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Thornton, Margaret Rose

Occupation Academic, Lawyer

Summary

Margaret Thornton is an acclaimed feminist academic in the field of feminist jurisprudence, discrimination, equal opportunity and gender studies at the Australian National University's College of Law. She has degrees from the Universities of Sydney and New South Wales and Yale University. A prominent thinker and legal researcher, Thornton was the first female law professor to be appointed at La Trobe University in Victoria, Australia; during her academic career she demonstrated a significant commitment to the development of La Trobe's law school. Thornton founded the Feminist Legal Action Group and convened the first feminist jurisprudence conference in Australia. She has participated in numerous consultations with agencies such as the International Labour Organisation, and advised parliaments on legislation. She has also published widely. Motivated by social justice and a desire for equality, Thornton has been steadfast in her efforts to improve conditions for women in society, particularly in the workplace and in educational institutions.

Margaret Thornton was interviewed by Kim Rubenstein for the Trailblazing Women and the Law Oral History Project. For details of the interview see the National Library of Australia CATALOGUE RECORD.

Details

Margaret Thornton was born in Launceston and raised in north western Tasmania [Gender Institute]. After moving to Sydney, she attended East Sydney Technical College in order to matriculate. When the time came for her to enrol in a degree, she was discouraged from enrolling in Arts/Law by the University of Sydney after being told that law was not an appropriate choice for a woman. She then elected to study Arts [Margaret Thornton – Women's Web].

Interested in the possibility of a career teaching ancient history and Classics, Thornton subsequently began tutoring at Macquarie University and enrolled in a Master of Arts degree. However, influenced by the Women's Movement, she enrolled in a Bachelor of Laws at the University of New South Wales. She graduated brilliantly in 1978, winning the University Medal. She then embarked upon a PhD in discrimination law. While studying, she founded the Feminist Legal Action Group (FLAG) to run legal test cases for women. With the support of a Fulbright scholarship, Thornton moved to Yale University in the United States in 1979. There, in 1980, Thornton completed a Master of Laws.

She returned to Macquarie University, where lecturers were encouraged to be generalists, and taught widely across criminal, tort, constitutional, property, discrimination, migration law and research methods. She became the Foundation Chair of Women in Tertiary Institutions and a member of the Women's Advisory Council to the Premier, which advised on policy and all legislation before the New South Wales Parliament.

Thornton's dedication to discrimination law and equality in broader society, and in employment and education settings, is reflected in her active membership of the Federation of the Australian University Staff Associations at Macquarie University, the precursor to the National Tertiary Education Union. In the early 1980s, she was also Chair of the New South Wales Committee on Discrimination in Employment and Occupation (a federal body set up under ILO 111), which dealt with discrimination complaints at work. In 1986, Thornton convened the first feminist jurisprudence conference in Australia.

In 1989 Thornton was a consultant to the Affirmative Action Agency. She was also a consultant to the International Labour Organization on pay equity in Australia.

From 1990 to 2006, Thornton was Professor of Law and Legal Studies at La Trobe University, acting as Chair and Head of School 1991-92. In 2005, she was awarded a prestigious Professorial Fellowship with the Australian Research Council. At the time, Thornton's research interests included discrimination law, feminist legal theory and the place of women in the legal profession. Her trailblazing books included The Liberal Promise: Anti-discrimination Legislation in Australia (1990) and Dissonance and Distrust: Women in the Legal Profession (1996).

While at La Trobe, Thornton was a member of the Committee of Australian Law Deans; Victorian Council of Legal Education;

Equal Opportunity Commission Victoria (Women's Reference Group). She also served for several years on the Australian Research Council (Humanities and Social Sciences Discipline Panel, Appeals Committee and Council), in an endeavour to enhance the profile of law and legal studies in the academic community. In addition, she participated on the Comparative Commercial Law Advisory Committee at Victoria University and the UNESCO Social Sciences Network.

Thornton was a Visiting Fellow at the Research School of Social Sciences, Australian National University, Canberra (1993-1994); Fellow in Residence, New College, Oxford (1994); Visiting Fellow, Columbia University Law School, New York (1997); and, in 1988, a Visiting Fellow, Faculty of Law, University of British Columbia, Vancouver and Visiting Professor, University of Ottawa Law School, Ottawa. (In 2003 Thornton returned as Visiting Fellow to the Faculty of Law, University of British Columbia, and to Osgoode Hall Law School, York University, Toronto; in 2008 she again returned to the Osgoode Hall Law School as the Barbara Betcherman Distinguished Visitor).

