ANALYSIS OF THE FINANCIAL CRISIS, OR CRISIS IN
FINANCIAL ANALYSIS?
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ABSTRACT
Purpose — The goal of this chapter is to discuss the foundations of 'modern finance', its paradigm and conceptual framework, its methods and tools, its practices and results, its governance and regulation.
Design – The first part presents the characteristics of 'modern finance' and its negative effects. The second part analyses the efforts made to remedy those effects and argue about the need for a real reform.
Findings — Several aspects are pointed, for example an unreasonable 'normality', incentives that encourage excess, the spread of subprime crisis, etc. The contemporary finance is a 'giant with clay feet'.
Social implications — We need to proceed with a dual reembeddedness of finance in the economy and economy in society.
Keywords: Finance; conceptual framework; paradigm; crisis; social reembeddedness
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1 'It looks like the worst of the major crises is behind us' said a well-known economist (Sorman, 2008) in spring 2008. The author, a champion of liber-

- 3 alism, stated that 'the economy is no longer a matter of opinion but a science'. While most economists were less conclusive and somewhat more
- 5 cautious in their opinions, there are still plenty of them who, especially when it comes to finance, have long since adopted a rather haughty posi-
- 7 tion, considering that finance is now a separate scientific discipline, just like physics or biology, calling on similar approaches to those applied by the
- 9 so-called 'hard sciences' in terms of epistemological paradigms, conceptual frameworks and empirical validation protocols. This scientistic posturing
- 11 has resulted in a widespread mathematisation of finance, which previously made do with simple actuarial calculations and which, in just a few
- decades, has virtually taken over the entire scope, leading to some impressive modelling and a tendency to talk about the 'arrogance of finance'
- 15 (Bourguinat & Briys, 2009).
- The goal of this chapter is not to embark upon another biased challenge of the use of a highly formalised modelling and analysis approach but to question that applied since the founding works of Markowitz (1952), Tobin
- 19 (1956), Modigliani and Miller (1958), and those that followed, including Sharpe (1964), Fama (1970), Black and Scholes, 1973) and Ross (1977).
- 21 I intend to set out a few thoughts on this scientific movement, dubbed 'modern finance' or 'scientific finance' by its supporters, highlighting the
- 23 differences that set it apart from the 'traditional finance' that preceded it and from contemporary issues: this comparative essay has been written in
- 25 the light of the current global financial crisis, the scope and impact of which have led to questions as to whether 'analysis of the financial crisis' is
- 27 not in fact the reflection of 'a crisis in financial analysis'.

The first part of the chapter will present the characteristics of 'modern finance' and its negative effects. I will then look at the efforts made to try and remedy those effects and talk about the need for a real reform of finance.

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'MODERN FINANCE' AND ITS NEGATIVE EFFECTS

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Firstly, I will draw up a comparison of the characteristics that seem to define 'modern finance', highlighting its most significant features, then I will take the subprime mortgage crisis to illustrate this analysis, as this is recognised as the trigger of the recent banking crisis and ensuing stock market and economic slump.

A FEW MARKERS AND COMMENTS

- 3 This presentation will respectively deal with:
- the epistemological posture,
 - the conceptual framework for formalisation,
- the 'toolkit' used by researchers and practitioners,
 - regulations, professional conduct and ethics,
 - governance and regulation.

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The Epistemological Posture

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Traditional or classic finance, as developed over a number of centuries (Braudel, 1967–1979), never really questioned its epistemological posture. However, if we observe the institutions in place or the practices of the sta-

However, if we observe the institutions in place or the practices of the stakeholders involved, we can note the importance of contingent factors (regu-

- lations, customs, etc.) that really 'embed' finance within the social fabric.

 Commercial law has been marked by this, referring to *affectio societatis* when a company is founded, approaching the client-banker relationship from a *fiducie* (or trust) angle, severely penalising the bankrupt, deemed to have damaged the relationship established in the trust.
- Modern or scientific finance, sustained by its aim of becoming a real science, did away with these contingency factors to try and become a universal discipline, like its model, physics. It thought it had achieved this by applying mathematic formalisation comparable to that used by its model. In doing so, it committed a major epistemological error stemming from the specific nature of human and social sciences (HSS), not because those sciences refuse all rational approach to the subject under study, but because they are directly related to it.

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(a) The argument sometimes known as the 'Levi-Strauss theorem' applies to HSS: it says that 'when an observer is of the same kind as the observed phenomenon, he/she is part of the observation' (Levi-Strauss, 1950). This does not only apply to the study of populations in distant countries but to all of us, especially those studying the economic world. This proximity between researchers and stakeholders is not without risk: it specifically raises serious epistemological, methodological and deontological questions in the fields of the HSS most concerned, such as psychoanalysis, pedagogy or — most relevant to us here — finance.

(b) A second observation, related to the previous one, concerns the complex and sometimes reciprocal relationship between facts and their representations, especially in terms of predictions. In the so-called 'exact' sciences, the facts are what they are and the representations we produce, made up of expressions, may be simplistic or more sophisticated, enabling those who issue or receive them to understand the subject of the study without that subject being modified (apart from some very minor exceptions, e.g. modifications to a subject under study due to laboratory conditions).

I often give the example of a 'badly behaved' volcano. To summarise, a few years ago, a volcano started rumbling and, given the risk of an eruption, the government commissioned an appraisal by two well-known personalities. The latter gave conflicting opinions – for one of them, an eruption was imminent while the other said there was no risk. Applying the principle of precaution, the authorities evacuated the area but no eruption occurred. The subject under study (the volcano) was 'doing its thing' regardless of the given representations. On the other hand, if a finance minister or central bank governor issues an opinion on a particular economic phenomenon, especially a financial matter, it is clear that this representation of the future will have a direct impact on its realisation.

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In fields related to HSS, facts and their representations are often intimately linked, sometimes taking the form of 'self-referential speculations' (Orléan, 1999) leading, as a result of mimetic behaviour, to self-fulfilling prophecies. This concept was identified in sociology a long time ago, most notably by American sociologist/epistemologist Merton (1948).² Therefore, the prediction contributes to the construction of reality. This specific feature of HSS was particularly well highlighted, for financial markets, not only by the work of researchers such as Orléan (1999), but also by testimonies from practitioners such as Soros (1998). Hence, the inclusion of finance within the scope of HSS leads to a 'need to take mimetic and self-referential rationalities into consideration' (F. Lobez – discussion with the author).

(a) A third observation, which is also congruent with the previous two, can be made on the complementary nature between the 'processes' and the 'products' of activities relating to 'knowledge of action' in HSS. The production 'process' of a given product (goods or service) is itself a social product 'induced' relative to the main product. This process-product interaction is especially sensitive when the main product is immaterial in nature and therefore directly relating to human activity. We can then legitimately ask whether, as in Escher's images, the representation of a phenomenon not only interferes with that phenomenon, but – to a potentially vital degree – blends into it or even replaces it.

- 1 However, this specific feature of HSS is not without risk: the researcher may move on from thinking 'I believe it because it's true' to 'it's true
- because I believe it'! The limits are that of good old-fashioned selfpersuasion ... or more precisely, a switch from an attitude based on
- Reason and experience to another founded on Revelation and affirmation, with the risk of not venturing out from that 'enchanted' world (as defined
 by Gauchet, 1985).
- As we will attempt to show below, this appears to be particularly true 9 of finance.

The Conceptual Framework for Formalisation

- Classic finance developed within a relatively simple conceptual framework.
 - distinction between equity and borrowings

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- distinction between the 'equity financing' and 'debt financing'
- lender's risks measured in terms of liquidity (at the different maturity dates) and solvency; the latter could be consolidated with a guarantee (mortgage or pledge), insurance or deposit.
- Modern finance has simultaneously simplified and complicated this conceptual framework.
- A. The simplifications are often major and cover, on the one hand, the conceptualisation of risk and, on the other hand, the distinction between assets and debts according to their term.
- 27 a. Risk analysis, the main element in any financial theory, focuses on a perception of risk limited to the variability in the flow of income 29 generated by a given financial asset and therefore that asset's return rate. The other dimensions of risk – especially a borrower defaulting 31 with respect to their creditor – were initially either neglected (seen as 'incidents' occurring outside the usual framework), taken into 33 consideration in interest rates (which could be differentiated according to the borrower's capacity), or dealt with separately. In this simplified approach, debts are thus seen as 'risk-free capital' (i.e. 35 remunerated at a fixed rate or at least a rate established ex ante), 37 contrary to equity which is 'risk capital' (i.e. subject to the risk of variability in remuneration rates).
 - As we know, Markovitz's major contribution (1952) earning him the Nobel Prize for Economics was to consider the rates of

return on risky assets as random variables — 'Let Y be a random variable, i.e. a variable whose value is decided by chance' (Markowitz, 1952) — opening the way for a 'mean-variance' approach to the 'return-risk' pairing. This initial posture has remained fundamental and is sometimes even used as a general definition of financial risk.³

