *What Is Innovis?*, *BUS. INSIDER: PERS. FIN.* (Feb. 12, 2024, 11:48 AM), <https://www.businessinsider.com/personal-finance/what-is-innovis>.

87. LAUER, *supra* note 18, at 262.

88. See generally LAUER, *supra* note 18.

89. *Id.* at 155.

that a person who willfully abuses his credit and refuses to heed the warning must become an outcast”⁹⁰

Rather than interaction in a local community, credit reports and FICO scores now indicate an individual’s financial actions, behaviors, and decisions in the marketplace. This report determines whether an individual is perceived as behaving responsibly. In turn, the reports and scores dictate the transactions an individual can engage in, including their ability to rent an apartment, purchase a vehicle, buy real estate, get a checking account, have utilities, and, increasingly, obtain employment.

The regulating forces of an individual’s FICO score-determined identity are then used in the larger rationalizing structures of government, which in turn generate and recreate the structures and practices of marketplace principles. The FICO score is part of the collective rational technologies of self-regulating and replicating financial identity. Social interaction is generated and regenerated by rationalizing technologies in the marketplace requiring a financial identity. According to theorist Nikolas Rose,

At many times and places, and more or less consistently in Europe and the United States since at least the middle of the eighteenth century, those seeking to exercise power have sought to rationalize their authority, and these projects of rationalization have a systematicity, a history and an effectivity. Each such project or strategy of rationalization, in the name of the market, in the name of the social, in the name of the liberty of the individual, is a strategy to intervene, whether in thought or in reality, upon a set of messy, local, regional, practical, political and other struggles in order to rationalize them according to a certain principle.⁹¹

Credit reports are uniform, efficient, and bounded. Credit reporting agencies assign values to particular financial information according to internal criteria to produce and assign individuals with a credit score. Credit reports and scores create regularity and coherency. Individuals are identified and separated, and their complex, incoherent financial lives are reduced to a number. According to market principles, the credit report represents certain financial and moral behavior indicators. The definition of a consumer credit report in the Fair Credit Reporting Act further reinforces this dominant financial identity:

(1) In general. The term “consumer report” means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer’s credit worthiness [creditworthiness], credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in

90. *Id.* at 126 (citing Sidney E. Blanford, *National Unity in Business*, 7 CREDIT WORLD 19 (1918)).

91. NIKOLAS ROSE, POWERS OF FREEDOM: REFRAMING POLITICAL THOUGHT 28 (2001).

establishing the consumer's eligibility for—(A) credit or insurance to be used primarily for personal, family, or household purposes.⁹²

An individual's credit report and score, by definition, renders the individual's "character," "reputation," "mode of living," and "personal characteristics" for the credit system. As one debtor commented, "A FICO score is some company taking your life—certain things about it—and places a number on it."⁹³ The external apparatuses of credit bureaus, FICO scores, credit monitoring and reporting, credit applications, and contracts for credit all shape individuals' financial identity in the United States. Credit reports and FICO scores are powerful because individuals and institutions believe in their power. American individuals are obsessed with their credit score because it means freedom in the marketplace.⁹⁴ An individual's survival ability in the twenty-first century is subject to the credit evaluations found in the FICO score.

II. THE AMERICAN CREDIT SYSTEM: IDENTITY OF THE BANKRUPTCY DEBTOR

A "debtor" in the American credit system is both a legal category and a social category. In the economic and social order of late capitalism, being identified as owing a debt (i.e., a debtor) is necessary for participation in the credit system.⁹⁵ It is a fundamental ingredient of the normative financial identity. Debt obligations regulate individuals' everyday decisions, conduct, and behaviors. Owing a debt imposes significant social and economic controls on individuals and their relationships with one another and with financing institutions. French sociologist Marcel Mauss in *The Gift* explains how debt and repayment become productive of an individual's identity and position in the social world.⁹⁶ When a gift (a debt) is not returned, Mauss writes, "[t]he individual unable to repay the loan or reciprocate the potlatch loses his rank and even his status as a free man."⁹⁷

92. 15 U.S.C. § 1681a(d)(1).

93. Interview with Susan, Debtor, in Cal. (July 9, 2004) (Your credit has so many errors "because a computer generates the report and the score. Once you have something on the report, it is so hard to fix it. There are many reasons why a person could have a bad score. A friend of mine is from Canada, which makes her a risk, so her credit score is lower. And I have two friends who are shopoholics, and they have both declared Chapter 7 bankruptcy, and they get loans like crazy. It is just weird.").

94. In a recent article commenting on the home mortgage crisis, Barbara Ehrenreich writes about debtor suicides. As a result of the adjustable-rate mortgage, many homeowners can no longer afford their homes. They are forced into foreclosure. Under the stress of losing everything they have worked for; homeowners are taking their lives. Barbara Ehrenreich, *Suicide Spreads As One Solution of the Debt Crisis*, SOCIALISTVIEWPOINT (July 29, 2008), https://www.marxists.org/history/etol/news-pape/socialist-viewpoint-us/sepoct_08/sepoct_08_17.html.

95. Riesman, *supra* note 15.

96. MARCEL MAUSS, THE GIFT: THE FORM AND REASON FOR EXCHANGE IN ARCHAIC SOCIETIES 45–46 (W.D. Halls trans., 1990).

97. *Id.* at 42.

As a legal category in the United States Bankruptcy Code and in the Bankruptcy Court's process,⁹⁸ a debtor is defined as a person who files a case under Title 11 of the Bankruptcy Code.⁹⁹ The Bankruptcy debtor's identity under the law is associated with practices in the bankruptcy process. The textual creation of the individual "debtor" found in the Bankruptcy Code is interpreted by the Supreme Court to mean that only the moral individual debtor is eligible for the bankruptcy discharge. The Court has manifested the dominant discourses of rational/free behavior and punishment/forgiveness in this pronouncement. The Supreme Court discusses the "social policy" behind the notions of an acceptable individual consumer debtor and an unacceptable individual consumer debtor.¹⁰⁰ The standard it articulates does not relate to the corporate or institutional debtor. In the 1934 Supreme Court opinion, *Local Loan Co. v. Hunt*,¹⁰¹ the Court articulated the standard for the eligible individual debtor in bankruptcy.¹⁰² The Court stated that only the "honest, but unfortunate debtor" is eligible for the bankruptcy discharge of burdensome debts.¹⁰³ In a recent case, *Marrama v. Citizens Bank of Massachusetts*,¹⁰⁴ the Supreme Court found that a Chapter 7 debtor who had transferred his real property on the eve of bankruptcy to avoid his creditors lacked the required honesty.¹⁰⁵ The Court denied him the protections of the Bankruptcy Code.¹⁰⁶

In the bankruptcy system, the debtor is viewed as one who has transgressed the codes of economic participation (found in the tenets of the model financial identity in America) and "violated the delicate balance in his financial life between the assets and cash he has and the debts he owes. [The debtor] is a person who is not responsible with his finances; he has irresponsible spending habits."¹⁰⁷ In situations where the normative conduct falters, rather than understanding an individual's failure to pay as being the result of circumstances beyond their control, the individual is viewed as unable to regulate their conduct and return what the social order requires them to.¹⁰⁸ It then falls to the individual to regulate and adjust their conduct, or experience ongoing social stigmatization.

