



UNIVERSITY OF HELSINKI

<https://helda.helsinki.fi>

How Legal Scholars Facilitate Tax Avoidance : Case Study on the Power of Tax Consultancy Firms

Raitasuo, Santtu; Ylönen, Matti

2022-09

Wiley Blackwell

<http://hdl.handle.net/10138/566765>

Raitasuo, S & Ylönen, M 2022, 'How Legal Scholars Facilitate Tax Avoidance : Case Study on the Power of Tax Consultancy Firms', *Public Administration*, vol. 100, no. 3, pp. 507-521. <https://doi.org/10.1111/padm.12796>

Downloaded from Helda, University of Helsinki institutional repository. <https://helda.helsinki.fi>
This is an electronic reprint of the original article.
This reprint may differ from the original in pagination and typographic detail.
Please cite the original version.

How Legal Scholars Facilitate Tax Avoidance: Case Study on the Power of Tax Consultancy Firms

Running title: How Scholars Facilitate Tax Avoidance

Santtu Raitasuo (santtu.raitasuo@helsinki.fi): Doctoral Researcher, Faculty of Law, University of Helsinki (corresponding author)

Matti Ylönen (matti.v.ylonen@helsinki.fi): 1) University Lecturer (World Politics) Faculty of Social Sciences, University of Helsinki; 2) Visiting Fellow, Ragnar Nurkse Department of Innovation and Governance, Tallinn University of Technology.

Conflicts of interest: There are no conflicts of interest.

Abstract

Social scientists have neglected the ways in which the consultancy assignments of legal scholars mediate private interests, even though their opinions provide important guidance in legal proceedings.

Through a case study from Finland, we document a process where private tax advisory firms utilize their access to academic forums to defend their clients' interests. With further evidence on related dependencies, we trace a two-fold process that amplifies the voice of tax advisors and suppresses public interest-related concerns. By achieving positions of trust in the academia, tax consultancy firms gain important gatekeeper roles that facilitate corporate-friendly research and subdue critical arguments. The findings challenge the conventional understanding of the dynamics of knowledge production, and call for a greater attention to the pitfalls of the marketization of academic legal advice.

The national-level interpretative power of major tax advisory companies is also an important building block for international network power.

Keywords: tax avoidance, consultants, legal scholars, policy advisory systems, consultocracy

1. Introduction

This article has been accepted for publication and undergone full peer review but has not been through the copyediting, typesetting, pagination and proofreading process which may lead to differences between this version and the [Version of Record](#). Please cite this article as doi: [10.1111/padm.12796](https://doi.org/10.1111/padm.12796)

This article analyzes the influence of private tax advisory interests in adjudication, which effectively commercializes the expertise of legal scholars. We examine how the privileged access of tax advisory companies to legal processes shapes the application of tax law. These questions are addressed through a case study of directors holding company arrangements that major Finnish tax advisory companies designed for converting salary incomes of high-ranking corporate employees to lightly taxed capital income. The commercialization of academic expertise in finance and taxation is important in the context of rapid financial innovation and the associated legal changes (Garcia-Bernando *et al.* 2017; Tsingou, 2015; Quentin & Campling 2018). Financial innovation has facilitated the growth of an international tax advisory industry, which combines strong national presence and marketing with the power of international network (Fichtner, 2016), e.g., by exploiting loopholes in international tax treaties (Arel-Bundock, 2017; Hearson, 2018).

High-profile scandals such as Pandora Papers, Panama Papers and LuxLeaks have generated interest toward tax avoidance and created political pressure to tackle this phenomenon (e.g., Dietsch & Rixen, 2016; Eskelinen & Ylönen 2017). Scandals have also highlighted the role of tax-avoidance-related products designed by the Big 4 tax advisory companies¹ (Davies, 2017), which also influence national policy processes (Christensen 2017; Prince 2012). As Sikka (2008, p. 399) argues, the Big 4 firms are often willing “to deploy the necessary financial and political resources to secure conditions conducive to a smooth accumulation of profits” in their countries of operation. Yet, to date, scant attention has been paid to the influence that tax advisory companies may wield by producing academic scholarship (Raitasuo 2021), or by hiring scholars to write expert witness statements that match their economic interests.

National legal scholarship mitigates conflicting tendencies between internationally diffused tax products and their application. Consequently, they point to a thematic that has mostly remained

¹ I.e., PricewaterhouseCoopers, KPMG, E&Y and Deloitte. They dominate the market for auditing, accountancy and tax advisory services.

outside social sciences: namely, statutory interpretation. It refers to a process where legal rules are applied to particular situations by courts. By influencing statutory interpretation at national level with their sophisticated legal expertise (Rostain & Regan 2014), the Big 4 companies strengthen their influence globally.² This dynamic calls for holistic analyses of the societal and political power of these firms.

There is ample doctrinal tax scholarship evaluating the judicial doctrines of statutory interpretation from normative viewpoints (e.g., Terra & Wattèl 2008). However, we need to understand how judges reach decisions in tax law cases, including how legal scholarship influences such decisions. Such an exercise points to consultancy-related developments that shape the tax law scholarship. Legal scholarship presents itself as “technical” expert work that aims to apply legal rules in neutral and objective manner (Kennedy 2018), which has likely deterred social scientists away from this field.

We challenge this neutrality assumption by discussing how doctrinal legal scholarship can function as a form of advocacy for private economic interests, rather than as a disinterested academic enterprise.

Difficulties in crossing disciplinary boundaries are partly to blame for the limited scholarly attention.

While the power to shape adjudication constitutes a form of private power, it has escaped the attention of Public Administration and other social sciences as it occurs *after* lobbying ends and laws are passed.

Legal studies, in turn, typically discuss the application and interpretation of law. However, it is exactly this kind of legal analysis and commentary that forms the *research material* of our article.

We introduce a case study of a tax adjudication process where legal scholars with ties to the tax advisory industry strive to influence legal interpretation by commercializing their expertise. Hence,

² An example of such practices are the KPMG’s legal innovation centers in United States, where tax experts develop new shelters (Rostain & Regan 2014). Similar shelters may then be established globally by tailoring them to different jurisdictions.

we focus on a group of actors who play a key role in establishing legal precedents that public administrations have to follow in their everyday conduct. The case study draws from expert witness statements related to a legal dispute that we will introduce below. The analysis was complemented by several other textual sources (media articles, academic journal articles etc.).

The power of legal precedents to shape the conduct of public administration is ubiquitous, making our case study highly relevant for global audiences. It also illuminates factors behind the success or failure of national efforts in tackling tax avoidance, which is a pertinent policy thematic. The events we analyze were commonly seen as a turning point in the Finnish anti-tax avoidance doctrine. Therefore, the tax dispute we analyze was highly important for the interests of tax advisory companies and their corporate clients.