From 1993 to 1996 Thornton lent her expertise as Honorary Consultant to the New South Wales Law Reform Commission's Review of Anti-Discrimination, and from 1994 to 1996 as Chair, Federal Government Advisory Committee for the Gender Issues in the Law Curriculum Project (DEETYA), a project designed to develop gender awareness among law students.

Thornton was elected as a Fellow of the Academy of the Social Sciences in Australia in 1998. The following year, Macquarie University established the 'Margaret Thornton Prize in Discrimination and the Law' in her honour. In 2000, she was appointed as the inaugural Visiting Professor (Program for Women Academics – Mentor & Role Model), Victoria University, under a program which allowed each faculty to invite an experienced woman professor from another university to work for a year 'as a mentor and role model for female academics, run seminars, develop a research culture and work with VUT's advisory groups and committees' [Cook].

In 2001, Thornton was editor of the Australian Feminist Law Journal; she also held the PricewaterhouseCoopers Legal Visiting Chair in Women and the Law, University of Sydney. Over the next two years, Thornton continued to demonstrate her support for matters concerning women and the law, through her role as Convener, Feminist Theory Stream, Critical Legal Conference, and as a Fellow at the Institute of Advanced Legal Studies, University of London.

In 2006, Thornton became President of the Association for the Public University, a lobby group designed to draw attention to governmental changes in education and which inspired Thornton's work on an Australian Research Council-funded project, the 'Neo-Liberal Legal Academy'.

In 2005, Thornton was invited to be a Foundation Fellow of the Australian Academy of Law and was a Director from 2007 to 2011, as well as Chair of the Law Editorial Board of the ANU E Press. She also occupied the role of Director of Research at the ANU College of Law.

A long-time critical thinker on the place of universities in Australian society, Thornton's research has investigated "the neoliberal turn in higher education, in particular the increasing marketisation of the sector and the commodification of knowledge" and the impacts on teaching and research [Markets]. She has noted that: "[universities] are moving away from seeing education as a public good towards seeing it as a commodity for which people pay" [Gender Institute].

In 2012, Thornton's book, Privatising the Public University: The Case of Law, was published. It contained her observation that: "Despite the general decline in morale arising from the market embrace, the overwhelming preponderance of legal academics interviewed felt privileged to be part of the academy. This is the paradox of academic life. A passion for academic ideas – a belief in the freedom to think, to pursue interesting lines of inquiry, to write, to engage with and influence future lawyers – and to change the world – compelled them to remain…" [Thornton]. At its launch, Chief Justice French of the High Court of Australia reflected that: "[this] is a book which has the capacity to open and widen perspectives to all who are engaged in university governance and teaching and particularly the teaching of law" [French].

The same year, in recognition of her contribution to academia and broader society through her critical commentary, Thornton became an ANU Public Policy Fellow. She was also identified as one of ANU's Inspiring Women in a publication of the Gender Institute at ANU.

Although she acknowledges that there have been advances for women in the law since she herself graduated, Thornton has said that she does not "support a liberal view of progress – that things are always getting better. They are not necessarily." She notes, for example, that "During the years of the Howard government, we saw a retreat from the idea of equality to a focus on the individual and the market" [Gender Institute]. She considers that unhelpful stereotypes which hark back to the late nineteenth century continue to dog women who practise law today, the result being that they may still be regarded with suspicion [Gender Institute].

Her current research, on work/life balance in the legal profession, has revealed, among other things, that women who juggle work and family responsibilities may be considered 'disloyal' because they are not available 24 hours a day and that this failure can result in their being overlooked when it comes to promotion and partnerships [Gender Institute]. She has warned "… the many bright young women who think discrimination stopped with their mothers' generation" may need to look again [Thornton – ANU].

Published resources

Site Exhibition
Australian Women Lawyers as Active Citizens, Trailblazing Women Lawyers Project Team, 2016, http://www.womenaustralia.info/lawyers

Resource Section
Law, Kerwin, Hollie and Rubenstein, Kim, 2014, http://www.womenaustralia.info/leaders/biogs/WLE0624b.htm

Interview with Margaret Thornton, http://www.womensweb.com.au/sources/Later%20Stories/Margaret%20Thornton.htm

Book
Privatising the Public University: The Case of Law, Thornton, Margaret, 2011

Archival resources

National Library of Australia, Oral History and Folklore Collection
Margaret Thornton interviewed by Kim Rubenstein in the Trailblazing women and the law oral history project

Author Details
Larissa Halonkin

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