

Volume 6, Issue 18 — July — December — 2020

ISSN 2414-4835

# Journal of Social Researches

**ECORFAN<sup>®</sup>**

## **ECORFAN- Nicaragua**

### **Chief Editor**

VALLE-CORNAVACA, Ana Lorena. PhD

### **Executive Director**

RAMOS-ESCAMILLA, María. PhD

### **Editorial Director**

PERALTA-CASTRO, Enrique. MsC

### **Web Designer**

ESCAMILLA-BOUCHAN, Imelda. PhD

### **Web Diagrammer**

LUNA-SOTO, Vladimir. PhD

### **Editorial Assistant**

REYES-VILLO, Angélica. BsC

### **Translator**

DÍAZ-OCAMPO, Javier. BsC

### **Philologist**

RAMOS-ARANCIBIA, Alejandra. BsC

**Journal of Social Researches**, Volume 6, Issue 18, July – December, 2020, is a journal edited sixmonthly by ECORFAN-Nicaragua. Southwest Avenue, San Sebastian – León, Nicaragua. **WEB:**

[www.ecorfan.org/republicofnicaragua](http://www.ecorfan.org/republicofnicaragua), [journal@ecorfan.org](mailto:journal@ecorfan.org). Editor in Chief: VALLE-CORNAVACA, Ana Lorena. PhD, ISSN On line: 2414-4835. Responsible for the latest update of this number ECORFAN Computer Unit. ESCAMILLA-BOUCHÁN, Imelda. PhD, LUNA-SOTO, Vladimir. PhD, last updated December 31, 2020.

The opinions expressed by the authors do not necessarily reflect the views of the editor of the publication.

The total or partial reproduction of the contents and images of the publication without prior authorization of the Intellectual Property Registry is strictly prohibited.

# **Journal of Social Researches**

## **Definition of Journal**

### **Scientific Objectives**

Support the international scientific community in its written production Science, Technology and Innovation in the Field of Social Sciences, in Subdisciplines of history, economics, geography, tourism, history, anthropology and sociology.

ECORFAN-Mexico S.C. is a Scientific and Technological Company in contribution to the Human Resource training focused on the continuity in the critical analysis of International Research and is attached to CONACYT-RENIECYT number 1702902, its commitment is to disseminate research and contributions of the International Scientific Community, academic institutions, agencies and entities of the public and private sectors and contribute to the linking of researchers who carry out scientific activities, technological developments and training of specialized human resources with governments, companies and social organizations.

Encourage the interlocution of the International Scientific Community with other Study Centers in Mexico and abroad and promote a wide incorporation of academics, specialists and researchers to the publication in Science Structures of Autonomous Universities - State Public Universities - Federal IES - Polytechnic Universities - Technological Universities - Federal Technological Institutes - Normal Schools - Decentralized Technological Institutes - Intercultural Universities - S & T Councils - CONACYT Research Centers.

### **Scope, Coverage and Audience**

Journal of Social Researches is a Journal edited by ECORFAN-Mexico S.C in its Holding with repository in Republic of Nicaragua, is a scientific publication arbitrated and indexed with semester periods. It supports a wide range of contents that are evaluated by academic peers by the Double-Blind method, around subjects related to the theory and practice of history, economics, geography, tourism, history, anthropology and sociology with diverse approaches and perspectives , That contribute to the diffusion of the development of Science Technology and Innovation that allow the arguments related to the decision making and influence in the formulation of international policies in the Field of Social Sciences. The editorial horizon of ECORFAN-Mexico® extends beyond the academy and integrates other segments of research and analysis outside the scope, as long as they meet the requirements of rigorous argumentative and scientific, as well as addressing issues of general and current interest of the International Scientific Society.

## **Editorial Board**

PALACIO, Juan. PhD  
University of St. Gallen

ALIAGA - LORDEMANN, Francisco Javier. PhD  
Universidad de Zaragoza

CAMPOS - QUIROGA, Peter. PhD  
Universidad Real y Pontifica de San Francisco Xavier de Chuquisaca

CHAPARRO, Germán Raúl. PhD  
Universidad Nacional de Colombia

NIEVA - ROJAS Jefferson. PhD  
Universidad Autónoma de Occidente

GARCÍA Y MOISES, Enrique. PhD  
Boston University

GUZMÁN - HURTADO, Juan Luis. PhD  
Universidad de Santiago de Compostela

BELTRÁN - MORALES, Luis Felipe. PhD  
Universidad de Concepción

ANGELES - CASTRO, Gerardo. PhD  
University of Kent

IBARRA - ZAVALA, Darío Guadalupe. PhD  
New School for Social Research

## **Arbitration Committee**

GULLOTTI - VAZQUEZ, María Teresa. PhD  
Universidad Autónoma de Yucatán

HUERTA - QUINTANILLA, Rogelio. PhD  
Universidad Nacional Autónoma de México

BECERRIL - TORRES, Osvaldo U. PhD  
Universidad Autónoma del Estado de México

ALVARADO - BORREGO, Aida. PhD  
Universidad Autónoma de Sinaloa

GONZÁLEZ - IBARRA, Miguel Rodrigo. PhD  
Universidad Nacional Autónoma de México

COTA - YAÑEZ, María del Rosario. PhD  
Universidad de Guadalajara

LUIS - PINEDA, Octavio. PhD  
Instituto Politécnico Nacional

COTA - YAÑEZ, María del Rosario. PhD  
Universidad de Guadalajara

CAMELO - AVEDOY, José Octavio. PhD  
Universidad de Guadalajara

CEBALLOS - PEREZ, Sergio Gabriel. PhD  
El Colegio del Estado de Hidalgo

MÁRQUEZ - IBARRA, Lorena. PhD  
Instituto Tecnológico de Sonora

## **Assignment of Rights**

The sending of an Article to Journal of Social Researches emanates the commitment of the author not to submit it simultaneously to the consideration of other series publications for it must complement the Originality Format for its Article.

The authors sign the Authorization Format for their Article to be disseminated by means that ECORFAN-Mexico, S.C. In its Holding Republic of Nicaragua considers pertinent for disclosure and diffusion of its Article its Rights of Work.

## **Declaration of Authorship**

Indicate the Name of Author and Coauthors at most in the participation of the Article and indicate in extensive the Institutional Affiliation indicating the Department.

Identify the Name of Author and Coauthors at most with the CVU Scholarship Number-PNPC or SNI-CONACYT- Indicating the Researcher Level and their Google Scholar Profile to verify their Citation Level and H index.

Identify the Name of Author and Coauthors at most in the Science and Technology Profiles widely accepted by the International Scientific Community ORC ID - Researcher ID Thomson - arXiv Author ID - PubMed Author ID - Open ID respectively.

Indicate the contact for correspondence to the Author (Mail and Telephone) and indicate the Researcher who contributes as the first Author of the Article.

## **Plagiarism Detection**

All Articles will be tested by plagiarism software PLAGSCAN if a plagiarism level is detected Positive will not be sent to arbitration and will be rescinded of the reception of the Article notifying the Authors responsible, claiming that academic plagiarism is criminalized in the Penal Code.

## **Arbitration Process**

All Articles will be evaluated by academic peers by the Double Blind method, the Arbitration Approval is a requirement for the Editorial Board to make a final decision that will be final in all cases. MARVID® is a derivative brand of ECORFAN® specialized in providing the expert evaluators all of them with Doctorate degree and distinction of International Researchers in the respective Councils of Science and Technology the counterpart of CONACYT for the chapters of America-Europe-Asia- Africa and Oceania. The identification of the authorship should only appear on a first removable page, in order to ensure that the Arbitration process is anonymous and covers the following stages: Identification of the Journal with its author occupation rate - Identification of Authors and Coauthors - Detection of plagiarism PLAGSCAN - Review of Formats of Authorization and Originality-Allocation to the Editorial Board- Allocation of the pair of Expert Arbitrators-Notification of Arbitration -Declaration of observations to the Author-Verification of Article Modified for Editing-Publication.

## **Instructions for Scientific, Technological and Innovation Publication**

### **Knowledge Area**

The works must be unpublished and refer to topics of history, economics, geography, tourism, history, anthropology and sociology and other topics related to Social Sciences.

## **Presentation of Content**

In the first article we present *The challenges of the Mexican state in the application of the rules of international law in the protection of the rights of unaccompanied irregular migrant girls and children*, by ZÚÑIGA, Blanca Lorena, CARRILLO, María Guadalupe, RAMOS, Cristina Liliana and ARREOLA, Miguel Ángel, with affiliation in the Universidad Autónoma de Chihuahua, in the next article we present *Retrospective Mexican model of research managing: challenges and perspectives*, by ESCOBEDO-MORATILLA, Abraham & VÁZQUEZ-ELORZA, Ariel, in the next article we present *Insights on the theoretical causes of labour informality: the indivisibility of hours*, by QUINTERO-ROJAS, Coralia A. & MÉNARD, Sébastien, with affiliation in the Universidad de Guanajuato and GAINS, Le Mans University, in the next article we present *Historicity, continuity and neo-orthodoxy in contemporary Judaism*, by SÁNCHEZ-USÓN, María José & VILLEGAS-SÁNCHEZ, María José, with affiliation in the Universidad Autónoma de Zacatecas and Universidad Iberoamericana.

## Content

Article	Page
<b>The challenges of the mexican state in the application of the rules of international law in the protection of the rights of unaccompanied irregular migrant girls and children</b> ZÚÑIGA, Blanca Lorena, CARRILLO, María Guadalupe, RAMOS, Cristina Liliana and ARREOLA, Miguel Ángel <i>Universidad Autónoma de Chihuahua</i>	1-15
<b>Retrospective Mexican model of research managing: challenges and perspectives</b> ESCOBEDO-MORATILLA, Abraham & VÁZQUEZ-ELORZA, Ariel	16-24
<b>Insights on the theoretical causes of labour informality: the indivisibility of hours</b> QUINTERO-ROJAS, Coralia A. & MÉNARD, Sébastien <i>Universidad de Guanajuato</i> <i>GAINS, Le Mans University</i>	25-33
<b>Historicity, continuity and neo-orthodoxy in contemporary judaism</b> SÁNCHEZ-USÓN, María José & VILLEGAS-SÁNCHEZ, María José <i>Universidad Autónoma de Zacatecas</i> <i>Universidad Iberoamericana</i>	34-47



## The challenges of the mexican state in the application of the rules of international law in the protection of the rights of unaccompanied irregular migrant girls and children

### Los retos del estado mexicano en la aplicación de las normas de derecho internacional en la protección a los derechos de las niñas y niños migrantes irregulares no acompañados

ZÚÑIGA, Blanca Lorena†\*\*, CARRILLO, María Guadalupe\*\*, RAMOS, Cristina Liliana\*\* and ARREOLA, Miguel Ángel\*\*

*\* Faculty of Law, Universidad Autónoma de Chihuahua, Mexico.*

*\*\* Faculty of Accounting and Administration, Universidad Autónoma de Chihuahua, Mexico.*

DOI: 10.35429/JSR.2020.18.6.1.15

Received July 13, 2020; Accepted December 29, 2020

#### Abstract

The irregular migration of children has increased alarmingly in recent years, which is why the institutions of Mexican State have acted accordingly; but nevertheless; the excessive flow and the conditions in which the phenomenon occurs are complex; given the circumstances that surround it. In this sense, the purpose of present is to reflect about the challenges of our country in the application of the internal norm and the control of conventionality, the harmonization between both in order to protect the rights of irregular migrant girls and boys, with special attention to those who travel without the protection of their family. The conclusions point to the impossibility of Mexico to face the phenomenon that reaches the point of humanitarian crisis, the inapplicability of the internal norm and even less the international one the matter.

#### Control of conventionality, Interational deals, Irregular migrations

#### Resumen

La migración irregular de niñas y niños se ha incrementado en los últimos años de manera alarmante, por lo que las instituciones del Estado mexicano han actuado en consecuencia; sin embargo; el flujo desmedido y las condiciones en que se presenta el fenómeno se observa complejo, dado las circunstancias que lo rodean. En este sentido, el propósito del presente es reflexionar sobre los retos de nuestro país en la aplicación de la norma interna y del control de convencionalidad, la armonización entre ambas con miras a proteger los derechos de las niñas y niños migrantes irregulares, con especial atención a los que viajan sin la protección de su familia. Las conclusiones apuntan hacia la imposibilidad de México para afrontar el fenómeno que alcanza tintes de crisis humanitaria, a la inaplicabilidad de la norma interna y menos aún la internacional en la materia.

#### Control de convencionalidad, Tratados internacionales, Migración irregular

**Citation:** ZÚÑIGA, Blanca Lorena, CARRILLO, María Guadalupe, RAMOS, Cristina Liliana and ARREOLA, Miguel Ángel. The challenges of the mexican state in the application of the rules of international law in the protection of the rights of unaccompanied irregular migrant girls and children. Journal of Social Researches. 2020. 6-18:1-15.

\* Correspondence to Author (Email: lozeny.zuniga@gmail.com)

† Researcher contributing as first author.

**Introduction**

People move to other territories for many different reasons: work, tourism, studies, cases in which migration generally occurs in safe conditions; However, there is another way of moving individuals from one place to another that has its origin in one of the most deeply rooted instincts in the human being: that of survival.

The migratory phenomenon has intensified in recent years throughout the world, the effect of situations that threaten the harmonious development of people who, paradoxically, in their desire for better conditions, risk their lives and that of their families by engaging in trips in which they face any number of dangers. It is on this type of irregular migration that this exercise is focused.

In the case of our country, as a source of human movements towards the northern countries it has decreased in recent years; However, as a recipient of immigrants in the destination and / or transit modality, it has increased exponentially, bringing with it a series of complications in the face of the massive waves of citizens coming mostly from Central America, characterized, among other things, by bringing in They are a large number of children, accompanied by their families and, most alarmingly, alone, which has generated a problem that takes on a humanitarian crisis, given the challenges that the State must assume in order to meet their basic needs, in addition of additional protection for minors, who are more susceptible to inclement weather, diseases and, of course, easy targets for crime and organized crime.

Concomitantly with this phenomenon, there is that related to people deported by the United States government, among which in the same way, there are children together with their families and unaccompanied, who also require attention from the state administration.

For this purpose, regardless of the regulations that the Mexican State has, there are legal provisions derived from international treaties, signed and ratified by it, which it is obliged to observe, as well as those derived from the American Convention on Human Rights and the jurisprudence developed in the Inter-American Court of Human Rights.

In the first instance, it could be affirmed that, with such a broad body of regulations, no human being, and even less a child, would have to feel or be in fact in a situation of vulnerability as far as their rights are concerned; However, this is not the case, reality shows us a very different picture. It is here where, with increasing frequency, a figure generated from the decisions issued by the Inter-American Court of Human Rights has been appealed to, which has been resorted to in search of protection. Reference is made to the Control of Conventionality, a figure whose purpose is for the member states of the Convention to harmonize the internal norm applicable to the situation, its provisions and the jurisprudence of the Inter-American Court of Human Rights.

In this context, this exercise focuses on identifying the challenges of the Mexican State in the care of irregular migrant children, based on the internal regulations and the obligations derived from the provisions of the Convention and the jurisprudence of the Inter-American Court.

**Overall objective**

Reflect on the challenges of Mexico in the application of the internal norm and the control of conventionality, the harmonization between both with a view to protecting the rights of irregular migrant girls and boys, with special attention to those who travel without the protection of their family.

**Framework****Conceptual framewor**

Child.

Article 1 of the United Nations Convention on the Rights of the Child of 1989 (CRC) defines a child as any human being under eighteen years of age. In this sense, regardless of the various concepts that may be found, for the purposes of the present, it is considered precisely the one embodied here.

Irregular migrant children.

All persons under 18 years of age (girls, boys and adolescents), who are outside their country of origin, or nationality, to work or reunite with their family, or change their residence temporarily or permanently, and who have an irregular immigration status, whether or not they are accompanied by a relative (Ortega, 2015: 188).

#### International human rights bodies.

UN Charter-based bodies, including the Human Rights Council and those created under international human rights treaties, made up of independent experts mandated to monitor the compliance of treaty states with their obligations<sup>i</sup>.

