

#### **Ethics and Finance**

Ethics and Finance: An Introduction provides a comprehensive and accessible introduction to the ethical issues raised by modern finance. Drawing carefully on ethical theory and with frequent use of case studies, it includes an analysis of the global financial system and its regulation and control, as well as a detailed analysis of the financial crisis. Chapters on specific areas of finance practice cover all the major financial scandals of recent times, from mis-selling to market manipulation and from insider trading to bankers' bonuses, as well as much more positive developments. From microfinance to derivatives trading, the book provides a careful and balanced treatment designed to help finance students and practitioners approach this sensitive topic in a thoughtful and constructive way. No prior knowledge of ethics or finance is required, and the book will be invaluable to students, finance teachers, practitioners and regulators.

JOHN HENDRY is a Fellow of Girton College at the University of Cambridge, and Emeritus Professor at Henley Business School, University of Reading. He is the author of Between Enterprise and Ethics: Business and Management in a Bimoral Society (2004).



## Cambridge Applied Ethics

Titles published in this series:

ETHICS AND BUSINESS Kevin Gibson
ETHICS AND CRIMINAL JUSTICE John Kleinig
ETHICS AND ANIMALS Lori Gruen
ETHICS AND THE ENVIRONMENT Dale Jamieson
ETHICS AND THE MEDIA Stephen J. A. Ward
ETHICS AND WAR Steven P. Lee
THE ETHICS OF SPECIES Ronald L. Sandler
ETHICS AND SCIENCE Adam Briggle and Carl Mitcham
ETHICS AND FINANCE John Hendry



# Ethics and Finance An Introduction

JOHN HENDRY

University of Cambridge





## CAMBRIDGE UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom

Published in the United States of America by Cambridge University Press, New York Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

 $www. cambridge. org \\ Information on this title: www. cambridge. org/9781107024229$ 

© John Hendry, 2013

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2013

Printed in the United Kingdom by TJ International Ltd. Padstow Cornwall

A catalogue record for this publication is available from the British Library

Library of Congress Cataloging in Publication data
Hendry, John, 1952–
Ethics and finance: an introduction / John Hendry.
pages cm. – (Cambridge applied ethics)
ISBN 978-1-107-02422-9 (hardback)
1. Financial services industry – Moral and ethical aspects. 2. Financial crises –
Moral and ethical aspects. 3. Financial institutions – Moral and ethical

Moral and ethical aspects. 3. Financial institutions – Moral and ethical aspects. 4. Banks and banking – Moral and ethical aspects. 5. Business ethics. I. Title.

HG103.H46 2013

174'.4-dc23

2013035266

ISBN 978-1-107-02422-9 Hardback ISBN 978-1-107-61248-8 Paperback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party Internet websites referred to in this publication, and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.



## Contents

Preface		page vii
Acknowledgements		ix
1	Opening case study: the financial crisis	1
1	Introduction	1
	The financial crisis	2
	Some ethical questions	26
2	Introduction	30
	Finance and morality: a history of tension	30
	Finance and amorality: theory, technique, abstraction	35
	Finance theory and human motivation	37
	The nature of money	41
	A technical practice	42
	Ethics and finance: a philosophical approach	45
3	<b>Ethical foundations</b>	47
	Ethics and moral practice	47
	Normative ethics	56
4	The financial system	79
	The global financial system	80
	Finance, investment, wealth creation and self-interest	97
5	Lending and borrowing: where finance meets ordinary	
	people	126
	Introduction: the moral environment	126
	Varieties of lending	129
	Ethics and economics in personal lending	135
	Default and bankruptcy	153

v



#### vi Contents

6 Trading and speculation: the ethics of financial markets	159
Financial markets in theory and practice	161
The ethics of speculative trading	165
Market manipulation	167
Insider trading	175
7 Agency and accountability: managing other people's money	185
Agency and accountability in economics and ethics	185
Churning and noise trading	188
Rogue traders	191
Bankers' bonuses	202
8 Products, promotion and client relationships	210
Active fund management	210
Personal finance	212
Corporate finance and the promotion of derivatives	215
Sell-side research	217
Initial public offerings	225
Illegal and ethically questionable products	228
Issues and analysis	232
9 Financial reporting and corporate governance	240
Earnings management	240
Tax avoidance	246
Corporate governance: shareholders and other stakeholders	252
The responsibilities of the CEO	260
10 Epilogue: the ethics of financial regulation	265
The responsibilities of regulation	266
The challenges of financial regulation	273
Glossary	282
References	
Index	