98. See Linda E. Coco, *Disciplining the Financial Failure: An Exploration of Bankruptcy Law As an Active Discourse in Market Capitalism*, 15 WYO. L. REV. 107, 116–17 (2015).

99. 11 U.S.C. § 101(13) ("The term 'debtor' means [a] person or municipality concerning which a case under this title has been commenced." The focus in this article is on the human person who is a debtor.)

100. *Loc. Loan Co. v. Hunt*, 292 U.S. 234, 244–45 (1934).

101. 292 U.S. 234, 245 (1934).

102. *Id.*

103. *Id.* at 244.

104. 549 U.S. 365, 375 (2007).

105. *Id.* at 372–74.

106. *Id.* at 374.

107. Interview with Jane, Attorney, in San Jose, Cal. (Nov. 2007).

108. NORBERT ELIAS, *THE CIVILIZING PROCESS: SOCIOGENETIC AND PSYCHOGENETIC INVESTIGATION* 366–67 (Eric Dunning, Johan Goudsblom, & Stephen Mennell eds., Edmund Jephcott trans., 2000).

III. HABITUS OF THE DEBTOR: EXTERNAL CREDIT SYSTEM INTERNALIZED

An individual is “a sentient being of flesh and blood inhabited by historical necessity who is enmeshed in the world by an opaque relationship of ‘ontological complicity’—or enmity . . . and who is bound to others from within through the ‘implicit collusion’ fostered by shared categories of perception, appreciation and action.”—Loïc Wacquant.¹⁰⁹

Human action originates from individual agency and free choice, on the one hand, and from an internalized interaction with the existing and external social structures within which individuals develop and grow on the other. An individual’s life is a continuous unfolding of time and space within a particular set of economic positions and social relationships in the social world. The individual’s internal structures map onto the external structures, and vice versa.¹¹⁰ This process is generative of the social world and productive of the individual.¹¹¹ French theorist Pierre Bourdieu explains that the habitus is a system of durable, transposable dispositions, “structured structures predisposed to function as structuring structures”¹¹²

For a social and economic order to have salience, actors must (mis)recognize¹¹³ it as the only natural and legitimate way to live, assume they understand it, and consider it relevant to their daily lives.¹¹⁴ To the extent that any social structure or order is arbitrary in that numerous forms of ordering humans exist and have existed, it cannot be perceived as random.¹¹⁵ It must resonate with individual lives and fit with what actors know about the social world.¹¹⁶ The slow process of inculcation is the

109. Loïc Wacquant, *A Concise Genealogy and Anatomy of Habitus*, 64 SOCIO. REV. 64, 68 (2016).

110. CHRIS RICHARDSON & HANS A. SKOTT-MYHRE, HABITUS OF THE HOOD 11 (2012) (“Habitus is a way of seeing and acting that links certain groups in society. While all individuals form a habitus, this acquired skill set is not always the same. The experiences of one resident in one neighborhood can be very different from a resident of another neighborhood, even within the same city. What one sees and looks for may be completely different.”).

111. Wacquant, *supra* note 109, at 67 (“Habitus supplies at once a principle of sociation and individuation . . .”).

112. PIERRE BOURDIEU, THE LOGIC OF PRACTICE 53 (Richard Nice trans., 1990) [hereinafter BOURDIEU, LOGIC OF PRACTICE].

113. BOURDIEU, LANGUAGE & SYMBOLIC POWER, *supra* note 3, at 111–13 (“The specificity of the discourse of authority (e.g., a lecture, sermon, etc.) consists in the fact that it is not enough for it to be *understood* . . . , and that it exercises its specific effect only when it is *recognized* as such. . . . By focusing exclusively on the formal conditions for the effectiveness of ritual, one overlooks the fact that the ritual conditions that must be fulfilled in order for ritual to function and for the sacrament to be both *valid* and *effective* are never sufficient as long as the conditions which produce the recognition of this ritual are not met: the language of authority never governs without the collaboration of those it governs, without the help of the social mechanisms capable of producing this complicity, based on misrecognition, which is the basis of all authority.”).

114. PIERRE BOURDIEU & JEAN-CLAUDE PASSERON, REPRODUCTION IN EDUCATION, SOCIETY AND CULTURE 5 (Richard Nice trans., 1977).

115. *Id.* at 8.

116. *See id.* at 5–9; RICHARDSON & SKOTT-MYHRE, *supra* note 110, at 12 (“The fact that people within various communities tend to share values, practices, and beliefs means that our experiences

central manner in which the dominant visions and impositions of difference in the social and economic order resonate with the lives of individuals, which creates transformations in the individuals.¹¹⁷ Bourdieu identified this process as *pedagogic work*.¹¹⁸ Pedagogic work produces actors who are transformed and imprinted over time by the circumstances and conditions of their lives within society.¹¹⁹ Pedagogic work requires that agents (mis)recognize it as legitimate and valid invocation by the dominant power.¹²⁰

The workings of the social order (symbolic violence), from conscious learning to unconscious imprinting on the body, fundamentally alter how its workings must be confronted and understood.¹²¹ Bourdieu locates the imposition of social orders in the body; systems become a somatized existence of bodily knowledge.¹²² They function below the level of consciousness, generating preferences, desires, drives, and behaviors.¹²³ The social and economic order is the “passion[] of the dominated habitus (whether dominated in terms of sex, culture, or language), a somatized social relationship, the law of the social body converted into the law of the body”¹²⁴

The analysis of this process must originate with the body as the body is born, shaped, and developed in the objective, historical structures of the social world.¹²⁵ Loïc Wacquant describes the distinction between the

within a certain space are often similar enough to create a sort of group habitus. Bourdieu argues that habitus presupposes a ‘community of “unconscious [sic].”’ Each collective habitus is a product of events and circumstances that become naturalized and therefore unrecognized (i.e., unconscious) in the minds of community members. O-dog is no more natural than the law-abiding, affluent, white person we hypothesized above. The only thing that is natural is the ability to form a habitus in which members of a community act in a sort of ‘regulated improvisation.’”