Among these are those based on the Charter of the United Nations:

- The Human Rights Council.
- Universal Periodic Review.
- The Human Rights Commission.
- The special procedures of the Commission on Human Rights.
- Complaint procedure of the Human Rights Council (Ortega, 2015: 188).

As well as 9 committees or subcommittees created under the human rights treaties, which supervise their application.<sup>ii</sup>

#### Treaties.

According to the Vienna Convention on the Law of Treaties, these are “the international agreement concluded in writing between States and governed by international law, whether it is contained in a single instrument or in two or more related instruments and whatever its particular denomination ”(Vienna Convention on the Law of Treaties, 2019. Article 2, subsection a).

#### Advisory Opinion.

It is a legal consultation made to the Inter-American Court by the member states of the American Convention on Human Rights, on the interpretation of the Convention itself, of treaties and agreements, signed by the requesting parties, who must also have recognized the advisory competence of court.

#### Jurisprudence.

From the Latin root *jurisprudentia*, which in turn is made up of the words *juris*, whose meaning is "Right, fairness" and *prudentia*, which means "knowledge, science"; In this sense it can be defined as "science of law or science of fair and unfair" (Enciclopedia Jurídica Mexicana, 2004: 794-801).

In the case of international jurisprudence on human rights, it constitutes the official interpretation and, in certain hypotheses, the final or definitive one, about the provisions of an international human rights treaty, in such a way that the meaning and The scope of a provision of this type is determined jointly with a text that expresses it and by its interpretation; Thus, both make up the normative standard whose compliance may be required, and which must be observed by the States (Carmona, 2019: 245).

#### Conventionality Control.

Regardless of addressing the issue in a later section, Conventionality Control is defined as:

A procedural protection mechanism exercised by the Inter-American Court of Human Rights, in the event that domestic law (Constitution, law, administrative acts, jurisprudence, administrative or judicial practices, etc.) is incompatible with the American Convention on Human Rights or other - applicable - treaties, in order to apply the Convention or another treaty, through an examination of normative confrontation (domestic law with the treaty), in a specific case ... in order to guarantee the supremacy of the American Convention. (King, 2008: 43).

#### Country of origin.

The State in which the irregular migration process begins, based on the need to seek better living conditions in another.

Destination country.

Towards which the irregular migratory flow is oriented, in order to achieve better living conditions, family unity, etc..

Country of transit.

It refers to those territories that serve as a route for migrants, in order to reach another.

Return country.

They are the States to which irregular migrants are returned by the immigration authorities, which may be natives of the country of return or of a different country.

However, it is important to note that the status of countries can change depending on the fact that, on many occasions, migrants, intending to reach another country, for various circumstances remain in the one that served only as a route, when the same as those who are deported, for not wanting to return to their country of origin.

## Theoretical framework

### About Conventionality Control

Regarding its purpose, the Control of Conventionality finds its immediate antecedent in the Control of Constitutionality; both figures were created to protect human rights: the second, in the domestic sphere and the first, in the international sphere, with the inclusion of the national.

Opinions regarding its origin are diverse: there are those who consider its exercise from the moment the American Convention on Human Rights entered into force, on July 18, 1978, based on the content of Article 1. of its Statute that establishes: "Article 1. The Inter-American Commission on Human Rights is an organ of the Organization of American States created to promote the observance and defense of human rights and to serve as a consultative body of the Organization in this matter" ( Statute of the Inter-American Commission on Human Rights, 1979).

There are authors who consider it a recent creation of the Inter-American Court of Human Rights, with the aim of "increasing the effectiveness and influence of the standards on human rights, of the Inter-American System for the Protection of Human Rights in the national legal systems of the region "(González, Zúñiga and Reyes, 2016: 8).

In the same way, regarding its function, the considerations have been varied: from those who have thought that the Control of Conventionality is, by its origin, the exclusivity of the Inter-American Court of Human Rights, inasmuch as the courts of the States are limited to analyzing the controversies that arise between the domestic norm and international treaties, only in what refers to their area of competence, while the Inter-American Court has international influence, with respect to all matters, and even has advisory powers.

In any of the cases, this doctrine has been strengthened and incorporated into the judicial systems of the member countries of the American Convention, as a tool that seeks to harmonize local and international norms in favor of the observance of human rights.

International human rights law finds its immediate precedent in the resolutions taken as a result of the excesses committed during the Second World War (although it is not ignored that after the first one sought to protect some of them, such as that of minorities, from foreigners, work, etc., through the creation of the United Nations).

The Charter signed by the member countries, signed on June 26, 1945 in San Francisco, which came into force almost three months later, establishes in its first article the purposes of the Organization, which at all times are aimed at maintaining peace. and international cooperation.

Since its creation, within the United Nations, various documents have been produced that, over the years, have laid the foundations for what we now know as international human rights law.

Among these is the American Declaration of the Rights and Duties of Man, approved at the Ninth International American Conference in Bogotá, Colombia in 1948, by virtue of which, in 1959, the Inter-American Commission on Human Rights was created, which became operational the following year, in order to promote respect and defense of the rights included in said Declaration. 10 years later, derived from the Inter-American Specialized Conference on Human Rights, held in San José, Costa Rica, the Inter-American Court of Human Rights emerged, whose resolutions are binding on all member countries that ratify it, beginning 9 years later. Its functions derive from article 2 of its Statute that establishes:

The Court exercises jurisdictional and advisory functions:

1. Its jurisdictional function is governed by the provisions of Articles 61, 62 and 63 of the Convention.
2. Its advisory function is governed by the provisions of Article 64 of the Convention (Statute of the Inter-American Court of Human Rights, 1979).

Mexico has been part of the Conference since March 1981; however, it recognized the contentious jurisdiction of the Inter-American Court of Human Rights until December 1998.

Derived from its jurisdictional power, on September 26, 2006, the Inter-American Court of Human Rights jointly used the term Control of Conventionality, when deciding the *Almonacid Arellano et al. Case against Chile*. In number 124 of subsection d) of section VII of Proven Facts, it is indicated:

124. The Court is aware that domestic judges and courts are subject to the rule of law and, therefore, are obliged to apply the provisions in force in the legal system. But when a State has ratified an international treaty such as the American Convention, its judges, as part of the State apparatus, are also subject to it, which obliges them to ensure that the effects of the provisions of the Convention are not diminished by the application of laws contrary to its object and purpose, and which from the beginning lack legal effects. In other words, the Judicial Power must exercise a kind of "conventionality control" between the internal legal norms that apply in specific cases and the American Convention on Human Rights... (*Almonacid Arellano et al. Vs. Chile*, 2006: 53)

Since then, the Inter-American Court of Human Rights has used the term in a reasonable number of cases submitted to its consideration, in which it has refined its scope, not devoid of controversy and analysis, whereas, in the case of Mexico, at some point it has come into apparent conflict with the principle of hierarchy of the Standard, which in its case is not part of this exercise; However, on the topic, it is important to refer to the fact that, despite the fact that, still in 2016, at the work table, the former judge and President of the Inter-American Court, Sergio García Ramírez affirmed that: "there is no Sufficient answer, on a continental and not even national scale, about what is conventionality control? What does it produce? What are its scope? " and invited to use conventionality control with "reason and relevance, otherwise the result might not be what we want" (Castilla Juárez, 2019: 89), the Supreme Court of Justice of the Nation, in a resolution published in The month of April 2014, through the Contradiction of Thesis number 293/2011, seems to resolve the conflict, stating that the criteria established by the Plenary of the same must prevail as jurisprudence, that is, that the parameter of Constitutional control, with respect to human rights, comes from both the Constitution and international treaties, with the exception that, when there is an express restriction on their exercise in the Constitution, the content of the latter must prevail.

Likewise, the principle of progressivity of the law was applied by establishing that the jurisprudence issued by the Inter-American Court is binding for Mexican judges, as long as they are more favorable to the person and, although in the first instance it could be thought that the figure is directed to Those who are entrusted with the laudable task of imparting justice, the reality is that it is an obligation that extends to all the activity of the State, within the scope of the competences of each of its institutions.

This is clear from the most recent jurisprudence of the Inter-American Court of Human Rights, as a result of the analysis of the compatibility of a democratically approved amnesty law with the obligations imposed by it, which states:

... The democratic legitimation of certain facts or acts in a society is limited by the international norms and obligations for the protection of human rights recognized in treaties such as the American Convention, so that the existence of a true democratic regime is determined by the characteristics both both formal and substantial, therefore, particularly in cases of serious violations of the norms of International Rights Law, the protection of human rights constitutes an insurmountable limit to the majority rule, that is, to the sphere of the "susceptible to be decided" by the majorities in democratic instances, in which a control of conventionality must also prevail, which is the function and task of any public authority and not only of the Judicial Power ... (Case Gelman v. Uruguay, 2011: 69).

Regarding the observance of international treaties, Mexico has signed a large number of them, which by provision of Article 1 of the Federal Constitution, it is obliged to observe, as well as the judgments issued by the Inter-American Court in The cases in which it is a party, assumption in which it must comply in all its terms, while those resolutions in which it was not, should serve as a guide that orients what to do of the State, which complements the Contradiction of Thesis 293 / 2011 that was discussed above, since it closes the circle of the level of compliance of the Mexican State, when carrying out an exercise of Control of Conventionality.

### **International regulations applicable to the situation of girls and boys in the face of the phenomenon of irregular migration**

Mexico is a country with vast international experience in the signing of international treaties, in fact, with regard to the issue of human rights, currently it is part of almost all the treaties and conventions on the matter (Pedroza, 2003: 759), which, in a strict sense, can be said to increase their responsibility so that the observance of each one of them is carried out in a timely manner. Regarding the topic, in the scale of importance, it is binding, in the first instance, those of a general nature: the American Declaration on the Rights and Duties of Man, the Universal Declaration of Human Rights, the United Nations Covenants on Civil and Political Rights, and on Economic, Social and Cultural Rights, the American Convention on Human Rights and the Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights.

Regarding the specific protection of children's rights, there are:

- The Convention on the Rights of the Child, approved by the United Nations General Assembly in its resolution 44/25, on November 20, 1989, which in its article 2 indicates the obligation of states to respect and ensure the application of the rights contained in it in favor of children; as well as to guarantee its compliance. Similarly, Article 19 establishes the responsibility of the States parties to the Convention to adopt measures from all State institutions and in society to protect children against any situation that violates their rights.
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
- International Convention on the Elimination of all Forms of Racial Discrimination.
- Convention on the elimination of all forms of discrimination against women.
- Convention against torture and other cruel, inhuman or degrading treatment or punishment.
- Communications Procedure (OPIC).
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- Convention on the Rights of Persons with Disabilities.
- International Convention for the Protection of All Persons from Enforced Disappearance.

Accordingly, all public and private institutions must observe, in the terms indicated, the resolutions of the Inter-American Court of Human Rights; jurisprudence in general and the advisory opinions issued by it, as long as it has been requested by the State. With regard to the protection of girls, it is important to mention the jurisprudence generated from the resolution issued by the Inter-American Court, regarding the Veliz Franco et al. V. Guatemala Case, in which it was considered:

It follows from the foregoing that, according to the regulatory framework set forth, in relation to violence against women, the duty of guarantee acquires special intensity in relation to girls. This is so because the inherent vulnerability to childhood can be framed and enhanced due to the condition of being a woman. In this sense, it should be noted that girls are, as has been asserted, "particularly vulnerable to violence". The aforementioned special intensity translates into the State duty to act with the greatest and strictest diligence to protect and ensure the exercise and enjoyment of the rights of girls in the face of the fact or mere possibility of their violation by acts that, in current or potential involve violence for gender reasons or could lead to such violence "(Case law of the Inter-American Court of Human Rights No. 5:17).

As well as Advisory Opinion 18/03 requested by Mexico regarding the Juridical Condition and Rights of the Undocumented Migrants of September 17, 2003, in which the State's obligation to respect and guarantee fundamental rights was determined, under pain of incurring responsibility international, weighing the principles of equality and non-discrimination as fundamental for the safeguarding of human rights. It also ruled for the recognition of the right to due process as a minimum guarantee for migrants.

The international standards generated from Advisory Opinion OC21 / 14, promoted by the countries of Argentina, Brazil, Paraguay and Uruguay, regarding the Rights and Guarantees of Boys and Girls in the Context of Migration and / or in Need for International Protection from which the obligation of countries to legislate in this regard and implement mechanisms to provide international protection to unaccompanied migrant children follows.

Paragraph	Extract
82	It is relevant to differentiate between those who migrate in search of opportunities to improve their standard of living, from those who require some type of international protection, including; but not limited to the protection of refugees and asylum seekers [...] ... States are obliged to identify children who require international protection.
83	The border authorities should not prevent foreign girls and boys from entering the national territory, even when they are alone, they should not require documentation that they cannot have and should immediately direct them to personnel who can assess their protection needs, from a approach in which their condition as girls and boys prevails ... the Court is of the opinion that the creation of a database with the registry of girls and boys entering the country is necessary for an adequate protection of their rights.

90	... the highlights Court that the situation of girl or boy unaccompanied or separated expose them to various risks that affect life, survival and development, such as trafficking for sexual exploitation or other or participation in criminal activities that may harm the minor or, in extreme cases, death.
91	... It is essential that States adopt all the measures necessary to prevent and combat trafficking in persons, among which all those investigative measures, protection for victims and information and dissemination campaigns stand out.
92	Specifically, States have the obligation to adopt certain border control measures in order to prevent, detect and prosecute any type of trafficking in human beings. For this, they must have specialized officials in charge of identifying all those victims of human trafficking, paying special attention to those who are women, girls or children.
101	It is necessary to collect information on personal factors, such as personal history and physical and psychological health condition, as well as the environmental environment in which the migration took place, to determine the specific situation of risk of violation of rights in their country of origin. , transit or in the receiver that merits complementary protection or shows other needs for protection or humanitarian assistance, such as those arising from torture, violence, trafficking or traumatic experiences.
105	With regard to girls or boys unaccompanied or separated from their families, it is essential that States seek to locate their family members, but not without first verifying that these measures correspond to the best interests of the girl or of the child and, if it is possible and satisfies the best interests of the child, proceed to their reunification or reunification as soon as possible.
106	... States have the duty to protect them against a new risk of victimization and to provide them with legal and medical assistance, trying, as far as possible, to protect the privacy and identity of the victim. Likewise, the States, as far as possible, should consider the possibility of fulfilling the aforementioned purposes by providing: a) adequate accommodation; b) advice and information, in particular regarding their legal rights, in a language that victims of human trafficking can understand; c) medical, psychological and material assistance; and d) educational and / or training opportunities.
155	... States have the obligation, in accordance with Articles 19 of the American Convention and VII of the Declaration, to opt for measures that promote the care and well-being of the girl or boy with a view to their integral protection rather than their deprivation of freedom ...

250	In this sense, when a migrant girl or boy is identified as a potential applicant for asylum or recognition of refugee status, she or he must receive the necessary guidance regarding the procedure to be followed, in a language and manner that you can understand and, where appropriate, you should be given the opportunity to contact a representative of the UNHCR or entity that performs your functions if you are not in the country,
-----	---

**Table 1**

Source: own elaboration with information from the Case Law of the Inter-American Court of Human Rights, No. 5 Boys, girls and adolescents

### **National regulations applicable to the situation of girls and boys in the face of the phenomenon of irregular migration.**

For the case, it could be said that at the national level, the regulatory framework can be as broad as the situation arises, therefore, the main applicable laws and regulations are mentioned:

- The Political Constitution of the United Mexican States, which, through its 1st article, establishes:
- In the United Mexican States, all persons shall enjoy the human rights recognized in this Constitution and in the international treaties to which the Mexican State is a party, as well as the guarantees for their protection, the exercise of which may not be restricted or suspended, except in the cases and under the conditions that this Constitution establishes (Political Constitution of the United Mexican States, 2019: 1).
- Migration Law and its Regulations.
- Refugee Law, Complementary Protection and Political Asylum and its Regulations.
- Nationality Law and its Regulations.
- General Law on the Rights of Girls, Boys and Adolescents and its Regulations.
- General law of health.
- General Education Law.
- Federal Law to Prevent and Eliminate Discrimination.