2. Theoretical background

Recent years have seen important studies on the gatekeeper role of legal experts in international governance (Dezalay & Garth, 2010; Vauchez 2008). While the international governance of corporate tax avoidance has stimulated much research (e.g., Seabrooke & Wigan, 2017), the role of legal expertise in sustaining the power of tax planning industry has been an understudied area. The combination of vast international network and strong national presence sustains the societal power of tax advisory business (Jones, Temouri & Cobham 2017). National-level accounting, auditing and tax-related expertise is conducive for obtaining and securing customer relationships, while it also enables selling international tax avoidance arrangements to this same clientele.

Indeterminacy of law enforces the power of legal experts. Jurisprudential studies have acknowledged that formal legal materials, such as legislation and case law, are often ambiguous or vague when applied by judges. Therefore, applying law to particular cases requires interpretative work, which is neither mechanical nor value-free, as judges read different things into applicable legal materials

(Schauer 1991). Scholars in the critical legal tradition have emphasized the political dimension of judicial decisions, arguing that judiciary effectively exercises political power in their interpretive decisions (Kennedy 2018). However, various contextual constraints limit the discretionary power of judiciary (Cotterrell 1992). One such constraint consists of legal scholarship that provides normative suggestions about the correct interpretation of law for judges and administrative officials (Spicer & Terry 1996).

Legal scholarship directly influences adjudication, because in most jurisdictions, judges regularly utilize scholarship in their deliberation (Duxbury 2001). While scholarship generally is influential, the impact of individual scholars varies (Peczenik 2008). Legal scholars often disagree about the correct interpretation of law regarding specific legal questions, and various interpretations may be considered equally valid. A major jurisprudential discussion has concerned the puzzle of why some interpretations prevail over others. Scholars have argued that doctrinal discussions about the correct legal interpretation should be understood as rational discourse, where the most persuasive arguments ought to prevail (Alexy 2012, Peczenik 2008). However, we contend that legal interpretation also involves a significant power-related aspect. We analyze this aspect first by drawing from the social theory of Pierre Bourdieu, after which we discuss how Bourdieuan concepts can illuminate the power of tax consultancy firms.³ As explained below, Bourdieu's theorizing of power dynamics in the legal field contextualize our case study.

Bourdieu asserts that in modern societies, social practice occurs in various relatively independent social sites that operate under distinct working logics. These sites are called fields. Bourdieu's (1990) concepts of "legal field" and "symbolic capital" are particularly useful for analyzing interpretive

³ There is an established tradition of using Bourdieuan analysis in Public Administration. Such studies have focused, e.g., on the use of cultural capital in maintaining expert positions; the impact of internalized structures connecting members of the same group or class (i.e., habitus); and the relationships between cultural capital and other rationalities (Akram 2018; Callaghan & Wistow 2006; Morrell 2009).

disagreements in statutory interpretation. For Bourdieu (1986), legal field is constituted by actors and institutions that compete to define the “correct” legal interpretation in a given situation and jurisdiction. Symbolic capital refers to the recognition or prestige acquired by an individual in a given field. The amount of symbolic capital explains the relative power of actors to influence the legal interpretation within a legal field. For example, the academic rank of a scholar and her publication record bolster the value of her normative legal interpretations. Practical experience from high-profile legal disputes and media visibility empowers scholars with symbolic capital, adding normative force to scholarship and improving the scholarly position within the field.

These notions resonate with Williams’ (2018) categorization on three strategies for attaining legitimacy in policy knowledge. Williams maintains that researchers need to maintain a favorable “set of symbolic beliefs” for various audiences, while balancing between different roles, e.g., as academics, fundraisers and communicators. We need to distinguish between legitimacy-related needs pertaining professional identities, processes and outcomes of professional activities (*ibid.*). Researchers constantly negotiate their organizational and individual identities while trying to maintain independence, integrity and transparency of their work.

Our case study highlights how the non-transparent nature of adjudication has overshadowed questions related to the integrity and independence of legal scholars, essentially reducing questions of collective identity into private ethical dilemmas. The traditional three core functions of universities – teaching, research and public service – are all collegial and largely occur in public domain. For example, teaching activities rely on a collective vision of the teaching staff. Effective research is dependent on the acceptance of colleagues in editorial and review processes. Public service is also partly a collective function, given that policy advice never draws *solely* from the work of any single scholar. In contrast to these three functions, non-transparent consultancy assignments lack both collective aspects and public scrutiny. This enables legal scholars to retain the ability to produce “credible, distinctive and significant knowledge” (Williams 2018, p. 53) while simultaneously engaging in

consultancy work that may compromise the very values that ought to support such knowledge production.

We apply Bourdieu's insights by focusing on scholars that possess significant symbolic capital and occupy dominant positions in the tax field. Specifically, we focus on the commercialization of symbolic capital associated with the legal profession, and how this commercialization impacts broader policy advisory systems. In an era characterized by the growing role of external service providers in public policy, commercialization of the legal academia gets entangled with broader consultancy-driven tendencies that are discussed in this symposium. Following the contributions by Hood and Jackson (1991) and Saint-Martin (1998), scholars have documented how policy consultancies increasingly influence legislative work in public administration. However, the qualitative impact of consultants is not restricted to their influence on policies. Rather, as Laage-Thomsen (2021) argues in this symposium, consultancy firms turn societal positions into assets that they can commercialize in benefit of their clients. Among other consequences, such practices can contribute to the monopolization and privatization of public knowledge, while weakening accountability in the public sector (Ylönen & Kuusela 2019).

The collective impact of such tendencies have been addressed with the term consultocracy, which has been defined as "a phenomenon in which often short-term, outsourced expert knowledge production is increasingly replacing the long-term work of civil servants and even politicians" (Ylönen & Kuusela 2019, p. 242). Scholarship has associated the growth of this phenomenon with the public administration reforms of the 1990s and the 2000s (Craig & Brooks 2006; Prince 2015; Raudla 2013). Yet, as mentioned, there is a long tradition of academic lawyers participating in the legal practice, either as expert witnesses or advocates (Harvard Law Review 1984). These double roles and their societal implications have remained outside the scope of studies on consultocracy. Addressing this gap, our case study illustrates how tax advisory companies outsource expertise that helps them to

steer the legal interpretative process. Bridging the literatures on consultocracy and Bourdiean analysis can help in contextualizing this dynamic.