117. See BOURDIEU & PASSERON, *supra* note 114, at 7–8.

118. *Id.* at 31 (Pedagogic work is “a process of inculcation which must last long enough to produce a durable training, i.e. a habitus, the product of internalization of the principles of a cultural arbitrary capable of perpetuating itself after [pedagogic action] has ceased and thereby of perpetuating in practices the principles of the internalized arbitrary.”).

119. *Id.*

120. *Id.*

121. *Id.* at 36.

122. *Id.*

123. See *id.*; RICHARDSON & SKOTT-MYHRE, *supra* note 110, at 11 (“The habitus of the hood plays a crucial role in teaching residents what is and is not acceptable, achievable, and dreamable [sic]. It ‘makes coherence and necessity out of accident and contingency,’ writes Bourdieu. Habitus naturalizes the attitudes and behaviors of residents in particular areas, street corners, and meeting places and makes them appear natural, as if they were innate parts of our being. Habitus can also make certain practices seem inherent to the spaces in which they occur, as if these practices were only possible in these spaces and other possibilities for acting are out of the question. This aspect of culture, as situated in geography, is often confused for nature. Bourdieu’s concept allows us to recognize that these ‘essential’ practices are the result of experiences, mediations, representations, and dialogues that have taken shape within these spaces. It is a ‘nature’ that must be constantly reiterated as ‘natural.’”).

124. See PIERRE BOURDIEU, PASCALIAN MEDITATIONS 179 (Stanford Univ. Press, 2000) [hereinafter BOURDIEU, PASCALIAN MEDITATIONS] (discussing the twofold naturalization and its effects); RICHARDSON & SKOTT-MYHRE, *supra* note 110, at 11–12 (providing an illustrative example of this habitus principle).

125. PIERRE BOURDIEU, OUTLINE OF A THEORY OF PRACTICE 78 (Richard Nice trans., Cambridge Univ. Press 1977) [hereinafter BOURDIEU, OUTLINE]; see BOURDIEU, PASCALIAN

primary and secondary habitus in his training as a pugilist.¹²⁶ The primary habitus emphasizes childhood as the site of the production of the habitus' primary structures, which are the basis of perception and appreciation of all subsequent experiences.¹²⁷ Because "practical estimates give disproportionate weight to early experiences," agents must internalize the appropriate schemes of perception and dispositions at early stages to render them capable of recognizing and comprehending the symbolic meanings, order, and power.¹²⁸ The earlier work of inculcation transforms the agent's libido and produces a permanent disposition.¹²⁹

A. Layers of the Individual Habitus: Primary and Secondary

The inculcation of the primary habitus¹³⁰ is the first frontier imposing the dominant categories of thought (i.e., Bourdieu terms the visions and divisions) about the social world onto individual social actors.¹³¹ The individual learns the characteristics and boundaries of their position vis-à-

MEDITATIONS, *supra* note 124, at 165; RICHARDSON & SKOTT-MYHRE, *supra* note 110, at 12; Wacquant, *supra* note 109, at 66–67 ("As individual and group history sedimented in the body, social structure turned mental structure and sensorimotor engine, habitus may be thought of by analogy to Noam Chomsky's 'generative grammar', which enables speakers proficient in a given language to produce proper speech acts unthinkingly according to shared rules in inventive yet predictable ways . . . But, unlike Chomsky's grammar, (i) habitus encapsulates not a natural but a *social* aptitude which is for this very reason variable across time, place, and most importantly, across distributions of power; (ii) it is *transferable* to various domains of practice, which explains the rough coherence that obtains, for instances, across realms of consumption—in music, sports, food and furniture, but also in marital and political choices—within and amongst individuals of the same class and grounds their distinctive lifestyles; (iii) it is enduring but *not static or eternal*: dispositions are socially mounted and can be eroded, countered or even dismantled by exposure to novel external forces . . . ; (iv) yet it is endowed with *built-in inertia*, insofar as habitus tends to produce practices patterned after the social structures that generated them, and because each of its layers operates as a prism through which later experiences are filtered . . .").

126. LOÏC WACQUANT, *BODY AND SOUL: NOTEBOOKS OF AN APPRENTICE BOXER* 126 (1st ed. 2004).

127. BOURDIEU, *OUTLINE*, *supra* note 125, at 78; *see* BOURDIEU, *PASCALIAN MEDITATIONS*, *supra* note 124, at 164–66.

128. *See* sources cited *supra* note 127.

129. BOURDIEU, *PASCALIAN MEDITATIONS*, *supra* note 124, at 164–66.

130. Wacquant, *supra* note 109, at 68 (stating that "the primary habitus, acquired in early childhood through osmosis in the familial microcosm and its extensions, and the *secondary habitus*, grafted later onto the latter by the specialized pedagogical labour of the school and other didactic institutions (a boxing gym, a painter's studio, a religious sect, a political party, etc.). The result is a compromise formation that dynamically articulates generic and specific dispositions across the life cycle into an operative set of schemata."). The layers of habitus based on these models oddly appear to assume only an ordered structuring structure rather than a disorganized structuring process. Wacquant problematizes this issue stating that "habitus is *not necessarily coherent and unified*." *Id.* Bourdieu explains that the primary habitus (i.e., the bottom layer of the cake) is formed from birth in a somewhat complex process of searching for recognition or leaving behind self-love and seeking the love of others. In the development process, the child learns from interaction with the parent(s) the difference between self and other. The child learns that they are separate from the parent(s) and an object to them. The child begins to understand that others perceive them and perceives others who are objects of them. At the point of this realization, the child begins to seek recognition from others and, in this process, attempts to "take the point of view of others on himself, to adopt their point of view so as to discover and evaluate in advance how he will be seen and defined by them." Bourdieu explains that this process is at the root of social recognition. Seeking distinction is the basis of learning social difference and power, and it is through this process of recognition that the agent grasps their objective position in social space. *See* BOURDIEU, *PASCALIAN MEDITATIONS*, *supra* note 124, at 164–66.