- General Law to Prevent, Punish and Eradicate Crimes in Human Trafficking and for the Protection and Assistance to the Victims of these Crimes.
- General Law on Women's Access to a Life Free of Violence.
- Federal Law against Organized Crime.

Regarding the Migration Law, it provides an account regarding the care of unaccompanied migrant girls, boys and adolescents, through the content of articles 29, 52, 73, 74, 109, 112 and 120, which in At all times they aim at their protection, their attention by specialized personnel, establishment of suitable areas for their permanence, with separation from adults and between children and adolescents, being under the immediate guardianship of the National System for Integral Development of the Family, provide them with information and the right to demonstrate, as well as ensure their assisted and accompanied return, among others.

In the regulation of the aforementioned Law, apart from establishing the “hows”, it is determined in a special section for unaccompanied migrant girls, boys and adolescents, the consideration of the prevalence of the best interests of the child, assessed through specialized personnel and trained in child protection. In the same way, it establishes that in its valuation it should be:

- Obtain information about the location of their parents, or those who exercise parental authority over them, as well as the reasons why they are separated from them.
- Identify possible situations of risk or violation of their human rights that may arise or have occurred in the country of origin or habitual residence, or in the national territory.
- Identify when the girl, boy or adolescent is offended, victim or witness of a crime in the country of origin or habitual residence or in the national territory.
- Determine any need for international protection.



- Propose temporary accommodation alternatives in public or private institutions where adequate care can be provided.
- Take into account the opinion and informed participation of the unaccompanied migrant girl, boy or adolescent throughout the process in the decisions that concern them.
- If necessary, seek the opinion of other family members, close people or institutions involved in their care (Regulation of the Migration Law, 2012: 61)

In both normative bodies, principles of migration policy stand out, applicable to the case at hand:

- Unrestricted respect for their human rights.
- Hospitality and international solidarity.
- International mobility / complementarity to labor markets.
- Equity between nationals and foreigners.
- Family unity and best interests of the girl, boy or adolescent.
- Social and cultural interaction between nationals and foreigners.
- Facilitate the return to national territory (Model of care for unaccompanied migrant girls and boys, 2016: 25).

The General Law on the Rights of Girls, Boys and Adolescents contains a chapter for special protection that must be granted by the State to migrant girls, boys and adolescents, accompanied or not.

Through its articles, like the Migration Law, it establishes the right of unaccompanied migrant children to stay in accommodation corresponding to boys and girls; as well as the prohibition of expelling or rejecting them, accompanied or not, when their life or safety are threatened by any circumstance and the responsibility of the National DIF System to generate a database, which includes, among other aspects, the causes of their migration, transit conditions, their family ties, risk factors at origin and transit, information on their legal representatives, information on their accommodation and legal situation.

In the same way, the institutions and government areas in charge of the care of unaccompanied migrant children are obliged to observe the normative body that is enunciated, plus the following (it is described only by way of example):

- Federal Law of Administrative Procedure.
- Federal Law of Administrative Litigation Procedure.
- Federal Civil Code and Civil Procedures.
- Regulatory Amparo Law of articles 103 and 107 of the Political Constitution of the United Mexican States.
- Law of the National Human Rights Commission; f) Federal Police Law.
- National Security Law.
- Federal Law of the Public Defender's Office.
- Federal Law of Rights.
- Federal Law of Patrimonial Responsibility of the State.
- Federal Law of Responsibilities of Public Servants.
- Federal Law on Administrative Responsibilities of Public Servants.
- Organic Law of the Federal Public Administration.

- Federal Law to Prevent and Punish Torture.
- Federal Criminal Code, Federal Code of Criminal Procedures.
- Institutes of Health Law.
- Law of the National Institute of Women.
- Law of the National Registry of Data of Missing or Disappeared Persons.
- Organic law of judicial power.
- Organic Law of the Federal Court of Fiscal and Administrative Justice.

### About irregular migration in Mexico

Migration is a phenomenon inherent in the history of man; their ability to move in search of better living conditions, gave rise to the societies that existed, prevail and most likely will be born in the future.

In this mobility process that occurs throughout the world, countries act to a greater or lesser extent as generators; recipients, transit and / or return of migrants.

According to the International Organization for Migration (IOM), between 1990 and 2017, the world migratory flow amounted to 152,542,373 people, with the United States being one of the destination countries for people from around the world. Likewise, the phenomenon of children migrating unaccompanied has increased. According to figures from Global Migration 2018, in 2015-2016, there were five times more children than in the period 2010-2011 (Global Migration, 2018: 41).

Economic deficiencies, armed conflicts, natural disasters, are just some of the reasons that trigger the urgent need to migrate to different places in search of better living conditions, originating in the process situations that violate the rights of people, those that States are obliged to safeguard, both in the domestic context, and through international cooperation treaties and instruments.

In this phenomenon that is discussed, the case of child migration deserves special attention, which, in recent years has increased to such a degree that, today, it constitutes a social problem of great proportions.

In their internal context, the countries have laws, programs and actions of a very diverse nature for the protection of migrants in general and minors in particular; However, the magnitude of the problem has led international organizations to work on the design of specific tools and strategies that attempt to standardize their actions and expand the protection of minors. Additionally, over the years, international organizations have designed and perfected instruments that guarantee the observance of these provisions. Particular case: the Control of Conventionality, a figure through which the States are obliged to observe, together with their normative framework, the rights recognized in the international treaties signed and binding for them.

In the case of the Mexican State, its geographical location makes it a strategic place for this phenomenon to occur in all its latitudes and modalities; that is, it receives migrants through its northern and southern borders, through the Gulf of Mexico and the Pacific Ocean, serving as the country of origin, destination, transit and return of the migrant population.

Its proximity to the United States identifies it as a demarcation of transit for migrants, the vast majority from Central America, who in search of a better life, try to reach the United States; destination, of all those who wish to stay in our country or are forced to do so when their possibilities to enter the northern country are canceled or when they are deported from that country and do not want to return to their own country and, of origin, when the nationals are move to other countries.

This phenomenon, already complicated in itself, has been aggravated, largely because it has taken a different form than always, which was characterized by the fact that adults or families participated in the irregular migration process, at most, who were passing through from Mexico from their countries of origin, with the intention of reaching the United States; today the situation is somewhat different.

On the one hand, as of 2018, migration, especially from Central American countries, has been carried out in large groups and, on the other hand, a considerable number of unaccompanied children and adolescents move into these groups, not yet quantified. Of course, of those who re-enter through the northern border.

According to the National Institute of Migration (INM), each year, around 40 thousand children who migrate are repatriated from the United States to Mexico, of these, 18,000 travel alone. In this regard, it is important to emphasize that between 2017 and 2018 this figure increased considerably, while, in 2017, 17,093 deportations of children were registered, from January to August 2018, they were received through the northern border, 18,922 minors, most of them from Honduras, Guatemala and El Salvador (Villa and Caña, 2018).

In the preliminary document derived from the Latin American and Caribbean Regional Meeting of Experts on International Migration Preparatory to the Global Compact for Safe, Orderly and Regular Migration, held on August 30 and 31, 2017 in Cepal, Santiago de Chile, it was established that the migration of minors has increased, going from less than 6,000 apprehensions in 2012, to 18,000 in 2014 and 38,000 in 2016, highlighting in the phenomenon the presence of unaccompanied minors, who went from less than 3,000 at the beginning of the decade, to 17,000 in 2016 (Channels, 2017: 9).

On the other hand, across the southern border, only in October 2018, a caravan made up of 7,233 people, mostly from Honduras, El Salvador and Guatemala, entered the country, of which 1,000 307 were girls and one thousand seventy boys, that is, one in three immigrants were minors (Institute for Outreach Studies on Migration AC, 2019). Situation that was repeated two more times in that year, without there being any precise data so far regarding the total number of people who entered, adults or children, accompanied or not.

According to a note published in the digital newspaper vaticannews.va, in January 2019, almost two thousand people entered, which has led to the presentation of figures that reach almost 45,000 individuals who have passed through Mexico in the period.

Regarding unaccompanied children, the figures are very diverse:

According to official data, until November 9, 2018, there were 11 migrants of nursing age (0 to 11 months), 99 of preschool age (1 to 4 years), 159 of school-age (5 to 11 years) and 163 adolescents (12 to 17 years old), of which 62, between 14 and 17 years old, traveled alone, data that contrasts with the figures of the United Nations Children's Fund (Unicef), which indicate that some 2,300 migrant children entered Mexico between October 19 and 22 of that year (Telemundo 52, 2018).

Other data from the United States Department of Homeland Security reported that more than 49,000 children without an adult companion were detained at the United States border so far in 2018 (eldiario.es, 2018).

Although the numbers are important, to date it is not possible to establish them precisely, given that, on the one hand, it is a situation that is occurring at the moment, and on the other, the passage of irregular migrants across the border southern Mexico on more than one occasion has been like a human avalanche, which has prevented a real control of people crossing and, although the National Migration Institute offers data regarding unaccompanied children, these correspond to those who have been presented to that authority, so although it is a reference, the reality is that many of these go unnoticed.

However, the phenomenon exists, is latent and is increasing alarmingly, which has triggered the Mexican State to establish a normative framework that provides protection and guarantees the best interests of the child, since these are precisely the most vulnerable subjects during the period. migration process, being an easy target of crime in all its forms, the risk of contracting diseases, not having access to basic services and seeing other rights undermined such as access to education, health, housing, among others, with special pronouncement on unaccompanied children who are deported through the northern border and those who enter through the southern border.

Girls and boys are not only deprived of their most basic rights, but are exposed to a series of dangers, being easy targets of physical and sexual assaults, robbery, trafficking, torture, of being taken over by organized crime, among others.

Similarly, in the international context, both the Universal Human Rights System and the Inter-American System, made up of the Inter-American Commission and the Inter-American Court, both on Human Rights, have ruled in this regard, through the resolution of cases in particular, in the generation of jurisprudence and advisory opinions.

However, the situation worsens, the lack of control in the entry of migrants, especially through the southern border, even with an updated internal normative body, strengthened and expanded by international instruments, complicates its applicability in favor of the protection of minors. Its reality is very diverse despite a robust national regulatory framework and strengthened by international legislation.

### **The practice**

The reality that the Mexican State is experiencing in the face of irregular migration is very different from what the legal framework establishes. It is institutionally overwhelmed to respond to a situation that today is treated at the level of humanitarian crisis.

The situation of the southern border is out of control due to the impossibility of containing the human tide that has crossed the territorial limits, which has led to the impossibility of identifying unaccompanied girls and boys and, where appropriate, meeting their needs and protect your rights.

The State has acted reactively through various actions such as mass arrests, to later return people to their place of origin; give facilities to those who wish to continue on their way in order to try to cross to the neighboring country to the north, offer them shelter, offer them work, among others.

Regarding the first, it is a control practice that criminalizes the irregular migration process and, in any case, there is talk of the lack of comprehensive protection of their human rights, to the detriment not only of adults, but also of girls and boys, who, due to their condition, enjoy expanded human rights. Paradoxically, they are rescued when they are transported in truck boxes, crammed together and without oxygen, to be taken to overcrowded detention centers, where children reportedly lack space outdoors.<sup>iii</sup>

The centers are over-capacity and it is unlikely that national and international standards will be met, as regards the establishment of separate special places for girls and boys.

In the case of adolescents whose age is approaching adulthood, the lack of documents that prove it leads in many cases to be treated as adults, until the interviews and corresponding studies that prove their minority are carried out. On the other hand, the temporary shelters for those who are crossing the national territory do not meet the minimum conditions for the protection of the rights of unaccompanied children. Still others roam the streets without any support or protection from the State.

Thus, the conditions of irregular migrant girls and boys are adverse in every way; If they are lucky enough to be informed and taken care of by the Mexican State, the observance of their rights will depend on the possibilities of the latter to take care of them.

The efforts of the INM with regard to the attention of the children who are presented to it are not ignored; But reality shows that there are more who pass through our country with the only protection than the mass of people with whom they go.

### **Investigation Development**

The exercise presented is qualitative documentary as a methodological procedure was carried out that included the review of legal, doctrinal, institutional and journalistic documents to build a knowledge of social reality, to understand the set of interrelated qualities that characterize a certain phenomenon.

It is explanatory because although its performance increased understanding of the study topic, it does not offer conclusive results as it was carried out until the very moment the exercise was concluded; However, if the reasons why an analyzed phenomenon occurs were found and explained and, where appropriate, it can be replicated to give it greater depth and obtain new points of view on the phenomenon.

## Conclusion

Mexico's challenges are many. Although it can be affirmed that historically the Mexican State has shown interest in participating in whatever treaty, pact or agreement that is generated for the protection of the human rights of people in general, and of girls, boys and adolescents, in particular, the reality is that in practice, there is much to do.

It is clear that there is a great deal of agreement between the domestic norm and international law, contained in international treaties and derived from the advisory resolutions and jurisprudence of the Inter-American Court of Human Rights, and that even the latter complement and extend the first of harmonic way; But the reality is that the State has been overwhelmed in its institutions by the irregular migratory phenomenon, which in waves of hundreds of people have crossed the national territory without any control, breaking down other weak barriers on the southern border and even running over officers in charge of protecting it, bringing with them an unusual number of women, girls and boys, accompanied by their families and alone.

Regarding the latter, to date there is no data that allows shedding light on the number of unaccompanied girls and boys who have crossed the country in the last two years and, those on whom there is a record, do not have access to the safeguard. of all their rights, therefore the State does not even comply with the internal regulations.

Nor is there a database that allows knowing irregular migrant girls and boys, given that, only in 2018, there was talk that the DIF System would receive the support of the National Institute of Migration to build it and, in any case, given the problems raised, most likely contains only that information about children that have been presented to you.

The efforts of the Mexican State to implement actions aimed at safeguarding the rights of irregular migrant girls and boys are in no way ignored; however, it is pending to extend its arms towards those who are not presented to it, those who go unnoticed by the majority and who are easy targets for all kinds of adverse situations.

Internal regulations are important, they must be applied; but also the State, through its institutions, is obliged to carry out a conventionality control that allows it to harmonize, complement and expand the rights of unaccompanied migrant girls and boys and guarantee their application and compliance.

The control of conventionality is not a decorative figure of the international normative framework, it is a tool that, in addition to seeking to harmonize the local and international norms as far as human rights are concerned, obliges all member states of the American Convention to comply with it. Human rights. In this sense, Mexico faces a great challenge in favor of the rights of irregular migrant girls and boys.

## References

Beloff, M. Modelo de la protección integral de los derechos del niño y de la situación irregular: un modelo para armar y otro para desarmar, Justicia y Derechos del Niño, 1999, núm. 1.

Castilla Juárez, C. Control de Convencionalidad. Una propuesta de orden ante diez años de incertidumbre. *Recuperado de <https://mail.google.com/mail/u/0/#inbox?projector=1>*.

Canales I., A. & Rojas W., M. L. Panorama de la migración internacional en México y Centroamérica. Resumen ejecutivo. Versión preliminar sujeta a modificaciones. Santiago de Chile, 2017. *Recuperado de [https://refugeesmigrants.un.org/sites/default/files/eclac\\_mexico\\_y\\_centroamerica\\_resumen\\_ejecutivo.pdf](https://refugeesmigrants.un.org/sites/default/files/eclac_mexico_y_centroamerica_resumen_ejecutivo.pdf)*

Carmona Tinoco, J. U. La recepción de la jurisprudencia de la Corte Interamericana de Derechos Humanos en el ámbito interno. El caso de México. *Recuperado de [www.juridicas.unam.mx](http://www.juridicas.unam.mx)*.

Caso Almonacid Arellano y otros Vs. Chile. Corte Interamericana de Derechos Humanos. Sentencia de 26 de septiembre del 2006 (Excepciones Preliminares, Fondo, Reparaciones y Costas). *Recuperado de* [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_154\\_esp.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_154_esp.pdf)

Casos: Trabajadores cesados del Congreso; La Cantuta; Boyce; Heliodoro Portugal.

Constitución Política de los Estados Unidos Mexicanos. *Recuperada de* <https://www.juridicas.unam.mx/legislacion/ordenamiento/constitucion-politica-de-los-estados-unidos-mexicanos#10536>

Convención de Viena sobre el Derecho de los Tratados. *Recuperado de* [https://www.oas.org/xxxivga/spanish/reference\\_docs/convencion\\_viena.pdf](https://www.oas.org/xxxivga/spanish/reference_docs/convencion_viena.pdf).