- b. The distinction between assets and debts according to their term, pitching 'equity financing' (long-term assets vs. so-called 'permanent' capital) against 'debt financing' (assets vs. liquid or short-term funding) is no longer seen as major. As such, the working capital requirement approach is neglected to the benefit of a more global 'resource pool-jobs pool' approach (Levasseur, 1976). This second simplification adds to the first, refocusing financial analysis on the expected return from assets, and risk in terms of variability of that return and the effect of financing structure; the latter is considered as neutral (outside tax biases) in the well-known demonstration given by Modigliani and Miller (1958).
- B. However, increased complexity appears to more than have made up for the simplification described above. Here, I will limit myself to listing a few of the main steps taken in the 1970s and 1980s when the major components of modern financial theory were established, on the basis of the founding works of the 1950–1960s (among others, see the work of Tirole, 2006).
- o a deepening of portfolio theory (Fama, 1970; Myers, 1977, etc.)
 - o the theory of rational optional pricing (Black & Scholes, 1973; Merton, 1973)
 - o the signalling theory (Ross, 1977)

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- o the theory of the firm (Jensen & Meckling, 1976)
 - o the pecking order theory (Myers & Mailuf, 1984)

These developments occurred at such a rate that we can qualify the period in question as exceptional, leading modern finance to claim the status of a separate scientific discipline, setting itself apart from economic and management sciences.⁴

It should be noted that this construction, however rich it might be, is mainly based on the fundamentals initially referred to. 'It is as if the agents were aware of the actual structure of the economy in which they were acting'

37 (Rainelli, 2008). This explicit or implicit assumption of a universe that already existed before research began to look at it brings us back to the

39 epistemological debate that pitched 'positivists' against 'constructivists' for decades (Le Moigne, 1994–1995). In HSS, the debate was apparently

1 clarified by Levi-Strauss's theory: as the observer is an integral part of the phenomenon observed, the representation that they give of it helps to 'con-

3 struct' it. In finance, this 'truism' was highlighted in the works of researchers such as Orléan (1999), MacKenzie (2006)⁶ and Amatte (2009)⁷ and by

5 practitioners such as Soros (1998).

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The 'Toolkit' Used by Researchers and Practitioners

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Analysis, modelling and forecasting tools have significantly developed over the last few decades in the field of finance, with creativity seemingly boundless. When modelling finance, the perception of a structured universe

with random variables leads to immoderate use of axioms and probability calculations, which now appears highly debatable.

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An Unreasonable 'Normality'

17 As we have seen, the fundamental basis of the portfolio theory is founded, since Markowitz (1952), on a 'mean-variance' analysis supposed to repre-

sent the 'return-risk' pairings that characterise the various types of asset on the financial market. According to him, virtually all work on modern

21 finance has been devised on this same basis and has, explicitly for certain and implicitly for others, considered that the laws of probabilities con-

23 cerned were 'normal' laws or came very close to 'normality'.

This explicit/implicit assumption comes with huge advantages in terms of modelling and calculation. Researchers in finance have made the most of it and from the thesis presented by W. Sharpe in Chicago in 1959 to the latest finance theses defended in Paris, London or Shanghai, hundreds of papers have built something akin to a 'cathedral' devoted to modern finance. Observers of this impressive construction can only admire its breadth and the apparent rigour backed by sophisticated formalisation.

Nonetheless, those same observers might take a closer look and wonder about the conceptual framework and analysis tools used and in that case will be astonished by the narrow scope of the initial basis — especially how risk is focused on the variability of return rates alone — and on the systematic use of Gaussian laws as a matter of course (as implied by their assumed status as 'normal laws').

Yet, in my view *the realm of finance does not seem to be governed by these normal laws*; it is this finding that forms the main criticism of so-called scientific finance, because it refers to the fundamentals of the conceptual framework and formalisation tools defined by Markowitz.

- 1 My position is backed by three successive observations:
- 3 1. in fields of the earth sciences, many phenomena and not the least important are not related to laws of probability as simple as normal
- law. To take meteorology as an example, a scientific field to which market finance is often compared: despite the powerful calculation resources
- available, attempts at modelling and forecasting come up against difficulties inherent to the complexity of the processes at work. This is not
- Laplace-Gauss's reassuring context but instead a configuration linked to catastrophe theory (Thom, 1972–1983); modelling has to include analysis in term of fractals (Mandelbrot, 1973) rather than conventional
- probabilities.
- 2. in the field of life sciences, this situation is even more marked. In biology and the related disciplines (medicine), modelling has undergone signifi-
- cant progress over the last few decades within the framework of major finalised research programmes (e.g. cancer or AIDS). Even more so than
- in physical sciences, the processes of evolution of living species are complex and rarely fit in a Gaussian analysis framework.
- 3. in the field of HSS that concerns us here, this finding is even more striking and appears to be directly related to Levi-Strauss's observations and the epistemological consequences in terms of bijective relations between
- the researcher and the phenomena observed, through the co-construction
- of those phenomena and their representation.
- In finance in particular, as we have seen with different authors
- 25 expressing it in their own words (P. Jorion, D. A. MacKenzie, A. Orléan, R. J. Shiller, G. Soros, N. N. Taleb, etc.), this permanent interference is the
- 27 source with mimetics amplifying the self-referencing of cumulative phenomena frequently seen in the form of 'bubbles'. This clearly falls out-
- 29 side the reassuring context of normal laws and comes closer to the more turbulent realm of storms or indeed chaos. This leads us to the use of
- 31 the tools mentioned above (R. Thom, B. Mendelbrot) to represent these evolutions.
- Analysis instruments such as 'Value at Risk' (VaR), until recently seen as the ultimate steering tool, are now criticised and users are rightly taking
- an interest in the potentially damaging consequences of events that were seen as rare and therefore neglected. Even supporters of probabilistic calcu-
- 37 lation agree: 'On financial markets ... we are looking very closely at these rare events. The financial crisis has renewed interest in these questions' (El
- 39 Karoui, 2009). The conventional image is often that of turkeys, well fed every day but sacrificed once a year for Thanksgiving. For them, VaR is

- excellent, bordering on 99.7! We could use similar examples such as reserve parachute or airbags ... all items with low probability of use but where the
- consequences may be dramatic. See the 'black swans' that Thaleb (2009) talks about when reporting the criticism made by Mandelbrot (1997).
- 5 Likewise, with regard to accounting, the hasty application of 'fair value' and more generally the IFRS standards drew criticism (Bignon,
- 7 Biondi, & Ragot, 2009; Capron et al., 2005; Casta & Colasse, 2001; Colasse, 2009; Marteau & Morand, 2009).
- 9 Hence, the excessive 'normality' on which the entire scientific finance edifice has been built actually weakens it: despite the considerable developments it has been subject to the entire finance concentual framework is
- ments it has been subject to, the entire finance conceptual framework is akin to the legendary 'giant with feet of clay'.

15 Incentives that Encourage ... Excess!

- While researchers have taken portfolio theory to the extremes of sophistication, practitioners have developed a vast number of management instruments which, in their view, can serve as incentives for the stakeholders concerned, rewarding their performance which is itself a guarantee of the smooth functioning of the markets. This direction, congruent with the political philosophy of the liberal model, is not debatable in itself.
- However, these new tools have often been the source of disruption or difficulties, the origin of which lies in their design, structure or the conditions in which they are used. I will list of few here:
- 25 • remuneration methods (bonuses, stock options, etc.) for market operators and their leaders encourage them to take very risky positions 27 and with unreasonable volumes.⁸ One of the specific – often criticised – features of these remuneration methods is that they are 29 asymmetrical: even though amounts are often very high, they reward gains but do not penalise losses (other than potential reputation loss). As 31 a result, the incentives encourage risk-taking. It is a situation that could possibly be acceptable in a 'normal' universe, exterior to the agent. 33 However, it cannot be accepted when we acknowledge that the financial markets are neither 'normal' nor exterior to the agents operating 35 on them.
- market intervention techniques (e.g. short selling) clearly illustrate the potential for drift; the self-referencing postures taken by certain are amplified by the mimetic behaviour of others and can result in 'self-fulfilling prophecies' or even price manipulation.

• the creation of special purpose vehicles (SPV) has enabled the development of a series of operations not subject to any control (see below).

- the 'too big to fail' approach results in governments propping up large financial establishments, given the systemic risk that their failure would incur, and has also encouraged risk-taking.
- There are plenty of other examples; together, they form an image of a very well-developed, quite animated financial landscape but one that shows all the signs of excess.