131. *See* BOURDIEU, *PASCALIAN MEDITATIONS*, *supra* note 124, at 164.

vis others.¹³² They learn what is possible and impossible through rewards and punishment doled out by the objective structures and other actors.¹³³ Most significantly, the individual learns what they can expect, what to hope for, and what is totally out of reach.¹³⁴ This imposition of vision of the social world roots itself deep in the somatic structures of the body and emotions; it is a *practical sense*.¹³⁵ The individual effectively responds to the order of difference imposed by the dominant vision because they are consistently exposed to that order.¹³⁶

The process of seeking recognition that underpins the development of the individual's primary habitus, or practical sense, is replicated in other arenas of the social world.¹³⁷ Secondary habitus (i.e., upper layers of the cake) is learned in the educational system and follows similar inculcation processes focusing on recognition.¹³⁸ An individual seeks recognition from others, so they are inculcated with dominant categories of thought (i.e., visions and divisions) taught by the educational institutions.¹³⁹ The visions and divisions of the objective structure of that field are imposed on the individual.¹⁴⁰

The categories of thought taught by the dominant order are manifested in the cognitive categories implicit in the habitus.¹⁴¹ These categories orient and generate an agent's action.¹⁴² The cognitive categories an agent has absorbed are salient because the agent has learned to invest in and believe in them (i.e., *illusio*) to gain recognition from other actors in a particular field.¹⁴³ The agents receive recognition and reward by continuously recognizing, supporting, and implementing the cognitive categories of the dominant order.¹⁴⁴ Because the habitus "embodied history,

132. *Id.* at 166; RICHARDSON & SKOTT-MYHRE, *supra* note 110, at 12 ("People learn how to act as they grow within their environment. Each individual comes into contact with people and situations that illustrate the 'right' way and the 'wrong' way to do things. Seeing this repeated over and over again eventually guides residents toward common practices, allowing them to know what to expect from situations before they arise . . . [t]his is why no one thinks of themselves as having an accent.").

133. BOURDIEU, PASCALIAN MEDITATIONS, *supra* note 124, at 167.

134. *See id.* at 164–67; RICHARDSON & SKOTT-MYHRE, *supra* note 110, at 11 and text accompanying note 120.

135. *See* BOURDIEU, PASCALIAN MEDITATIONS, *supra* note 124, at 164–67; RICHARDSON & SKOTT-MYHRE, *supra* note 110, at 11 ("Habitus is a way of seeing and acting that links certain groups in society.").

136. *See* BOURDIEU, PASCALIAN MEDITATIONS, *supra* note 124, at 164–65; Wacquant, *supra* note 109, at 65.

137. *See* Wacquant, *supra* note 109, at 68.

138. Wacquant, *supra* note 109, at 68; *see* BOURDIEU, PASCALIAN MEDITATIONS, *supra* note 124, at 165.

139. Wacquant, *supra* note 109, at 67; *see* BOURDIEU, PASCALIAN MEDITATIONS, *supra* note 124, at 165.

140. *See* sources cited *supra* note 136.

141. BOURDIEU, PASCALIAN MEDITATIONS, *supra* note 124, at 164–65.

142. *Id.*

143. *Id.* at 165.

144. *Id.*

internalized as a second nature and so forgotten as history,” an agent fails to recognize the cognitive categories’ imposition as anything but natural.¹⁴⁵

Categories are deployed through the agent.¹⁴⁶ Cognitive categories within the agent are the lenses through which the world is perceived and generated.¹⁴⁷ These classificatory schemes provide the agent with “symbolic forms of thought,” “social frames of perception [and] memory,” and generative matrixes of understanding.¹⁴⁸ In essence, cognitive categories are salient and become deployed because they are shared and originate from group history; they are recognized and officialized by the state; they are discussed and reinforced by agents in, among other things, media, and entertainment institutions; the categories are closely tied to the meaning and value of family; and agents in social institutions act upon them.¹⁴⁹

This complex creation and development process and social space interaction of an individual’s habitus are both discussed in Chris Richardson and Hans A. Skott-Myher’s text *Habitus of the Hood*.¹⁵⁰ The authors describe this process in what has been misidentified as “fractured social spaces”:

The forging of a relationship between individuals and their environments is an important and complex part of socialization. The experiences and attitudes one witnesses first-hand at home, on the streets, and in schools shape practices and beliefs that are likely to be repeated in the future. Bourdieu writes of this connection as a relationship “between the two capacities which define the habitus, the capacity to produce classifiable practices and works, and the capacity to differentiate and appreciate these practices and products.” In essence, habitus is a cyclical—but alterable—series of behaviors that determines how individuals see and act within their environments. Bourdieu notes that “the ‘eye’ is a product of history reproduced by education.” In other words, the way we see the world is learned. And we learn to see by participating and interacting within our communities. We might say, then, that habitus (re)creates the social spaces we call hoods by teaching insiders and outsiders how to see it, classify it, work within it, and understand it.¹⁵¹

As the authors explain, habitus forms in all social spaces, whether or not that process is sanctioned by the dominant vision of the social order; the habitus is formed wherever the individual is in the structures of indelible

145. BOURDIEU, LOGIC OF PRACTICE, *supra* note 112, at 56; RICHARDSON & SKOTT-MYHRE, *supra* note 110, at 11 and text accompanying note 120.

146. BOURDIEU, LANGUAGE AND SYMBOLIC POWER, *supra* note 3, at 129–30.

147. *Id.* at 128–29.

148. BOURDIEU, PASCALIAN MEDITATIONS, *supra* note 124, at 175.

149. RICHARDSON & SKOTT-MYHRE, *supra* note 110, at 11–12; BOURDIEU, PASCALIAN MEDITATIONS, *supra* note 124, at 174–75.

150. RICHARDSON & SKOTT-MYHRE, *supra* note 110, at 11–12.

151. *Id.* at 11 (citations omitted) (minor formatting adjustments added).

division. The habitus formation process is the same in the “hood” as on Fifth Avenue.

In the United States, an individual financial habitus is developed over time in situ. Radiating out from the human body in centric layers, a developing person initially learns the primary layers of their financial identity in their families. When asked by the author, “What is your general view of debtors in bankruptcy?” debtors in bankruptcy immediately discuss their family upbringing.¹⁵² Debtors often say they can never tell their mother, father, or other family members that they filed for bankruptcy because “that is not how I was raised.”¹⁵³ Debtors in bankruptcy similarly view their financial status as resulting from their conduct, attitudes, and behaviors. During interviews, debtors recount the numerous financial decisions about a car, residence, or a child’s schooling in the months leading to filing bankruptcy. The debtors often evaluate several aspects of their pre-bankruptcy conduct to locate a reason or a cause for the bankruptcy filing.

Similarly with non-debtor informants,¹⁵⁴ debtors discuss how they were raised to be responsible and pay their bills. They indicate that they would never file for bankruptcy because to file for bankruptcy is “not how they were raised.” Informants discuss their spending habits and decisions, savings accounts, retirement funds, approach to using and paying on monthly credit card balances, rent or mortgage payments, and general approaches to spending. The interview subjects are often quick to indicate that they have high credit scores or FICO¹⁵⁵ scores. During interviews, informants emphasized their responsible and regulated attitudes, beliefs, and practices relating to financial matters. They view themselves and others as autonomous economic actors who have control over their financial identity.