Finally, the contributions from the scholarship on legal fields, symbolic capital and are also relevant for understanding policy advisory systems, i.e., the ways in which governments acquire or passively receive advice (Halligan 1995). While policy advisory has traditionally been approached with relatively rigid categories between the government and its advisers, recent scholarship has called for studies on the “second wave” of advisory systems. These systems are characterized by a dynamic where the boundary between “inside” and “outside” of government gets increasingly blurred (Craft & Wilder 2017; Manwaring 2019). This scholarship has expanded understanding of the range of policy advice and its dissemination channels within governments (Manwaring 2018). Adjudication provides a yet another interface through which external advice shapes policy outcomes. This influence takes place outside of public scrutiny, which further increases its value for consultancy firms. We continue to discuss and draw together these theoretical approaches in Section Five, after discussing the Finnish legal system (Section Three) and our case study (Section Four).

3. The legal expert witness testimony – scholarship or advocacy?

As the Editors of this symposium note, academic consultants play a special role in organizational and knowledge domains. In comparison to the general-applied skills (e.g., accounting) or particular-applied skills (e.g., engineering), academic consultants operate in certain venues and utilize specific forms of knowledge. Legal scholars influence the judiciary through their scholarship, but also through so-called expert witness statements. They are essentially legal briefings commissioned by adversarial parties from legal scholars during the adjudication. These statements express how legal scholars would settle particular legal questions, with authority derived from scholarly expertise. Expert witness statements are used globally, even if the rules guiding their utilization vary. A key issue is their lack of impartiality. The statements are paid by adversarial parties. This puts their role as

impartial academic scholarship in jeopardy, provoking a question of whether they should be interpreted as advocacy (Simon 2007).

In the Finnish legal system, only adversarial parties commission such statements: judges are expected to be familiar with the law without external advice (Viljanen 1997). In lack of binding rules, the content of these statements varies considerably. Some scholars perceive statements as an extension of their academic work, while others are willing to support any position, or even let other lawyers revise their statements (Hölttä 1998). No official sanctions prevent scholars from defending any legal interpretation preferred by their client, although the statements are written in a capacity of an academic scholar and signed with an academic affiliation.

In tax disputes, adversaries are the tax agency and a private party. Only the latter can commission expert witness statements. Usually, the advocate contacts the scholar and commissions a statement on behalf of the client. In rare cases where a legal scholar would write an unfavorable statement for the client, it will simply not be presented before the court, leaving the court unaware of its existence (Hölttä 1998). When presented in a tax dispute, expert witness statements always support the legal position of the commissioning party. The fees for expert witness statements range from ten to fifty thousand euros, depending on the workload and the scholar's prestige (Vuorikoski 2019; Mäkinen 2010). Commissioning statements is economically feasible only with potentially high rewards, and if the client can afford the fees. An average annual gross salary of a law professor in a Finnish university is around €100,000, and these fees bring significant additional income.

In tax disputes, an incentive exists to write opinions that favor the commissioning party. If a scholar declines to write an expert witness statement for a private party in a tax dispute, she will only be compensated for the initial research work, before objecting against the private party's opinion. If the scholar regularly fails to deliver a useful opinion, another colleague will likely be hired instead. As several researchers have noted, studies on outsourced knowledge production should address

tendencies that contribute to increasing dependencies between public and private actors in knowledge production (Boston, 1994; Gunter, Hall, & Mills, 2015). A specific risk is that the interpretations that legal scholars write for their expert witness statements influences their subsequent scholarship.

4. The case study

We analyze a legal dispute that became a landmark case of the Finnish anti-tax avoidance doctrine.

The dispute concerned the feasibility of a tax shelter that was established in 2009. The utilization of tax shelters can be understood as a distinct form of tax planning, which involves arranging one's transactions with minimal tax liability (Thuronyi 1999). Tax planning contains an element of uncertainty, as the tax agency or courts may deploy anti-avoidance rules on a specific tax minimization structure. The vagueness of legal language and contradictions and gaps in legislation generate uncertainty regarding the application of law in specific situations, especially in novel settings (Schauer 1991). Our case study belongs to the latter category, as the tax shelter was developed only after certain legislative changes took place.

We chose this specific dispute for two reasons. Firstly, it consists a "critical case" for understanding the intertwining of private and public interests in tax scholarship. A critical case produces evidence for making logical generalizations that apply in other cases as well. An example of such setting concerns the scope of acceptable behavior in particular institution or social organization (Patton 2014). Evidence about the commercialization of legal scholarship on one occasion implies that such process can (and likely will) be repeated elsewhere. Secondly, our case study carries great political importance. Drawing a line between legally acceptable tax planning and prohibited tax avoidance is an important juridical question with major economic and political effects (Likhowsky 2004). Parts of the expert witness statement to which we refer were originally outside of the public domain, but the first author of the present article was granted a permit for utilizing it for a study written in Finnish

(Raitasuo 2019). The case study draws partially on the material that became public information after the publication of the aforementioned study.

4.1. Setting up the tax shelters

Tax planning should be interpreted against the prevailing legislation in a given jurisdiction. Finland separated the tax bases of personal income and capital gains in the early 1990s, leaving the latter taxed more lightly. A major incentive emerged for taxpayers to get their income qualified as capital gain instead of personal income. Eventually, tax advisory companies introduced structures that enabled taxpayers to transform their employees' salaries to dividends (Myrsky 2008). A precedent given by the supreme administrative court in 2008 confirmed the legality of one shelter that was designed by the KPMG Finland (Puustinen 2008).

The 2008 precedent generated a heated public debate. Several articles outlined the massive scale of tax shelter-related tax avoidance. One survey concluded that every third Finnish physician was using a shelter that enabled doctors to draw €90,000 annually as tax-free dividends. Without such shelter, they would have been obliged to pay personal income taxes progressively in the scale of 30–45 per cents. Following the public controversy, a new provision was introduced to ban the use of shelters (Niskakangas 2008). A statute instituted that any dividends that taxpayers received from a company as a compensation for employment should be taxed as personal income.

After these changes came into effect, shelters were modified to circumvent the revised legislation. One shelter was targeted at the high-ranking directors of major Finnish listed companies. At the highest point, approximately twenty Finnish listed companies had established such compensation arrangements (Torkkel 2014). They relied on a holding company structure established for a small number of high-ranking directors. After creating the holding company, the listed company provided a cheap loan for buying shares of the same listed company. The employees also had to invest money to the holding company, which contributed to the funds used to purchase the listed company's shares

and created some personal risk for them. Without such risk, the dividends would have been undoubtedly qualified as a personal income. The aim was to get that income qualified as a dividend, since there was a minor “investment risk” involved for the owners of the holding company.

The holding companies received approximately 20 per cent of their equity as an investment from the owners and the rest as a low-interest rate loan from the listed company. With a risk of the employees losing their money if the stock value plummeted, a possibility emerged that the legal arrangement would qualify as capital gain, notwithstanding the newly enacted provision to ban similar tax planning structures without a minor investment risk (Myllymäki 2015).