Corte Interamericana de Derechos Humanos: Caso Gelman vs. Uruguay, 24 de febrero del 2011.

Cuadernillo de jurisprudencia de la corte interamericana de derechos humanos no 5: niños, niñas y adolescentes. Corte Interamericana de Derechos Humanos.

De la Cruz, M. 25 de octubre del 2018. Aumenta la deportación de niños migrantes en México. El Universal. *Recuperado de* <https://www.eluniversal.com.mx/nacion/aumenta-deportacion-de-ninos-migrantes-en-mexico>.

Enciclopedia Jurídica Mexicana. *Instituto de Investigaciones Jurídicas*, 2ª ed., México Porrúa-UNAM, 2004, t. IV F-L. 99 794-801

Estatuto de la Comisión Interamericana de Derechos Humanos, aprobada mediante la Resolución No. 447 adoptada por la Asamblea General de la OEA, en su noveno periodo ordinario de sesiones, celebrado en La Paz Bolivia, octubre de 1979. *Recuperado de* <http://www.oaes.org/es/cidh/mandato/Basicos/estatutoCIDH.asp/>.

Estatuto de la Corte Interamericana de Derechos Humanos. Corte Interamericana de Derechos Humanos. *Consultado en* <http://www.corteidh.or.cr/index.php/es/acercade/estatuto>.

García Méndez, E. La legislación de menores en América Latina: una doctrina en situación irregular, en García Méndez, Emilio, *Derecho de la infancia/adolescencia en América Latina: de la situación irregular a la protección integral*, Santa Fe de Bogotá, *Forum Pacis*, 1994.

González Contró, M. ¿Menores o niñas, niños y adolescentes? Reflexiones en el contexto del debate en América Latina, en Pérez Contreras, María Montserrat y Macías Vázquez, Ma. Carmen (coords.), *Marco Teórico Conceptual sobre Menores versus Niñas, Niños y Adolescentes*, México, UNAM, *Instituto de Investigaciones Jurídicas*, 2011.

González, P., Zúñiga, M. & Reyes, N. *La Doctrina del Control de Convencionalidad y su aplicación en algunas experiencias nacionales*. Centro de Estudios de Justicia de las Américas. Chile, 2016.

Instituto de Estudios y Divulgación sobre Migración A.C. *Recuperado de* <https://www.estudiosdemigracion.org/2017/04/13/estadisticas-2/>.

Modelo de atención de niñas y niños migrantes no acompañados, 2016. *Recuperado de* [https://www.gob.mx/cms/uploads/attachment/file/222573/MODELO\\_DE\\_ATENCION\\_DE\\_NIAS\\_Y\\_NIOS\\_MIGRANTES\\_NO\\_ACOMPAADOS.pdf](https://www.gob.mx/cms/uploads/attachment/file/222573/MODELO_DE_ATENCION_DE_NIAS_Y_NIOS_MIGRANTES_NO_ACOMPAADOS.pdf)

Ortega Velázquez, E. Los niños migrantes irregulares y sus derechos humanos en la práctica europea y americana: entre el control y la protección. *Boletín mexicano de derecho comparado*. Vol. 48. No. 142. México. Enero-abril 2015. Versión On-line. *Recuperado de* <http://www.scielo.org.mx/pdf/bmdc/v48n142/v48n142a6.pdf>.

Pedroza de la Llave, S. y García Huante, O. (comps.), *Compilación de instrumentos internacionales de derechos humanos, firmados y ratificados por México*, México, *CNDH*, 2003, t. I, 759 pp., y t. II, 706 pp. Asimismo, véanse [www.ordenjuridico.gob.mx/derechos\\_humanos.php](http://www.ordenjuridico.gob.mx/derechos_humanos.php) y [www.scjn.gob.mx/tratadosinternacionales/default.htm](http://www.scjn.gob.mx/tratadosinternacionales/default.htm).

Reglamento de la Ley de Migración. *Recuperado de* [http://www.diputados.gob.mx/LeyesBiblio/regley/Reg\\_LMigra.pdf](http://www.diputados.gob.mx/LeyesBiblio/regley/Reg_LMigra.pdf)

Rey Cantor, E. Control de Convencionalidad de las leyes y derechos humanos. México. Editorial Porrúa- *Instituto Mexicano de Derecho Procesal Constitucional*, 2008.

<https://www.un.org/es/sections/un-charter/introductory-note/index.html>.

#### Documents

[https://www.ohchr.org/sp/hrbodies/pages/humanrights\\_bodies.aspx](https://www.ohchr.org/sp/hrbodies/pages/humanrights_bodies.aspx).

<https://www.acnur.org/fileadmin/Documentos/BDL/2003/2351.pdf>.

## Retrospective Mexican model of research managing: challenges and perspectives

### Retrospectiva del modelo mexicano de gestión en la investigación: desafíos y perspectivas

ESCOBEDO-MORATILLA, Abraham<sup>†</sup> & VÁZQUEZ-ELORZA, Ariel<sup>\*†</sup>

<sup>\*</sup>CONACYT-Consortium for Research, Innovation and Development of the Drylands (CIIDZA), IPICYT, Camino a la Presa San José 2055, Col. Lomas 4a Secc. CP. 78216, San Luis Potosí, SLP, Mexico

<sup>†</sup>CONACYT- Research Sistema Nacional de Investigadores. Economic-Agroindustrial Problems.

ID 1<sup>st</sup> Author: Abraham, Escobedo-Moratilla / ORC ID: 0000-0003-4676-1625

ID 1<sup>st</sup> Coauthor: Ariel, Vázquez-Elorza / ORC ID: 0000-0002-6710-8935

DOI: 10.35429/JSR.2020.18.6.16.24

Received October 15, 2020; Accepted December 30, 2020

#### Abstract

In this article, we analyze a general context of the science and technology budget in Mexico and the description of this innovative model which has several challenges and opportunities for the development of the country. In the last decades, Mexican United States (Mexico) had been increased the expenditure in science and technology, however since 2016 due to several factors, this expenditure was modified, and the trend changed. One of the goals of the last administration was to begin the operation of new collaborative reinforcement in Research Centers system and beginning of a new model denominates Research Consortiums of Consejo Nacional de Ciencia y Tecnología (CONACYT, for its acronym in Spanish), however, in recent years there have been changes and rearrangements of this system in order to adjust and reorient actions. Furthermore, It is also important to highlight that the current publication of the regulations of the National System of Researchers include incentives to take into account activities in favor of universal access to knowledge and the strengthening of scientific vocations.

**Science and technology, innovation, S&T investment research consortiums**

#### Resumen

En este artículo analizamos un contexto general del presupuesto de ciencia y tecnología en México y la descripción de este modelo innovador que presenta varios desafíos y oportunidades para el desarrollo del país. En las últimas décadas, en los Estados Unidos Mexicanos (México) se había incrementado el gasto en ciencia y tecnología, sin embargo, desde 2016 debido a varios factores, este gasto se modificó y la tendencia cambió. Una de las metas de la pasada administración fue iniciar la operación de un nuevo sistema de refuerzo colaborativo en los Centros de Investigación e inicio de un nuevo modelo que se denomina Consorcios de Investigación del Consejo Nacional de Ciencia y Tecnología (CONACYT), no obstante, en los últimos años se han producido cambios y reordenamientos de este sistema con el fin de ajustar y reorientar las acciones. Además, también es importante resaltar que la actual publicación de la normativa del Sistema Nacional de Investigadores incluye incentivos para tomar en cuenta actividades a favor del acceso universal al conocimiento y el fortalecimiento de las vocaciones científicas.

**Ciencia y Tecnología; innovación, Inversión en ciencia y tecnología, Consorcios de investigación**

**Citation:** ESCOBEDO-MORATILLA, Abraham & VÁZQUEZ-ELORZA, Ariel. Retrospective Mexican model of research managing: challenges and perspectives. Journal of Social Researches. 2020. 6-18:16-24.

\* Correspondence to Author (Email: avazquez@ciatej.mx)

† Researcher contributing as first author.



## Introduction

Research in science, technology, and development is a fundamental tool for socio-economic and regional growth for any country, boosting the knowledge economy, creating human capital, infrastructure and innovations that enhance the production function. According to World Bank (2020) the range related to investment in I+D (% of Gross Domestic Product in 2018) of 77 countries (which have the information) is between 4.25% and 0.1%, in the case of Mexico is located in the 30th percentile with an investment of 0.31% compared with 71 countries - GDP. This situation shows that much remains to be done in the country to regard science and technology as a strategic sector compared to the rest of the world in advanced countries<sup>1</sup>.

Moreover, in 2018, Mexico participated in 0.95% of Trademark applications filed to register a trademark national Intellectual Property (IP) according to World Bank (2020b). In this segment stands out China, which made 61.85% of applications out of the 11,522,927 filed internationally, followed by the United States (3.87%) Japan (3.80%). In this context, there is a need to increase investment in science, research, and technology to stop spending on imports of the world-generated, and relevant to the country's growth.

However, there is a national interest in increasing the levels of development in innovations, science and technology reflected in the documents that govern national planning in the sector. Currently the Mexican Government seeks to promote the National Innovation System, as set out in the National Development Plan (NDP) of Presidencia de la República de México 2019-2024 (2020, pág 151) "people will be provided with tools and skills that promote creative solutions to problems and drive technology research and development; instruments will also be developed to ensure effective protection of industrial and intellectual property".

It is also set out in Objective 3.3 of the NDP "To promote innovation, competition, integration into value chains and the generation of greater added value in all productive sectors under a sustainability approach... noting in paragraph 3.3.2 "Encouraging the development and adoption of new technologies in the production sectors and building capacities to take advantage of them, linking research with industry and users and promoting production methods sustainable [...]" Presidencia de la República de México 2019-2024 (2020, pág 157).

From an institutionalist approach, in Mexico, the Science and Technology (S&T) are contemplated in 3 legal instruments: The Political Constitution of the Mexican United States, the Law of S&T and the Organic Law of the Mexican Ministry of S&T (CONACYT, for its acronym in Spanish). In the first place, the development for research, S&T is guaranteed by the fraction V of the article 3rd of the Political Constitution of the Mexican United States establishing that the State "[...] will support scientific and technological research, as well as the strengthening and diffusion of our culture [...]" (Constitución Política de Los Estados Unidos Mexicanos, 2016).

In addition, the article 1st of the S&T Law has as a primary goal "[...] to regulate the Federal Government support which is obligated to give to boost, strengthen, develop and consolidate the scientific research, the technological development and the innovation in all the country [...]" (H. Congreso de la Unión, 2015).

In order to perform the mentioned constitutional command, the Mexican Ministry of S&T which is a no sectorized, decentralized institution of the State, with legal personality and own assets, reasons why it has technical, operative and administrative autonomy.

<sup>1</sup> When we analyzed research spending (1996-2016), among 77 countries that have the information World Bank (2020), by generating a cluster using the Ward method, we recognize that Mexico is in equal investment conditions together with countries, such as: Argentina, Latvia, Bulgaria, Romania, Cuba and Poland.

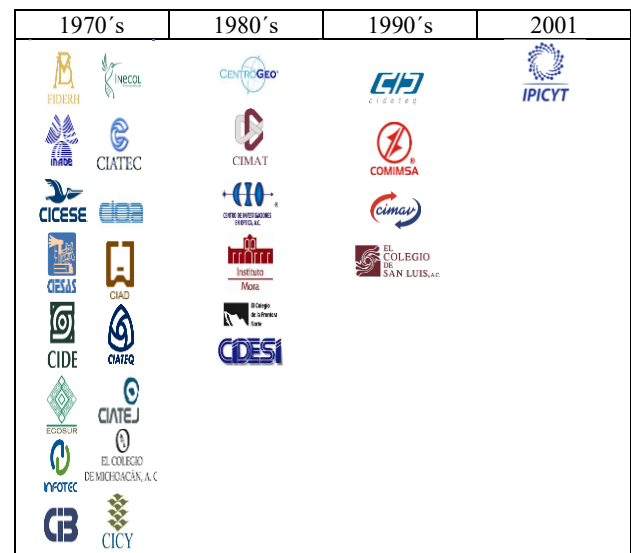
Moreover, the Organic Law of CONACYT establishes in the article 2nd that “[...] the objective is being the advisory entity of the Federal Government and specialized in articulation the public politics as well as promote the development of the scientific and technological research, innovation, and the technological modernization of the country [...]” (H. Congreso de la Unión, 2014). In this context, the Federal Public Administration has obtained as result the conformation of the Public Research Centers (CPI’s, for its acronym in Spanish) of CONACYT (CONACYT, 2017).

The article 47<sup>th</sup> chapter IX of the Law of S&T recognizes the existence of the CPI’ of CONACYT “[...] will be considered as Public Research Centers, the parastatal entities of the Public Federal Administration which according to it legal instrument of creation had as aim objective to perform scientific and technological research activities; that effectively perform such activities; and that they be recognized as such by resolution of the holders of CONACYT [...]” (H. Congreso de la Unión, 2015).

Detailing this point, the CPI’s of CONACYT system are a network which was created by the Mexican Government and are sectorized inside the CONACYT (H. Congreso de la Unión, 2014). These centers perform scientific and technological research with high specialization in different fields of science including exact and natural sciences, social sciences, and humanities, as well as engineering and technologies being one of the primary goals the training of human resources (H. Congreso de la Unión, 2017).

Currently, in Mexico there exist 26 CPI’s, of CONACYT system and one International Associated Organism and are distributed in 28 states and 61 cities; only two states, Colima and Morelos, do not have CPI’s yet. Some centers have branches in several cities in order to cover most of the territory. These CPI’s and their branches have about 20 years of experience as a formal instrument of the Mexican Government and they have the compromise of the scientific and technological advance of the country (CONACYT, 2017; H. Congreso de la Unión, 2017).

The research centers of CONACYT system were founded since 1971 and the last one in the year 2000; on the 1970’s decade other Institutions, such the Universidad Nacional Autónoma de México (UNAM), the Instituto Politécnico Nacional (IPN), the Colegio de México, the Universidad Autónoma Metropolitana and others, helped to establish the first 16 CPI’s and at that moment the Education Ministry was responsible for managing all these institutions (CONACT, 2017). Nevertheless, from a legal perspective CPI’s have different characteristics from those of the Public Universities and Institutions because according to the S&T Law, which was approved in 2002, the CPI’s are not autonomous from the Government (H. Congreso de la Unión, 2015). In **Figure 1** is shown the chronology of foundation of the Mexican CPI’s of CONACYT system; the last one was established in 2001.



**Figure 1** Chronology of foundation of CPI's of CONACYT by decades. Since 2002, has not been established any other Center  
 Source: CONACYT (2017)

**Method**

In order to provide an economic outlook of Mexican S&T of twelve last years (two presidential periods), the investment in S&T were consulted in official legal documents of the national parliament as well as official databases of the Federal Government and from CONACYT in the period 2006-2018. Additionally, the budget of S&T of the OECD countries was extracted from the same databases and compared by the elaboration of graphics in Microsoft Excel Professional Plus 2016.

For graphics of the investment in S&T were divided in two periods of six years, assuming that in each presidential period (January 2007-December 2012 and January 2013-December-2018) legal and politic factors contribute to these values; the total amount of the investment in millions of dollars was considered as Mexico Base = 100 2Q Dec, 2010. For graphics of % PIB and researchers for every 100,000 people in the workforce of OECD countries, it was included 1995, 2000 and 2005 data to clarify the trends.

Additionally, the mean strategies of S&T managing and the total investment of last two years were described in detail to give context to the discussion. The project was divided by three stages: 1) collection of data, 2) analysis of the data, and 3) interpretation and discussion of the data. Due to the descriptive nature of the analysis, no statistical tests were required.

This research seeks to contribute to replicate the analysis at the state level to establish the bases that identify government actions to improve the living conditions of society; and with this, put into practice knowledge about the perspective of social and solidarity development.