To understand how this internalization for the dominant financial identity occurs, Bourdieu’s concept of habitus is a valuable tool to understand how a particular financial identity (psychology, behavior, bodily knowledge) has a shared history in this collective rationalization process of self-control. To address how the social agents internalized a collective identity (i.e., *doxa*)¹⁵⁶ of a group in which:

152. Over 75 formal and informal debtor interviews are on file with the author, and they were conducted during the six years of research.

153. Interview with Ingrid, Debtor, in Oakland, Cal. (Nov. 2002); Interview with Erica, Debtor (Jan. 2024).

154. Non-debtor informants are those individuals formally or informally interviewed by the author who were and had not been debtors in bankruptcy. These informants included members of the legal community or members of the public.

155. See *supra* note 29 and accompanying text. Linda Elizabeth Coco, *Beyond Failure and Forgiveness: The Debtor’s Place in American Fiscal Identity, Bankruptcy, and Capitalism* (2011) (Ph.D. dissertation, University of California, Berkeley) (eScholarship).

156. *Doxa* is a set of unspeakable cognitive and evaluative presuppositions whose acceptance is implied by membership itself. Included in this definition is intra-field debates or polemic positions

more and more people must attune their conduct to that of others, the web of actions must be organized more and more strictly and accurately if each individual action is to fulfil its social function. Individuals are compelled to regulate their conduct in an increasingly differentiated, [and regulated and predictable] manner.¹⁵⁷

1. Primary Habitus

Messages individuals receive as they grow and develop from birth and during childhood generate the individual's primary financial habitus.¹⁵⁸ Bourdieu explains that the primary habitus (i.e., the bottom layer of the cake) is formed from birth in a complex process of searching for parental recognition and love.¹⁵⁹ In the development process, the child learns about themselves and their role in the family from interaction with the parent(s).¹⁶⁰ At the point of this realization, the child begins to seek recognition from others and, in this process, attempts to "take the point of view of others on himself, to adopt their point of view so as to discover and evaluate in advance how he will be seen and defined by them."¹⁶¹ Bourdieu explains that this process is at the root of social recognition.¹⁶² Seeking distinction is the basis of learning social difference and power, and it is through this recognition process that the agent grasps their objective position in social space.¹⁶³

An interview with Tina illustrates the development of the initial layers of the schemata, generating the initial layers of her financial identity and the notions of failure in her family, particularly with her father:

I remember the first time I heard the word "bankruptcy." It was when I was very young. My cousin went bankrupt gambling. Then, the IRS seized his accounts. My dad explained it when I asked about it. He said it was trouble, a bad thing to happen when someone does not handle his or her money correctly. He said that my cousin was irresponsible with money and finances. He made it sound like my cousin was a criminal or had robbed someone. I knew then that bankruptcy was not something a person should do.

which share a common back drop of meanings which are often defined in relation to each other. PIERRE BOURDIEU, PRACTICAL REASON: ON THE THEORY OF ACTION 56–57 (Stanford Univ. Press 1998) [hereinafter BOURDIEU, PRACTICAL REASON].

157. NORBERT ELIAS, THE CIVILIZING PROCESS: SOCIOGENETIC AND PSYCHOGENETIC INVESTIGATIONS 367 (Eric Dunning, Johan Goudsblom, & Stephen Mennell eds., Edmund Jephcott trans., Blackwell Publishers rev. ed. 2000).

158. BOURDIEU, PASCALIAN MEDITATIONS, *supra* note 124, at 166.

159. *Id.*

160. *Id.*

161. *Id.*; see also RICHARDSON & SKOTT-MYHRE, *supra* note 110, at 12. ("People learn how to act as they grow within their environment. Each individual comes into contact with people and situations that illustrate the 'right' way and the 'wrong' way to do things. Seeing this repeated over and over again eventually guides residents toward common practices, allowing them to know what to expect from situations before they arise. We develop a set of linguistic and cultural competencies through this process, much like the way accents are formed between people in various parts of the country. Because neighbors are used to speaking with each other, they begin to sound similar.")

162. BOURDIEU, PASCALIAN MEDITATIONS, *supra* note 124, at 166.

163. *Id.*

My father is doing great. He was always very healthy. He is my role model for health, but he was my unintended role model for money. He was generous with money, but he was tight-fisted as well. I remember we went to town one Saturday, and my mother gave me some of the money. I went into the store and bought Teen Magazine. When I returned to the car, I remember my father turning around in his seat and pointing his finger at me, saying, "You don't spend my money on trash again." I responded that it was my money, and he repeated what he said. I never did repurchase those magazines, but I was determined to make my own money and buy what I wanted in the future. I do remember that for a while there, he was giving us kids \$300.00 at Christmas for gifts. My brother and sister ran out and spent it. I put mine into savings. After years of doing it, he stopped because of my brother and sister. By the end, I had \$10,000 in savings. I used that money to move out to California and start beauty school. He helped me finish beauty school by paying rent for me for the last two months. That is all he has ever given me. I have worked for everything I have. I never had a handout.

I never thought I would file for bankruptcy, but I have. At first, when my therapist suggested it, I saw my father's face. Horror of horrors, I would never be that irresponsible. I felt so guilty about the credit people calling. I tried to resolve the best I could, but nothing would stop these people. Now that I have filed, I am paying some of them back. One of the things that I did not expect was that bankruptcy would change me. At first, I was convinced that it would hurt me. I did not know what to expect. I was scared. I had to tell the attorney everything about my finances. I had to file the papers with the court. Anyone could read them and find things I want to keep private about me. But my fears never manifested.¹⁶⁴

In Tina's case, the first time she remembered hearing about financial failure was from her father. Tina's father was discussing the uncle's gambling and financial behavior as irresponsible and leading to bankruptcy. For Tina, irresponsible behaviors associated with money (i.e., gambling) led to bankruptcy (negative connotation). She learned financial failure and bankruptcy are to be avoided.¹⁶⁵ From her father, Tina learned what is expected of her (i.e., financial responsibility) and what is wrong and rejected (i.e., financial failure).¹⁶⁶ She learned the characteristics and boundaries of her financial identity in positions vis-à-vis her father.¹⁶⁷ Most significantly, she learned what she can expect from her and what is not allowed for her.¹⁶⁸

Her father's imposition of financial behavior created deep somatic structures in the body and emotions; somatic structures become a *practical*

164. Interview with Tina, Debtor, in Newark, Cal. (Apr. 2004).

165. BOURDIEU, PASCALIAN MEDITATIONS, *supra* note 124, at 164.

166. *Id.* at 167.