## **Preface**

When I started teaching business ethics at London Business School in the mid-1980s, it was still an emerging discipline. Twenty-five years later, it is a substantial field of inquiry, with its own well-developed research literature and countless textbooks. Courses in business ethics are offered at all of the world's leading business schools and many of those courses are required. However, despite the recent financial crisis and the ensuing popular debate, the ethics of finance is even less developed now than business ethics was then. There is a widespread view, both in the business schools and in financial firms, that ethics is somehow not relevant to finance.

Few people outside the finance community would have much truck with this proposition. Much of finance is, of course, very technical, but then so is much of medicine. That doesn't make medical ethics any less important. And while the financial sector may not impact physically on people's lives in the way that the health sector and pharmaceutical firms impact on patients, or mining impacts on employees and communities, it evidently does have a significant impact, both directly on its customers and indirectly on society at large. If business ethics matters, as I believe it does, then so does the ethics of finance.

This book is intended to serve both as a general introduction to ethics and finance and as a textbook for courses in the area. The approach is philosophical, but no prior knowledge of philosophy is assumed and I have restricted the discussion largely to applications of the main branches of normative ethics. Anyone with the logical and analytical skills necessary to master basic finance theory should be able to master the philosophy, and indeed vice versa. Compared with some texts in applied ethics, there is a lot of descriptive material and a relatively modest amount of detailed analysis. This is partly in conformity with business school pedagogies (reflected in most textbooks on business ethics), which emphasize class discussion of

vii



viii Preface

examples. It is partly because for readers without a background in finance, there is an awful lot to be explained. And it is partly because while some areas of applied ethics have one or two "big" issues, finance has many issues of differing kinds, and in a relatively under-developed literature, the reader cannot easily turn elsewhere for topics that might otherwise have been left out here.

Using the book as a course text. Different teachers have different preferences when setting up a course and this book naturally reflects my own, but it can be readily adapted to others. Three features in particular are worth noting here. First, the book begins (Chapter 1) with an extended case study of the financial crisis. The rest of the book can, however, be read independently of this, and some teachers might prefer to start with Chapter 2, perhaps coming back to the case study later or using it as the basis for assessed work.

Second, Chapter 3, on normative ethics, includes a substantial discussion of how we think about moral issues and of the relationship between the project of ethical analysis and the practical adoption of moral norms by societies. I find this very helpful when teaching people unfamiliar with philosophy as a discipline, but it is rather less helpful when teaching philosophy students and can probably be dropped in that context.

Third, the ethical analysis given in the early to middle chapters is generally more detailed than that given later on. The intention here is that there should be enough analysis early on for students to learn by example how to go about it, but not so much, later on, as to save them the bother of doing it themselves. A practical consequence of this is that while instructors can to a large extent pick and choose the topics on which they want to focus from Chapter 7 onwards, the material on Chapters 4–6 probably needs to be covered quite systematically.



# Acknowledgements

As always, this book draws on all kinds of assistance, much of which I'm not even aware of myself. Specific thanks go to Hilary Gaskin and Anna Lowe at Cambridge University Press for making the book possible and seeing it through; to my wife Dee for once again putting up with my obsessive preoccupation with a book; to Marie Westoby for her valuable comments on two drafts and assistance with referencing and glossary; and especially to Richard Rowland, who provided particularly incisive and detailed criticism of the drafts and stimulating discussion of the argument. The faults and idiosyncrasies remaining are, of course, my own, but the work is massively better for Richard's critique. More generally, I have benefited from countless discussions with colleagues, both in finance and in applied ethics, and with students. The book was shaped and most of the case studies developed and tested while I was teaching MSc students at Henley Business School, part of the University of Reading, over the last few years. But it also owes something to earlier generations of students and especially to those in MBA programs at the University of Cambridge's Judge Business School in the 1990s and at the University of Notre Dame's Mendoza College of Business in the 2000s. To all of the above I am deeply grateful.