

AN ATTEMPT TO MEDIATE IMMIGRANT INTEGRATION
INTERCULTURAL MEDIATORS IN CATALONIA

A DISSERTATION SUBMITTED TO THE STANFORD LAW SCHOOL
AND THE COMMITTEE ON GRADUATE STUDIES AT STANFORD UNIVERISTY,
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF DOCTOR OF THE SCIENCE OF LAW

BY
JORDI AGUSTÍ-PANAREDA
AUGUST 2005

CONTENTS

The Frame

1. Introduction	1
2. Methodology.....	7
3. The Context: Migrations and Approaches to Their Management.....	19
Immigration: Factual and Conceptual Issues.....	20
Immigration in Spain and Catalonia.....	32
Approaches to Immigration Management and Cultural Change.....	50

An Overview

4. Intercultural Mediators	65
Intercultural Mediation and Intercultural Mediators	65
The Emergence of Intercultural Mediation Programs	69
Existing Intercultural Mediation Programs.....	75
Mediators' Profile.....	78
Functions, Activities and Areas of Intervention	103
Users	134
5. Similar and Alternative Brokering Experiences. Comparative Perspectives	141
Alternatives to the Intercultural Mediator in Catalonia?	141
Intercultural Mediation Experiences in Spain.....	147
Similar Brokering Experiences in the International Sphere. The Specificity of Intercultural Mediation	161

Three Dimensions of Analysis

6. Managing Conflict: Resolution and Prevention.....	177
Introductory Remarks on Conflict and its Management.....	178
Two Paradigmatic Cases.....	185
From Cases and Disputes to Underlying Conflicts.....	188
Identifying Conflictual Disarrangements and Preventing Conflict.....	194
The Mediation Process and the Mediator’s Approaches. Bridging the Gaps and Managing Barriers	210
7. Managing Culture and Cultural Differences	243
Culture, Disarrangements and Conflict. A Complex Relation.	243
The Mediator’s Approach to Culture and Cultural Differences.....	247
Managing Cultural Differences	261
Mediating the Internal Conflict. Negotiating Culture and Identity.....	271
8. Legal, Normative and Institutional Brokering	279
Brokering Through Legal, Institutional and Normative Disarrangements	281
Legal and Institutional Interfaces:.....	284
Counseling, Guiding and Granting Access	284
Normative Informers, Transmitters and Enforcers.....	290
Mediators Between Legal and Normative Cultures and Practices?	304
Mediators and the Legal Processing of Disputes	315

Interpretations and Evaluations: Puzzles and Challenges

9. Field Perceptions.....	320
Understandings of and Approaches to Intercultural Mediators	320
Critical Accounts and Responses.....	342
10. Puzzling Questions. A Critique of Intercultural Mediators	359
Is it Mediation?.....	359
Mediators and Integration. An Intercultural Approach?	380
11. Future Uncertainty. Suggestions for a more intercultural and mediatory practice.....	404
Looking Ahead.....	404
Lessons from the Mediators. Suggestions for Improvement	422
12. Concluding Remarks.....	445
The Mediator's Work and Contributions	445
A Complex Plasticity.....	451
An Attempt at Intercultural Mediation.....	454
References.....	458