11 Regulations, Professional Conduct and Ethics

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When it comes to economic behaviour, it is not always easy to draw the line between aspects related to the regulations in force, those related to professional conduct (deontology) and those linked to the personal ethics of the agent in question.

- Regulations are more or less stringent according to country and period. They express the public authorities' reaction after a crisis and thus tend to flourish at regular periods (e.g. Sarbanes-Oxley Act in the United
- States and the LSE law in France after the 2001 recession).
- professional codes of conduct express self-regulation among the agents themselves, in the form of codes of ethics and recommendations on 'best practices', a mixed bag making up the 'soft law' that replaces or com-
- 25 practices', a mixed bag making up the 'soft law' that replaces or completes public regulations.
- personal ethics go beyond regulations and codes of conduct and concern the behaviour of the agent in line with their own set of values, shaped by their history, education and philosophical positions.
- At this level, I will merely outline a few thoughts:
- Traditional finance put great focus on these different aspects to the extent that it became known as 'institutional finance', taking a different form from one era to another, from one country to another and even within one country, from one sector or social group (usages) to another.
- Modern finance, taking the posture of a 'scientific' discipline, freed itself from these aspects, seen as obstacles to the universalisation required by any science worthy of that name. As such, the regulations-professional conduct-ethics triptych has been minimised:

- public rules guarantee the smooth running of the market. Furthermore, compliance with the terms of a regulatory provision does not always
- imply compliance with the spirit of that provision. In fact, it is the role of tax experts to seek out 'deadweights' so that their clients can benefit
- from an advantage or evade a constraint (e.g. tax) with no bearing on the spirit that led to the introduction of the provision in question.
- 7 professional organisations are not referred to; codes of conduct express a 'soft law'.
- 9 personal ethics are those of *Homo economicus* described by the doctrine.

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Governance and Regulation

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Here I will look at the ways a sector of activity is organised and at the different levels of management, governance and regulation systems (Pérez, 2003–2009).

- level 1 concerns the management of entities by their directors
- level 2 is governance, seen as 'management of the management' by an institutional system and behavioural practices
- level 3 is regulation of the sector in question by specific provisions (professional orders, administrative bodies and legal bodies)
- at higher levels (4-5) we find 'meta governance' with the harmonisation of the regulatory devices and the international agreements that condition them.

Due to its sovereign dimensions — via currency and the protection of savings — finance has always been a very closely monitored sector, at all the levels mentioned above.

Traditional finance was, as I have recalled above, very institutional, with states playing a significant role that has been more or less implicit depending on the period and the configurations adopted. For example, in France various bodies regulate different aspects of the financial sector: banking

33 commission, insurance commission, the AMF (stock market regulator) and so on.

Modern finance has had to take on-board this requirement for regulation in the sector via the central banks and stock market authorities.

37 However, we witness a growing proportion of operators, products and actions related to financial activity falling outside the scope of these

39 controls and thus the controls themselves. Among the most significant examples, there is the aforementioned use of SPV, often domiciled in

tax havens, escaping restrictive regulations. More generally, shadow banking concerns a growing portion of the contemporary global financial universe.

Moreover, we will see that the increasing sophistication of financial activities makes it difficult to comply with one of the principles guiding multivariate systems — the principle known as the law of requisite variety defined by Asby¹⁰; a difficulty that results in insufficient internal control, as illustrated by the Kerviel affair, and incomplete controls between agents or

9 sub-systems, as illustrated by the subprime mortgage crisis, which I will analyse below.

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AN EXAMPLE: THE SUBPRIME MORTGAGE CRISIS

Since summer 2007 and even more so since autumn 2008, the contemporary world has been subject to a severe crisis that began in the banking sector and was initially limited to the United States (the so-called subprime mortgage crisis) but later spread to the entire global financial system triggering a major recession with drastic social and political consequences. We can thus ask the following question: 'what does this financial crisis teach us, especially with regard to the evolution of finance and its claim of being "scientific"'?

Much has been said and written about this affair, sometimes by those who shortly before were lauding the dynamics and creativity of modern finance. However, well before the current crisis, researchers had already drawn attention to the issues at stake. In France, for example, M. Aglietta,

H. Bourguinat and E. Briys, F. Morin, A. Orléan, O. Pastre, or outside France, the Observatoire de la Finance (Geneva – CH) and its review *Finance et bien commun* (Finance and the common good, P. H. Dembinski),

or in the United States the work of P. Jorion, de Shiller and de Taleb (see Bibliography).

To focus on the key points, I will explain the extent and uniqueness of this crisis by breaking it down into three successive components, each one fed by and amplifying the previous one.

- its beginnings in a compartment of the American mortgage market,
 - its contamination of other compartments of finance,
- its spread to the rest of the world.

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The Beginnings of the Subprime Mortgage Crisis Lie in a Shift in the Debt Paradigm

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There are many debt techniques and procedures, varying according to the society in question and its institutional and regulatory systems, culture and the conduct of the agents concerned (Pérez, 1973). However, we can place these different forms of debt alongside a few simple principles that govern

most transactions made between economic agents in contemporary indusy trial societies.

The first is the consideration of a decision by a lender to grant a loan according to the borrower's capacity for repayment.

The second is the assessment of that capacity taking into account future evolutions in the borrower's income and expenditure and thus their saving capacity; the loan granted can be seen as anticipated savings flow (annuities law).

The third is protection against the risk inherent to all estimates of future events, by taking a number of precautions:

- firstly, limiting expenditure to service the loan granted (interest served and repayment portion) to a 'reasonable' fraction of the agent's income for the given period.
- secondly, obtaining a guarantee (pledge, mortgage, etc.) on the item funded by the loan or on other property and making sure that the value of those items, if they were sold (on secondary markets), is sufficient to cover the debt maturities.
- finally, if necessary, other institutional instruments may be called on (insurance, third-party guarantee, etc.) to reduce the risk or cover it at reasonable cost.
- All of these principles and the ensuing measures form the classic debt paradigm.
- It was this classic paradigm that was compromised with the arrival of subprime mortgages. For this category of loan, from the outset seen as
- 33 'inferior to better loans' (hence the name), the first two principles of the classic paradigm were cast aside; the loan was no longer viewed through
- 35 the conventional annuities law but from the viewpoint of the durable good (real estate) to be acquired and the presumed increase in the market value
- of that good. In this new debt paradigm, the security system is in fact the opposite of the previous configuration: the first dimension (link between
- 39 debt servicing and the agent's income) was neglected to the benefit of

the second (link between the debt and the asset); a stock-based approach replaced the flow-based approach. The other institutional security instruments (insurance, guarantee, etc.) are not called on, except in exceptional cases.

This paradigm shift is clearly debatable in ethical terms. Failure to consider the borrower's repayment capacity in line with future income and expenditure flows implicitly recognises that the durable good thus funded will one day have to be sold to cover the debt maturity. When real estate prices are rising, this new paradigm can work for so long (wealth effect) but it obviously stalls when there is a downturn in the real estate market; in fact, this downturn is inherent to the very functioning of the system and leads to mortgaged goods being seized from defaulting borrowers and their homes being sold.

Practices in the subprime mortgage sector further aggravated the ethically debatable direction taken by the new debt paradigm:

- mortgage applications filled in superficially or sometimes falsely
- loans covering up to 100% of the value of the property or even more
- deferred repayment going beyond reasonable periods
 - variable interest rates, starting with abnormally low rates (teasing rates)

It is significant that a certain number of intermediaries that put together subprime mortgage applications — commercial agents paid on percentage — disappeared without leaving an address after the outbreak of the affair. In these cases, it is no longer a matter of debatable business ethics but a question of breach of trust and criminal law.

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Contamination through Securitisation or Market Transfer of the Lender's Risk

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The classic debt paradigm, the conditions of which are described above,
has a corollary aimed at the evolution of the loan once it has been taken
out. It is usually the credit institution — which defines the conditions of the
loan — that oversees its implementation until its term. It therefore assumes
what we can call the 'lender's risk' in return for which it receives interest
including a portion above the base rate (reflecting the cost of time or a 'preference for the present' discussed by I. Fisher in 1907) as a complement
(spread) and corresponding to a 'risk premium' that varies according to the
quality of the loan and the measures taken to secure it.

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Against this background, it was normal for 'subprime' loans, which are riskier than the loans granted to better clients ('prime rate') to be subject to higher spread; thus subprime interest rates are, by definition, higher than the prime rate.

This kind of situation was acceptable as long as the institutions granting these subprime mortgages pretty much indiscriminately were able to assume the consequences themselves. They were running a higher risk and, in return, they benefited from higher remuneration. All perfectly normal!

