

Contemplating My Navel and Conflict Resolution

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At my age, I find my thoughts wandering backwards in time, with long-lost memories bubbling up occasionally. I ponder these memories and cherish them. I parse them for meaning, like dreams in the night remembered suddenly the next day, with a jolt of recognition into their inner meaning.

Recently, as I was preparing for a presentation on Prenuptial Agreements for a mediation conference in Utah, I started to recall a joke that was going around my parents' generation around 1960, when I was about 13 years old (and my parents were in their 40s). It was the joke about "the hexagonal nut in the navel". I barely remembered the joke, but I remembered how funny my parents thought the joke was. My brother and sister (and all my friends of about my age whom I asked), either remembered it dimly or not at all. Finally, I searched the internet, and found several versions of the joke:

A boy (or girl, man, woman), was born with a hexagonal nut (or golden screw) in his navel. He couldn't remove it no matter how hard he tried. It caused him much embarrassment as he grew up. Finally, after he grew up, he traveled to Tibet because he heard that there was a wise woman (or holy man) there who might help him. After climbing up the mountain, the wise woman told the man to sit down. She began to unscrew the hexagonal nut in his navel and turned the screw for many hours. Finally, the screw came off. Very excited, the man stood up, and his butt fell off.

Why did this joke come up for me as I was preparing for the conference? What possible relevance does the joke about the hexagonal nut in the navel have to the practice of law and mediation?

Jokes, as we all know, often have an element of seriousness, and, at their core, are not funny at all. The hexagonal nut in the navel joke is no exception. It teaches us that we may not know the reason for something, but if we "monkey" with it, we can destroy something very essential and precious. It also teaches us that sometimes, in addressing conflict, the best thing to do is wait it out. As mediators, we are sometimes very much like water, moving with the currents, bobbing up and down as the waves pass us.

The joke has three ramifications in my law and mediation practice that come up very frequently. One relates to the presence of "boilerplate" language in legal documents. The term "boilerplate" derives from the steel sheets used to build steam boilers in the nineteenth century, then to printing plates for text stamped in steel (rather than softer lead alloys) that were used over and over again in printing newspapers. The term eventually made its way into law, acquiring the meaning of those parts of a contract that are used over and over again.

As a new lawyer, I quickly learned not to mess with the boilerplate. It is there for a reason. If you remove any part of it, there might be severe repercussions later for your client. Figuratively speaking, your client's butt may fall off.

The "teaching" of the joke applies to Prenuptial Agreements, too. Prenuptial Agreements have now unfortunately become the contract "du jour", even in first marriages. People are asking for them without thinking about or knowing the serious and often detrimental effects one may have on their marriage. I have had calls from people in their twenties the day before a wedding, asking me to prepare a valid, binding Prenuptial Agreement in one day. (The answer to these calls is always a firm "no".)

So how does the hexagonal nut joke relate to Prenuptial Agreements?

Well, when parties enter into a Prenuptial Agreement, they are monkeying around with the very basis (the "boilerplate", if you will) of what a marriage is. Often, it is a first marriage, and they are fairly clueless as to what a marriage really entails. They may change what they think is a very small thing by means of their Prenuptial Agreement, but in doing so may change part of the very fabric of their marriage and the ties that may make them feel closely connected. The effect of a Prenuptial Agreement (both the negotiations, and the actual contract) can linger and fester for years, corroding the marriage and actually causing a divorce to occur years later. Figuratively speaking, they have removed the hexagonal nut binding them together for life. When they stand up -- well -- you know the rest of the joke.

In my mediation practice, the hexagonal nut in the navel joke also has relevant meaning.

We as mediators want to be very active at helping our mediation clients. We tend to react to everything said by the parties. That's how we think we can best help them. Here again, the relevance of the joke becomes apparent: sometimes getting right into a particular conflict is a mistake. It is like unscrewing the hexagonal nut in the navel. We go deeper and deeper, and the result could be disastrous for our clients and the mediation. We need to know when to stop, and in fact, whether to proceed down a particular direction (which may turn out to be a rabbit's hole) in the first place.

Sometimes it is better for you to be like "water" and let the parties themselves go at their conflict. After the "training" mediation gives them in conflict resolution, the parties may be able to actually model mediation skills. When they work on their own communication flaws and distorted thoughts, it is so much better. We can assist with a knowing look of compassion and understanding. This is powerful learning and strength they will draw on in their future life together, whether as spouses, ex-spouses, or family members. We will not always be there for them, removing their hexagonal nut.

The moral of the story is that, as mediators, we may contemplate our navels as much as we like. But we learn through experience that some things should just be left alone. If we don't tread carefully, we may remove the metaphoric hexagonal nut in our mediation clients' navels, and bad things can happen. Being aware of when we should act, and when we should *not* act, is part of what good mediation practice is all about.

-- Laurie Israel September 7, 2008

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