## Results

After the analysis of data, it was found that Federal Government fund the operating costs of the CPI's as basic services, wages and salaries of the personnel and some of the research projects; in this sense the total operation amount in 2018 was \$5,788 million pesos (SHCP, 2018b) approximately US\$304.6 million. Until the year 2017, this 26 centers had 6,815 persons working inside divided in 70% specialized personnel, 21% administrative personnel and 9% middle and upper management personnel (SHCP, 2018). All together the CPI's of CONACYT system in that year offered 150 graduate programs including Master and Doctorate degrees. One issue is that the CPI's managed about \$2,264 million pesos (US\$ 119.5 million) as the total amount from private sector linking projects, while Public Universities managed \$1,795 million pesos (US\$ 94.47 million) in the 2014-2018 period, indicating a more powerful linkage system.

A way to look for incorporation of qualified researchers was the CONACYT Professorship Program (CONACYT, 2014). This program gave the opportunity to create new workplaces for young researchers in universities, academic institutions and CPI's improving the situation of a limited quantity of new researchers with work positions in the last decades. This program started in 2014 and it has incorporated 1508 researchers until 2018 (CONACYT, 2018a).

The Professorship program consists of a call in which the guidelines establish that each institution who wants a researcher needs to present a proposal explaining the project and the objectives of the work position; the researchers that want to be considered as candidates for these projects need to be registered in a list (4,119 registered until 2018), in order to be summoned by the interested institutions (CONACYT 2014).

After that, the institution selects three candidates and after a previous peer-review, CONACYT determines which candidate wins the workplace. The work positions are definitive and are paid by Federal budget until the retirement of the researchers or the suspension of the workplace due to the breach of objectives declared in the proposed project. The program establishes that young researchers access all the rights of a researcher of the receptor institution. However, the projects have a duration of ten years and at the end of the period, the project could be renewed or end, situation in which the researcher will be relocated in another project in the same institution or other (CONACYT, 2014).

Approximately, 85% of the projects and workplaces of the CONACYT Professorship Program have been approved for the states outside from the capital city and the three type of most benefited institutions have been: the Public Universities, CPI's from CONACYT System and Federal Institutions of Education (CONACYT, 2018a).

Figure 2 shows the Federal expenditure on S&T by socioeconomic objective, being in 2018, \$68,357 million pesos in real terms (US\$ 3,607.19 million US - exchange rate one Dollar - 19 pesos); the sectors related to this spending are: the central, the parastatal, land exploration and exploitation, environment, space exploration and exploitation, transport, telecommunication and other infrastructures, energy, production and industrial technology, health, farming, culture, recreation, religion and mass media, systems, structures, political and social processes, general advance of knowledge and, defense (Presidencia de la República de México, 2018a). It also shows that in 2014 the largest amount of federal resources in the country for S&T was allocated compared to the last two six-year periods.

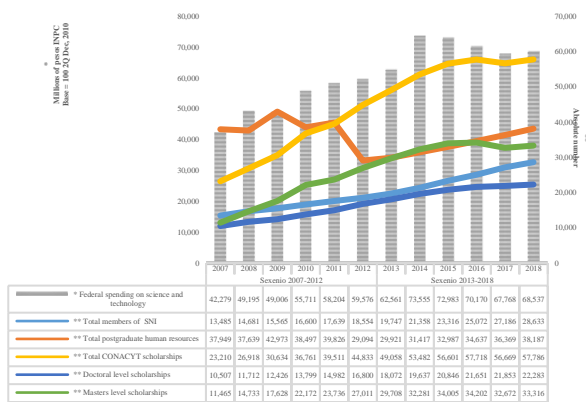


Figure 2 Trends in expenditure for Science and Technology, and indicators for the sector  
Source: Presidencia de la República de México (2018a)

The Table 1 shows the expenditures for science and technology within the central and parastatal public administration in Mexico during the period 2006 and 2018, making a comparison of pesos to current and real prices to identify differences. To identify the level of change on the budget allocated to research in the country, we present below a comparison of current prices and constant prices. With this last indicator it is possible to compare growth, removing inflation.

Year	Federal spending on science and technology by socioeconomic objective millions of pesos (Current prices)			Federal spending on science and technology by socioeconomic objective millions of pesos (Real Prices INPC Base = 100 Q2 Dec, 2010)		
	Total	Federal Public Administration	Parastatal	Total	Federal Public Administration	Parastatal
2006	33,275.80	2,548.60	30,727.2	40,821.10	3,126.50	37,694.6
2007	35,831.70	3,122.90	32,708.8	42,779.50	3,684.90	39,094.6
2008	43,829.20	5,662.30	38,166.8	49,194.80	6,355.50	42,839.3
2009	45,973.60	4,272.80	41,700.8	49,005.80	4,554.60	44,451.2
2010	54,436.40	5,043.30	49,393.1	55,711.00	5,161.40	50,549.6
2011	58,809.90	5,359.50	53,450.4	58,203.60	5,304.30	52,899.4
2012	62,671.10	6,058.30	56,612.7	59,575.60	5,759.10	53,816.5
2013	68,316.50	5,779.10	62,537.5	62,560.90	5,292.20	57,268.7
2014	83,550.50	14,407.90	69,142.6	73,555.50	12,684.30	60,871.2
2015	83,156.00	12,718.30	70,437.7	72,983.30	10,900.30	62,083.0
2016	84,184.30	11,036.40	73,147.9	70,170.50	9,199.20	60,971.3
2017	86,214.00	13,307.60	72,906.5	67,768.20	10,460.40	57,307.8
2018	90,564.90	17,515.40	73,049.5	68,536.60	13,255.10	55,281.6

Table 1 Expenditures for science and technology within the central and parastatal public administration in Mexico during the period 2006 – 2018  
Source: Presidencia de la República de México (2018b)

ISSN: 2414-4835  
ECORFAN® All rights reserved.

Figure 3 A) shows a reduction in scientific and technological development in recent years. When Mexico is compared with the Organization for Economic Co-operation and Development (OECD) countries, it is shown that spending as a percentage of the Gross Domestic Product (GDP, Base 2008 = 100) represented 0.25% in the country, much lower than Germany, which invested 0.89% (Presidencia de la República de México, 2018a). The low levels of the country's budget allocation to science and research present some important effects that should be noted. Namely, the personnel dedicated to scientific and technological activities assigned to dependencies and entities of the Federal Government presented a Rate of Average Annual Growth (TCMA) in -0.26% during the period 2006-2018 (Presidencia de la República de México, 2018a). However, there is also good news given that the number of full-time equivalent researchers has grown with a TCMA of 4.93% during 1995-2016 and of 10.08% in the members of the National Research System (Presidencia de la República de México, 2018a).

On the other hand, Mexico is located at the lowest level among the OECD countries with respect to the Researchers for every 10,000 people of the workforce as depicted in Figure 3 B) (Presidencia de la República de México, 2018a).

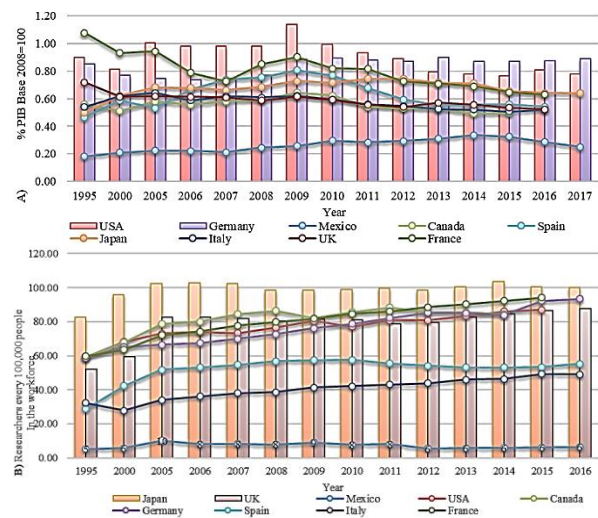


Figure 3 Comparison of indicators of the expenditure of Science and Technology since 1995 in OECD countries. A) Public budgetary allocation for scientific research and experimental development. B) Researchers for every 100,000 people in the workforce  
Source: Presidencia de la República de México, (2018a)

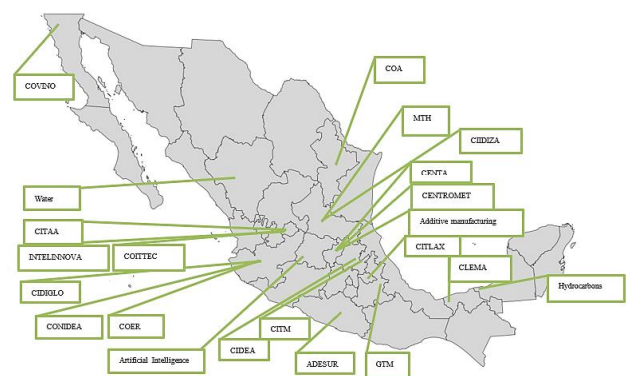
Although, the CPI's with all their branches in diverse regions in the country cover 30 from 32 states, it is considered by CONACYT that there is a lack of regional requirements in S&T. For this reason, in the last Presidential period (2012-2018) the Direction of CONACYT proposed several public politics, like the creation of more CPI's, however, the economic conditions and financial restrictions in the Federal Government generated the emergence of another figure: CONACYT Consortiums. These Consortiums do not have legal personality yet, they consist in the alliance of two or more CPI's and since 2017 this model was promoted with the primary goal of "...to apply the scientific and technological capabilities in order to solve the problems and generate innovations in favor of diverse social and economic sectors of the different regions of the country..." (CONACYT, 2017; 2018a). Another aim objective of these entities is to improve the scientific and technological apparatus of Mexico because two or more CPI's which are integrated as Consortium can take advantage of the infrastructure and the human resources of them (CONACYT, 2018a).

Currently, there are at least 22 installed Consortia and there are other six in process of design or installation. **Table 2** indicates the complete list of CONACYT Consortiums are already installed or operating over November 2018 and the economic sector they belong (CONACYT, 2017; 2018a).

Sector	Consortium	Abbreviation (for its acronym or name in Spanish)	Location
Advanced Manufacture	National Center of Aeronautic Technology	CENTA	Querétaro, QRO
	Center for Innovation and Technology Transfer of Aguascalientes for the Automotive Sector	CITAA	Aguascalientes, AGS
	Research and Innovation Consortium of the State of Tlaxcala	CITLAX	Tlaxcala, TL
	Applied Optics Consortium	COA	Monterrey, NL
	Advanced Manufacturing Development Center for the Electronics Industry of the State of Jalisco	CEDEMA	Guadalajara, JAL
	Consortium of Textile Innovation and Manufacture 4.0 of Hidalgo	CITMA	Pachuca, HGO
	Consortium of molds, dies and tooling	MTH	San Luis Potosí, SLP
	Additive manufacturing consortium	ADDITIVE MANUFACTURE	Querétaro, QRO
Artificial Intelligence	IA	Guanajuato, GTO	
Energy and hydrocarbons	Hydrocarbons Consortium	HIDROCARBUROS	Cd. Del Carmen, CAM
	Consortium in Logistics, Energy and Advanced Manufacturing	CLEMA	Cunduacán, TAB
	Innovation Development Consortium in Electronic Manufacturing and Renewable Energy	CODIEER	Guadalajara, JAL
	Renewable Energy and Environment Consortium	CERMA	Durango, DGO
Agri-food	Strategic Alliance for Sustainable Development of the South Pacific Region	ADESUR	Acapulco, GRO
	Center for Research and Development in Food Agrobiotechnology	CIDEA	Pachuca, HGO
	Consortium for Research, Innovation and Development of the Drylands	CIDZA	San Luis Potosí, SLP
	Consortium for the Development of the Sector and the Wine Regions	CONVID	Valle de Guadalupe, BCS
	Consortium for Innovation and Technology Transfer for Agrifood Development of the State of Aguascalientes	COITTEC	Aguascalientes, AGS
Public Politics and Government	Consortium for the Study of Metropolitan Areas	CENTROMET	Querétaro, QRO
	Information, Intelligence and Innovation Consortium	INTELINOVA	Aguascalientes, AGS
	Research and Dialogue Consortium on Local Government	CIDIGLO	Guadalajara, JAL
	Water Consortium	AGUA	Durango, DGO

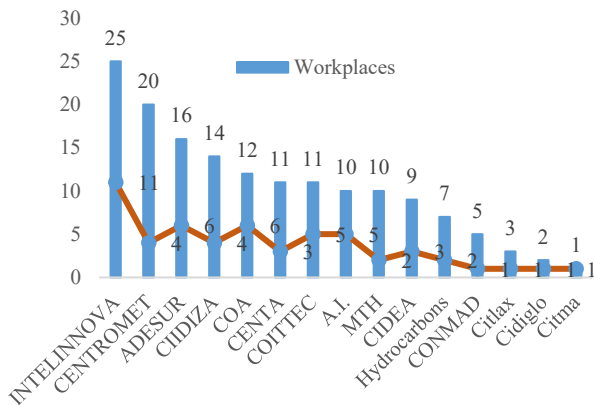
**Table 2** CONACYT Consortia installed or in operation until September 2018  
Source: CONACYT (2017; 2020)

In **Figure 4**, a map showing the localization of the current CONACYT Consortiums is depicted, showing a distribution along the entire country and decentralizing the "typical" area of action of the government facilities. However, to date, there have been important transformations, changes and re-dimensioning in the number of Consortiums generated in the country.



**Figure 4** Localization of current 22 installed CONACYT Consortiums  
Source: Consejo Nacional de Ciencia y Tecnología (CONACYT, 2014)

Since 2017, CONACYT focused the Professorship program in the reinforcement of Consortiums in order to give them the human resources to operate. In this aspect, **Figure 5** shows the distribution of the 156 young researchers that the Professorship Program has provided to 15 Consortiums in 10 States and being part of 55 projects proposed by these Consortiums (CONACYT 2017; 2018a).



**Figure 5** Distribution of workplaces of the CONACYT Professorship program in Consortiums and projects  
Source: Consejo Nacional de Ciencia y Tecnología (CONACYT, 2014)

Currently, the Mexican government will continue to strengthen policy and management in science and research given the proposed allocation of resources to the CPI's system of entities in the order of 25.6 BP (of which 15.4 BP corresponds to direct expenditure and 10.2 to subsidies), as set out in the 2019-2024 National Development Plan proposal. To be sure, I+D management represents a social challenge for national governments because the results are reflected in the economic impacts and increased domestic production function by including more technologies and investment. On the other hand, contributions and the transfer of knowledge in society and industry will enhance the creation of jobs and productive expansion dynamics. It is important to show that from the institutional point of view, CONACYT strengthens its commitment to Science and Technology by incorporating into the new regulations for the National System of Researchers (SNI, for its acronym in Spanish) the concept of generalized research for both the sciences and the humanities (CONACYT, 2020b).

The concept of universal access to knowledge and its benefits is incorporated in accordance with the provisions of article 3rd section V of the Constitution. Now it is the obligation of the SNI to evaluate universal access to knowledge and the strengthening of vocations. Likewise, it is contemplated to bring scientific and humanistic knowledge closer to the citizenry, as well as to promote its benefits to the public, social sector and to the citizenry. This new reality will generate tangible and intangible incentives for science and research to multiply and to really be useful to society in the country.

## Discussion and conclusions

Undoubtedly, the growth in human capital and a reduction in personnel dedicated to research, S&T ascribed to federal agencies will generate an oversupply in the research market and, a pressure that will result in an emigration of the researchers towards the exterior, greater competition between salaries and reduction of wages in response to a higher supply than demand in the sector; coupled with underutilization and inefficiency in human and social capital resources generated over the years and translated into tangible and intangible for S&T. As mentioned above, in order to counter this situation, CONACYT implemented since 2014 a National Program called the Professorship program, with the purpose of including highly specialized human capital in national research, hired by the dependency under high standards of evaluation.

The year 2014 was characterized by reaching the greatest resources for science and research. According to information from the CONACYT from that time to date, approximately more than 2.1 billion pesos (US\$ 0.11 billion) have been invested in the Consortiums, adding Mixed Funds and Institutional Funds for Regional Development for Scientific, Technological and Innovation Development. It is important to highlight that the strategic sectors that have been oriented, up to this moment, are agri-food with 5 Consortia, advanced manufacturing with 9 ones, public politics and Government with 4 ones, and energy and hydrocarbons with other 4 (CONACYT, 2018a).