The balance was upset when securitisation began. The principle of this 9 kind of operation is well-known. 11 Whenever a certain number of bilateral debs between a lender and a borrower can be compared in terms of rate, 11 term and quality, it can be feasible to offer them in the form of representa-13 tive securities that can be traded on the financial markets The securitisation of debt is not in itself condemnable; it can even contribute to the improved functioning of the economic system by providing better liquidity, adding an 15 additional element to the 'trading instruments' identified by F. Braudel. However, this kind of transfer of receivables/payables to the financial mar-17 ket can only be acceptable if the conversion does not denature the items 19 involved and maintains their main characteristics.

In fact, what happened with the securitisation of subprime mortgages 21 was quite the opposite. We would have thought that the institutions granting them would put them together in a uniform package, but clearly the 23 securities issued against this set of doubtful debts would have had trouble finding a buyer, unless the remuneration conditions absorbed the full 25 spread assigned to the subprime mortgages. The approach taken by the institutions issuing doubtful debt meant transferring the risk at least cost, 27 that is retaining a portion of the initial spread. To this end, the techniques used may appear quite sophisticated at first glance but were really quite 29 simple. Subprime mortgages were mixed with other, less doubtful debts then these sub-packages were themselves broken down into tranches. In the end, the securities issued against a varied set of receivables (Asset Backed 31 Securities – ABS^{12}) could no longer be linked to the risks inherent to the 33 nature of the subprimes they included.

Hence, securitisation resulted in a contamination of the risks linked to subprime mortgages. The ethical dimension of this contamination is evident and, all other things being equal, can be compared to viral infection. The very fact that they carried out these financial engineering operations implies that the heads of the institutions concerned clearly knew what was involved, namely the transfer to the financial market of the risks inherent to subprime mortgages by concealing them in a composite package of

receivables; an operation that may have justified a substantial risk premium but one that was inferior to that initially demanded on the subprime
 mortgages.

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The Spread of the Subprime Risk through the Globalisation of Financial Markets

Securitisation led to financial markets being contaminated with the risks inherent to subprime mortgages; the globalisation of those financial markets did the rest, making sure the risk spread to the rest of the planet. To stay with the medical metaphor, the infection became a pandemic.

The mechanisms of propagation are quite simple: the interconnection of financial markets, the dematerialisation of market operations and everincreasing data processing capacities enabled the introduction of continual arbitration processes for the various saving-investment products, the vehicles offering them and the markets listing them. A fund manager, regardless of size, seeks to obtain the best conditions (profitability, risk, availability, etc.) for the sums being invested; that is basically their job. As such, from the large American investment funds, handling more than a hundred billion dollars of retirement savings, to the company, local authority or association looking to make the most of their reserves amounting to several thousand euros, investors have a vast choice of investment opportunities.

Asset Backed Securities were of course among the opportunities on offer and appeared very attractive in terms of risk and return, the analysis matrix forming the basis of portfolio theory since Markowitz (1952). This favourable leaning towards ABS was reinforced by a number of initiatives taken by the professionals:

- action by the rating agencies (Standard & Poor's, Moody's, Fitch) whose job is to asset the quality of securities on offer so that investors are as well informed as possible;
- the emergence of *Credit Enhancement*, new specialised (monoline) entities making sure that a given security comes with a sufficient guarantee to allow for better rating by the aforementioned agencies;
- the creation of new investment product compartments such as 'dynamic money-market funds' mainly made up of fully secured securities but potentially including a small portion of other products (the 'dynamic' element) with better apparent return though in theory not incurring a greater risk than the 'classic' money-market funds.

- We could provide plenty of other examples like this as the financial industry has been highly creative over the last twenty years. These initia-
- 3 tives mutually reinforced one another: the application of a credit enhancer allowed for a better rating of a security issued in ABS form, making the lat-
- 5 ter eligible for dynamic money-market funds, which were put forward as a non-risky, income-earning investment, the whole set-up appearing coherent
- 7 and well controlled.

However, in ethical terms, these various initiatives and practices need to 9 be balanced.

- 11 At the end of the financial chain where the 'producers' (of new financial products) are found it is clear that those behind these innovations
- knew exactly what they were doing, namely helping to reduce the risks incurred by maintaining a returns differential higher than the cost
- inherent to the risk reduction operation. Their practices were therefore efficient in terms of portfolio theory. Nonetheless, they are still
- debatable from an ethical viewpoint, insofar as the risk reduction transaction was more apparent than real, with the event generating the risk –
- the risk of default by borrowers with subprime mortgages concealed.

 At the other end of the chain where we find the 'consumers' (of securi-
- tised assets) it is clear that they are not directly liable but are instead victims of the construction, which as I said above appeared soundly
- built and well controlled. At the most, we could criticise their lack of vigilance, a criticism they could counter, arguing that guarantees were
- 25 provided with the existence of an AAA rating or the application of a credit enhancer.
- In fact, the debate about ethics and the financial crisis should largely focus on the auxiliary stakeholders;
- if the credit enhancers had done their job, they should have reached as far as the event generating the subprime risk and therefore challenge the shift away from the classic debt paradigm. Few subprime mortgages
- would then have been enhanced, or their insurance cost would have reduced their appeal for the issuing institution;
- if the rating agencies had done their job properly, they would have acted in the same way and downgraded most ABS securities comprising subprime mortgages, indicating a substantial default risk.
- On the contrary as we know the various categories of intermediary were very flexible, or indeed lax, with their actions and evaluations, directly

contributing to the fabrication of the 'giant with clay feet' that is contemporary finance.

THE CHALLENGES FACING MODERN FINANCE: A DRIVE FOR REAL REFORM

The first part of the chapter presented the characteristics of 'modern finance' and its negative effects, as illustrated by the subprime mortgage crisis. In this second part, I will look at the efforts made to remedy the negative effects and, on finding them inadequate, I will discuss the need for real reform affecting the policies governing finance as well as the conceptual framework of this area of knowledge and the training of stakeholders concerned.

The Discordant and Generally Inadequate Reactions of Stakeholders and Researchers

The financial crisis was initially linked to subprime mortgages but went on to trigger a major financial and economic downturn. The effects of the global recession can still be felt (e.g. the Greek crisis) and it is too soon to analyse all of its aspects and draw all the conclusions. The months and years to come will no doubt see a number of events that will modify the context of the recession and hence the analysis we can make of it. Nonetheless, researchers, especially in the field of social sciences, cannot avoid reference to such a far-reaching phenomenon, modifying not only the conditions under which economic systems function but also the analysis matrices concerning them, and indeed the underlying epistemological, theoretical and normative postures. It would thus appear appropriate to provide some thoughts to contribute to the debate.

Financial stakeholders — professionals in the sector and those responsible for its regulation — and researchers in finance do not have the same responsibility (or the same status); it is thus preferable to look at the reactions of these two categories separately, reactions that are discordant and inadequate given the importance of the challenges to be met.

Inadequate Practical Responses

It is clear to all observers that the global financial crisis has political, legal and ethical dimensions, some of which are explicit and others implicit, and

related to the way that the financial and economic system functions on a global level. Let us look at some of those dimensions:

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(a) on a regulatory level, what new measures have been introduced in light of the current crisis, which demonstrates the excesses of deregulation? This is open to debate but the problem is an international and political one. An effort clearly has to be made to close the loopholes in the current regulatory systems (off-balance sheet entities, tax havens, shadow banking, etc.).

To date, a number of measures have been introduced in several countries, especially the United States and Europe. For example, the pressure applied by the United States on different countries, resulting in the gradual lifting of banking confidentiality in those countries (e.g. Switzerland). Likewise the amount of the fines to be paid for various offences — on the basis of an agreement with the legal authorities to avoid prosecution (as permitted by the American legal system) — now reaches substantial levels, sometimes billions of dollars.

However, serious limits still remain, in two respects:

- on the one hand, not all countries are concerned; in fact, within a given country, a particular zone may benefit from an exception (such as the Channel Islands in the United Kingdom, the state of Delaware in the USA).
- on the other hand, most of the measures decided fall short of what is actually required (the separation of speculative activities and commercial activities in banks has only led to half-measures, despite the consensus among most observers and analysts on its necessity).
- Measures between countries are discordant and uncoordinated thus leaving a number of gaps in the supervisory mechanisms, meaning they are pretty much ineffective.
- (b) in terms of professional conduct, the weaknesses seen in the financial
 sphere have largely undermined the self-regulatory systems of the professions concerned and it is likely that this discredit will persist for
 some time.

What is more, the professional bodies have a natural tendency to become pressure groups serving their members, with professionals in the financial sector able to mobilise considerable know-how and resources for lobbying work. Close observation of the processes used to devise regulatory measures in this sector highlight the effects of this lobbying before the sovereign authorities and largely explains the half-measures described above concerning the separation of speculative and commercial business.