167. *Id.* at 166–67.

168. *Id.* at 164–67; *see also* Wacquant, *supra* note 109, at 67.

sense.¹⁶⁹ When faced with financial difficulty and failure, Tina borrowed from friends and struggled to pay creditors as her business failed. She avoided bankruptcy. At a medical professional's mere suggestion of bankruptcy, she immediately saw her father's disapproving face glaring at her. Her deepest emotional and physical structures were horrified at the thought of financially failing and having to file for bankruptcy relief.

Other bankruptcy debtors' stories echo this process of inculcation of her primary habitus from her parents, generating the initial schemata of the financial identity:

I grew up in Sacramento, California. My parents were hard-working people. My father was a truck driver, and my mother did odd jobs and raised us children. I learned to avoid debt and pay my bills from an early age. I learned never to take help from anyone. My parents thought you should only purchase something if you can afford it. . . . In my childhood, I learned to put one foot in front of the other and keep going. When I went through my first divorce, I lost my husband, then my mother, and then my cat all in one year. But I kept going. Then this divorce happened, and then the bankruptcy. I think it is the hardest part, bankruptcy, that is. I feel like a social failure because of it. I have lost my home. The bank foreclosed on it. The credit card companies have sued me. I have paid everyone off through my plan, but the cost to me was enormous and daunting.¹⁷⁰

Another debtor explains the financial lessons she learned from her parents stating:

This was the first time I ever heard of bankruptcy before our filing. My mom and dad were from the Philippines. They are from the older generation. Both of them were very hard-working. But my mom was responsible for everything. My mother was my model for money handling. She was my model for responsibility and work ethic. She worked at See's Candy in SF for 25 years. She commuted from Pittsburg to SF for all those years. She was my rock. She had a pension, social security, and a military pension from my father. My father worked hard to some part. He was in the military and then after that he worked in the Post Office. But he was a burden to my mother as well. She took care of everything. . . . I tell you, we had A1 credit. People would love to lend us money. Now our credit is terrible. It is hard to have all the responsibility on me to handle. I have been holding it through the grace of God.¹⁷¹

A debtor, Ms. Segal from San Francisco, describes herself in the following manner when prompted to discuss her need for bankruptcy:

169. BOURDIEU, PASCALIAN MEDITATIONS, *supra* note 124, at 164–67; RICHARDSON & SKOTT-MYHRE, *supra* note 110, at 11 (“Habitus is a way of seeing and acting that links certain groups in society.”).

170. Interview with Marian, Debtor, in Hayward, Cal. (Apr. 29, 2004).

171. Interview with Ida, Debtor (May 2004).

I am a responsible, hard-working person who pays her bills. I have never asked for help or handouts. I have never taken public assistance. It is not how I was raised in my family or by the church. I have always had a good credit score until the last five years. I was proud of that score. I am a stage/set designer by trade and worked until the pandemic. I lost my job during the pandemic. The company for which I worked for 12 years had to downsize because the design jobs dropped off dramatically. I am 61 years old, and no employer in San Francisco wants to give me permanent employment. It has been almost 4 years of no steady employment. I lost everything, and I had to live on credit cards, food stamps, and the charity of friends and family. I feel ashamed, defeated, and scared. I live in a one-bedroom apartment. I owe back rent, my utilities and phone will shut off, and my credit cards are maxed out. I feel awful and anxious to request your help with a Chapter 7 Bankruptcy. I could never tell my family or friends.¹⁷²

These debtors view themselves as having failed to measure up to the dominant financial model—disciplined regular payments, steady employment, acceptance of data surveillance, and rational decision-making.¹⁷³ They view themselves through the lens of the American financial identity that is the foundation of the capitalist credit and debt system. They believe they possess the exclusive power to determine their economic position and that their current position is entirely their fault. They cannot pay on regular contracts like credit cards and car payments. They also cannot pay for necessities like rent, utilities, and phone service. They immediately evaluated their character, stating they were taught to work hard and pay their bills on time. This primary layer of the debtor habitus is further reinforced and sculpted by external pressures that challenge and create tears, valleys, schisms, cracks and chinks, contradictions, and confessions in the operative schemata of the habitus.

2. Secondary Habitus

The process of developing the agent's primary habitus, or practical sense, is replicated in other arenas of the social world.¹⁷⁴ Secondary habitus (i.e., upper layers of the cake) is grafted on later in the child's life and continues into teenage years and adulthood.¹⁷⁵ The secondary habitus is similar to concentric circles from the individual's core.¹⁷⁶ It is learned and developed in contact with didactic institutions and organizations in social space, e.g., primary and secondary schools, universities, religious orders, military, judicial, and state agencies.¹⁷⁷ These layers create "specific

172. Interview with Noreen, Debtor, in Fairfield, Cal. (Jan. 2024).

173. *Id.*

174. Wacquant, *supra* note 109, at 68.

175. *Id.*

176. *Id.* at 67–68.

177. BOURDIEU, PASCALIAN MEDITATIONS, *supra* note 124, at 165; Wacquant, *supra* note 109, at 68.

dispositions [i.e., sensibility, judgments, conduct] across the life cycle into an operative set of schemata.”¹⁷⁸

The schemata comprising the layers of the secondary habitus (imposed by personal history) are dynamic and not necessarily coherent or uniform.¹⁷⁹ Rather, there are dissimilar structures “anchored by divergent values or entropic universes . . . [that] cultivate unstable systems of dispositions divided against themselves and wont to generate irregular and inconsistent lines of action.”¹⁸⁰ The secondary layers of the habitus are generated and taught through contact with the social world.¹⁸¹ Individuals seek to define themselves and gain recognition from others.¹⁸² In these interactions, the individual is taught categories of thought by external processes such as didactic institutions and daily life.¹⁸³ The dominant discourses of the objective structure of that field are imposed on the individual.¹⁸⁴

Debtors’ stories illustrate the process and experience of the inculcation of the secondary layers of the habitus schemata of consumer credit, financial identity, financial failure, and bankruptcy. Ingrid, from Baltimore, Maryland, reflects on her first experiences with credit cards.

I remember signing up for my first credit card at the stand at school. I just thought that it would be a good idea, so I signed up. Nobody tells you or teaches you about credit cards. It is a status symbol as well. It almost seems like a credit card is social mobility for the individual. It was for me. I thought “oh wow, look at this, this is social mobility.” I felt richer.

