



LCC | CDC

Living Law | Pursuing Justice | Renewing Hope

Law Commission of Canada Call for Papers Charity and Law in Canada July 2024

The Law Commission of Canada (LCC) is calling for research-based contributions to a current project focused on charity and law in Canada.

Contributions will take the form of Papers, written in English or French. Authors will be invited to become Associates of the LCC and will receive \$10,000 CAD.

Interested individuals are invited to propose their paper topics and required documents as set out in the parameters section by September 16, 2024.

Please find below the general description of the project and the specific parameters of this call for Papers.

Project Description

Charity is part of everyday life for people across Canada. Charitable behaviour, charitable giving, charitable interactions: all are understood to reflect human generosity and concern for collective welfare. Charity is central to an extraordinarily wide range of sectors, actions, commitments, and projects.

Charities are the organizations that make this possible. They too are part of everyday life for Canadians. From small to large, local to international, charities exercise significant responsibility in the governance and flourishing of a contemporary and diversified society.

How does law in Canada - in multiple forms and at various levels - facilitate charity as a practice and support the functioning of charities? The Law Commission of Canada proposes to explore a wide range of related questions within a project dedicated to charity in Canadian law and the law of Canadian charities. They reflect preoccupations and priorities shared by individuals, communities, and institutions with whom the Commission has already engaged and to whom the Commission will continue to listen and respond. They illustrate intersecting issues related to legal definitions, co-existing sources of authority and governance, and the effective regulation of an extremely complex and multi-faceted set of activities, needs, and functions.



Law Commission
of Canada

Commission du droit
du Canada

Canada

Papers

This project will be developed in three parts. The first, "Looking Back", will trace the history of charity and charities in Canada and in Canadian Law. The second, "Looking Around", will address current issues, questions, and concerns in the regulation and administration of charities in Canada. The third, "Looking Ahead", will examine tools and approaches for enabling charities to carry out their purposes.

This call seeks Papers relating to Part I of the project:

Part I: Looking Back: Tracing Charities in Canada and Charity in Canadian Law

The first part of the Project will trace the concept and work of charity and charities in Canada. Commissioned Papers will fall into three categories: 1) historical and contemporary exploration of the concept and practice of "charity" in Canada's legal traditions; 2) a general overview of the significance and scope of the work historically performed by charities in Canada; 3) an introductory guide to Canada's legal/regulatory framework for charity and charitable organizations.

1) Charity Across Canada's Legal Traditions

The Commission calls for Papers that explore the history and function of the notion and practice of "charity" within co-existing legal traditions across this country, namely Canadian Common Law, Quebec Civil Law, and Indigenous Law(s).

Each paper should offer a portrait of relevant sources, historical development, and principal mechanisms associated with charity and charitable giving in a particular legal tradition. The Commission is mindful that the notion may not exist or be identified in the same way or with the same vocabulary across communities or traditions, and that the work done by the concept of "charity" may be achieved through other terms or means.

With respect to Indigenous Legal Traditions, the LCC is interested in Papers that explore common themes across multiple communities, but will also consider Papers grounded in a community-specific context.

2) Significance and Scope of Charities in Canada

The Commission calls for one or more Papers that provide a transversal overview of the breadth and depth of work done by charities across Canada, and the ways in which that work supports and intersects with a range of social interests, commitments, and priorities. Readers of the finished paper(s) should gain critical knowledge and understanding of the significance of charitable work and organizations, both historically and for contemporary Canadian society (with respect to, for example, scientific research, arts and culture, social diversity, and access to justice).

3) Canada's Legal Framework for Charity and Charities

The Commission calls for one or more Papers that offer a guide to the legal framework in place in Canada for the facilitation of charity and the regulation of charities and charitable organizations. Readers of the finished paper(s) should appreciate existing definitions of charitable purposes, regulation through provisions of the *Income Tax Act*, corporate statutes, common law and equity, civil law, and other rules and procedures that frame philanthropy, charitable organizations and foundations, and decision-making with respect to charitable status and activities.

Parameters and Process

Parameters

Papers should be between 5,000 and 7,000 words in length. Authors will be provided \$10,000, to be disbursed in the following increments:

- \$5,000 upon initial submission of the Paper
- \$5,000 upon final submission of the completed Paper

If you are interested in contributing a Paper for Part I of the project, please submit your Paper proposal, consisting of the following elements, for the LCC's consideration by September 16, 2024:

- An indication of topic and tentative title
- A 200-word summary of your proposed Paper
- A detailed outline of 1 to 2 pages
- A preliminary bibliography of up to five sources
- A reference to a previous publication authored by you (preferably in a related field)

Paper proposals should be submitted to Projects-Projets@lcc-cdc.gc.ca.

Process

The LCC will aim to notify applicants of its decision within two weeks of receiving Paper proposals. If accepted and invited to contribute, authors should prepare their Papers for an initial submission deadline of January 10, 2025. Within two weeks of that deadline, the LCC will aim to review and respond to the Paper. Questions and comments provided to authors should be considered and incorporated by February 7, 2025, following which papers will be sent for translation. Authors will have approximately one week to review translations and any copyediting corrections or suggestions. Final Papers should be completed and submitted by March 7, 2025.

All Papers published as a result of this call will be publications of the LCC, and the LCC will hold copyright in all such Papers. The LCC may publish any Paper submitted pursuant to this call in whole or in part, and in the language or format it chooses.

Milestones and Deadlines:

- Paper proposals due: September 16, 2024
- Initial Paper: January 10, 2025
- LCC questions and comments considered and integrated/Papers submitted to translation: February 7, 2025
- Final Paper due: March 7, 2025
- Questions may be addressed to: Projects-Projets@lcc-cdc.gc.ca.