1 (c) in terms of personal ethics, among the stakeholders in the chain of operations making up the financial crisis, like that of the subprime mortgage crisis, many of them can question their own conduct – from 3 the broker that sold a mortgage to a clearly insolvent family and took his commission, to the 'financial genius' who worked out how to con-5 ceal the risks inherent to those mortgages by diluting them in an ABS 7 package, and including the analysts at work within the credit enhancers and rating agencies and who were very lax in their duty of supervision. Looking beyond one particular form of personal conduct, and without 9 going as far as the more criminal behaviour of Kerviel or Madoff, the current crisis has called into question what M. Weber called 'the spirit 11

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A Divided Scientific Community

The scale of the global financial crisis and its devastating effects led to a challenge on the conceptual framework of finance as an object of scientific knowledge and as a set of professional practices. However, the criticism currently aimed at modern finance is not consistent and can be split into three groups, corresponding to successive levels of questioning.

23 (a) Questioning of practices alone

of capitalism'.

On this first level, supporters of modern finance consider that the *conceptual framework* and the exceptional 'toolkit' forged over the last few decades are not to blame. If errors or failings have occurred, they are to be blamed, not on the analysis framework or the tools, but on individual people. History, and especially in finance, has shown that there are always people seeking to play with the rules, such as Jérôme Kerviel, or to fraud savers such as Bernard Madoff.

Human nature being what it is, if those people did not have high enough ethical standards to prevent their inappropriate conduct, the supervisory and control systems simply need strengthening and proper sanctions introduced for clear breaches. This alternative — 'Ethics or Stick' — is agreed on by all, even the most liberal circles, at least in official statements.

37 (b) Questioning of the tools and models without changing the paradigm
 On this second level, criticism is more precise; without questioning the
 39 foundations of the conceptual framework – that is the paradigm – we can criticise the toolkit or, at least, a particular component. Analysis,

- modelling and forecasting tools have significantly developed over the last few decades with creativity seemingly boundless. In terms of risk
- modelling, the perception of a universe structured around random variables led to the immoderate use of axioms and Brownian motion laws,
- 5 which now appears to be highly debatable (Bourguinat & Briys, 2009; El Karoui, 2009; Mandelbrot, 1995, 2005; Taleb, 2008; Walter & de
- Pracontal, 2009, etc.). The current range of tools used (actuarial principles and probabilities) should be expanded to take in other mathematical probabilities.

9 cal tools (games theory, fractals, etc.)

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Mathematicians, who have gradually acquired a dominant position in the field of finance research, fully support this questioning which, once past errors have been admitted, grants them an almost unlimited 'market'. As an example, take the statement made by a colleague in a large Parisian university: 'It is time for the finance sector to use models that have proven their value to the same extent as those developed in other sensitive industries such as the nuclear industry or pharmaceuticals' (E. Jouini, colloquium on the reform of finance, November 27, 2009).

(c) Questioning of the current paradigm

On this third level, criticism is more radical and more global: it is not a matter of failings which can be pinned on individual conduct such as Madoff, or biases related to particular modelling tools (e.g. VaR), but instead the challenging of the very foundations of the current conceptual framework, that is the paradigm.¹³

The philosophy of sciences, Kuhn (1983), which looks at the times of crisis encountered by a science during its evolution, states that there is a 'scientific revolution' when a scientific theory established by time — forming a paradigm — is rejected to the benefit of a new theory — a new paradigm.

At the present time, few finance researchers recognise themselves in this level of questioning of the founding paradigm of modern finance; they were mentioned above: M. Aglietta, E. Briys, P. H. Dembinski, G. Giraud, P. Jorion, D. A. MacKensie, F. Morin, A. Orléan, O. Pastre, H. Rainelli, R. Shiller, N. N. Taleb, among others, but differences — or even significant divergences — exist between them, so they cannot be seen as a united front.

We should not therefore be surprised by the permanent nature of the so-called *mainstream* current, that is acceptance of the first level of criticism and, to varying degrees, of the second level, in academic finance today. This configuration of the scientific milieu can be illustrated by the awarding of the 2013 Nobel Prize for Economics to three

American academics, E. Fama and L. P. Hansen (both from the University of Chicago) and R. Shiller (Yale). As observers stated: 'The three winners are from different schools of thought: the first two are neoclassicists – supporting the rationality of economic agents – while the third is a believer in behavioural finance, considering that the rationality of economic agents is not systematic'.

The Royal Swedish Academy of Sciences, which awards the prize, resorted to understatement to gloss over this disparity: 'The Laureates have laid the foundation for the current understanding of asset prices. It relies in part on fluctuations in risk and risk attitudes, and in part on behavioural biases and market frictions'. ¹⁴ We have rarely seen this kind of recognition of the plurality of conceptual frameworks for a single scientific goal.

scientific goal

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FOR A REAL REFORM OF FINANCE

My proposal is based on two complementary lines: of interest respectively for the academic world (for a new paradigm) and for the professional sector (for reembeddedness); I will then bring these two lines together in a

21 conclusion on the training of financial experts.

For a New Paradigm in Finance

I base my belief on the critical assessments described above and come to 27 the conclusion that this is where we are at in finance today. The dominant paradigm, formed in the 1950s by the founding works of Markowitz,

29 Tobin and Modigliani and Miller, despite the immense developments which it has engendered, despite the ten or more Nobel Prizes for Economics

- 31 marking its history, is currently reaching exhaustion because it just cannot address the issues raised by the current financial crisis, problems for which
- 33 it is partially responsible. 15 It is no longer a matter of adding another storey to the impressive construction built over fifty years ago and which
- has now become a 'giant with clay feet', but instead a question of overhauling the entire structure, starting with the foundations. *In brief, contemporary finance needs a new paradigm.*

The definition of this new paradigm should be considered within the framework of a collective programme. However, we can explore several avenues that appear useful to the debate:

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- 1 reembedding finance within HSS, leaving behind pipe dream of a separate discipline comparable to physical sciences. In this respect, we need
- to accept the contingency of facts and financial behaviour, calling for a distinction according to the economic, legal, political and cultural envir-
- 5 onments in the societies that produce them and to which those facts and behaviour contribute
- 7 expanding the analysis framework especially risk analysis to include elements other than price, rates and random variations of those prices
 9 and rates
- turning to formalisation as one path (among others) to analysis. In this formalisation, the current range of tools used (actuarial principles and probabilities) should be expanded to take in other mathematical tools (games theory, fractals, etc.)

For the 'Reembeddedness' of Finance in Society

The diagnosis, made by researchers and observers of contemporary finance, is almost unanimous. Apart from some minor differences in style, all these authors consider that the current crisis is linked to the huge emphasis placed on finance compared to the rest of the economy. I can quote a few examples from recent works:

- Simon (2014) reminds us that 'the crisis which erupted in finance in 2008 affected the entire world economy' (p. 8) but despite that 'finance, which is at the root of the crisis, is still more powerful that it was in 2008' (ibid.).
- Durand (2014) considers that 'finance develops according to its own specific dynamic' (p. 7) and talks about the 'financial eruption' (p. 11). In his view, 'the accumulation of fictive capital inevitably causes the crisis' (p. 69).
- Lagoarde-Segot (2014) highlights 'the financial aspects of financialisation' (pp. 28–31): the concentration of banking risks, the explosion of financial transactions, increased securitisation and the boom in 'shadow banking'.
- Giraud (2014) makes a similar observation by insisting on the malfunctions inherent to the financial markets (chap. 3) and the banks' *ex nihilo* power of monetary creation (chap. 5), a power increased by policies such as quantitative easing led by the central banks (*ibid.* and chap. 6)
- As rightly pointed out by Fimbel and Karyotis (2012), referring to the approaches of K. Polanyi and M. Granovetter, 'ideologically, the financial

sphere has conquered self-referential power by embedding the economic realm, which had itself previously embedded society' (op. cit., p. 539).

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The solutions put forward are diverse but converge, except for C. Durand who is pessimistic about the 'lead blanket of fictive capital' (p. 192) and what looks like a dead-end, but other authors put forward solutions or at least avenues to be explored. For example, C. Simon and G. Giraud echo the demands for a separation of commercial and speculative banking activities, a cap on the size of the biggest players in the sector and a tightening of the rules, the Tobin tax and so on. G. Giraud goes further by stating his support for more drastic solutions such as the 'SMART currency'. Th. Lagoarde-Segot backs 'a reform of knowledge on the basis of ethical considerations', and states that 'the development of the solidarity economy is a real opportunity in response to this kind of challenge' (op. cit., p. 172).

Even though the books quoted here are recent, they were not the first to draw the public's attention to the current financial crisis and its effects on the global economy. On the contrary, in a previous listing, I noted that 'the only sector to sail through the crisis was research and publication on the crisis'. However, despite these repeated warnings and the array of proposals for action put forward by various bodies — in particular, *Finance Watch* — we can see that little has really changed for the financial realm where, apart from a few affairs seen as isolated incidents (Madoff, Kerviel, etc.), it is pretty much 'business as usual'.