4.2. The Finnish anti-avoidance doctrine

The proliferation of new tax shelters generated a legal risk that tax agencies or courts would assess them. Judges could interpret shelters as tax avoidance, dismiss the holding company, and qualify dividends as salary. The Finnish tax legislation has contained a statutory anti-tax avoidance clause since the 1940s. The wording of this clause has essentially remained unaltered (Urpilainen 2013), but its application has fluctuated considerably. In the 1970s and the 1980s, courts applied the tax avoidance clause repeatedly to counter aggressive tax planning, but less so in the 1990s and the early 2000s. Courts approved many shelters, which eroded the tax base (Penttilä 2014). The early popularity of the clause has been associated with the progressive period in legal scholarship at the time (Aer 2018). In contrast, the decreasing use of the clause in the 1990s was associated with the criticism of its “excessive application” in the earlier decades (Penttilä 2014). The idea of excessive application has been coined by a Finnish tax law professor who has been a prominent critic of anti-avoidance measures. This professor has worked as a tax advisor for PricewaterhouseCoopers while simultaneously holding an academic post.

The interpretative shift of the anti tax-avoidance clause culminated in a scholarly article published in the early 2010s, which deemed the clause almost meaningless. However, a yet another interpretative shift of the anti-avoidance doctrine emerged in the early 2010, when the tax agency won legal disputes in court cases that relied on the doctrine. This most recent shift has been interpreted as an outcome of a broad-ranging public debate around tax evasion and the recent information leaks, including the Panama papers. The tax law adjudication discussed below should be interpreted against this background (Urpilainen 2013).

4.3. The scholarly work leading to the precedent

The first tax shelters that utilized the new holding company structure were established in 2008–2009. The tax authority assessed the perceived legality of the arrangements in the subsequent years. In Finland, taxpayer can pursue an advance ruling from the tax agency for transactions whose tax treatment seems unclear. Tax advisory companies often utilize this possibility. An unfavorable decision provides advisory companies with an incentive to revise their arrangement. When the legal question has precedential value, a special board of appeal will decide on the case, as happened with the tax shelter analyzed here. The tax board gave its first decision on the directors holding companies in November 2012.

As the board of tax appeals was deliberating the matter, several legal scholars published articles commenting on the proper tax treatment of the shelters and related legal issues. Approximately twenty listed companies utilized similar shelters, resulting in several simultaneous tax processes. One listed company hired a major law firm, Borenius, to represent it in the dispute in early 2011. Within Borenius, the case was overseen by a partner who also lead their tax team. This partner holds a PhD and an academic title of Docent from the University of Helsinki, and has taught corporate tax classes in its law faculty. He has also worked for a think tank owned by the Finnish industry organizations.

His position in the legal field is also enhanced by his appearances in the media and his frequent expert opinions in newspapers.

On 21st September 2011, this partner gave a presentation about the tax treatment of directors holding companies in a tax conference organized by Finnish Chamber of Commerce (FCC), which is an influential organization in the tax law field. Their annual tax conference is an important venue for tax law-related debates in Finland, with presentations that commonly become much-quoted legal sources in doctrinal tax scholarship. In his presentation, the partner argued that the income withdrawn from the holding company must be qualified as a dividend (Juusela 2011).

Three months later, the Finnish law review *Defensor Legis* published the first scholarly article about the new tax shelters. By the time of the publication, the author of that article had been working for the Finnish tax agency for a year, after doing tax litigation in a small law firm for a decade. The article's interpretation about the tax treatment of new shelters contradicted with that of Borenus, arguing that the holding company arrangement was predominantly tax-driven and that income from it could be qualified as personal income (Manninen 2011). Therefore, judges could qualify the use of directors holding companies as tax avoidance, treating the derived income as personal income. The author did not claim this to be the *only* option within the letter of law, but rather that good reasons existed for such interpretation. Ultimately, courts settle such questions, and before a court's decision, the legal interpretation remains uncertain (Manninen 2011).

Subsequently, in March 2012, the aforementioned partner at Borenus published an article about directors holding companies in the leading Finnish tax law journal *Verotus*. This article relied on the presentation given five months earlier at the FCC conference. The partner again argued for qualifying the income derived from company as a dividend, emphasizing that the directors had their own money at stake. The partner maintained that dividends from holding companies did not replace salaries received from the listed company, but were additional to them. Notably, the article did not quote or

discuss the opposing arguments that had appeared at Defensor Legis, even though it was the only relevant academic contribution at the time (Juusela 2012).

4.4. Battle on all fronts? The interpretive contestation in media

Concurrently with the scholarly debate, legal experts commented on the perceived legality of the holding company arrangements in several newspaper articles. In addition to tax treatment, another question was whether tax shelters complied with the company law, which limits how public companies can use their assets. As public companies can only fund the purchase of shares by their employees and a small group of other related individuals, a legal question emerged: are listed companies allowed to fund purchases made by directors holding companies? Helsingin Sanomat, the leading newspaper in Finland, published an article focusing on corporate law-related aspects of the new tax shelters in January 2011 (Sajari 2011).

The article incorporated interviews from three Finnish corporate law professors who were not personally or professionally involved with the case (to the best of our knowledge). All three deemed that the company law prohibited the new tax shelters. The loans from listed companies to directors holding companies were seen to breach the company law, effectively constituting a misuse of a company's assets. Such rebuttal from prominent experts was a major setback for the tax advisory companies. Should courts have adopted this view, tax shelters would have to be dissolved.

Some three weeks after the article in Helsingin Sanomat, the leading Finnish business newspaper Kauppalehti interviewed the aforementioned partner of Borenius. He contradicted the statements of the three professors, questioning their interpretation. The article did not disclose his role as an advocate for a director's holding company. The academic expertise of this partner is not in the field of corporate law. Two days after the publication of the Kauppalehti article, Helsingin Sanomat also ran an opinion editorial focusing on the corporate law-related issues surrounding holding companies,

written by a professor in commercial law from the University of Helsinki (Villa 2011). The op-ed challenged the interpretations that the three professors had voiced in the same newspaper three weeks earlier, arguing that these holding companies do not violate the company law.

4.5. The precedent of the Finnish supreme administrative court

The tax board gave its ruling on the directors holding companies on 14th November 2012. The ruling stated that the holding companies do not qualify as tax avoidance, confirming that such holding companies can be used to circumvent personal income tax. The owners could withdraw €90,000 annually as dividends that are exempted from capital gains tax, and even the remaining possible future dividends would be taxed more lightly than comparable salaries. Two board members gave dissenting opinions, and there remained a possibility to file a complaint to the supreme administrative court. Tax agency representative filed such complaint, and the court gave its ruling in May 2014. The ruling effectively reversed the tax board's decision, arguing that the profits derived from a holding company should be requalified as a personal income, even though they are formally withdrawn as a dividend. The court saw the establishment of directors holding companies as predominantly tax-motivated, while adding that minor business-related reasons may also justify their utilization.

