

## **Contents**

	List of Figures	page xvii
	List of Tables	xix
	List of Boxes	XX
	Acknowledgements	xxi
	List of Acronyms	xxiii
	PART I PRINCIPLES AND CONCEPTS	1
1	Introduction	3
	Overview	3
	The Tax State	3
	Challenges for the Tax State	4
	Structure of This Book	6
	Disciplinary Approaches to Tax Law	7
	Comparative and Sociological Approaches	7
	Public Finance and Economics	9
	Law and Accounting	10
	Tax Statistics	12
	Tax Structure	13
	Definition of a Tax	13
	Tax Level	14
	Tax Mix	16
	Tax Concepts	18
	Elements of a Tax System	18
	Tax Incidence	19
	Types of Taxation	21
	Income Tax	21
	Social Security Tax	22
	Consumption Tax	24
	Wealth, Property and Land Taxes	26
	Tax Rates	26



xii Contents

2	Tax and Government	28
	History of Tax and Government	28
	Origins and Theory of the Tax State	28
	Debt, Taxes and the Rise of the Citizen-Taxpayer	30
	The Tax and Welfare State	33
	Taxes to Finance Welfare in the Socialstaat	33
	Social Welfare versus Liberal Approaches to Fair Taxation	35
	Expansion of the Tax State in the Twentieth Century	36
	A Crisis of the Tax State?	39
	The Limits of Taxation	39
	Economic Globalisation and Tax Reform	40
	The Benefit Theory of Taxation	43
	Taxes for a Civilised Society	43
	Public Goods	45
	The Taxpayer-Voter	48
	Taxation for the Public Good	49
3	The Budget	51
	The Budget Constraint	51
	The Traditional Budget	51
	The Level of Government Debt	53
	Fiscal Institutions	54
	A New Era of Fiscal Discipline	54
	Fiscal Rules	55
	Fiscal Transparency	57
	Independent Fiscal Institutions	59
	Fiscal Policy in the COVID-19 Pandemic	63
	Linking Taxes to Spending	65
	Budget Earmarking and Mandatory Spending	65
	Tax Expenditure Budgeting	67
	Benchmarking Tax Expenditures	69
	Gender, Distributional and Other Values in Budgets	70
	The Budget as an Ethical Document	70
	Gender Budgeting	71
	Distributional Impact of Budgets	72
	Green Budgeting	73
4	Tax Principles	75
	Origins of Tax Principles	75
	The Maxims of Adam Smith	75
	Equity	78
	Tax Equity and Distributive Justice	78
	Ability to Pay and Progressive Tax Rates	79
	Ability to Pay and the Concept of Income	81
	Ability to Pay and the Myth of Ownership	84



XIII	
	Contents

Th	e Tax-Transfer System	86
	bstantive Equity, Rights and Discrimination in Tax Law	88
	e Course and Intergenerational Equity	90
Effici		91
	otimal Tax Theory and Incentives	91
_	e Principle of Neutrality	96
	xes, Externalities and Market Failure	97
Ch	allenges and Limits of Efficiency Analysis	98
Open	ing the Borders of the Tax State	100
_	x Policy in a Global Economy	100
	pply-side Tax Policy	102
	Tax Mix Switch from Income to Consumption?	103
	ence of the Tax State	106
PART	TII TAX LAW IN CONTEXT	111
Tax,	Work and Family	113
The l	ncome Tax on Wages	113
Th	e Importance of Taxing Labour	113
Fre	om the Poll Tax to the Progressive Income Tax	114
Th	e Genius of Pay-as-you-go Withholding	117
Ta	x Rates and Work Incentives	118
Th	e Design of Progressive Tax Rates	120
Th	e Tax Burden on Labour Income	121
The '	Γax Unit	123
Hi	story of the Tax Unit and Women's Economic Independence	123
Th	e Tax Unit, Equity and Efficiency	126
Th	e Tax-transfer Unit and Childcare Costs	127
Taxir	ng the Top 1 Per Cent	130
Chall	enges for the Progressive Tax on Labour Income	133
Ind	come Splitting	133
Ca	pitalisation of Labour Income	135
Ta	xing the Gig Economy	135
Αυ	tomation and Taxing Robots	138
Basic	Income	139
Co	ncept and Justification of a Basic Income	139
De	signing a Basic Income	141
	ion of Saving and Wealth	144
	ng Capital	144
	e Complex Role of Capital	144
	equality of Income and Wealth	146
	eory of Taxing Savings	146
	e Hybrid Income-Consumption Tax	152
Ec	onomic Rent	154



