

Aim and Contribution

My aim in this thesis project in sociology of law is twofold:

- (1) I aim to provide an empirical description of housing debtors and housing foreclosures.

My contribution is that I increase our knowledge about housing debtors as a group and about the outcomes of housing foreclosures in the Swedish context. I frame this as 'knowledge about the world'.

- (2) I aim to test and develop theory and research methodology within sociology of law.

My contributions are that I extend application of social control theory to debt default and conduct an empirical application and verification of Donald Black's theory of social control using data on housing foreclosure outcomes. Specific methodological contributions include the use of individual-level register data for the operationalization of forms and styles of social control on the dependent variable side and for the operationalization of socio-geometric properties of the housing foreclosure case on the independent variable side.

Research Questions

The main guiding research question for my thesis project in sociology of law is:

- How can we explain and predict the operations of social control on debt default?

I break the main research question down into the following research questions:

- (1) How can we explain and predict variations in the quantity of law as a form of social control?
- (2) How can we explain and predict variations in the compensatory style of law as social control?

- (3) How can we explain the role of variations in the socio-economic resources of foreclosure debtors and the role of socio-economic heterogeneity between debtor sub-groups in relation to forms and styles of social control?
- (4) How can we explain the role of relational distance (intimacy) between the foreclosure debtor and creditor in relation to forms and styles of social control?

The scope of these research questions are delimited in the following way. I frame debt default as deviance and employ Donald Black's theory of social control to explain and predict responses to debt default. Obviously mode of explanation occurs within the dictated limits of the theoretical framework. Prediction however has a quite distinct meaning according to Black. Predictions do not necessarily concern the future, for example about future outcomes of housing foreclosures in Sweden. Instead a prediction is an observable 'empirical pattern' (Black 1995, p. 831) at any point in time and space, which is predicted by a theory. This means that prediction is by necessity connected to the development of theory at different levels of abstraction. I argue why Donald Black's theory of social control provides a sensible and relevant perspective for the socio-legal study of debt default in article 1, where I also outline his theoretical framework. I here provide some brief notes on the Blackian concepts used in the research questions to make their scope clear. The operations of social control in the main research question refer to how we should always analyse social control at the level of social facts. The social facts that make up social control mechanisms should be studied as dependent variables. Social control dependent variables vary in their form, quantity and style. Form of social control refers to what kind of mechanism that responds to deviance, such as law, negotiations or self-help. Law is thus one possible form of social control, which Black defines as 'governmental social control'. According to Black we should always think about social control variables as quantifiable. This means that there can be more or less law depending on how much governmental social control responds to deviant behavior. Styles of

social control refers to how – its *modus operandi* – the social control mechanism responds to deviance. The style of law is compensatory if it focuses on determining liability and settling claims. Other styles are the penal, therapeutic and conciliatory styles of law. Styles, just like forms, vary in quantity. Research questions 1 and 2 concern the dependent variable side in the Blackian scheme of social control. In research questions 3 and 4 we turn to the independent variable side. Black stipulates that all variations in social control on the dependent variable side is related to variations in dimensions in social space on the independent variable side. This variation occurs independently of any psychological, teleological or other mechanism. I prefer to frame dimensions in social space as variations in social configurations at the appropriate analytical level, which for my data is the case level. Black delineates social configurations relevant for social control at the case level as variations in stratification (wealth and status), morphology (integration and relational distance), culture (education and conventionality), organization (capacity for collective action) and other forms of social control (including respectability). Thus in research question 3 the socio-economic resources of the foreclosure debtors make up some of the variation in the social configurations of the housing foreclosure case that is related to forms and styles of social control. The same applies for relational distance (intimacy) in research question 4. Relational distance is a Blackian concept, which refers to how close or far apart the stakeholders of the case are in terms of length of relationship, frequency of contacts, nature of contacts, disclosure or sharing of information and shared or common intent.

These are the theoretical delimitations that sets the scope of the thesis. There are also other delimitations relating to research design. The scope of the thesis is quantitative in that the empirical material consists of register data. This register data concerns Swedish home owning debtors in foreclosure and housing foreclosures in Sweden. The time frame for the

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data is 1998 to 2014. I observe housing foreclosures only after the initiation of a compulsory sale case at SEA. I observe only what happens in the compulsory sale case at SEA.