4.6. Minimizing the damage: the scholarly work after the precedent

The precedent was as an obvious setback for the tax advisory companies. Not only did the owners of the holding companies lose tax advantages, but the supreme administrative court treated the case as a published precedent, meaning that it would have major importance for the future case law. The Finnish supreme administrative court decides around 4,000 cases annually, leaving majority of them unpublished. Most of the remaining cases are published as a short version. Only around 200 decisions are published in a yearbook as a long version with extensive judicial reasoning. These cases carry the

highest precedential value and are quoted the most in the scholarship. The decision indicated the judge's intention to give precedential weight to the case, but the impact of this decision for the tax doctrine remained uncertain. The doctrinal effects of precedents become evident only after they are interpreted in courts (Schauer 1991). With resemblance to the interpretative contestation prior to the precedent, the decision initiated an interpretative contestation that took place in law reviews and other expert forums.

Tax advisory companies had at least two strategic goals regarding the case. First, there were other directors holding companies that courts had not challenged. In principle, a slim chance existed for dissolving the unresolved companies with tax advantages. Exploring this opportunity was an obvious goal. Second question related to the representativeness of the decision. In principle, the precedent empowered tax agencies to apply anti-avoidance provision when evaluating the veracity of other tax planning structures. The line between avoidance and tax planning is vague, and the new precedent potentially enabled tax agency's lawyers to expand the anti-tax avoidance doctrine to cover other types of tax shelters. Countering such interpretative expansion was in the interest of tax advisory firms.

The next section evaluates the scholarly interpretations of the precedent 2014:66 from a viewpoint of the economic interests of tax advisory companies.

4.7. KPMG, PricewaterhouseCoopers and the academic tax community

One of the directors holding companies had hired KPMG as its litigator in the legal process that led to the precedent 2014:66. The holding company was represented by the Senior Partner and the head of tax and legal services of KPGM Finland, who later also joined its board. He has simultaneously pursued an academic career, obtaining a PhD in the field of tax law and accounting from University of Vaasa in 2011, and holding an academic title of Docent from the same public university. This title

entitles him to appear in public as an academic legal scholar.

The Senior Partner published an academic article about the case 2014:66 in the leading Finnish tax law review (i.e., *Verotus*) in August 2014 (Torkkel 2014), disclosing neither his own nor the KPMG's involvement with the case. The article was highly critical of the court's allegedly misguided decision. Directors holding companies were ostensibly supposed to bind directors' interests more firmly to listed companies. Hence, the compensation structure would incentivize the directors to work harder for their employers. The associated tax advantages were seen irrelevant in the decisions to establish such holding companies. This assumption would seem to contradict the fact that after the precedent rendered any tax advantages more uncertain, no new directors holding companies with a similar legal structure were established (Penttilä 2014).

The anti-tax avoidance clause is typically regarded as an open-ended norm: it is very unusual to claim its particular application as "illegal." Instead, concrete applications are typically criticised on the basis of policy arguments; even though the application is possible, it serves ill policy goals. Nevertheless, the Senior Partner's article deemed the precedent "illegal," in a sense that it conflicted with the literal meaning of anti-avoidance clause. Another interpretation of the article is to see it as a form of advocacy, signalling to the current or prospective customers that their advocate advances their interests in several fronts.

We need to focus on a yet another strand of influence to obtain a comprehensive picture of the tax shelter dispute. This strand involves a professor of tax law at Tampere University, who also holds various positions in other important institutions in the Finnish tax field, implying a high level of scholarly and practical symbolic capital. The tax law chair at Tampere University is arguably the most important one nationally. Moreover, various positions in the field imply that his opinions convey a power to influence tax legislation both in the drafting stage and when the laws are subsequently interpreted in adjudication.

The professor is also a prolific writer of various tax law topics, whose publication list includes over three hundred scholarly articles and the most popular corporate tax law textbook in Finland. He has participated in several governmental legislative committees and has been a chairman of a board of appeals for taxation (Nykänen & Urpilainen 2014). While this professor has had posts in the aforementioned public institutions, he has simultaneously been employed as an advisor for the Finnish subsidiary of PricewaterhouseCoopers from 2003 onward (see Laurila 2011).

The professor wrote an expert witness statement for one of the directors holding companies in June 2011, before any authoritative tax ruling existed on the tax shelters' legality. The precedent 2014:66 was given in May 2014. Three weeks later, the professor published a case note of it in a popular online platform for tax-related information in Finland. The case note did not disclose that the professor was paid to author such a statement regarding the tax treatment of directors holding companies. The case note speculated that there could still be ways in which the owners of the director's holding company could avoid paying income tax. The professor also warned the supreme administrative court that the "excessive" application of anti-avoidance measures could be problematic from the viewpoint of taxpayer rights.

However, compared to the already discussed article by the KPMG's Senior Partner, this article provided a more nuanced analysis, discussing arguments for and against the court's decision. The article argued that the credibility of the tax system can be seen as the foremost reason supporting the precedent. The whole tax community was not unanimous about the merits and demerits of the precedent. Moreover, a third case note was published in 2015 by a tax lawyer employed in the state tax agency. That case note concluded that the reasoning behind the court decision was essentially sound (Myllymäki 2015).

Finally, in 2019, the Finnish supreme administrative court gave two precedents (2019:26 and (2019:36) on the use of slightly modified version of directors holding companies. The precedents

reversed the court's earlier decision 2014:66 by declaring that there is – after all – a legally acceptable way to utilize holding companies to circumvent paying personal income tax. The reasoning behind the court's interpretive shift is unclear, as courts do not disclose the extent to which they rely on legal scholarship in their decisions. However, it is highly likely that the scholarly critique contributed to this new line of interpretation, given that the highest courts in Finland regularly use relevant legal scholarship as the basis of judge's reasoning (Virolainen 2012).

5. Discussion: Statutory interpretation and the power of tax advisory firms

Political demand-factors have remained under-theorized in the public administration literature (Manwaring 2019). We argued that one such factor relates to the influence of tax consultancy firms over legal interpretation in benefit of their clients. We demonstrated how legal scholarship constitutes a power resource that the tax consultancy firms produce and utilize to advance their clients' interests. The proliferation of this phenomenon has major repercussions to the conduct of public administration in the context of second wave policy advisory systems.

Various legal theories exist for assessing the influence of doctrinal legal scholarship on adjudication. These theories often approach legal scholarship as a rational discourse that somehow automatically serves public interest, for example, by adding certainty to legal interpretation of courts when legislation is unclear (Peczenik 2008, Alexy 2012). Other theories have suggested that academic legal scholarship functions to counterbalance the power of judiciary (Tuori 2017), by ensuring that judges remain faithful to the intentions of legislature in the application of law. In contrast, we maintain that the qualitative influence of legal interpretation should be examined empirically.