During 2018, the Federal Government distributed \$15,998.4 million pesos (real prices INPC Base = 100 2Q Dec 2010 – US\$ 842.0 million –, which represented an amount of \$21,140.4 million pesos at current prices) for scientific research projects, technological development and innovation supported by mixed, sectoral funds and institutional fund to: the National System of Researchers, the scholarship program, postgraduate strengthening program, international scientific and technical cooperation, the training and updating courses of human resources, scientific and technological publications, and administration and planning (Presidencia de la República de México, 2018a).

However, the resources that were oriented to research have been decreasing in the last 4 years; For example, in 2015, \$21,520 million pesos (US\$ 1,132.63 million) were allocated, which, compared to the present date, amounted a reduction of 5,522 million pesos (US\$ 290.63 million) in real terms to research (Presidencia de la República de México, 2018a). In December 1<sup>st</sup>, 2018, a new Director of CONACYT was appointed, since a new Presidential period began (2018-2024). It is expected that the majority of the grants for applied science and development of technology stay current, however, it is not clear at this moment. Some declarations of the current Mexican Government suggest that basic science will be the mean objective of CONACYT as well as fighting against corruption of the sector (CONACYT, 2018), but it is unknown how will be distributed the budget of S&T in the next 6 years.

As mentioned above Mexico have one of the lowest indicators of the expenditure of S&T in comparison with OECD countries and the trend of the last six years is a decrease; in this sense, the CONACYT Consortia and other actions are expected to improve the situation of S&T in the country, in order to trigger better conditions of economic development in the next years.

Finally, the current publication of the new Regulation of the SNI opens the door to increase the transfer and social value of science and research in Mexico. It includes intangible incentives that would promote the creation of social innovations regardless of economic resources. Even the positive externalities in the benefits of science and technology in society could be greater than the tangible economic investments

### Acknowledgments

Authors thanks to CONACYT Associate Directors of the period 2012-2018 for kindly provided some of the graphs and data presented in the article. AEM and AVE are benefited from the FORDECYT grant, project no. 2018/296354 and 2018/296353, respectively.

### References

- Consejo Nacional de Ciencia y Tecnología (CONACYT). (2014). *Cátedras Conacyt. ¿Qué Son Las Cátedras Conacyt?* <https://www.conacyt.gob.mx/index.php/el-conacyt/desarrollo-cientifico/catedrasconacyt>
- Consejo Nacional de Ciencia y Tecnología (CONACYT). (2017a). *Informe general del estado de la ciencia, tecnología e-innovación. Informe general.* <https://www.siicyt.gob.mx/index.php/transparencia/informes-conacyt/informe-general-del-estado-de-la-ciencia-tecnologia-e-innovacion/informe-general-2017/4813-informe-general-2017/file>
- Consejo Nacional de Ciencia y Tecnología (CONACYT). (2017b). *Reorganización del Sistema de Centros Públicos en Investigación del Consejo Nacional de Ciencia y Tecnología. Reorganizan El Sistema de Centros Públicos de Investigación de CONACYT.* <https://centrosconacyt.mx/objeto/reorganizacion-de-cpi/>
- Consejo Nacional de Ciencia y Tecnología (CONACYT). (2018a). *1er Encuentro de Gerentes de Consorcios CONACYT.* <https://www.notimx.mx/2018/09/se-realiza-el-primer-encuentro-de.html>

Consejo Nacional de Ciencia y Tecnología (CONACYT). (2018b). *Más apoyo a la ciencia de frontera: María Elena Álvarez-Buylla*. <http://conacytprensa.mx/index.php/sociedad/politica-cientifica/24358-apoyo-ciencia-frontera-elena-alvarez-buylla>.

Consejo Nacional de Ciencia y Tecnología (CONACYT). (2020a). *Consortios CONACYT*. <https://www.conacyt.gob.mx/index.php/consorcios>

Consejo Nacional de Ciencia y Tecnología (CONACYT). (2020b). *Reglamento del Sistema Nacional de Investigadores (SNI)*. <https://www.conacyt.gob.mx/index.php/el-conacyt/sistema-nacional-de-investigadores/marco-legal/reglamento-sni/20142-reglamento-sni/file>

H. Congreso de la Unión. (2014). *Ley Orgánica del Consejo Nacional de Ciencia y Tecnología*. <http://www.diputados.gob.mx/LeyesBiblio/pdf/243.pdf>

H. Congreso de la Unión. (2015). *Ley de Ciencia y Tecnología*. Ley de Ciencia y Tecnología. Última Reforma Publicada DOF 08-12-2015. [http://www.diputados.gob.mx/LeyesBiblio/pdf/242\\_081215.pdf](http://www.diputados.gob.mx/LeyesBiblio/pdf/242_081215.pdf)

Constitución Política de los Estados Unidos Mexicanos, Diario Oficial de la federación 1 (2016). <https://doi.org/10.1017/CBO9781107415324.004>

H. Congreso de la Unión. (2017). *Manual de Organización del Consejo Nacional de Ciencia y Tecnología*. <http://www.diputados.gob.mx/LeyesBiblio/regla/n285.pdf>

Presidencia de la República de México. (2018a). *Sexto Informe de Gobierno*.

Presidencia de la República de México. (2018b). *Sexto Informe de Gobierno*. Sexto Informe de Gobierno. <https://datos.gob.mx/busca/dataset/sexto-informe-de-gobierno>

Presidencia de la República de México. (2020). *Plan Nacional de Desarrollo (PND) 2019-2024*. [https://www.ppef.hacienda.gob.mx/work/modelos/PPEF2020/docs/38/r38\\_redg.pdf](https://www.ppef.hacienda.gob.mx/work/modelos/PPEF2020/docs/38/r38_redg.pdf)

Secretaría de Hacienda y Crédito Público (SHCP). (2018a). *Analítico de Plazas y Remuneraciones*.

<https://www.pef.hacienda.gob.mx/es/PEF2018/omoiX-IV>

Secretaría de Hacienda y Crédito Público (SHCP). (2018b). *Presupuesto de Egresos de la Federación* 2018.

[https://www.pef.hacienda.gob.mx/work/models/PEF2018/docs/38/r38\\_reurgfpp.pdf](https://www.pef.hacienda.gob.mx/work/models/PEF2018/docs/38/r38_reurgfpp.pdf)

World Bank. (2020a). *Gasto en investigación y desarrollo (% del PIB)*. Instituto de Estadística de La Organización de Las Naciones Unidas Para La Educación, La Ciencia y La Cultura (UNESCO). <https://datos.bancomundial.org/indicador/GB.XPD.RSDV.GD.ZS>

World Bank. (2020b). *World Intellectual Property Organization (WIPO). The International Bureau of WIPO. Statistics Database Intellectual Property*. <https://databank.worldbank.org/reports.aspx?source=2&series=IP.TMK.RSCT#>



**Insights on the theoretical causes of labour informality: the indivisibility of hours****Perspectivas sobre las causas teóricas de la informalidad laboral: la indivisibilidad de las horas**

QUINTERO-ROJAS, Coralia A.†\* &amp; MÉNARD, Sébastien

*Universidad de Guanajuato, Economics & Finance, Mexico.  
GAINS, Le Mans University, France.*ID 1<sup>st</sup> Author: *Carolia A., Quintero-Rojas* / ORC ID: 0000-0003-3994-1775, CVU CONACYT ID: 36503ID 1<sup>st</sup> Coauthor: *Sébastien, Ménard* / ORC ID: 0000-0003-4951-8364

DOI: 10.35429/JSR.2020.18.6.25.33

Received July 15, 2020; Accepted December 30, 2020

**Abstract**

Achieving decent work for all is essential for promoting sustainable and inclusive growth and development. However, in the world prevails a marked lack of decent work, higher unemployment, and persistent inequalities; and this panorama has been exacerbated by the global effects of the pandemic caused by COVID – 19. The gap from decent work is especially pronounced in the informal economy, which affects roughly 61% of the global employed population; moreover, it implies large social and economic costs, affecting income, occupational health and safety, productivity, and welfare. In this context, our goal is to develop a suitable theoretical framework to explore the causes of informal employment, based on the wage posting approach pioneered by Burdett and Mortensen (1998). Our note adds to this line of research by considering other general characteristic of the formal sector as a cause of informality, such as the rigid contracts regarding wages and working time. This hypothesis seems pertinent given that informality affects high-skilled workers too.

**Wage dispersion, Informality, Indivisible hours****Resumen**

Lograr un trabajo decente para todos es esencial para promover un crecimiento y desarrollo sostenibles e inclusivos. Sin embargo, en el mundo prevalece una marcada falta de trabajo decente, mayor desempleo y desigualdades persistentes; y este panorama se ha visto agravado por los efectos globales de la pandemia provocada por COVID - 19. La falta de trabajo decente es especialmente pronunciada en la economía informal, misma que afecta aproximadamente al 61% de la población ocupada mundial; además de implicar grandes costos sociales y económicos, al afectar el ingreso, la salud y seguridad ocupacional, la productividad y el bienestar. En este contexto, nuestro objetivo es desarrollar un marco teórico adecuado para explorar las causas del empleo informal, el cual se basa en el modelo de ofertas salariales de Burdett y Mortensen (1998). Nuestra nota se suma a esta línea de investigación al considerar otra característica general del sector formal como causa de la informalidad, como es la rigidez de los contratos respecto de los salarios y la jornada laboral. Esta hipótesis parece pertinente dado que la informalidad también afecta a los trabajadores altamente calificados.

**Dispersión salarial, Informalidad, Indivisibilidad de las horas de trabajo**

**Citation:** QUINTERO-ROJAS, Coralia A. & MÉNARD, Sébastien. Insights on the theoretical causes of labour informality: the indivisibility of hours. *Journal of Social Researches*. 2020. 6-18:25-33.

\* Correspondence to Author (Email: coralia@ugto.mx)

† Researcher contributing as first author.

## Introduction

The Global Commission on the Future of Work has submitted an independent report on how to achieve a future of work that provides decent and sustainable work opportunities for all to the Centenary session of the International Labor Conference in June 2019. The main points were included in the Centennial Declaration of the ILO and focuses on three priority actions: increase investment in people's capacities; increase investment in labor institutions; and increase investment in decent and sustainable work. That is, decent and quality jobs that guarantee the worker, among other fundamental rights, a fair income, safe working conditions, access to social protection and non-discrimination (Centenary Declaration of the ILO, 2019).

Achieving decent work for all is so important that it is one of the 17 Sustainable Development Goals (SDGs) of the United Nations 2030 Agenda for Sustainable Development:

“SDG 8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.” (UN, 2015)

Furthermore, since decent work promotes sustainable development and inclusive growth, the achievement of SDG 8 would foster the achievement of the other 16 Sustainable Development Goals. However, in the world prevails a marked lack of decent work, associated with higher unemployment and persistent inequalities; and this panorama has been exacerbated by the global effects of the pandemic caused by COVID - 19. As a recent ILO report highlights, “even when people have a job, there are still significant deficiencies in the quality of jobs. This gap from decent work is especially pronounced in the informal economy, which has the highest poverty rates (ILO, 2020). According to ILO estimates, roughly 61 per cent of the global employed population earned their living in the informal economy; but informality is more prevalent in Latin America, where it represents a significant part of the economy and plays an important role in production, job creation, and income generation.

The most vulnerable categories of employment due to their propensity to informality are self-employed workers and contributing family workers who lack adequate protection (ILO, 2018). Informality.

The social and economic costs of informality are quite large. First, firms operating in the informal sector do not comply with labour market statutes and do not pay social security contributions of any sort, thereby reducing the size of the government tax base. Second, informality increases the risk of vulnerability and precariousness of workers. Finally, the informal sector is generally less productive than the formal sector since it is usually more labour-intensive sector and operates on a small-scale production with very limited access to public or private physical capital (Elgin and Erturk 2019). Thereby, informality has a strong adverse impact on income, occupational health and safety, general working conditions, productivity, and welfare.

Because labour informality has been a persistent problem, the *2015 International Labour Conference* adopted Recommendation No. 204, which emphasizes the need to facilitate the transition of workers and economic units from the informal to the formal economy; promote the creation, preservation and sustainability of enterprises and decent jobs in the formal economy; and prevent the informalization of formal economy jobs. This consensus was also integrated into SDG 8, as discussed before.

However, to formulate effective policies for the transition to formality it is necessary to identify the causes or reasons for the existence and persistence of the informal economy. Since access to paid work is not a guarantee of decent work or an adequate income, workers are induced to accept informal, low-paid jobs without access to social protection or labour rights. Informality primarily affects own-account workers and contributing family workers in low- and middle-income countries, but salaried workers are also frequently subject to uncertain contracts, low income, and informality. Furthermore, informal work is often characterized by longer work shifts.

In this context, the goal of this paper is to develop a suitable theoretical framework to explore the effects of the indivisibility of working hours as a cause of informal employment. The model builds on the wage posting approach pioneered by Burdett and Mortensen (1998). The labour market is composed by two sectors: (1) An informal competitive sector in which workers are paid their marginal productivity and choose the hours they want devote to informal activities. (2) A formal sector with search frictions and rigid contracts regarding working hours, so the labour journey has a fixed length. Moreover, as in the Burdett-Mortensen model, firms post wage offers that can be accepted by both unemployed and on-the-job workers. Thereby, there is an endogenous distribution of wage offers, and this is different to the distribution of actually paid wages.

Our main intuition is that the rigid contracts in the formal sector are related to informality, and to the observed wage distribution in the formal sector, where similar working journeys are often paid at different wages. This wage dispersion influences the decision to work or not in the informal sector. That is, when the wages paid in the formal sector are very low, workers prefer to work in the informal sector, where their marginal productivity is better valued. Another option would be to accept the formal job even when the pay is very low and supplement their income by working a few hours in the informal sector. Therefore, low wages can be an important factor in understanding informality.

Two previous contributions on informality based on this framework are Zenou (2008) and Meghir *et al.* (2015). Zenou (2008) evaluates the consequences of different policies on workers' labour-market outcomes in the formal and informal sectors; he assumes free mobility between the two sectors; a competitive informal sector; and search frictions in the formal sector. Perhaps, the main result is that under some condition of the parameters a decrease of these policy variables can lead to higher formal employment but also higher unemployment, because of the immigration of workers from the informal sector. Meghir *et al.* also stress the fact that for low skilled workers, in countries like Mexico, transitions between formal and informal sector seem to be equally probable in both directions.

So, they built a model economy with search frictions and heterogeneous firms in their productivity, but identical low skill workers that may receive offers either from formal or informal firms. Among other results, the authors find that informality has implications for the wage distribution both within and between sectors, so that equilibrium wages are on average higher in the formal sector (similarly to Burdett and Mortensen 1998).

A previous contribution on informality based on this framework is Zenou (2008), who evaluates the consequences of different policies on workers' labour-market outcomes in the formal and informal sectors; he assumes free mobility between the two sectors, a competitive informal sector, and search frictions in the formal sector. The author shows that under some condition of the parameters, a decrease of the policy variables can lead to higher formal employment but also higher unemployment, because of the immigration of workers from the informal sector. Meghir *et al.* (2015) also stress the fact that for low skilled workers, in countries like Mexico, transitions between formal and informal sector seem to be equally probable in both directions. So, they built a model economy with search frictions and heterogeneous firms in their productivity, but identical low skill workers that may receive offers either from formal or informal firms. Among other results, the authors find that informality has implications for the wage distribution both within and between sectors, so that equilibrium wages are on average higher in the formal sector (as in the Burdett – Mortensen framework).

Our note adds to this line of research by considering another general characteristic of the formal sector as a cause of informality, namely the rigid contracts regarding wages and working time. This hypothesis seems pertinent given that informality affects high-skilled workers too. The remaining is organized as follows. In next section we present and develop the elements of the model economy. Next, we show the main result of the paper, namely, the steady state equilibrium of the model, and discuss the possible strategy to simulate and evaluate the model implications. Finally, we discuss the next stage of this research agenda.

## The model economy

In this theoretical note, we develop a model economy that will be useful to explore the effects of several labour market policies for a wide range of economies. So, in this section we present the elements of model and discuss their main features.