Why are stakeholders in finance failing to take appropriate action? Beyond the belief that many of these stakeholders might hold as to the relative superiority of the current system which, for them, is like democracy in that it is 'the least bad option', and beyond the performativity effects pointed out by several previous authors, in my view, the cause lies quite simply in the stakeholders' resistance to any initiative likely to rein in their power. In this respect, I hereby share the opinion of my colleague, A. Cartapanis in his afterword to the book by Th. Lagoarde-Segot: 'finance is also a power ... and this power, which is backed by some powerful lobbies, is not ready to let go of its position in the economy' (op. cit., p. 177).

To apply a formula in the style of Polanyi-Granovetter, used by Fimbel and Karyotis (2012), we need to proceed with a dual *reembeddedness* of finance in the economy and economy in society.

Conclusion: For a Reform of Financial Training

I feel it would be appropriate to close this 'waypoint' review with a word on the training of financial stakeholders, especially traders who work in

- the front office on the international markets. As we know, the majority of these professionals are prepared dare I say for their jobs in the finan-
- 3 cial industry with training in exclusively mathematical techniques. 16 This has two unfortunate consequences:
- it consolidates the idea that finance is, like physics and chemistry a separate science that can be controlled using appropriate modelling techniques;
- it trains a pool of financial decision-makers who are often young with no experience of economic and corporate life, and no training in law, economics, management, or more generally, the HSS to prepare them for their future profession. As for a course on ethics ...
- 13 Alongside the new finance paradigm that I would like to see emerge, financial training also has to be overhauled.
- 15 Again, I will make do with a brief outline here: all 'master's in finance' courses should include:
- basic training in the 'anthropology of finance': a course based on the work of economics anthropologists/sociologists (Dumont, Godelier, Levi-Strauss, Polanyi, etc.) and historians (Braudel, Wallerstein, etc.);
- substantial training in international economics, law (commercial law) and management (businesses and organisations);
- knowledge of tools and languages (mathematics, statistics, information systems, including accounts and internal control), and the 'decoding' of their conceptual bases and how they are used;
 - special modules on:

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- o epistemology and methodology,
 - the psycho-sociology of decision-making, 17
- o professional conduct and business ethics.

The main thing to be learned from the global financial and economic crisis may be that the most advanced societies need to take a good look at themselves, the meaning of their actions and the education of their members.

It is time for those who share these ideas to combine their efforts, not only to advance the analysis of the issues related to the 'financial flood', but also to prepare viable solutions to address it and, last but

- 37 not least, muster enough weight to help implement those solutions. The idea of working together, recommended by Lin Ostrom, appears to
- 39 the prerequisite enabling us to look 'beyond fatal financial logic' and one day reply 'I can see the almond tree blossom' (G. Giraud, op. cit., p. 248).

1 NOTES

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1. Sometimes referred to as 'classic finance' or 'institutional finance' or even 'folklore' by M. Jensen who has no hesitation in discrediting his opponents (see below).

- 2. N.B. Do not confuse Merton (1910–2003), sociology professor at Columbia, with his son Merton (1944–...), finance professor at MIT (and later Harvard), well known in finance for having developed, around the same time as F. Black and M. Scholes, the Theory of Rational Option Pricing, an important step forward for scientific finance, which earned them the Nobel Memorial Prize in Economic Sciences in 1997. Anecdotally, when the Nobel prize was awarded, R. C. Merton rounded off his speech with a quote qualifying the LTCM investment fund he founded with Scholes and other renowned researchers, as 'the best finance faculty in the World' (ref. speech on ;www.nobelprize.org). This was less than a year before the fund's spectacular collapse, leading to a bail-out under the supervision of the Federal Reserve to prevent a chain reaction.
- 3. R. Goffin's work begins with the idea that 'a sum is risky if that sum is a random variable where we know the probability distribution' (Goffin, 1998, p. 13).
 - 4. It is significant that in the second edition of *Encyclopédie de la gestion* (Management Encyclopaedia), market finance was taken out and included in its own *Encyclopédie des marchés financiers* (Encyclopaedia of Financial Markets).
 - 5. I purposely use this expression often applied by M. C. Jensen and the modern finance proponents who hammer home the self-proclaimed scientificness of their approach compared to others. M. C. Jensen does not shy from controversy and has repeatedly rubbished his critics and, declared himself as a defender of 'the Science'! On the issue of takeovers (Jensen, 1984), he contrasted 'science' (himself) with 'folklore' (the others). Likewise, his argument on the 'market for corporate control' (Jensen & Ruback, 1983) was 'the scientific evidence'. In his criticism of the 'stakeholders' approach (Jensen, 2001), he goes even further, caricaturizing Freeman and widening the circle of stakeholders to 'terrorists, blackmailers and thieves'. For him, the multivariate approach required by the notion of 'stakeholders' is worthless: 'Multiples Objectives is no Objective'. On the other hand, his position maximissing market value is based on a long academic tradition, and is therefore true 'Two hundred years of work in accompanies and finance implies that a social welfage is maximum.
- hundred years of work in economics and finance implies that ... social welfare is maximized when each firm in an economy maximizes its total market value'.
 6. 'One item left out of the debate on financial models is their impact on reality. In
- fact, this was not left out but indeed theorised by a Scottish sociologist, Donald MacKenzie, in his work "an engine, not a camera" where he presents the history of financial theory according to Markowitz. He shows how Markowitz and Modigliani-
- financial theory according to Markowitz. He shows how Markowitz and Modigliani-Miller took financial theory in a resolutely anti-institutional and mathematical direc-
- tion, clearly marked by Friedmann's epistemology. He shows how these new financial theorists were driven by the very rapid development of financial markets which created a demand for evaluation methods. However, on a more fundamental level, his demon-
- 37 stration showed that models shaped the reality of financial markets (which explains his title, "an engine, not a camera," or so goes the theory)' (Rainelli, 2009, correspon-

39 dence with the author).

- 7. 'The portfolio management models, and even more so option pricing models, are not only models giving a representation of the market. They are prescriptive and performative. They tell you what to do on that market and shape market reality' (M. Amatte, comment on N. EL Karoui's presentation, 2009).
 - 8. The amount of positions on the credit default swaps (CDS) came to US\$50 trillion in 2008, equivalent to global GDP with US\$17 trillion for JP Morgan alone.
 - 9. The collapse of Lehman Brothers is a counter-example, justifying the rule; observers agree that the supervisory authorities should have intervened as they did several years earlier for the LTMC fund or American saving banks.
 - 10. The degree of variety of the control system will at least be equal to that of the system controlled (Ashby, 1958; Mesarovic et al., 1970).
- 11. See the chapter on 'Asset-backed securities' in the essay by Lederman (1987), and the chapter on 'Securitisation: Economic and financial analysis' by Simon and Lautier (2009).
- 12. More specifically, in the realm of ABS, the securities backed by mortgages, such as subprime mortgages, make up a category known as *Residential Mortgage* Backed Securities (RMBS).
 - 13. 'What I call paradigms are the universally recognised scientific discoveries which, for a time, provide the researcher community with typical problems and solutions' (Kuhn, 1983, p. 11).
- 19 14. http://www.lemonde.fr/economie/article/2013/10/14/le-nobel-d-economie-cour onne-trois-americains-pour-leurs-travaux-sur-les-marches-financiers_3495345_3234. html#BFm1DZv5IdrkVv68.99
- 21 15. 'As such, the defence of mathematical finance, according to which it has no responsibility in the formation of bubbles, needs to be balanced. It is true that bubbles
- 23 were formed before mathematical finance was established. However, it is also true that various forms of drift have rocked the boat on a number of occasions in the past.

 Mathematical financial theory is the matrix that has, at least to a certain extent,
- 25 allowed for the recent explosion in financial innovations, or new forms of drift' (Rainelli, 2009, correspondence with the author).
- 27 16. The Ecole Polytechnique Master's in 'Probabilities and Finance' at Paris 6 University (Ms. El Karoui) is the reference training programme for traders, much sought after by fund managers in France and abroad.
- 29 17. To refer to a note already mentioned above, training for financial stake-holders has as much to learn from Merton, 1948 (*The Self-Fulfilling Prophecy*) as
- 31 Merton, 1973 (*Theory of rational option pricing*). We can imagine the father giving his 'Nobel' son a lesson in psychology after the collapse of the LTCM fund in 1998.
- 33 18. See FAS programme summary report and bibliography.

