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Bibliography of Tax Articles in High Prestige Non-Specialized Law Journals: A Comparison of Australia, Britain, Canada and the United States 1954-2001

BEVERLY MORAN*

I. INTRODUCTION

As much or more than other legal subspecialties, tax laws touch on all business, and most personal, transactions. As a result of this broad application, tax lawyers often work closely with other attorneys, accountants and business professionals. The same is not true for how we write about tax laws, however. In general, articles or stories about tax law are contained in specialized journals and read exclusively by tax professionals.¹ Further, because tax laws tend to be jurisdiction specific, even tax specialists rarely read about tax statutes and controversies in other countries.

This bibliography grows from work on the Oxford Handbook on the Common Law. The handbook is meant to help academics understand the nature of scholarly inquiry in a broad range of legal subspecialties. To that end, I focused on the academic articles that broke out of the specialized journals and reached out to a broader audience.

This bibliography is a result of that work. It charts the tax articles that reached mainstream legal scholars in the last fifty years. The bibliography does this by focusing on the high prestige academic publications that attract attention across legal subspecialties. Just as certain recording artists "cross over" from one genre to another and are therefore exposed to a larger audience, articles in these publications have more chance of being read by legal academics from a variety of disciplines than their brethren published in specialized journals. Accordingly, these articles represent what non tax legal academics know as tax scholarship.

This bibliography collects the last fifty years of "cross over" tax scholarship in the United States, the United Kingdom, Australia and Canada. Thus, it reveals what non tax specialists might read in tax law across national boundaries. As a result, the bibliography is a useful first step for anyone wishing to do comparative, as well as national, research.

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^{1.} See, e.g., Daniel Schneider, Interpreting the Interpreters: Assessing Forty-five Years of Tax Literature, 4 FLA. TAX REV. 483, 485 (1999).

The bibliography surveys all tax articles (but not Notes) from 1950 to date in the following publications, all of which are high prestige law journals for their nations:

United States: California Law Review, Columbia Law Review, Harvard Law Review, Michigan Law Review, New York University Law Review, Stanford University Law Review, University of Chicago Law Review and Yale Law Journal.

United Kingdom: Cambridge Law Journal, Current Legal Problems, International and Comparative Law Quarterly, Modern Law Review and Oxford Journal of Legal Studies.

Australia: Australian Law Journal, Melbourne University Law Review, Monash University Law Review, University of New South Wales Law Journal and Sydney Law Review.

Canada: Dalhousie Law Journal, University of British Columbia Law Review, McGill Law Journal, University of Toronto Law Journal and Osgoode Hall Law Journal.

The bibliography begins in Part A with a chart showing the volume of tax scholarship by country. Here we see that population size and volume of scholarship are not related. For example, Canada and Australia both out produce the United Kingdom in tax scholarship at least in the "cross over" journals.

In Part B the most written on topics are identified by country.

In Part C forty tax topics are identified and compared by country.

Parts D, E, F and G list every article by country and subject matter starting with Australia in Part D, then Britain in Part E, followed by Canada in Part F and finishing with the United States in Part G.

By dividing the information in this way, I hope to give easy access to people who are writing in the tax area to a broad range of literature across the common law world.

A. Volume of Scholarship by Country

Totals

United States	Australian	British	Canadian
265	90	48	67

B. Major Areas of Concentration by Country

United States:

Corporate Tax 52 Consumption Tax 26 Wealth Transfer Tax 23

Australia:	Evasion and Avoidance 12
	International 10
	Items of Income 9

- United Kingdom: International 10 Evasion and Avoidance 5 European Union 5 Items of Income 5
- Canada: Comparative 10 Corporate Tax 10 Items of Income 6 Social Policy 6
 - C. Comparison by Topics and Country

	Accelerated I	Depreciation	
United States	Australian	British	Canadian
3	0	0	0

Accounting				
United States Australian British Canadian				
8	0	3	3	

Administration				
United States Australian British Canadian				
3	6	4	1	

Bankruptcy				
United States Australian British Canadian				
5	0	0	1	

Capital Gains Tax				
United States Australian British Canadian				
9	7	0	0	

Comparative			
United States	Australian	British	Canadian
4	3	3	10

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	Consumpt	ion Tax			
United States	Australian	British	Canadian		
26	2	0	4		
	Corporat				
United States	Australian	British	Canadian		
52	1	0	10		
	Deduct				
United States	Australian	British	Canadian		
0	5	1	3		
	Depreci	ation			
United States	Australian	British	Canadian		
1	1	0	0		
	Descriptions of Leg				
United States	Australian	British	Canadian		
3	0	1	0		
	Econor	mics			
United States	Australian	British	Canadian		
0	2	0	0		
	European				
United States	Australian	British	Canadian		
0	0	5	0		
	Evasion and	Avoidance			
United States	Australian	British	Canadian		
13	12	5	2		
	Excise Taxes				
United States	Australian	British	Canadian		
2	1	1	1		
	Financial Ins	struments			
United States	Australian	British	Canadian		
3	1	0	0		

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	Foreign	Tax	
United States	Australian	British	Canadian
0	0	0	0
	Goods and Se	ervices Tax	
United States	Australian	British	Canadian
0	3	0	0
	Incenti	ives	
United States	Australian	British	Canadian
7	1	0	0
	Internat	ional	<u> </u>
United States	Australian	British	Canadian
5	10	10	5
	Items of I	ncome	
United States	Australian	British	Canadian
9	9	5	6
	Judicial Inte	rpretation	
United States	Australian	British	Canadian
0	3	0	1
	Low Income	Taxpayers	
United States	Australian	British	Canadian
5	0	0	0
	Negative Inc	come Tax	
United States	Australian	British	Canadian
2	0	0	1
	Nonpr	ofit	
United States	Australian	British	Canadian
4	0	2	1
	Partner	ship	
United States	Australian	British	Canadian

	Personal De	eductions	
United States	Australian	British	Canadian
13	0	0	2
	Process of Ta		
United States	Australian	British	Canadian
13	7	1	1
	Progress	sivity	
United States	Australian	British	Canadian
4	0	0	0
	Property	y Tax	
United States	Australian	British	Canadian
5	0	0	0
	Regulated I	ndustries	
United States	Australian	British	Canadian
5	0	0	1
	Sales 7	Гах	
United States	Australian	British	Canadian
0	2	0	0
	Sex Discrit	nination	
United States	Australian	British	Canadian
2	2	0	1
	Social P	olicy	
United States	Australian	British	Canadian
1	0	0	6
	Stamp	Tax	
United States	Australian	British	Canadian
0	2	0	0
	State and Lo	cal Taxes	
United States	Australian	British	Canadian
15	1	0	2

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TAX BIBLIOGRAPHY

Statutory Interpretation				
United States Australian British Canadian				
8	2	2	0	

Tax Expenditures			
United States	Australian	British	Canadian
4	0	0	0

Tax Unit			
United States	Australian	British	Canadian
4	0	3	3

Trust Tax			
United States	Australian	British	Canadian
0	1	1	1

Value Added Tax

United States	Australian	British	Canadian
2	0	1	1

Wealth Transfer Tax

United States		Pritich	Canadian
United States	Australian	Difusii	Callaulall
23	5	0	0

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