The existing tax avoidance-related literature has associated the prevalence of avoidance practices with the superior legal expertise of large tax advisory firms (Rostain & Regan 2014). Elite law firms invest heavily in pursuing legal expertise, which they channel into marketable tax products (St-Pierre 2019). While legal expertise is vital for the development of tax minimization schemes, it does not

Accepted Article

fully explain why authorities approve particular schemes. Because tax codes are always somewhat indeterminate, administrators and judges have discretion on whether to accept particular tax minimization arrangements (Ostas 2020). Authors in the critical legal tradition (Edgley 2010, Likhowsky 2004) have argued that the interpretations about the legal scope of anti-avoidance measures should be understood as the use of political discretion of judges.

We maintain that doctrinal tax scholarship constitutes an important contextual constraint and an enabling factor in this kind of judicial politics. Scholarly opinions make certain interpretive choices appear as more legitimate than others to the authorities. Hence, we argue that the influence of legal scholars should be acknowledged when discussing the impact of consultants on public administration in general and tax advisory in particular. This notion is in line with the calls of Craft and Wilder (2017) to reorient the unit of analysis of policy advisory systems to reflect the systemic nature of advisory activity.

Understanding legal scholarship as an asset, which potentially empowers tax consultancy companies, also forces us to re-evaluate the prevailing ideas of consultocracy. The rise of consultocracy can be seen as a relatively recent phenomenon, associated with the New Public Management reforms of the 1980s and the 1990s and their discontents. However, in tax consultancy, the commercialization of expert witness statements significantly predates the New Public Management era (Harvard Law Review Association 1984; Simon 2007).

Ultimately, the commercialization of academic legal expertise endangers the impartiality of legal interpretation. We demonstrated how this commercialization process is perfected by interlinking public and private interests in academic journals and forums, as well as in various forms of interpretative legal work. The non-transparent nature of such indirect advocacy work allows for maintaining “sets of symbolic beliefs” (Williams 2018) associated with legal interpretation, such as impartiality – even if the actual contents of the advisory work would clash with these symbolic beliefs.

Effective maintaining of such beliefs further enhances the value of expert statements for consultancy firms.

This kind of commercialization occurs in an institutional setting steered by the major tax advisory companies. While some of these companies are national, the Big 4 dominate the industry (Picciotto 2020). These firms bolster their positions as mediators of legal expertise not only through their privileged role in shaping the international accounting standards and by consultancy assignments related to legislative processes (Sikka & Hampton, 2005), but also through their central role in adjudication. Collectively, these developments contribute to the further blurring of the “inside” and “outside” of policy advisory systems. In essence, an important phenomenon that public administration scholars and other social scientists have traditionally situated outside of the sphere of the political has become a potential power resource for consultancy firms and their clients. Associated economic and political interests are remarkable.

Our findings mirror tendencies that have been identified in the existing literature on consultocracy, but situates them in a domain that has remained outside of social scientific analysis. The consultant-driven modes of knowledge production are not channeled into public policies merely through work conducted by experts identifying themselves as consultants. Rather, as commercial and public interests get intertwined within academia, the academic legal scholarship is turned into a yet another category of outsourced expert knowledge production. We need a better understanding of the commercial dependencies that influence the professional conduct. This would entail expanding the national, tax-specific aspects of dependencies that have been recently discussed in international settings (Christensen, Seabrooke & Wigan 2020). In effect, adjudication provides another pertinent but inadequately understood entry point for commercial interests that aim at shaping the conduct of public administration. For tax consultancy firms and their clients, adjudication can act as a firewall that can mitigate effects of unsuccessful lobbying before laws are operationalized at the organizational level.

Influencing public discussion is an important, long-term function of the academia. Throughout modern history, societies have benefited from the expertise of academic scholars in various fields and commissioned assignments can naturally perform societally useful roles. However, what matters is transparency, balance of power and regulatory frameworks that guide assessments that involve major commercial interests. The crux of the matter is not necessarily that scholars get commissioned to write different analyses and opinions that draw on their scholarship. However, we should worry when outsourced knowledge production starts to favor private economic interests over other groups and value rationalities (Walliser, 1989). This leads to a situation where public institutions can no longer “match the knowledge-producing and purchasing facilities of big finance and business, let alone offer them to wider publics” (Davis, 2015, p. 3).

Maintaining the diversity of information production is particularly relevant in tax policy, given that the link between taxation and representation has been weakened in many countries, as taxation has evolved into an expert-driven and sometimes seemingly apolitical area (Wales & Wales, 2012; Picciotto 2020). While adjudication takes place after policy discussion, the rationalities that get conveyed to it still play a role in constructing the public trust to the fairness of the tax system. The conflicts of interest that characterize tax scholarship give little hope that legal scholarship could perform the public interest function that many theorists assign to it. As our case study illustrates, it may be more appropriate to view tax scholarship as a power resource for tax advisory companies in the pursuit of their strategic goals in legal processes.

6. Concluding remarks

This article has uncovered new connections between academic legal expertise, consultocracy, and the national foundations of the network power of big tax advisory companies. There is a need for similar studies internationally. The United Kingdom and the United States would be important countries to

focus on, given their high concentration of major listed companies. The double roles of legal commentators – as researchers and tax consultants – are common in legal analyses published in tax law reviews all over the world. Examining the author information of leading academic tax journals in Europe or US demonstrates the prevalence of this phenomena. For example, journals like Intertax, British tax review and EC Tax review all publish regularly normative scholarship written by advocates and tax consultants. Considering how pervasive public policy issue tax avoidance has become internationally (Stiglitz, Tucker & Zucman 2020), analyzing such professional dependencies is vital. A focus on adjudication underlines how the dynamics of the Bordieuan “legal field” are more important for the conduct of public administration than has been understood. Same applies to the scholarship of policy consultancies and consultocracy.

This being said, there are also differences in the rules concerning consultancy assignments discussed in this article. Many international medical journals have strengthened the reporting requirements for conflicts of interest (Weatherhall 2003). There are also important differences between countries and even individual universities. For example, in the United States, there is a long tradition in attempts to regulate such interest conflicts (Goldrick, Larson and Lyons 1995). As mentioned, there is a need for a greater transparency of external legal assignments. Such transparency should also be extended to materials that courts use in deliberation process. We hope that further studies will continue mapping these practices and develop suggestions for their application in different countries.

We have argued that tax scholarship may function as a vehicle for advocating private interests. This might partially explain why the tax avoidance persists despite of legislative efforts to tackle it. We call for more analyses expanding the policy advisory system framework to include influence exerted through adjudication. Such analyses should take into account the symbolic capital of scholars. Finally, we need to focus on the structures and mechanisms that keep potential conflicts that would threaten this symbolic capital outside of public scrutiny.