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ACKNOWLEDGEMENTS

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This chapter is a new, updated and extended version of a paper published in 2010 (Pérez R., 2010). At that time, I wrote: 'This paper is not

a completed work (insofar as research can be considered complete) but a waypoint in an ongoing research programme. This programme has been

- 3 provisionally entitled "For a new paradigm in finance." My feeling is that the current paradigm, devised in the 1950s by the pioneering work of
- 5 Markowitz, Tobin and Modigliani & Miller is now "exhausted" (in the meaning defined by Kuhn), as evidenced by the current global financial
- 7 crisis. It is therefore necessary to start working on a new paradigm, a task that will involve reasoned criticism of the current paradigm. Our research
- 9 is part of this critical process. A certain amount of preliminary work has already been done'.
- Subsequently, an international research programme entitled 'Finance and Sustainability' (FAS) was devised in 2009 with a view to a contribution
- at the 10th IFSAM World Conference in Paris in July 2010. It was coordinated by a researchers' collective R. Pérez (U. Montpellier, France),
- 15 C. Louche (Vlerick Gent-Leuven, Belgium), W. Sun (Leeds Met U., UK) brought together on the basis of a partnership between two
- 17 networks RIODD (Réseau international de recherche sur les organisations et le Développement Durable) and CGSIG (Corporate Governance
- 19 and Sustainability International Group), in liaison with a number of other institutions including CRIFA (Club recherche de l'Institut français des
- 21 administrateurs), FIR (Forum de l'Investissement responsable French SIF) and ISMEA (Institut de sciences mathématiques et économiques
- 23 appliquées). Over the last few years, the members of the FAS collective have taken part in a number of scientific meetings and events organised
- 25 either within the programme framework of on the initiative of partner institutions.
- 27 This joint project has resulted in several publications, including a new 'Entreprise et finance' series (KF), derived from the K series 'Economie de
- 29 l'entreprise' by the review Économies et Sociétés (ISMEA) and the first collective work in a dedicated series from Emerald Publishing: Sun, Louche,
- 31 and Pérez (2011). 18
- As the author, I would like to thank everyone who has encouraged me 33 with this project and made observations and comments on the first draft and took part in the related discussions. Special thanks to Gérard
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REFERENCES

- 3 Aglietta, M. (1997). Régulation et crises du capitalisme (2nd ed.). Paris: Editions Odile Jacob. Aglietta, M., & Rebérioux, A. (2004). Dérives du capitalisme financier. Paris: Albin Michel.
- Akerlof, G. A., & Shiller, R. J. (2009). Animal spirits: How human psychology drives the 5 economy and what it matters for global capitalism. Princeton, NJ: Princeton University Press. 7
- Ashby, W. R. (1958). Introduction à la cybernétique. Paris: Dunod.

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- Berger, P., & Luchmann, T. (1966). The social construction of reality. New York, NY: Doubleday.
- Bignon, V., Biondi, Y., & Ragot, X. (2009). Une analyse économique de la "juste valeur": La comptabilité comme vecteur de crise. Prisme n° 15, Paris: Centre Cournot pour la 11 recherche en Economie.
- Black, F., & Scholes, M. (1973). The pricing of options and corporate liabilities. Journal of 13 Political Economy, 81(3), 637-654.
 - Bourguinat, H., & Briys, E. (2009). L'arrogance de la finance. Paris: La Découverte.
- Braudel, F. (1967–1979). Civilisation matérielle, économie et capitalisme. Paris: Flammarion. 15 Capron, et al. (2005). Les normes comptables internationales, instruments du capitalisme financier. Paris: La Découverte.
- 17 Casta, J.-F., & Colasse, B. (coord.) (2001). Juste valeur: Enjeux techniques et politiques. Paris: Economica.
- 19 Chambost, I., & Touchelay, B. (Eds.) (2013). L'information économique et financière des salariés et de leurs représentants. Special issue, Economies et sociétés (cahiers de l'ISMEA), Entreprise et finance (KF3), 47(8), 1217-1419. 21
- Charreaux, G. (2008). La recherche en finance d'entreprise: quel positionnement méthodologique? Finance Contrôle Stratégie, 11, 237-290.
- 23 Colasse, B. (2009). La normalisation comptable internationale face à la crise. Revue d'Economie Financière, 95, 387-399.
- Cuillerai, M. (2002–2009). Spéculation, éthique, confiance. Paris: Payot & Rivages. 25 Dembinski, P. H. (2008). Finance servante ou finance trompeuse. Genève: Desclée de Brouwer.
 - Durand, D. (2014). Le capital fictif. Paris: Les prairies ordinaires.
- 27 El Karoui, N. (2009, November). Un moment de l'expérience probabiliste. Théorie des processus stochastiques et pratiques dans les marchés financiers. Prisme n° 17, Paris: Centre 29 Cournot pour la recherche en Economie.
 - Fama, E. F. (1970). Efficient capital markets: A review of theory and empirical work. Journal of Finance, 25(2), 383-417.
- 31 Fama, E. F., & French, K. R. (1996). Multifactors explorations of asset pricing anomalies. Journal of Finance, 51(1), 55-84.
- 33 Fimbel, E., & Karyotis, C. (2012). Titrisation et réflexo-genèse. Economies & Sociétés, (KF2), *46*(3), 527–551.
- Fisher, I. (1907). The rate of interest. New York, NY: Macmillan. 35
 - Forum on the network. échanges autour des biens communs. Available at finance@bienscommuns.org (moderators: Alix N., Pérez R. & Sultan F.).
- 37 Gauchet, M. (1985). Le désenchantement du monde. Paris: Gallimard.
 - Giraud, G. (2014). L'illusion financière. Paris: Les éditions de l'atelier.
- 39 Giraud, G., & Renouard, C. (2009). 20 Propositions pour réformer le capitalisme. Paris: Flammarion.
 - Goffin, R. (1998). Principes de finance moderne. Paris: Economica.

1 Granovetter, M. (1985). Economic action and social structure: The problem of embeddedness. American Journal of Sociology, 91(3), 1360-1380.

- Hacking, I. (2001). Entre science et réalité: la construction sociale de quoi? Paris: 3 La Découverte.
- Herlin, P. (2008). Théorie des marchés financiers: Revenir aux concepts fondamentaux. Club 5 Finance HEC, Etudes n° 75.
 - Huault, I., & Rainelli-Le Montagner, H. (2009). Market shaping as an answer to ambiguities: The case of credit derivatives. Organization Studies, 30(5), 549-575.
- 7 Jensen, M. C. (1984). Takeovers: Folklore and science. Harvard Business Review, 62, 109-121.
 - Jensen, M. C. (2001). Value maximization, stakeholder theory and the corporate objective function. Journal of Applied Corporate Finance, 14(3), 8–21.
 - Jensen, M. C., & Meckling, W. H. (1976). Theory of the firm: Managerial behavior, agency costs and ownership structure. Journal of Financial Economics, 3(4), 305-360.
 - Jensen, M. C., & Ruback, R. S. (1983). The market of corporate control: The scientific evidence. Journal of Financial Economics, 11, 5-50.
- 13 Jensen, M. C., & Smith, C. W. (Eds.) (1984). The modern theory of corporate finance. New York, NY: Mc Graw-Hill.
- 15 Jorion, P. (2008). La crise. Des subprimes au séisme planétaire. Paris: Fayard. Knight, F. (1921). *Risk*, uncertainty and profit. New York, NY: M. Kelley.

9

11

- Kuhn, T. (1983). La structure des révolutions scientifiques. Paris: Flammarion. 17 Lagoarde-Segot, T. (2014). La finance solidaire: Un humanisme économique. Bruxelles:
- De Boeck. 19 Le Moigne, J.-L. (1994-1995). Le constructivisme (Vol. 2). Paris: ESF Ed. Lederman, J. (1987). Handbook of mortgage banking. Chicago, IL: Probus Publ. 193.
- 21 Levasseur, M. (1976). Le comportement des entreprises industrielles en matière de trésorerie. Thèse. Université Paris Dauphine, Paris.
- Levi-Strauss, C. (1950). Introduction à l'oeuvre de Marcel Mauss. In M. Mauss (Ed.), 23 Sociologie et anthropologie. Paris: PUF.
- Louche, C., & Hebb, T. (Eds.) (2014). Socially responsible investment in the 21st century: Does 25 it make a difference for society? Critical Studies on Corporate Responsibility, Governance and Sustainability (Vol. 7). Bingley, UK: Emerald Group Publishing.
- MacKenzie, D. A. (2006). An engine, not a camera, social studies in finance. Cambridge, MA: 27 The MIT Press.
- Mandelbrot, B. (1973). Formes nouvelles du hasard dans les sciences. Economie appliquée, 29 *26*, 307–319.
- Mandelbrot, B. (1997). Fractals and scaling in finance: Discontinuity, concentration and AU:7 31 risk. Springer.
- Mandelbrot, B., & Hudson, R. (2005). Une approche fractale des marchés: Risquer, perdre et gagner. Paris: Ed. Odile Jacob. 33
- Markowitz, H. (1952). Porfolio selection. The Journal of Finance, 7(1), 77-91.
- Marteau, D., & Morand, P. (2009). Normes comptables et crise financière: propositions pour 35 une réforme du système de régulation comptable. Paris: La Documentation Française.
- Martinet, A.-C. (2008). Gouvernance et management stratégique. Revue Française de Gestion, 183, 93-110. 37
- Merton, K. C. (1948). The self-fullfilling prophecy. Antiech Review, Summer, 193-210. Also published in Social Theory and Social Structure. New York, NY: Free Press, 1949.
- 39 Merton, R. C. (1973). Theory of rational option pricing. Bell Journal of Economics, *4*(1), 141–183.
 - Mesarovic, M. D., et al. (1970). Theory of hierarchical, multilevel, systems. London: AU:8 Academic Press.

