

been anticipated and the return to unsecured creditors will probably be 69 cents in the dollar. The settlement was a triumph of commercial common sense and of mediation techniques.

### Conclusions

What though is mediation? It looks like the latest of a long series of games developed by societies for the safe discharge of their internal tensions. Our institutions of Parliament and the Courts utilise game theory with roughly agreed rules, teams, a referee, and an audience to appreciate the contest. To play any of the games offered by these institutions involves a commitment to achieve a result according to the rules and thereby an acceptance of the outcome. Mediation uses the same theory. Players participate to win the best outcome for themselves but a result is achieved because the participants begin to believe that the game has a purpose of its own. □

## Individuality

*(An extract from the occasional address delivered by Justice Matthews at the Graduation Ceremony at the University of Wollongong on 8 October 1993)*

It was not until I went to the Bar, in 1969, that I first realised what a disadvantage being a woman can be. It is not my intention to talk to you today about the actual difficulties we women suffered. Suffice it to say that they affected every level of our professional existence. My reaction at the time was to rail against the misfortune which had me born female. I envied men, because they had a wealth of choices, and they would never have to face the ignominy of rejection which confronted us at every turn. I resented that my career path would never be the same as theirs, just because of an accident of birth. I believed that what we women needed was complete integration into the legal community - to be treated, in effect, as honorary chaps. So I refused to join the Women Lawyers Association, believing that it was counterproductive to have a separate group based on gender.

It didn't take me very long to realise that this was a fallacious approach. Equality, I then realised, was the goal to which we women must aspire, not absorption. Our intellectual capacities were no different from those of men and there was no reason why we should not take an equal place beside them. But until we achieved our goal we needed the support of organisations such as the Women Lawyers Association. I found it difficult to field questions about whether we women, with our perceived qualities of intuitiveness and sensitivity, might not actually be better as lawyers; and I tended to refute the proposition. After all, just to achieve equality seemed a near impossibility. How could we dare to claim superiority?

It took me some further time to realise that this approach also was fundamentally flawed. For a start, and most importantly, it is not a question of superiority. It is a question of

diversity. And it is a question of having confidence and pride in our differences - of being able to use them positively rather than allowing ourselves to be diminished by them. For if we cannot do this, we are never going to realise our own individual potential.

I know it is all very easy for me to say this, and that the reality is not nearly so easy. It takes a great deal of strength and self confidence to be proud of the things that make us different. Indeed the greater the differences, the more profound the difficulty. If you have spent much of your life being denied jobs or refused entry to hotels simply because you happen to be black it's difficult to be proud of your skin colour. Similarly if you've been taunted with insulting epithets - and sometimes physical abuse - because you happen to be homosexual. Or even - as most of us women have encountered - if you've been fondly treated as someone who is excellently suited to cater for the needs of others, but not really able to be trusted in a position of responsibility.

This might seem to be overstating the stereotypes, but they still exist to this day. The complaints received by the Anti Discrimination Board are ample testimony to this.

And this brings me to the subject of stereotyping. It is something which we all do at some time, no matter how hard we try not to. The important thing is to be conscious of it, and to pull ourselves up when we find ourselves doing it. Because when we judge people according to the group they belong to, rather than for their own qualities, we are not only diminishing them as individuals, but we are also serving to perpetuate the problem. □

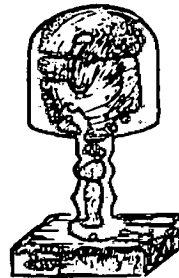
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