<b>!</b>	C11-
XIV	Contents

	Capital Gains Tax	155
	Taxation of Capital Gains Compared to Income	155
	Accrual Taxation of Capital Gains	157
	Dual Income Tax	158
,	Taxing Retirement Saving	161
	Retirement Incomes Policy	161
	Income or Consumption Approach	161
	Hybrid Tax Systems for Retirement	162
,	Taxing the Home	163
	The Role of Home Ownership	163
	Imputed Rent and Capital Gains on the Home	165
,	Taxation of Wealth	166
	Wealth Inequality	166
	Justification for Taxation of Wealth	168
	Net Wealth Tax	171
	Inheritance Tax	172
	Land and Property Taxation	174
	Corporate and Business Taxation	177
7	Why Tax Corporations?	177
	Corporations Are Important	177
	Complexity of the Corporate Tax	180
	Corporate Tax Revenues and Rates	182
	Incidence of the Corporate Tax	184
	Integrating Corporate and Shareholder Tax	187
,	The Corporate Tax on Economic Rents	190
	Taxation of Business Investment	191
	Tangible and Intangible Business Assets	191
	Tax Policy for Innovation and Entrepreneurship	192
	Small Business	194
	Start-ups and Venture Capital	195 196
,	Research and Development Directions for Corporate Tax Reform	190
	The Business Cash Flow Tax	199
	Allowance for Corporate Equity	200
	Comprehensive Business Income Tax	201
	A Hybrid, Messy but Essential Tax	202
	Tax, Charity and Philanthropy	204
	Charity and Government	204
	The Boundaries of Tax and Charity	204
	The Size of the Not-for-profit Sector	205
,	The Tax Privilege of Charity	207
	Origins and Justification of the Charitable Exemption	207
	Commercial Activities of Not-for-profits	209
	Social Enterprise	212
	1	



XV	Contents

Tax and Philanthropy	213
The Deduction for Charitable Giving	213
Private Foundations and 'Big Philanthropy'	214
Charities, Tax Avoidance and Evasion	216
The Globalisation of Charity	217
Tax and Charity across National Borders	217
Dissolving the Borders of Charity in the European Union	218
Tax, Charity and Global Public Benefit	220
Administration, Compliance and Avoidance	222
Tax Administration	222
Certainty and Convenience in Taxation	222
Administrative Elements for Effective Taxation	223
The Rise of the Tax Authority	225
Tax Compliance and Evasion	230
Quasi-voluntary Compliance	230
Self-assessment and Responsive Tax Regulation	233
Tax Data and Automation	237
Tax Planning and Avoidance	239
The Ubiquity of Tax Planning	239
Tax Shelters	243
Anti-avoidance Approaches	244
Legal Definitions of Tax Avoidance	244
Judicial Anti-avoidance Doctrines	246
Statutory General Anti-avoidance Rules	247
The Tax Gap	249
PART III THE TAX STATE IN THE GLOBAL DIGITAL ERA	251
Tax Jurisdiction	253
Tax Jurisdiction	253
The Borders of the Tax State	253
Residence and Source	254
Tax Treaties	257
Residence of Individuals	259
Defining Tax Residence	259
Justification for Residence Taxation	260
New Residents, Departing Residents	261
The Citizen-Taxpayer	262
Jurisdiction over Labour Income	263
Source of Labour Income	263
Transnational Workers	264
Taxing the 'Brain Drain'	267
Tax Jurisdiction in a Global Remittance Economy	270
Mobility of the Working Elite	271
Cross-border Retirement Saving	273



XVI	Contents

ver Capital Income	27.
ver Capital meome	274
Capital	274
	277
	279
	280
	280
-	284
•	285
	287
_	289
	290
ransnational Tax Administration	292
•	295
-	295
· .	295
-	298
· · · · · · · · · · · · · · · · · · ·	300
	300
-	304
	307
	308
_	311
•	311
-	315
-	317
**	319
	320
· ·	322
	322
	324
	325
ve Framework Consensus	326
x State	330
's 'Good Twentieth Century'	330
the Tax State for the Twenty-first Century	332
unity of the Tax State	332
ependence of Tax Sovereignty	334
nal Tax Law and Administration	335
Legitimacy of the Future Tax State	337
	340
	388
	Capital n of 'Offshore' bonds to Offshore Bank Accounts shore' into the Tax Jurisdiction Legal Jurisdiction to Offshore Holdings of Non-cooperative Sovereigns Bank Secrecy Is Over Tax across Borders ights in a Global Context commerce and the One-stop Shop ransnational Tax Administration reporations in the Global Digital Economy and Cooperation of Tax States ighty in Competition x Policy in a Global Economy Tax Jurisdiction Fiction of Corporate Residence Permanent Establishment come and Profit Shifting Project lism in Corporate Tax anal Corporate Tax Administration Approaches ax Practices igital Economy onsequences of Digitalisation rices Taxes -based Cash Flow Tax we Framework Consensus  x State 's 'Good Twentieth Century' the Tax State for the Twenty-first Century unity of the Tax State expendence of Tax Sovereignty and Tax Law and Administration Legitimacy of the Future Tax State