- 1 Modigliani, F., & Miller, M. (1958). The cost of capital, corporation finance and the theory of investment. American Economic Review, 48, 261-297.
- Morin, F. (2006). Le nouveau mur de l'argent: Essai sur la finance globalisée. Paris: Seuil. 3
 - Myers, S. C. (1977). Determinants of corporate borrowing. Journal of Financial Economics, 6(5), 147-175.
- 5 Myers, S. C., & Majluf, N. (1984). Corporate financing and investments decisions when firms have information that investors do not have. Journal of Financial Economics, 13, 187-221. 7
- Ninet, J., Pérez, R., & Zimmnovitch, H. (Eds.) (2012). Banques et crise financière. Special issue, Économies et sociétés (cahiers de l'ISMEA), Entreprise et finance (KF2), 9 *46*(3), 493–584.
 - Orléan, A. (1999). Le pouvoir de la finance. Paris: Ed. O. Jacob.
- 11 Paranque, B. (Ed.) (2014). Financement; management et gouvernance des entreprises de l'économie sociale et solidaire. Special issue, Économies et sociétés (cahiers de l'ISMEA), Entreprise et finance (KF4), 48(7), 1097-1197. 13
- Pastre, O., & Sylvestre, J.-M. (2008). Le roman vrai de la crise financière. Paris: Ed. Perrin.
- Pérez, R. (1973). Une étude théorique de l'endettement dans le calcul économique. Economies 15 et Sociétés, 8(4), 581-646.
 - Pérez, R. (2003–2009). La gouvernance de l'entreprise. Paris: La Découverte.
- Pérez, R., Louche, C., & Sun, W. (Eds.) (2010). Finance responsable. Special issue, Économies 17 et sociétés (cahiers de l'ISMEA), Entreprise et finance (KF1), 44(11), 1705–1883. Perroux, F. (1960). Le capitalisme. Paris: PUF.
- 19 Plihon, D. (2003–2009). Le nouveau capitalisme (3rd éd.). Paris: La Découverte.
 - Polanyi, K. (1944–1983). La grande transformation. Paris: Gallimard. traduction de la 2e éd, 1972, de The Great Transformation.
- 21 Rainelli, H. (2008). Nouveaux chantiers de la finance. In G. Schmidt (coord.), Le management (pp. 175-183). Auxerre: Sciences Humaines Editions.
- 23 Rappaport, A. (1987). Creating shareholder value: The new standard for business performance. New York, NY: The Free Press.
- 25 Richard, J. (2012). Comptabilité et développement durable. Paris: Economica.
 - Ross, S. A. (1977). The determination of financial structure: The incentive-signalling approach. Bell Journal of Economics, 8(1), 23-40.
- 27 Roux, M. (2005). Finance éthique. Paris: RB Editions.
 - Servet, J.-M. (2012). Les monnaies du lien. P. U. L. Lyon.
- 29 Servet, J.-M. (2015). La vraie révolution du micro-crédit. Paris: Éd. Odile Jacob.
- Sharpe, W. (1964). Capital asset prices: A theory of market equilibrium under conditions of 31 risk. Journal of Finance, 19(3), 425-442.
 - Shiller, R. (2000). Irrational exuberance. Princeton, NJ: Princeton University Press.
- Simon, C., & Collectif Roosvelt (2014). Stop à la dérive des banques et de la finance. Paris: Les 33 Editions de l'atelier.
- Simon, Y., & Lautier, D. (2009). Titrisation: Analyse économique et financière. In M. Boizard & 35 P. Raimbourg (Eds.), *Ingénierie financière*, fiscale et juridique (pp. 689–715). Dalloz.
- Sorman, G. (2008). L'économie ne ment pas. Paris: Fayard.
- Soros, G. (1998). La crise du capitalisme mondial. Paris: Plon. trad. Fr. de The crisis of 37 Global Capitalism.
- Stout, L. (2009). How deregulating derivatives led to disaster and what re-regulating them can 39 prevent another. Lombart Street, note FinReg 21th. Retrieved from www.finreg21.com
 - Sun, W., Louche, C., & Pérez, R. (Eds.) (2011). Finance and sustainability: Towards a new paradigm? A post-crisis agenda. Critical Studies on Corporate Responsibility, Governance and Sustainability (Vol. 2). Bingley, UK: Emerald Group Publishing.

Sun, W., Steward, J., & Pollard, D. (Eds.) (2010). Reframing corporate social responsibility:
 Lessons from the global financial crisis. Critical Studies on Corporate Responsibility,
 Governance and Sustainability (Vol. 1). Bingley, UK: Emerald Group Publishing.

- Sun, W., Steward, J., & Pollard, D. (2011). *Corporate governance and the global financial crisis:*International perspectives. Cambridge: Cambridge University Press.
- 5 Taleb, N. N. (2006). La puissance de l'imprévisible. Paris: Les Belles Lettres. Thom, R. (1972). Stabilité structurelle et morphogénèse. Paris: InterEditions.
- 7 Thom, R. (1983). *Paraboles et catastrophes*. Paris: Flammarion.
 - Tirole, J. (2006). *The theory of corporate governance*. Princeton, NJ: Princeton University Press.
- Tirole, J. (2008). Leçons d'une crise. Notes $TSE n^{\circ} 1$, déc., Toulouse S.E., Toulouse.
 - Tobin, J. (1956). Liquidity preference as behavior towards risk. *Review of Economic Studies*, 26(1), 65–86.
 - Urban, S. (2008). Financial markets' expectations and human development. *Society and Business Review*, 3(2), 162–171.
- Van Frederisklut, R. A. I., et al. (Eds.) (2008). Corporate finance and corporate governance:

 A European perspective. London: Routledge.
- Vieille, J.-N. (2012). Valorisation des entreprises en temps de crise. Paris: Economica. Wallerstein, I. (1985). Le capitalisme historique. Paris: La Découverte.
- Walter, C. (2009). Le virus Brownien et la déroute des professionnels en finance. In C. Turgot (Ed.), *Repenser la planète finance* (pp. 89–101). Paris: Les Echos-Eyrolles Edition.
- Walter, C., & de Pracontal, M. (2009). Le virus B. Crise financière et mathématiques.

 Paris: Seuil.
 - Weber, M. (1964–1904). L'éthique protestante et l'esprit du capitalisme. Paris: Plon.

21

11

23 UNCITED REFERENCES

AU:5

- 25 Aglietta (1997); Aglietta and Rebérioux (2004); Akerlof and Shiller (2009); Berger and Luchmann (1966); Braudel (1967–1979); Chambost and
- 27 Touchelay (2013); Charreaux (2008); Cuillerai (2002–2009); Dembinski (2008); Fama and French (1996); Forum on the network; Giraud and
- 29 Renouard (2009); Granovetter (1985); Hacking (2001); Herlin (2008); Huault and Rainelli-Le Montagner (2009); Jensen and Smith (1984); Jorion
- 31 (2008); Knight (1921); Louche and Hebb (2014); Mandelbrot and Hudson (2005); Martinet (2008); Morin (2006); Ninet, Pérez, and Zimmnovitch
- 33 (2012); Paranque (2014); Pastre and Sylvestre (2008); Pérez, Louche, and Sun (2010); Perroux (1960); Plihon (2003–2009); Polanyi (1944–1983);
- 35 Rappaport (1987); Richard (2012); Roux (2005); Servet (2012); Servet (2015); Shiller (2000); Simon and Collectif Roosvelt (2014); Stout (2009);
- 37 Sun, Steward, and Pollard (2010); Sun, Steward, and Pollard (2011); Taleb (2006); Tirole (2008); Urban (2008); Van Frederisklut and alii (2008);
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	(2009); Sun, Steward, and Pollard (2010); Sun, Steward, and Pollard (2011); Taleb (2006); Tirole (2008); Urban (2008); Van Frederisklut and alii (2008); Vieille (2012); Wallerstein (1985); Walter (2009); Weber (1964–1904). Please cite them; if no citation is available then these references need to be removed from the list.	
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