Even with sales managers named Jesse James, one may grant that the contribution of consumer credit to the economy and to the standard of living of many families is substantial. But when personal debt is no longer unusual, no longer a sign of improvidence, when debt has instead become a mass production, hard-sell item that citizens are widely encouraged to "buy," one may doubt the continued appropriateness of a device such as wage garnishment. Even when debt was a sin not all states allowed creditors to go after a man's wages. Today this harsh remedy, humiliating at best, disastrous to the debtor and his family at worst, seems far less justifiable than in an age when personal debt was uncommon and disfavored. It is time that our attitude toward wage garnishment—which is, after all, a drastic form of intervention by government on behalf of creditors—caught up with our attitude toward debt.[164]

Not all garnishments result from the purchase of goods and services on credit, but the great bulk do.[165] There are still deadbeats who merit no sympathy. Happily they appear to be few in number.[166] In any event, weapons to pursue deadbeats should not be fashioned in a way that permits injury to others.

III

CONCLUSIONS AND RECOMMENDATIONS

Garnishment is a common collection tool in California. The tool is statutory. Its main—almost its exclusive—users are collection agencies. The great majority of debts that eventually lead to garnishments arises from the purchase of goods and services. In recent decades there has been a dramatic and thoroughly promoted move toward credit buying.

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164 Along with the debt explosion there have been other changes. While in an earlier period consumer credit, such as it was, mainly took the form of credit temporarily extended by the neighborhood store at little or no interest, much of consumer credit today involves large institutions, complex terms that the debtor cannot negotiate and often does not fully understand, and high interest. Of course, not every credit transaction is of this kind. There is also a good deal of selling to poor credit risks, see text accompanying note 163 *supra*, and to persons whose credit is not checked. See, *e.g.*, FUSFELD, *op. cit. supra* note 55, at 7.

165 See note 141 *supra*. The principal service that leads to garnishment-producing debts is medical and hospital care. It might be argued that doctors and hospitals are entitled to greater consideration—better collection remedies—than sellers of goods, because of the important humanitarian nature of their service and because unlike many sellers a doctor or a hospital has nothing to repossess. It can also be argued that users of medical and hospital care are entitled to more consideration than credit buyers of many goods. Medical credit is, of course, not a new development, but even in this area the trend has been toward more formalized and institutionalized credit arrangements. Credit institutions have become an increasingly important source of medical credit.

166 The delinquency rate on installment credit is between 1 and 2% of the amount of credit extended and the net loss rate is below that by an undetermined amount. These figures appear to be national averages. Not all losses are attributable to deadbeats or "credit criminals" as the collection industry sometimes calls them. See *Hearings* App. B.