References

- Aer, J. (2018) Formalismi realismi ja verolain kiertäminen. *Oikeustiede–Jurisprudentia* (2018), 9–81.
- Akram, S. (2018). Representative bureaucracy and unconscious bias: Exploring the unconscious dimension of active representation. *Public Administration*, 96(1), 119-133.
- Alexy, R. (2012). Institutionalized reason: the jurisprudence of Robert Alexy. Oxford University Press.
- Arel-Bundock, V. (2017). The Unintended Consequences of Bilateralism: Treaty Shopping and International Tax Policy. *International Organization*, 71(2), 349–371.
- Boston, J. (1994). Purchasing Policy Advice: The Limits to Contracting Out. *Governance*, 7(1), 1–30.
- Bourdieu, P. (1986) "The force of law: Toward a sociology of the juridical field." *Hastings Law Journal* 38(1986), 805–853.
- Bourdieu, P. (1990). *The logic of practice*. CA: Stanford: Stanford university press.
- Callaghan, G.D. & Wiston, G. (2006). Publics, Patients, Citizens, Consumers? Power and Decision-Making in Primary Health Care. *Public Administration* 84(3), 583–601.
- Christensen, R. C. (2017). Professional Competition in Global Tax Reform: Transparency in Global Wealth Chains. *Draft working paper*, May 2017.
- Christensen, R.C., Seabrooke, L. & Wigan, D. (2020). Professional Action in Global Wealth Chains. *Regulation and Governance*. doi:10.1111/rego.12370
- Cotterrell, R. B. (1992). The politics of jurisprudence: A critical introduction to legal philosophy. University of Pennsylvania Press.

- Craft, J. & Wilder, M. (2017). Catching a Second Wave: Context and Compatibility in Advisory System Dynamics. *Policy Studies Journal* 45(1), 215–239.
- Craig, D. & Brooks, R. (2006). *Plundering the Public Sector: How New Labour are Letting Consultants Run Off With Our Money*. London: Constable.
- Davies, W. (2017). Elite Power under Advanced Neoliberalism. *Theory, Culture & Society*, 34(5–6), 227–250.
- Davis, A. (2015). *The Economics of Public Knowledge* (PERC Papers Series No. No. 1). London.
- Dezalay, Y., & Garth, B. G. (2010). Marketing and Selling Transnational “Judges” and Global “Experts”: Building the Credibility of (Quasi)judicial Regulation. *Socio-Economic Review*, (8), 113–130.
- Dietsch, P., & Rixen, T. (2016). *Global Tax Governance: What is Wrong with It and How to Fix It*. Colchester: ECPR Press.
- Duxbury, N. (2001) *Jurists and judges: An essay on influence*. Bloomsbury: Hart Publishing.
- Edgley, C. R. (2010). Backstage in legal theatre: A Foucauldian interpretation of ‘Rationes Decidendi’ on the question of taxable business profits. *Critical Perspectives on Accounting*, 21(7), 560-572.
- Eskelinen, T. & Ylönen, M. (2017). “Panama and the WTO: New Constitutionalism of Trade Policy and Global Tax Governance.” *Review of International Political Economy* 24(4): 629–656.
- Fichtner, J. (2016). The Anatomy of the Cayman Islands Offshore Financial Center: Anglo-America, Japan, and the Role of Hedge Funds. *Review of International Political Economy*, 23(6), 1034–1063.
- Garcia-Bernardo, J., Fichtner, J., Takes, F. W., & Heemskerk, E. M. (2017). Uncovering offshore

financial centers: Conduits and sinks in the global corporate ownership network. *Scientific Reports*, 7(1), 1–10.

Goldrick, B.A., Larson, E. & Lyons, D. (1995). “Conflict of interest in academia”, *Policy in Action* 27(1): 65–69.

Gunter, H. M., Hall, D., & Mills, C. (2015). Consultants, Consultancy and Consultocracy in Education Policymaking in England. *Journal of Education Policy*, 30(4), 518–539.

Halligan, J. (1995). Policy Advice and the Public Service. In Peter, B.G. & D.J. Savoie (eds). *Governance in a Changing Environment*. Montreal: McGill-Queen’s Press. pp. 138–172.

Harvard Law Review (1984). Expert Legal Testimony. *Harvard Law Review* 97(3), 797–814.

Hearson, M. (2018). Transnational Expertise and the Expansion of the International Tax Regime: Imposing “Acceptable” Standards. *Review of International Political Economy*, 25(5), 647–671.

Hood, C., & Jackson, M. W. (1991). *Administrative Argument*. Dartmouth: Aldershot.

Hölttä (1997) Lakimieslausunnot kirjavia. *Helsingin Sanomat*. 31 March 1998.

Jones, C., Temouri, Y. & Cobham, A. (2017). “Tax Haven Networks and the Role of the Big 4 Accountancy Firms”, *Journal of World Business* 53(2018): 177–193.

Juusela, J (2011) Kannustinjärjestelmien ajankohtaiset verokysymykset. Presentation at the Finnish Chamber of Commerce. 21 September 2011.

Juusela, J (2012). Kannustinjärjestelmien ajankohtaiset verokysymykset. *Verotus* 2(2012), 145–153.

Kennedy, D. (2018). *A world of struggle*. Princeton University Press.

Laage-Thomsen, J (2021). Professional expertise in policy advisory systems: How administrators and consultants built behavioral insights in Danish public agencies. *Public Administration*,

10.1111/padm.12725

Laurila, P. (2011) *Suomen lakimiehet 2011*. Helsinki: Talentum Media Oy.

Likhovski, A. (2003) The Duke and the Lady: Helvering v. Gregory and the history of tax avoidance adjudication. *Cardozo Law Review* 25 : 953-1018

Manninen, P. (2011) Voiko ns. johdon holdingyhtiö olla työsuhdeoptio tuloverotuksessa?" *Defensor Legis* 6(2011), 782–793.

Manwaring, R. (2018). Understanding Impact in Policy Advisory Systems: The Australian Case of the ‘Thinker in Residence.’ *International Journal of Public Administration* 41(11), 868–879.

Manwaring, R. (2019). Political Demand and Policy Advice: A Framework for Analysis. *Policy Studies* 40(3–4), 270–286.

Morrell, K. (2009). Governance and the public good. *Public Administration*, 87(3), 538–556.

Myllymäki, J. (2015). KHO 2014:66: johdon holdingyhtiö verotuksessa. *Lakimies* 113 (2015):2, 272–289.

Myrsky, M. (2008). Miten ansiotulosta voi tulla pääomatuloa – ratkaisun KHO 2008:6 arviointia. *Lakimies* 3(2008), 486–496.

