



# Letters from the LCC President

by Shauna Van Praagh

## Letter # 14

23 September 2024

As the Law Commission prepares for the initial Listen & Learn sessions of the fall season, I find myself reflecting on how far we have come and how much we have flourished since we launched the series one year ago. We now have a team, an emblem, a website, an Advisory Council, and a growing network of partners! Our first Annual Report, covering the period from June 2023 to March 2024, is scheduled to be tabled in Parliament in the coming weeks, and we look forward to sharing it with pride and confident energy.

One of the major developments now firmly in place is that of the Law Commission's first major research path, focused on charity and charities in Canada and Canadian Law. This is a project that responds to all three parts of the LCC's *raison d'être* - living law, pursuing justice, renewing hope – and we trust it will resonate with individuals and communities, and with actors and institutions within and beyond the legal landscape of our country.

Charity matters in Canada across an extraordinarily wide range of sectors, actions, commitments, and objectives – from arts to education, from faith-based congregations to human rights advocacy groups, from youth in sport to prevention of animal cruelty, from food security to climate justice, from advancement of medical research to innovation in housing. Charitable organizations come in all shapes and sizes, from small grassroots organizations to large philanthropic foundations. All along a scale of local to international, charities and charitable projects contribute to the governance and wellbeing of our contemporary, democratic and diversified society.

The fact that charities employ roughly 10% of Canada's full-time workforce and represent about 8% of our gross domestic product demonstrates how they play a significant role in our everyday lives. But beyond those statistics, we know that charity as concept, as practice, as sense of moral duty, as dedication to the common good, is an integral part of everyday life for people across Canada. Identified and valued across traditions and cultures, charity is implicated in how we hold out a hand, confront injustice, encourage learning, and follow dreams.

In a recent conversation at the LCC office in Ottawa, as members of our team recounted stories from summer holidays, I shared that I had enjoyed seeing productions of *Les Misérables* and *Come from Away*, both hosted by the National Arts Centre. That led to reflections on how the two stories – one found in a classic novel by Victor Hugo, the other grounded in the true experience of a small Canadian community - are explicitly and compelling intertwined with charity and law.

*Come from Away* shines a light on the people of Gander, Newfoundland, where planes from around the world were forced to land on September 11, 2001 because of the closure of US





LCC | CDC

Living Law | Pursuing Justice | Renewing Hope

airspace. As captured by the first rousing song, “Welcome to the Rock”, the kindness shown at a moment of terror and tragedy was remarkable and inspiring. As one of my colleagues on the team observed, the story demonstrates the incredible strength and capacity of human spirit and community. Watching a show that captures overwhelming generosity to outsiders who “came from away” made him feel so proud to be Canadian.

Where does that compulsion to do the right thing come from? As another Law Commission team member noted, *Les Misérables* shows how complicated both the question and its many potential answers can be. For Victor Hugo, this colleague recalled, philanthropy can indeed serve as a powerful and transformative instrument of social justice. But human redemption, love, and hope – and the socio-economic and political context against which they are nourished or destroyed – are never simple or straightforward. *Les Misérables* underscores the power of charity while scrutinizing actors and actions that present themselves as charitable and in service to the public good.

In a recent article, published in July 2024 in *The Philanthropist Journal*, a journal brought to my attention by yet another member of our LCC team, the President of CanadaHelps considered a study that shows how a Canadian individual’s meaningful connections to others is a striking indicator of the level of their charitable giving and, more generally, the level of their generosity and civic engagement. As our social bonds shrink, so too does our sense of being, acting as, and having good neighbours. All of this suggests that the strength of the social fabric of our country is linked to our willingness to give with generosity, to roll up our sleeves, and to come together in action.

What are the roles and responsibilities of law in recognizing, facilitating and nourishing charity in contemporary Canada? This is the key question running through our project on charity and charities in this country. A member of the LCC’s Advisory Council recently shared the following insightful message articulated by Rabbi Jonathan Sacks of England: “Optimism is the belief that things are going to get better. Hope is the belief that we can make things better.” Charity seems inextricably tied to that human capacity to make things better.

As our project develops through anticipated contributions from jurists and non-jurists with expertise and experience, the LCC looks forward to combining learning with engagement, sharing with repairing, and legal analysis with community-building. Law reform is far from the only way to support the practice of charity, foster meaningful neighbourly connections, or renew hope. But it can indeed be one important way of doing all three.