[T]here is something that is very soothing about credit cards. You could use the word seductive, but it is more like the[y] are calming because you always have an out if you do not have any money. You know that you can eat, pay your gas bill, or you need to fly somewhere you have this out. So, in some way, I feel responsible for the credit card company because they were doing me a service by providing me with money. They were giving me purchasing power that I did not have otherwise. This [is] something that made me sleep better at night at first. But then, the relations over time, no matter who I transferred my account to—America West Bank, Citibank—it just seemed to get worse. I had to re-conceptualized [sic] my relationship with the credit card company from one of feeling grateful for the purchasing power to understanding that they were making money off of me. I was simply an investment to them.¹⁸⁵

178. Wacquant, *supra* note 109, at 68 (alteration added).

179. Wacquant, *supra* note 109, at 68.

180. *Id.* at 69.

181. *Id.* at 68.

182. BOURDIEU, PASCALIAN MEDITATIONS, *supra* note 124, at 164–66.

183. BOURDIEU, PASCALIAN MEDITATIONS, *supra* note 124, at 164–66; Wacquant, *supra* note 109, at 65–66.

184. See sources cited *supra* note 183.

185. Interview with Ingrid, Debtor, in Albany, Cal. (Mar. 29, 2003).

Ingrid's access to credit cards shapes her secondary habitus layers as she starts college. She explains that obtaining credit cards shifted her financial identity; she experienced class mobility. Wealth in the United States is associated with access to credit. She can pay bills, eat, and take trips. Credit is freedom. More action is possible. Her beliefs about her economic position, her access, and how others view her have shifted. Only years later, another layer of her habitus is built with the realization of what the credit/debt relationship is about. Her financial freedom with credit cards is generated at a steep price.

Many debtors developed categories of thought about financial responsibility, financial failure, and bankruptcy through television, media, and conversations with friends and colleagues. Debtors' interaction and participation in the social world shape the schemata of the habitus. Ingrid discusses the development of her financial identity and perceptions of economic failure.

My parents and church taught me to work hard and pay my bills. But as the years wore on, I could not pay, and my debt increased because the cost of living in the Bay Area was so great. I tried to keep my expenses down, but it was impossible. Part of it comes from my background. I never learned to manage money in my family but never learned about finances from school or banks. All I knew was that you either had money or did not. When it was there, you would spend it. When it was not, well, you just went without. I never learned to save money. I first learned about bankruptcy and failure from daytime TV when advertisements offer credit to people with lousy credit, etc. I remember thinking about it then. I thought that only poor people filed for bankruptcy. That loser without jobs filed for bankruptcy. It was those people who could not be responsible with money. And I was raised to pay my bills. Bankruptcy had a real stain on it. It was something that I would never do. I am still waiting to tell my mother. She would die if I told her. She thinks that there has got to be another way.¹⁸⁶

Susan, a debtor from Cape Cod Massachusetts, discusses her financial identity and her experiences with money and debt.

I grew up on the Cape Cod. It was a fantastic place to grow up; it was beautiful, but there was no economy there except for summer. I was able to get a job in a bank. I was fortunate. I watched several of my high school friends become alcoholics. As time passed, the unemployment rate became worse and worse. Well, it is weird talking about that area in that way. I mean because people from old money surround you, and when you are middle class, you are just trying to get by. It is challenging. My dad was a deputy sheriff. My mom's family had property. But my grandfather's second wife inherited it at his death. Then, she left it to the Catholic Church. Money comes and goes, I guess.

186. *Id.*

I felt “yuck” filing for bankruptcy. I felt like I was an awful person. I felt like a criminal, like I had done something wrong. I felt like I had been caught driving under the influence. I felt so guilty, and the Chapter 13 Trustee was pleasant and straightforward with me. She did not make me feel bad. I was scared at first. I thought she would have a gavel, hit it to the table, and say “guilty.” Other people cannot understand because they are not living our lives. I would tell people I am a responsible professional paying her bills. I want a break. I am not a criminal. I am just an honest person who had some difficulties in her life. I needed help, and now I am paying for it. I have a good work ethic. I am a spendthrift. For example, I rarely eat out. The difficult part about the hearing was the introduction, where she tells you what you can and cannot do in Chapter 13 bankruptcy. She limits what you can and cannot do. It kind of feels like financial jail. I must get her approval before I do anything. It is a financial boot camp.¹⁸⁷

B. Discourses and the Categories of Perception Shaping the Debtor’s Habitus: Unchosen Principle of All Choices

The current system’s effectiveness is found in the fact that the dominant financial identity in the United States situates the instability of the free market capitalist economy in individual behaviors, decisions, conduct, and personal control. The individuals interviewed in this research rarely discuss the larger currents of the economic structures that impact and shape their ability to have a good job, pay for necessities, have a home, and regularly pay their bills. On the contrary, they often blame themselves for not having enough money, for their lack of knowledge about savings and investing, for needing help, or for seeking relief in bankruptcy and financial failure. The categories of thought in radical individualism and personal responsibility are absorbed into the fundamental layers of their identities. These thoughts have salience and are fundamentally believed in.

The dominant discourses of radical individualism and personal responsibility for late capitalism shape the categories of the individuals’ thoughts about their situation.¹⁸⁸ The categories of thought orient and generate an individual’s beliefs about the world, their economic position, and the position of others.¹⁸⁹ The cognitive categories an individual has absorbed are salient because the agent has learned to invest in and believe in them (i.e., *illusio*) to gain recognition from other actors in a particular field.¹⁹⁰ Individuals receive recognition and reward by continuously recognizing, supporting, and implementing the cognitive categories of the dominant order.¹⁹¹ Because the habitus is “embodied history, internalized

187. Interview with Susan, Debtor, in Mass. (July 9, 2004).

188. See Dennis Prager, *The American Tradition of Personal Responsibility*, THE HERITAGE FOUND. (Sept. 20, 1994), <https://www.heritage.org/political-process/report/the-american-tradition-personal-responsibility>.

189. BOURDIEU, PASCALIAN MEDITATIONS, *supra* note 124, at 164–66.

190. *Id.*

191. *Id.* at 164–67.

as second nature and so forgotten as history,” an individual fails to recognize the imposition of the cognitive categories as anything but natural.¹⁹²

The social double of the debtor’s identity in the consumer credit in late capitalism is comprised of several themes and discourses. These characterize debtors’ financial identity and financial failure, as well as the credit and debt experiences in the United States. They are discourses supporting the notion that debt is a private experience. They include the notion of radical individualism, which holds the debtor wholly responsible for their economic status—the individual is seen as having sinned because they owe a burdensome debt. Lastly, there is a discourse and process of “othering” the person in financial distress as a form of social disease.

