

Zeitschrift: Revue économique et sociale : bulletin de la Société d'Etudes Economiques et Sociales
Herausgeber: Société d'Etudes Economiques et Sociales
Band: 67 (2009)
Heft: 4: Quand la crise transcende les axes idéologiques

Artikel: The singularity of banks
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DOI: <https://doi.org/10.5169/seals-142316>

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THE SINGULARITY OF BANKS

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> L'auteur met en lumière la contradiction qu'il y a, pour des pays comme l'Union Européenne ou les USA à, d'une part, affirmer être des systèmes économiques libéraux promouvant la libre concurrence comme un facteur clef et d'autre part, lors de cette crise, adopter des solutions faussant la concurrence en remettant à flot des institutions bancaires que le marché avaient sanctionnées. Cette contradiction est engendrée par le fait que le secteur bancaire est très particulier car il semble profondément inscrit dans une démarche libérale mais dans le même temps, sa santé et son dynamisme sont au cœur de la croissance, voire de l'existence même de nos économies et rendent alors inacceptable sa disparition. C'est alors au nom de cette singularité du secteur bancaire que l'auteur propose que les gouvernements adoptent, concernant les banques, une attitude totalement spécifique à ce secteur. Cette attitude reste à préciser mais il montre qu'à plaquer sur ce secteur les recettes libérales ou protectionnistes, développées, selon l'auteur, pour les autres secteurs économiques, nos gouvernements retomberont toujours sur la contradiction présentée plus haut.

The pressure to suspend competition policy enforcement in banking is formidable. In Britain, the government blocked a referral of the HBOS-Lloyds TSB merger to the national competition commission, on the grounds that the stability of the UK financial system was an overriding concern. The French, German and other governments have complained that the European Commission is slow in approving bank-recapitalization packages, and that this is delaying the granting of credit to firms and consumers.

The truth is that the massive bank bailouts in the European Union, as in the US, are distorting competition in financial services. This is part because not only failing institutions have been recapitalized. Even relatively sound institutions, thanks to public help, are gaining a competitive advantage in terms of a lower cost of capital and probability of failure. This race to recapitalize national banking systems has the flavor of a national championship contest and, not surprisingly, does not help in getting credit to the private sector. Private banks will only give credit if they think that doing so will be profitable.

Also problematic is the moral hazard which these bailouts induce. Saving today those institutions that have taken excessive risks will encourage imprudence tomorrow. This systematic banking crisis risks debilitating competition policy in a fundamental way – and not

¹ Mr Vives is professor of economics and finance. This article was initially published in the Wall Street Journal Europe on 18 December 2008. Reprinted with permission of The Wall Street Journal © 2009 Dow Jones & Company, Inc. All rights reserved.

only in banking. Witness the calls for help from other sectors, with the automotive industry at the forefront. The policy issue is how to prevent the present distortions in banking from becoming permanent and spilling over to other sectors.

It is worth recalling that, not so long ago, competition was thought to be detrimental to stability. Central banks and regulators were complacent about collusion agreements among banks. This has changed progressively because the lack of competition led to too much inefficiency. Now competition policy is taken seriously in the banking sector. Brussels has intervened against national protectionism, cartels and anticompetitive mergers. All this is for the good since competition in general is not responsible for the fragility of the banking system: Even a monopoly bank may be subject to a run.

Yet EU and US competition authorities have treated banks as if they were like any other sector. They are not. There is a trade-off between competition and stability.

Competition that is too intense may erode the charter value if a bank – that is, its value as a going concern – and give it incentives that take excessive risks. When there is not much to lose, there is a tendency to gamble. This tendency is accentuated in the presence of limited liability, which restricts the losses but not the gains. Zombie institutions, distressed and barely alive, may awake to gamble for resurrection, using very risky strategies with scant chance of success. The problem, obviously, is that a failure of the banking system may grind the economy to a halt. This is what happened in the Great Depression, and this is the threat we face now. No sensible government will allow this to happen, if this can be avoided.

To minimize the risk of a systemic crisis, and to take account of any public intervention, competition policy should recognize the uniqueness of the banking sector. We should consider whether a higher degree of market power could be tolerated and come limits to competition established in certain conditions. For example, the activities of distressed institutions in danger of gambling for resurrection clearly should be limited. The same should apply to institutions that are *de facto* fully insured because they are “too big to fail”. Regarding mergers, we should consider whether the standard concentration thresholds – which, roughly speaking, proscribe unions that would create company with market share above a certain level – should be relaxed somewhat. Finally, state aid rules should account for the need for swift intervention when there is a systemic problem, and should be adapted to the specific restructuring needs of banks.

Replacing the naïve view that banking is like any other sector would have another important benefit: It would prevent the spillover of the current added flexibility of competition policy to other sectors. Banking’s partial exception to the competition regime would be founded in its systemic position in the economy. To put it crudely: The US can survive without the Big Three auto makers, but it cannot survive without the banking system. The same applies in Europe, where the automotive and biotechnology sectors are next in line to beg for public money.

Such recognition of the singularity of banking would allow Europe’s competition policy to keep playing its fundamental role of keeping markets open and protecting the single market – goals which today are under threat because of the uneven playing field generated by banking bailouts and the lobbying of other sectors seeking help. The alternative is to be pragmatic and flexible – today with banking, tomorrow with the car industry – until competition policy is fatally weakened. A protectionist, anti-competitive spiral was one factor that aggravated the Great Depression. We should move now to avoid repeating that mistake.