This lecture will focus on the role of law in constituting ‘charity’ as a mode of social interaction. We will begin by reflecting on how law has played a key role historically in defining a charity sector with its own distinctive character setting it apart from government, the business sector, the family, and even non-Charitable civil society organisations. We will then turn to recent developments calling into question historical distinctions between: (a) charities and government; (b) charities and the business sector; and (c) charities and political organisations. Finally, we will explore how law should respond to these recent developments, exploring several possible futures for the charity sector as we go. We will conclude by considering whether law should continue to constitute charity as it has done historically, or whether law should now allow charity (in the legal sense) to wither and die in favour of other modes of social interaction better suited to contemporary conditions.

ABOUT THE SPEAKER

Matthew Harding is Professor of Law and Deputy Dean at Melbourne Law School.

Matthew’s research interests lie in moral and political philosophy, the theory and doctrines of equity, property law, judicial practice and precedent, and the law of charities and other not-for-profits. He has published and taught widely in these fields, and is the author of Charity Law and the Liberal State (Cambridge University Press, 2014), Matthew has also edited or co-edited several collections, including Fiduciaries and Trust: Ethics, Politics, Economics and Law (Cambridge University Press 2020) with Professor Paul Miller; The Research Handbook on Not-for-Profit Law (Edward Elgar, 2018); Not-for-Profit Law: Theoretical and Comparative Perspectives (Cambridge University Press, 2014) with Professors Ann O’Connell and Miranda Stewart; and Exploring Private Law (Cambridge University Press, 2010) with Professor Elise Bant. Matthew is an editor of the Journal of Equity, a member of the Advisory Board of Oxford Studies in Private Law Theory, the President of the Charity Law Association of Australia and New Zealand and a member of the Charities and Not-for-Profits Committee of the Law Council of Australia. He has been a visiting scholar at the University of Toronto, Queen’s University Belfast, the University of Otago, the University of the Western Cape and Florida State University.