1. Credit Debt is Private

Most aspects of the mass consumer credit-based economic structure are particularized and isolating for individuals. For instance, a social security number identifies an individual. The individual has a distinct credit score based on credit reports. In those reports, the individual’s social security number is associated with a collection of credit accounts. As discussed above, those credit accounts send periodic reports to the credit reporting agencies based on the individual’s credit and payment activity.¹⁹³ Each account listed on the credit report reflects a contractual relationship between the individual and a creditor. Correspondingly, when an individual experiences financial precarity, it is often experienced by the person. The loss of a job, an illness, a death, or other financial calamity affects the individual’s financial identity. It is a person’s experience of debt; therefore, it becomes radically private. The result is isolation, shame, and fear. This discourse shapes individual and collective consciousness.

2. Individuals are Wholly Responsible: “I Can Do It All on My Own.”

The dominant discourse of radical individualism and personal responsibility supports the belief that debt is private. It generates the normative financial identity in the United States, which focuses solely on individual responsibility and accountability. This sentiment of complete personal responsibility is reflected in all the author’s interviews for this research. Each person interviewed echoed the same belief that they are responsible for their financial status. Individuals become engrossed in self-care in quiet isolation. This belief and internalized discourse continue the isolation, and the debt burden shifts onto individuals rather than held as a collective social issue.

192. BOURDIEU, LOGIC OF PRACTICE, *supra* note 112, at 56; RICHARDSON & SKOTT-MYHRE, *supra* note 110, at 11 and text accompanying note 116.

193. See discussion *supra* Section I(C).

3. Debt is Sin

The notion that debt is a sin causing the person in debt to be stigmatized is connected to the belief that debt and economic distress reflect an individual's moral character. Debt is considered the direct result of the individual's decisions and actions. This discourse is traced to the Protestant ethic that underpins American capitalism. Max Weber explains that Protestantism creates a kind of worldly asceticism in which all work in the world is done in God's service.¹⁹⁴ Service to God in this manner creates God's favor. This implies that laboring diligently so that one gets ahead in the material world could be an indication of God's approval.¹⁹⁵ The idea that the individual must be frugal is paired with the notion that hard work to earn God's favor.¹⁹⁶ An example of this thought is seen in Benjamin Franklin's writings. According to Benjamin Franklin, if the individual spends money freely and indulges desires, then he likely will lose God's favor and, therefore, be materially unsuccessful.¹⁹⁷ Therefore, an individual in debt has failed to be frugal, has lost God's favor, and has sinned. This discourse does not consider the indebted person's context or location in the class structure.

4. Othering

The most pernicious discourse surrounding financial failure is othering. Humans are driven by the process of distinguishing themselves from others. Pierre Bourdieu writes about this process of othering in the French class system in his text *Distinction*.¹⁹⁸ The othering process works at junctures of difference: class, gender, race, national origin, leisure activities, clubs, and sports teams.¹⁹⁹ The process divides people into the "worthy" and the "unworthy," into the "blamed" and the "blameless." In the bankruptcy process, one can often hear the phrase "they are debtors for a reason" repeated by numerous participants. Debtors in capitalism are the radical other. They are the other because they do *x* or fail to do *y*. Their existence must be feared, avoided, shamed, and blamed. Their actions must be accounted for.

5. Internalization: Recursive and Echoing

An essential part of Bourdieu's notion of habitus is the process by which individuals internalize these dominant discourses of thought and how the individual's habitual behaviors support and further implement the categories found in these discourses.²⁰⁰ Categories are deployed through

194. WEBER, *supra* note 25, at 64–65.

195. *Id.*

196. *Id.* at 15.

197. *Id.* at 14–16.

198. See generally PIERRE BOURDIEU, *DISTINCTION: A SOCIAL CRITIQUE OF THE JUDGEMENT OF TASTE* (Richard Nice trans., 1984).

199. *Id.* at 258–59.

200. BOURDIEU, *PASCALIAN MEDITATIONS*, *supra* note 124, at 168–69.

the individual.²⁰¹ Cognitive categories within the agent are the lenses through which the world is perceived and generated.²⁰² These classificatory schemes provide the agent with “symbolic forms of thought, social frames of perception [and] memory,” and generative matrixes of understanding.²⁰³ In essence, cognitive categories are salient and become deployed because they are shared and originate from group history; they are recognized and officialized by the state; they are discussed and reinforced by agents in, among other things, media and entertainment institutions; the categories are closely tied to the meaning and value of family; and agents in social institutions act upon them.²⁰⁴

The categories of thought shaping an individual’s financial identity and financial habitus—behaviors, beliefs, conduct, perceptions, disposition, and the financially attainable, acceptable, and unacceptable—are generated by external economic and social structures. Primarily, those forces originate from the lending and borrowing system structures that have taken shape over the last two hundred years.²⁰⁵ The credit system of the late twentieth and early twenty-first centuries is markedly different from the credit rating books and the credit reporting of earlier decades, while the current regime of credit surveillance is consistent and encompassing.²⁰⁶ Interlocking data collection, targeting, remote monitoring, and surveillance systems render an individual’s identity.²⁰⁷ As scholar Josh Lauer comments, this emerging credit system fosters “peculiar forms of self-consciousness and social control”²⁰⁸

CONCLUSION

What if we accepted a different discourse about debt and debtors, a different story about failure that includes the structures of power rather than one that is narrowly focused on the microcosm of the individual’s life? Instead of othering the debtor—finding the distinctions between oneself and the financially distressed—perhaps the discourse can focus on the commonality of the debt structures and relationships that shape daily life.

Assume that debtors experiencing financial distress and in bankruptcy are like us. They are disciplined and work hard every day. They are doing their best to create a safe and productive life. They want to pay their bills and care for themselves and their loved ones. They seek necessities to do this; their choices are based on needs, not excessive wants. What is the story we tell about debtors in financial distress and bankruptcy shifting? Perhaps accepting a different discourse about why so many struggle

201. BOURDIEU, LANGUAGE & SYMBOLIC POWER, *supra* note 3, at 12–13.

202. *Id.*

203. BOURDIEU, PASCALIAN MEDITATIONS, *supra* note 124, at 174–75.

204. *See generally* RICHARDSON & SKOTT-MYHRE, *supra* note 110; BOURDIEU, PASCALIAN MEDITATIONS, *supra* note 124, at 174–75.

205. LAUER, *supra* note 18, at 269–75.

206. *Id.* at 272.

207. *Id.* at 273.

208. *Id.* at 272.

to afford a minimal standard of living can better serve to acknowledge individuals' humanities and foster stronger communities.