The economy is composed of two sectors: a frictionless informal sector in which workers choose the fraction of time they devote to work; and a formal sector with search frictions and rigid working hours contracts. In other words, the extent of coordination failures in the formal sector give rise to search frictions; conversely, since in the informal sector most firms are family related, coordination failures and thus search frictions should not be too large.<sup>2</sup> Time is continuous and agents discount future at rate  $r > 0$ .

## Labour market flows

The work force is normalized to 1. It is composed by the unemployed workers,  $u$ , the formal workers,  $e_f$ , and the informal workers,  $e_i$ . The unemployed seek for a job in the formal sector in a full-time basis, allocating a fraction of time  $z$ . In return, they receive an unemployment allowance  $b$ . Formal sector employees work a fixed amount of time  $z$  at the hourly wage rate  $w$ . Finally, informal workers choose the time  $h$  they devote working in the informal sector and are paid their marginal productivity.

Formal and informal workers may receive job offers in the formal sector even if they are not engaged in search activities. Following Postel-Vinay and Robien (2002), we normalize the job search efficiency of the unemployed to 1 while the efficiency of employed workers,  $\mu$  is assumed to be lower since they must wait for the arrival of job opportunities; then,  $\mu > 1$ . Thereby, the arrival rate of job offers is higher for unemployed than for employed workers:  $p_u > p_e$ .

The contacts between unemployed workers or on-the-job workers and firms is governed by the matching function  $M(u, v)$ , which depends on the number of unemployed workers, the number of employed workers in the economy (formal and informal), and vacancies,  $v$ , as follows:

$$M(u, v) = m[u + \mu(1 - u)]^{1-\eta} v^\eta \quad (1)$$

The matching function is increasing and concave on its two arguments.  $\mu \in (0, 1)$  represents the elasticity of the matching function and  $m$  is a parameter reflecting the efficiency of the matching process. This function can be expressed in terms of the arrival rates as:

$$M(u, v) = p_u u + p_e (1 - u) \quad (2)$$

with  $p_e = \mu p_u = \mu m \left( \frac{v}{u + \mu(1 - u)} \right)^\eta$ .

Formal sector jobs are destroyed at the exogenous rate  $\delta \in (0, 1)$ . The instantaneous utility function of the agents,  $\Gamma(c, l)$ , depends on consumption,  $c$ , and leisure,  $l$ . Agents are risk adverse and do not have access to financial markets to smooth their income over time, so they consume all their income each period. We consider the following utility function, where  $\sigma$  is the coefficient of risk aversion:

$$\Gamma(c, l) = \frac{(c^\alpha l^{1-\alpha})^{1-\sigma}}{1-\sigma} \quad (3)$$

## The informal sector

We assume that even if workers are ex-ante identical, they do not have the same opportunities, and so the same productive capacities in the informal sector. This heterogeneity can be explained by diverse factors, such as the different networks they belong to, their family situation or their geographic location, among other factors. Then, a worker with a productive capacity  $x$  produces  $xY(h)$ , where  $Y(h)$  is the production function in the informal sector.<sup>3</sup> Remark that informal sector jobs do not require investment in specific human capital, so they are on average less productive than formal sector jobs.

<sup>2</sup> In developing countries such as Mexico, self-employment and workers employed in family enterprise are prevalent in the informal sector. According to Maloney (1999), self-employment represents the bulk of informality in many economies, so that the informal sector behaves as an unregulated micro-entrepreneurial sector.

<sup>3</sup> The productive capacities  $x$  follow an exogenous distribution  $L(x)$ .

Available time is normalized to unity. Workers in the informal sector do not actively seek employment in the formal sector, so that they have the same probability of receiving a job offer on the formal market as the formal sector employees; that is,  $p_e$ . However, unlike the unemployed, they may be full-time workers in the informal market. By normalizing the available time to 1, we can find the optimal supply of labour in the informal sector by solving:

$$\max \Gamma(c, 1 - h) \text{ subject to } c = xY(h) \quad (4)$$

This implies:

$$h_i = 1 - \frac{1-\alpha}{\alpha} \frac{Y(h_i)}{Y'(h_i)} \quad (5)$$

$$c_i = xY(h_i) \quad (6)$$

Then, the Bellman equation for an informal sector worker is:

$$rI(x) = \Gamma(xY(h_i), 1 - h_i) + p_e \int_{\tilde{w}_i(x)}^{\bar{w}} [W(w', x) - I(x)] dF(w') \quad (7)$$

In last expression,  $\tilde{w}_i(x)$  is the reservation wage of a formal worker with productive capacity  $x$ . That is, the job offer is accepted for wages higher than this value, which is given by  $W(\tilde{w}_i(x), x) = I(x)$ .

### The formal sector

All formal sector workers work the same fixed amount of time (formal jobs are full-time) and are ex-ante identical. Search friction prevents the instantaneous meeting of workers and firms, causing unemployment and recruitment costs for firms, so that vacant jobs are expensive. To reduce their recruiting costs, firms may choose to post higher salaries than their rivals. This strategic behaviour explains the existence of a non-degenerated distribution of offered wages, even if workers are identical ex-ante. Unemployed workers are full-time job seekers in the formal sector, and all have the same productive capacities in this sector. However, they can supplement their income by working an additional time  $h$  in the informal market, where their productive capacities are heterogeneous. Given the full-time constraint,  $z$ , faced by employed and unemployed workers in the formal sector, the optimal job offer in the formal market is given by:

$$\max \Gamma(c, l - z - h) \text{ subject to: } c = \omega + xY(h) \quad (8)$$

Where  $\omega$  represents the formal sector income, which is  $b$  for the unemployed workers, and  $w$  for the employed workers. It follows that:

$$h_\omega = 1 - z - \frac{1-\alpha}{\alpha} \left[ \frac{\omega}{xY'(h_\omega)} + \frac{Y(h_\omega)}{Y'(h_\omega)} \right] \quad (9)$$

In case of refusal, the unemployed worker is sanctioned, so the unemployment benefit drops from  $b$  to  $\underline{b}$ . This means that the value of the sanction,  $\theta$ , can be written as:

$$\theta = \Gamma(c_b, 1 - z - h_b) - \Gamma(c_{\underline{b}}, 1 - z - h_{\underline{b}}) \quad (10)$$

The Bellman equation for a formal worker earning a wage  $w$  is written as:

$$rW(w, x) = \Gamma(c_w, 1 - z - h_w) + p_e \int_w^{\bar{w}} [W(w', x) - W(w, x)] dF(w') + \delta [\max [U(x)I(x)] - W(w, x)] \quad (11)$$

Similarly, the Bellman equation of an unemployed worker with productive capacity  $x$  is written as:

$$rU(x) = \Gamma(c_b, 1 - z - h_b) + p_u \int_{\tilde{w}(x)}^{\bar{w}} [W(w', x) - U(x)] dF(w') - p_u F(\tilde{w}(x))\theta \quad (12)$$

Where the probability of refusing a formal job is  $p_u F(\tilde{w}(x))$ . Thus, for each productive capacity  $x$ , the reservation wage is such that  $W(\tilde{w}(x), x) = U(x) - \theta$ . Then, the reservation wage is given by:

$$\Gamma(c_{\tilde{w}(x)}, 1 - z - h_{\tilde{w}(x)}) = \Gamma(c_b, 1 - z - h_b) + (p_u - p_e) \int_{\tilde{w}(x)}^{\bar{w}} [W(w', x) - W(\tilde{w}(x), x)] dF(w') - [p_u + r + \delta]\theta \quad (13)$$

### Labour market flows

In the formal sector, on-the-job workers accept all job offer with a wage pay above their current wage; unemployed workers accept all wages higher than the reservation wage  $\tilde{w}(x)$ ; and informal sector workers accept a formal job if the wage is higher than  $\tilde{w}_i(x)$ . Given  $p_e < p_u$ , the reservation wage is necessarily higher than  $b$ .

Let  $\delta$  be the exogenous job destruction rate;  $F(w)$  the distribution function of offered wages;  $l(x)$  the mass of workers with productive capacity  $x$ ;  $e(x)$ , the mass of formal employed workers with capacity  $x$ ; and  $u(x)$  the mass of unemployed workers with capacity  $x$ . There are two cases at the steady state:

- For  $x < \tilde{x}$  the laid-off formal workers prefer formal unemployment than informal employment since their job opportunities in the informal sector are too weak. Then, the outflow of unemployment is  $p_u(1 - F(\tilde{w}(x)))u(x)$ ; and the inflow to unemployment is  $\delta(l(x) - u(x))$ . Since no one chooses to work exclusively in the informal sector,  $e(x) = 0$ . Consequently, the mass of workers for  $x < \tilde{x}$  is:

$$\frac{u(x)}{l(x)} = \frac{\delta}{\delta + p_u(1 - F(\tilde{w}(x)))} \quad (14)$$

- For  $x > \tilde{x}$ , all laid off workers decide to switch to the informal sector because they have high productive capacities that are better valued in that sector. Then, the exit rate from informal work is  $p_e(1 - F(\tilde{w}_i(x)))e(x)$  and the entry flow into informal work is  $\delta(l(x) - e(x))$ . Since in this case nobody chooses formal unemployment, then  $u(x) = 0$ . Consequently, the mass of informal workers for  $x > \tilde{x}$  is:

$$\frac{e(x)}{l(x)} = \frac{\delta}{\delta + p_e(1 - F(\tilde{w}_i(x)))} \quad (15)$$

From this, we compute total unemployment,  $u$ , and total employment,  $e$ , in the formal sector as  $u = \int_0^{+\infty} u(x)dx$  and  $e = \int_0^{+\infty} e(x)dx$ .

Let  $G(w)$  be the wage distribution of occupied positions in the formal sector. Then, the mass of workers whose salary is lower than  $w$  is given by  $G(w)(1 - u - e)$ . At the steady state, the outflow of workers whose wage is lower than  $w$  must be equal to the entering flow:

$$[\delta + p_e(1 - F(w))]G(w)(1 - u - e) = p_u \int_{\tilde{w}(0)}^w [F(w) - F(z)]u(x(z))dz + p_e \int_{\tilde{w}_i(0)}^w [F(w) - F(z_i)]e(x(z_i))dz_i \quad (16)$$

In last equation,  $x(z)$  is the productive capacity of unemployed workers with reservation wage of  $z$ , and  $x(z_i)$  is the productive capacity of informal worker with reservation wage of  $z_i$ . From this, the wage distribution of occupied positions is given by:

$$G(w) = \frac{p_u \int_{\tilde{w}(0)}^w [F(w) - F(z)]u(x(z))dz + p_e \int_{\tilde{w}_i(0)}^w [F(w) - F(z_i)]e(x(z_i))dz_i}{[\delta + p_e(1 - F(w))](1 - u - e)} \quad (17)$$

The strategy to solve the model and deducing the theoretical distributions  $F(w)$  and  $G(w)$  is discussed in section 2.2.

### Specific capital matching and wage posting

Each firm has a single position. Following Burdett and Mortensen (1998), we assume that firms post wages that can be accepted or rejected by both unemployed workers and employed workers of both sectors. This posting strategy implies the existence of a non-degenerate wage distribution, even though workers were ex-ante identical. In fact, low-wage workers tend to quickly leave their jobs for better-paid ones. Moreover, the higher the remuneration, the lower the job turnover rate. So, companies face a trade-off between wages and recruitment costs.

Each firm posts a wage  $w$  and chooses the investment in specific human capital,  $k(w)$ , which cannot be transferred to other firms. Once hired, the worker produces  $Q(k)$ , with  $Q(k)$  an increasing and concave function representing production of the post and generates a stream of income  $J(w, k)$ . Then, the present value of an occupied position is given by the following Bellman equation:

$$rJ(w, k) = Q(k) - w + [p_e(1 - F(w)) + \delta](V - J(w, k)) \quad (18)$$

Where  $r$  is the interest rate,  $V$  is the value of a vacant position, and the probability of separation for the worker is  $p_e(1 - F(w)) + \delta$ . Note that given that working time in the formal sector is rigid, production depends only on the firm's investment in specific human capital. This investment implies a higher average productivity in the formal sector than in the informal sector.

The free entry condition implies that wages and vacancies are such that  $V = 0$ . Let  $c$  be the cost of posting a vacancy. The present value of a vacancy is given by the Bellman equation:

$$rV = \max_{(w,k) \geq 0} \left[ \frac{p_u}{v} (1-u-e)G(w) + \frac{p_u}{v} \int_{\tilde{w}(0)}^w u(x(z))dz + \frac{p_e}{v} \int_{\tilde{w}(0)}^w e(x(z_i))dz_i \right] (J(w,k) - k - V) - c \quad (19)$$

In this expression, the probability that the vacancy will be filled by an unemployed worker is  $\frac{p_u}{v} \int_{\tilde{w}(0)}^w u(x(z))dz$ ; the probability that the position will be filled by a formal worker is  $\frac{p_e}{v} (1-u-e)G(w)$ ; and the probability that the position will be filled by an informal worker is  $\frac{p_e}{v} \int_{\tilde{w}(0)}^w e(x(z_i))dz_i$ .

The arbitrage condition implies that each wage  $w$  must provide the same profit to the firm. Then, the free entry condition together with equations (18) and (19) give:

$$cv = \max_{(w,k) \geq 0} \left\{ \Omega(w) \left[ \frac{Q(k(w)) - w}{r + p_e(1-F(w)) + \delta} - k \right] \right\} \quad (20)$$

$\Omega(w)$  is the job-filling probability for a post paying  $w$ , that is:

$$\Omega(w) = p_e(1-u-e)G(w) + p_u \int_{\tilde{w}(0)}^w u(x(z))dz + p_e \int_{\tilde{w}(0)}^w e(x(z_i))dz_i \quad (21)$$

Using the expressions for the mass of unemployed workers with capacity  $x$  (equation 14) and the distribution of occupied jobs (equation 17), we obtain:

$$\Omega(w) = \frac{1}{\delta + p_e(1-F(w))} \left[ p_u \int_{\tilde{w}(0)}^w \delta + p_e(1-F(z)) \right] u(x(z))dz + p_e \int_{\tilde{w}(0)}^w [\delta + p_e(1-F(z_i))] e(x(z_i))dz_i \quad (22)$$

The optimal investment for a wage  $w$  is given by the maximization of equation (20):

$$k(w) = \operatorname{argmax} \{ Q(k(w)) - w - (r + p_e(1-F(w)) + \delta)k \} \quad (23)$$

Thus, the probability for a worker to find a better paid job decreases with the wage for an occupied position,  $w$ . Thereby, firms that post higher wages invest more in specific human capital; and this investment is profitable over a long period. That is why poorly paid jobs are less productive although formal workers are ex-ante identical. Equation (22) leads to:

$$k'(w) = -\frac{p_e F'(w)}{Q''(k)} > 0 \quad (24)$$

## Results

The main goal of this paper has been achieved by developing a useful model economy to explore the effects of rigid contracts and other labour market policies on key variables such as unemployment, employment, productivity, real wages and the size of the informal sector. As a main result from this exercise, in this section we compute the equilibrium of the model and discuss the resolution and simulation strategy that will be implemented in a future research to evaluate the model implications for a wide range of economies.

### The Steady State Equilibrium

At the stationary equilibrium, the offered-wages distribution,  $F(w)$ , guarantees the same expected profits for any wage  $w$ . We assume the existence of a minimum wage  $\underline{w}$  such that  $F(w) = 0 \forall w \leq \underline{w}$ . Remark that this distribution is different from the wage distribution of occupied posts,  $G(w)$ . This is because the unemployed workers can refuse job offers while the formal sector employees can still accept higher wages and move to better paid jobs.

The equilibrium of this model economy is characterized by the number of vacancies,  $v$ , and the distribution  $F$  assuring that firms are indifferent between any wage  $w$ . We assume that the minimum bound for this wage distribution is given by  $\underline{w}$ . Using equation (23) we can find the minimum level of capital by setting  $F(\underline{w})$ . This yield:

$$Q'(k) = r + p_e + \delta \quad (25)$$

From this, we deduce the optimal vacancy rate:

$$cv = \Omega(\underline{w}) \left[ \frac{Q(k) - \underline{w} - k(r + p_e + \delta)}{r + p_e + \delta} \right] \quad (26)$$

Mortensen (2000) has shown that  $v = 0$  is an unstable solution. In our model, there exists a stable solution provided that the minimum wage is accepted by at least one unemployed worker, so that  $\tilde{w}(0) < \underline{w}$ .