Mäkinen, E (2010) Johanna Korhonen valitti oikeudenkäyntinsä asiantuntijasta. 26 April 2010. Retrieved from. <https://www.hs.fi/>

Niskakangas, H. 2008. Suosiva osingonjako. *Verotus* 3(2008): 228- 239.

Nykänen, P & Urpilainen, M. (2014) *Yritys, omistaja ja verotus*. Helsinki: Edita.

Ostas, D. T. (2020). Ethics of tax interpretation. *Journal of Business Ethics*, 165(1), 83-94.

Patton, M. Q. (2014). *Qualitative Research & Evaluation Methods: Integrating Theory And*

Practice. Los Angeles: Sage.

Peczenik, A. (2008). On law and reason (Vol. 8). Springer Science & Business Media.

Penttilä, S. (2014). Holdingyhtiön käyttäminen yritysjohton kannustinjärjestelmässä oli veron kiertämistä – KHO 2014:66. Retrieved from <http://www.edilex.fi>, 1–6.

Picciotto, S. (2020). Technocracy in the Era of Twitter: Between intergovernmentalism and supranational technocratic politics in global tax governance. *Regulation and governance*, doi:10.1111/rego.12351

Prince, R. (2012). Policy Transfer, Consultants and the Geographies of Governance. *Progress in Human Geography*, 36(2), 188–203.

Prince, R. (2015). Economies of Expertise: Consultants and the Assemblage of Culture. *Journal of Cultural Economy* 8(5), 582-596.

Puustinen, T. (2008) Tyhmä veroja maksaa. *Talouselämä* 14 March 2008, Retrieved from <https://www.talouselama.fi/>

Quentin, C. & Campling, L. (2018). Global inequality chains: integrating mechanisms of value distribution into analyses of global production. *Global Networks* 18(1), 33–56.

Raitasuo, S. (2021). The conflict of interest in tax scholarship. *Critical Perspectives on Accounting*, 102394.

Raitasuo, S. (2019). Verosuunnittelun tiede?: Tapaustutkimus akateemisen verotutkimuksen sidonnaisuuksista. *Lakimies*, 117(6), 695-726.

Raudla, R. (2013). Pitfalls of Contracting for Policy Advice: Preparing Performance Budgeting Reform in Estonia. *Governance*, 26(4), 605–629.

Rostain, T., & Regan Jr, M. C. (2014). *Confidence games: lawyers, accountants, and the tax shelter*

industry. Cambridge, MA: MIT Press.

Saint-Martin, D. (1998). *Building the New Managerialist State: Consultants and the Politics of Public Sector Reform in Comparative Perspective*. Oxford: Oxford University Press.

Sajari, P. (2011) Uudet osakekannustimet ovat laittomia. Helsingin Sanomat 14 January 2011. Retrieved from. <https://www.hs.fi/>

Schauer, F. (1991). *Playing by the rules: A philosophical examination of rule-based decision-making in law and in life*. Oxford: Clarendon Press.

Seabrooke, L., & Wigan, D. (2017). The governance of global wealth chains. *Review of International Political Economy*, 24(1), 1–129.

Sikka, P. (2008). Globalization and its discontents: Accounting firms buy limited liability partnership legislation in Jersey. *Accounting, Auditing & Accountability Journal*, 21(3), 398–426.

Sikka, P., & Hampton, M. P. (2005). The role of accountancy firms in tax avoidance: Some evidence and issues. *Accounting Forum*, 29(3), 325–343.

Simon, W. H. The Market for Bad Legal Advice: Academic Professional Responsibility Consulting as an Example.”, *Stanford Law Review* 60 (2007): 1555–1603.

Spicer, M.W. & Terry, L.D. (1996). Administrative Interpretation of Statutes: A Constitutional View on the “New World Order” of Public Administration, *Public Administration Review* 56(1), 38–47.

St-Pierre, P.C. (2019). Investigating legal consciousness through the technical work of elite lawyers: A case study on tax avoidance. *Law & Society Review*, 53(2), 323-352.

Stiglitz, J.E., Tucker, T.N. & Zucman, G. (2020). The Starving State: Why Capitalism’s Salvation

Depends on Taxation. *Foreign Affairs* 99, 30–37.

Terra, B. J., & Wattèl, P. J. (2008). *European tax law*. Alphen aan den Rijn, Netherlands: Kluwer Wouters.

Thuronyi, V. (Ed.). (1996). *Tax law design and drafting* (Vol. 2). Washington, D.C.: International Monetary Fund.

Torkkel, T (2014). Johdon holdingyhtiö – päätöksen KHO 2014:66 arviointia. *Verotus* 4(2014): 375–392.

Tsingou, E. (2015). Club governance and the making of global financial rules. *Review of International Political Economy*, 22(2), 225–256.

Tuori, K. (2017). *Critical legal positivism*. New York: Routledge.

Urpilainen, M. (2013) ”Onko VML 28 §:n veron kiertämistä estävä yleislauseke menettämässä tehonsa? Urpilainen, M. & Vahtera, V. in *Minne menet vero-oikeus?*”: *Juhlajulkaisu Raimo Immoselle*. pp. 197–214.

Vaucher, A. (2008). ”The Force of a Weak Field: Law and Lawyers in the Government of the European Union (For a Renewed Research Agenda)”, *International Political Sociology* (2008):2, 128–144.

Viljanen, P. (1997). Oikeustieteellisen asiantuntijalausannon ja sen antajan statuksesta. *Defensor Legis* 4/1997, 547- 552.

Villa, S. (2011). ”Rahoitusapu holding-yhtiölle on laillista”, *Helsingin Sanomat*, 10 February 2011.

Virolainen, J. (2012) Oikeuskirjallisuus oikeuslähteenä ja tuomion perusteluissa. *Lakimies* 1(2012), 3–32.

Vuorikoski, S. (2019). ”Veroprofessorien vaietut sidokset”. *Suomen Kuvalehti*. 9/2019. p. 18–21.

Wales, C. J., & Wales, C. P. (2012). *Structures, processes and governance in tax policy-making: An initial report*. Oxford: Oxford Centre for Business Taxation.

Walliser, B. (1989). Instrumental Rationality and Cognitive Rationality. *Theory and Decision*, 27(1989): 7–36.

Weatherhall (2003). "Problems for Biomedical Research at the Academia-Industrial Interface", *Science and Engineering Ethics* 2003(9), 43–48.

Williams, K. (2018). Three strategies for attaining legitimacy in policy knowledge: Coherence in identity, process and outcome. *Public Administration*, 96(1), 53-69.

Ylönen, M. & Kuusela, H. (2019). Consultocracy and its discontents: A critical typology and a call for a research agenda." *Governance*, 32(2): 241–258.