

THE MYSTIQUE OF MERIT: GENDER IN THE CONTEMPORARY LEGAL ACADEMY

**‘More Gender than Justice? Gender and Careers in the (Legal) Academy’
Hagen, Germany, 13 June 2013**

Professor Margaret Thornton

ANU College of Law
Australian National University
Canberra
margaret.thornton@anu.edu.au

Abstract

Using the Australian case as illustrative, this presentation examines the construction of merit in the contemporary legal academy. Far from being a neutral concept in which ‘the best person for the job’ is appointed according to individual worth, it is argued that merit is an ideologically laden term which obscures a preference for masculinity. It is nevertheless not static and unchanging for its neutral carapace enables it to adapt to the prevailing context and accommodate new norms. Hence, just when the legal academy was on the cusp of feminisation, with women comprising approximately 56 per cent of all legal academics and 35 per cent of professors, the neoliberal turn and the corporatisation of universities gave masculinity an adrenalin shot in the arm. Through an overview of the key academic criteria of teaching, research and service (including leadership), the presentation shows how favouring the casualisation of teaching, research entrepreneurialism and top-down managerialism, has contributed to a remasculinisation of merit within the legal academy.