

DanShaRi - A Modern Decluttering Philosophy That Mediators May Find Interesting

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The Japan International Mediation Center in Kyoto (JIMC-Kyoto), which is the first Japanese international mediation centre, was officially launched on 20 November 2018. The centre has a panel of non-resident international mediators. Kyoto, the former Imperial capital of Japan, is a city rich in culture. As one of the non-resident mediators, I am interested to know more about Japan, the people and its culture. Below is a short sharing that I have prepared after reading some materials on DanShaRi.

Dan-Sha-Ri, the philosophy of decluttering is an idea advocated by Hideko Yamashita, author of the bestselling book DanShaRi. Hideko Yamashita introduces herself in her book as the first clutter management consultant in the world.

So, what is DanShaRi and how is it relevant to mediation practice?

DanShaRi comprises three themes: -

- Dan - refuse the unnecessary items to enter into one's living space;
- Sha - throw away the endless garbage derived from the household items; and
- Ri - stay away from the obsession of keeping the unused items at home.

On the face of it, DanShaRi seems to be a way of helping people tidy up items around them by going through a process of making decisions on what should be kept and what should be abandoned. From another perspective, it appears to be advocating minimalism.

DanShaRi, in fact, has a much deeper sense. It is a thinking process of reviewing the relationship between the items and the person (but not the relationship between such items with other people) at the present moment (rather than in the past or the future). If one thinks that it is sad to throw something away and thus keep it, the focus is on that something rather than the person. According to Hideko Yamashita, the real spirit of DanShaRi is not only to help people declutter the room but it also helps them understand themselves better and deeper. Hence, the proper question to be asked is "whether the relationship between the items and me still exists". If not, one should part with them. Keeping the clothes that we wore 10 years ago would not free up the space for new clothes or space for other purposes.

In the context of dispute resolution, a mediator may make use of the philosophy of DanShaRi to help a disputant review the relationship that he has with the disputes as well as the related litigation at the present moment. What should we do when a legal action has been initiated but it has been put on hold for some time? What should we do when a legal action has been initiated but it has been dragging on for years with all sorts of interlocutory proceedings and incidental appeals? As a mediation practitioner, I always ask the parties whether they enjoy the disputes and the related litigation. The usual answer is "No" with the explanation that they thought litigation would be the way to resolve the disputes. I also ask them what they will do with a household item bought for a reason but the item in fact is not as useful as expected. Should the item be kept? When a disputant is tired of litigation or when he is aware that the litigation does not help in the way as expected, his attitude towards the disputes and the related litigation will be different. He will be more ready to take part in the mediation with a view to decluttering the legal action, reaching a settlement and/or redefining the relationship.

Family mediators could also make use of DanShaRi to coach divorcing parties who are emotionally stuck with the shattered relationship, the financial dispute and issues relating to their children to move on and redefine their relationship. If a divorcing party is still at the stage of denial and anger, it is unlikely that the party will be emotionally and psychologically prepared for the mediation process because he/she either is still hopeful about the relationship or is still too angry to negotiate. It is only when both parties accept the fact that the marriage relationship has come to an end emotionally and sociologically, they will then be ready to end it legally by thereafter making the best use of mediation to declutter issues arising out of the closure of the relationship. By explaining to the parties that they can choose to refuse litigation entering into their lives, let go of the unhappiness derived from the marriage and stay away from the obsession of obtaining a favourable judgment from the court, the mediator may in effect inject the philosophy of DanShaRi to the parties so as to facilitate them to be more ready to go through the mediation process.

Although Albert Einstein once asked "if a cluttered desk is a sign of a cluttered mind, of what, then, an empty desk a sign?", modern psychologists seem to suggest otherwise - clutter breeds stress. Mediators, to some extent, are like clutter management consultants. In the process of mediation, mediators use questioning, listening, summarizing, reframing, reality-testing and other skills to facilitate the disputants to understand their needs, concerns and fears (collectively "interests") behind their positions, generate options to address the interests and understand their BATNA/WATNA. Mediators are in substance helping the disputants understand themselves better and deeper. The shift of a mindset on the part of the disputants is quite often a by-product of the process which leads to a settlement. Each party, through the mediation process, should be able to review one's relationship with the dispute and with the other party. With the self-determination principle, each party may decide the way forward as to whether the dispute should be abandoned and parted with by way of a settlement and how to do it.

Fans of William Ury and readers of his book "Getting To Yes with Yourself" will probably remember Ury's description about his involvement in the dispute between Abilio Diniz, a highly successful and prominent businessman from Brazil and his French business partner. The Financial Times described the dispute as "one of the biggest cross-continental boardroom showdowns in history." During the mediation, Ury asked Abilio what he really wanted. In addition to getting a list of things that Abilio would like to have, Ury noticed that Abilio wanted to have freedom and his partner also wanted to run the company freely. Eventually, the settlement, amongst other things, was that Abilio was released from a 3-year non-compete clause and at the same time he agreed to leave the board. Ury, though without him knowing, had assisted the parties to settle by using the core values of DanShaRi. Had the parties been obsessed with the dispute and the related litigation, they would not have let go of the hatred arising out of the dispute and thus would not have freed up sufficient mental and psychological space for Abilio to move on with his freedom to do other things upon departure from the company and for the French businessman to run the company without intervention.

With the philosophy of DanShaRi in mind, mediators would be in a better position to assist the parties not to cling to something simply because they have spent a lot of time and money on it.