Then, by offering higher wages, firms increase their job-filing probability and retention rates. This explains why  $F(w)$  is not a degenerated distribution. There exists however a maximum borne to the distribution  $\bar{w}$ . We will assume that the productive capacities of informal workers are not higher enough to get a job with salary  $\bar{w}$  in the formal sector. This maximum wage implies that  $F(\bar{w}) = 1$  and both unemployed and informal workers will accept that wage.

The maximum investment in specific human capital is given equation (25). Since each element in the support  $[\underline{w}, \bar{w}]$  provides the same profit, the wage distribution  $F(w)$  is given by

$$\frac{\Omega(\underline{w}) \left[ \frac{Q(k) - \underline{w} - k(r + p_e + \delta)}{r + p_e + \delta} \right]}{\Omega(w) \left[ \frac{Q(k(w)) - w - k(r + p_e(1 - F(w)) + \delta)}{r + p_e(1 - F(w)) + \delta} \right]} = \quad (27)$$

### Resolution and simulation

This type of models has not analytical solution. So, a standard procedure to evaluate the explanative power of the model consist of calibrating and simulating the equilibrium equations of the model. Calibration involves the comparison of model outputs with empirical data, leading to the identification of model parameter values that achieve a good fit with data. This provides the researcher a virtual space to test different policy changes. However, calibration is an issue, since while some parameters can be fixed directly from empirical data, such as the rates of unemployment and informality or the minimum wage, others have no empirical counterpart, either because they are not measured systematically or because they are theoretical abstractions; for instance, the research effort furnished by unemployed worker to find employment in the formal sector, the workers' productive capacities, or the structural parameters of the matching or consumption function.

In broad terms, to solve this model numerically, we must assume an arbitrary initial value for the reservation wages, the job vacancies, and the contact rate. From these initial guesses we can compute the value of posting a job for the minimum value of the wage ( $w = \underline{w}$ ).

As each job offers the same expectation of profit, we can use equation (27) to solve for  $f(w)$ , for each  $w$  ensuring the same profits as  $\underline{w}$ . Once we have found  $f(w)$ , we can deduce  $F(w)$  from equation (27). Next, we must iterate the value functions to find the reservation wages and to deduce the distribution  $g(w)$ . Then, we can compute a new guess for the job vacancies and the contact rate by using equations (22) and (27). We repeat this procedure until the set of values for  $f(w)$ ,  $g(w)$ , the reservation wages, and the job vacancies have converged. Finally, the function  $G(w)$  can be obtained from the labour flows summarized by equation (17).

### Conclusions and future research agenda

The next stage in our research agenda is to calibrate and simulate the economy we have developed to assess the implications of the model for various labour market policies and for a wide range of economies. For instance, a relevant exercise would be assessing the introduction of unemployment benefits in Mexico.

In several European welfare states there exist public insurance against unemployment. Generally, this type of insurance coexists with high unemployment rates but also with a small informal sector. In contrast, in countries like Mexico there is no equivalent public coverage for unemployment, but the average unemployment rate is lower than in Central European countries, while the informal sector is very large. However, since informal employment is very important, the relatively low unemployment rate is far from indicating decent jobs, in the OIT conception of this concept. In this context, it would be interesting to analyse whether the implementation of a public unemployment insurance would favour the achievement of SDG 8 of the United Nations Agenda 2030. Likewise, in countries where public unemployment insurance already exists, and the unemployment rate is large, this economy would be useful to compare the effects on unemployment of different unemployment compensation rules.



**References**

Burdett, K., & Mortensen, D. T. (1998). Wage differentials, employer size, and unemployment. *International Economic Review*, 257-273.

Elgin, C., & Erturk, F. (2019). Informal economies around the world: measures, determinants, and consequences. *Eurasian Economic Review*, 221-237.

International Labour Organization. (2018). *Decent Work and the Sustainable Development Goals: A Guidebook on SDG Labour Market Indicators*. Geneva: ILO.

International Labour Organization. (2019). ILO Centenary Declaration for the Future of Work. *108th Session of the International Labour Conference*. Geneva.

International Labour Organization. (2020). *World Employment and Social Outlook: Trends 2020*. Geneva: ILO.

Maloney, W. F. (1999). Does Informality Imply Segmentation in Urban Labor Markets? Evidence from Sectoral Transitions in Mexico. *World Bank Economic Review*, 275-302.

Meghir, C., Narita, R., & Robin, J.-M. (2015). Wages and Informality in Developing Countries. *The American Economic Review*, 1509-1546.

Postel-Vinay, F., & Robin, J. M. (2002). Equilibrium wage dispersion with worker and. *Econometrica*, 2296-2350.

Zenou, Y. (2008). Job search and mobility in developing countries. Theory and policy implications. *Journal of Development Economies*, 336-355

**Historicity, continuity and neo-orthodoxy in contemporary judaism****Historicidad, continuidad y neoortodoxia en el judaísmo actual**

SÁNCHEZ-USÓN, María José´ &amp; VILLEGAS-SÁNCHEZ, María José´´

´Universidad Autónoma de Zacatecas, Mexico

´´Universidad Iberoamericana, Campus León, Gto., Mexico

ID 1<sup>st</sup> Author: *María José, Sánchez-Usón* / **ORC ID:** 0000-0002-3409-4055, **Researcher ID Thomson:** S-7908-2018, **CVU CONACYT ID:** 432522ID 1<sup>st</sup> Co-author: *María José, Villegas-Sánchez***DOI:** 10.35429/JSR.2020.18.6.34.47

Received July 25, 2020; Accepted December 30, 2020

**Abstract**

Judaism is not a uniform religion. In it, different groups are differentiated, among which stand out, for their fundamentalism, the orthodox and the ultra-orthodox. The first ones strictly comply with religious precepts, although they coexist with "gentiles" and even lay people, adapting to certain "modern" social behavior. On the contrary, the second ones, called *haredi jews* or "God-fearing", follow extreme judaism in their interpretation and practice. These groups are today affected by heterodox and secular overmodern influences to such an extent that in the jewish media there is already talk of the emergence of a "new orthodoxy".

**Resumen**

El judaísmo no es una religión uniforme. En ella se diferencian distintos grupos, entre los que destacan, por su fundamentalismo, los ortodoxos y los ultraortodoxos. Los primeros cumplen estrictamente con los preceptos religiosos, aunque conviven con "gentiles" e incluso laicos, adaptándose a cierto comportamiento social "moderno". Por el contrario, los segundos, llamados judíos *jaredies* o "temerosos de Dios", siguen un judaísmo extremo en su interpretación y práctica. Estos colectivos se ven hoy afectados por influencias heterodoxas y seculares sobremodernas hasta tal punto que en los medios judaicos se habla ya del surgimiento de una "nueva ortodoxia".

**History, Judaism, Neo-orthodoxy****Historia, judaísmo, neoortodoxia**

**Citation:** SÁNCHEZ-USÓN, María José´ & VILLEGAS-SÁNCHEZ, María José´. Historicity, continuity and neo-orthodoxy in contemporary judaism. *Journal of Social Researches*. 2020. 6-18:34-47.

\* Correspondence to Author (Email: [sanchez-usonmj@uaz.edu.mx](mailto:sanchez-usonmj@uaz.edu.mx))

† Researcher contributing as first author.

## Introduction

On a souvent reproché aux juifs de faire bloc pour se couper des autres traditions religieuses. Pourtant, le judaïsme n'est pas monolithique. Il a même toujours été traversé par diverses mouvances, parfois en conflit.

**Jean-Christophe Attias** (Attias, 2014)<sup>4</sup>.

Judaism is not a uniform religion. In it, and depending on their level of compliance with Halakha or Halajá, a set of rules derived from the Torah, different groups are differentiated, among which the orthodox and ultra-orthodox stand out, due to their fundamentalism. The former strictly comply with religious precepts, although they coexist with "gentiles" and even lay people, adapting to certain "modern" social behavior. On the contrary, the latter, called Haredi Jews or "God-fearing", follow extreme Judaism in their interpretation and practice. These, in turn, are made up of other collectives (Hasidim and Misnagdim, etc.), but the variations between them are few, as they all respect the same basic principles.

Ultra-Orthodox Jews are refractory to the cultural changes that modernity has imposed in industrialized and post-industrialized societies, much more in those that belong to a neoliberal economic system. Keeping their social customs, traditions and religiosity unchanged, they fight to prevent today's novelties, technologies and advances from contaminating them; for this, they live grouped in colonies and neighborhoods, abiding by the authority of their respective rabbis. They not only reject the ideas and innovations of the non-Semitic worlds in which they are inserted, but even the modern ways of life of the State of Israel and, specifically, Zionism, an ideology on which it is built, thus establishing itself as the center of Judaism (Stofenmacher, 2005, p. 236).

These groups are today affected by heterodox and secular overmodern influences, to such an extent that in the Jewish media there is already talk of the emergence of a "new orthodoxy". This work deals with these two great religious branches of Judaism, its normative and practical conservatism, its resistance to change and its vulnerability to the advances of a globalized, intercultural and rapidly transforming world.

Many are the theorists of the Hebrew field who in their investigations deal with distinctive aspects such as Hebraism, Judaism, Semitism or Zionism of their societies. Specialists of their ethnicity, culture and religion have spoken of this people since there is historiography and religious, philosophical and anthropological thought, either as a description of their communities, an attack on their idiosyncrasy or defense of it. In particular, and with regard to Orthodox and ultra-Orthodox Judaism, and by way of example, we highlight the following authors:

**Nicholas De Lange**, professor of Hebrew studies at the University of Cambridge, in his book *Judaism* carries out a complete synthesis of this religion (what is the Judaic religion, characteristics that define it, internal organization, traditional rites ...), building a rigorous information for the unfamiliar. In this text stands out a section dedicated to the way in which Judaism conceives the future.

**Jonathan Sacks**, Chief Rabbi of the Commonwealth United Hebrew Congregations and a professor at several international universities, represents the Orthodox view of seeing positive elements in non-Orthodox ways of life. This academic advocate establishing a common *modus vivendi*, which synthesizes the different interpretations of the Halakha, to avoid divisions, guarantee unity and, with it, religious survival. In his extensive work, specifically in *One people?*

<sup>4</sup> "Jews have often been criticized for forming a unit to isolate themselves from other religious traditions. However, Judaism is not monolithic. It has even always been crossed by various movements, sometimes in conflict". Jean-Christophe Attias is a French historian and philosopher, specialized in studies on Judaism; is Director of Studies at L'École Pratique des Hautes Études Université de la Sorbonne, Paris.

Tradition, Modernity and Jewish Unity (1993), addresses the challenge of Judaism in modernity and the relationships between Halakha and the norms implanted in contemporary societies.

**Damian Setton**, an Argentine Jew researcher at the National Council for Scientific and Technical Research (CONICET), works in the field of orthodoxy and its opening to new dimensions. In "The emotional dimension of the return to sources in orthodox Judaism", chapter included in the section Emotion, modernity and religions of the book *Modernity, Religion and Memory*, compiled by Fortunato Mallimaci (Mallimaci, 2008), as well as in his article "Hasidism, Kabbalah and Rock in Atzmus's musical project", raises the difficult situation of the Orthodox Jewish branch that is between resistance and acceptance of the new innovative currents, which extend, above all, among the youth. This last work focuses on the project of a musical band that wants to be integrated into the group of Argentine rock music and in which, however, two of its members define themselves as Orthodox Jews.

## Developing

### **Jews, Hebrews and Israelites: theoretical-conceptual divergences**

Elaborating a historiographical synthesis of the Jewish People is not an easy task; first, by the antiquity of its existence, which requires the researcher to go back in history thousands of years; later, due to its lack of continuity and its dispersion, which run parallel to the numerous lived processes of diaspora and exile throughout the evolution of humanity; but also - and no less important - by the debate established between specialists, and the final disagreement, regarding its nomenclature and classification, always confusing and ambiguous.

In this sense, and before delving into any subject that this ethnic-religious collective complex has as its object of study, we must ask ourselves if, to refer to those who make it up, we should speak of "Jews", "Hebrews" or "Israelites". Consensus seems almost impossible and requires, at least, a first conceptual approach:

The term Jew is properly applied to those born of a Jewish mother; that is, this category is acquired by blood. However, those who accept or convert to Judaism are named in the same way, thus expanding the circle of the so-called "Jews". Historically, this term was used for the first time in the 1st century AD. C. (Ariel, 1995), referring to the inhabitants of southern Palestine (tribes of Judah and Benjamin), settled there since the division of the twelve tribes of Israel in the times of the biblical King Solomon<sup>5</sup>. Despite these different explanations, David Ariel, professor of Jewish Studies at Cleveland College, relying on Tradition and Laws, provides the following clarification: "There is no word in the Bible for what we call Judaism; the religion is variously referred to as the 'teachings' (Torah), 'commandments' (mitzvot), and 'laws' (hukkim or mishpatim)" (Ariel, 1995, p. 110)<sup>6</sup>.

According to Ariel, "Jew" and "Judaism" are words that are gestated in Palestine during the conquest and occupation of Rome, later spreading to the West, which is why, in his opinion, there are no previous uses of them.

It is possible that the feeling of difference with respect to other peoples, which from its origins has always and with such certainty united the Jews, made them never consider the need to call themselves to mark a distinction and make a personality evident.

<sup>5</sup> Ten of the twelve tribes of Israel declared in rebellion led by Rehoboam, son of Solomon, while the tribes of Judah and Benjamin remained in the south of the territory. This division would later mark the separation of the kingdoms of Israel and Judah.

<sup>6</sup> There is no word in the Bible called "Judaism"; religion is referred to as teaching (Torah), (mitzvot), and "laws" (hukkim or mishpatim).

In turn, by Hebrew a more arcane historical concept is understood, which dates back to the time of the Patriarchs (ca. 17th century BC), applying, specifically, to Abraham and his descendants (Ibrim). According to other hypotheses, this word would name those who were originally a nomadic Semitic<sup>7</sup> people from Mesopotamia and Ur de Chaldea, Abraham's homeland, who moved to Canaan, land that Yahveh had promised for him and his lineage. The Hebrews would therefore be the ancestors of the Jews and the Israelites.

For its part, Israelite derives from "Israel", a name given by God to Jacob. In Genesis this designation is related:

God appeared again to Jacob when he was returning from Paddan-Aram and blessed him saying: "Your name is Jacob, but from now on you will no longer be called Jacob, but your name will be Israel." So, he named it Israel. And he added: << I am the God of the Heights; be fruitful and multiply. A nation, or better, a group of nations will be born from you, and kings will come out of your lineage. I will give you the land that I gave to Abraham and Isaac, and I will give it to your descendants after you >>. Then God moved away (Genesis, 35, 9-13).

This quote shows that from the sons of Jacob the "Biblical State" of Israel was born, so that henceforth they, their children, and their children's children were Israelites. Understood in this way, "Israelite" would be a concept that would indicate a nationality and not a religion.

In short, the term "Jew" would refer to a religious affiliation, "Hebrew" to an ethnic origin and "Israelite" to a nationality. These three circumstances can coincide in an individual in all or only in part: there are Jews who are not Hebrews or citizens of present-day Israel; in turn, Hebrews living in different countries of the world, with varying degrees of Judaism, and Israelites who may not be Hebrews or Jews, living together, in the same state, quickly and improvisedly built after the Second World War, with Muslims and Christians of various ethnic origins.

### **Historical background of the "Chosen People"**

The history of the Jewish people is, in short, that of the Hebrew people, of whom, by roots, the Jews feel descended and whose beginning is lost in the night of biblical times. It refers to the future of a minority, diverse and geohistorically very divided people. Taking the terms "Jews" and "Hebrews" as synonyms, we note their appearance in Genesis with Abraham, Isaac, and Jacob. As already mentioned, Jacob identifies with Israel and with the Promised Land. From him, the history of the Jewish people will be that of the Land of Israel (Eretz Israel). The Bible records the first thousand years of its evolution, giving an account of its bond with God, its migrations to settle in richer and more prosperous places, the conflictive relations with neighboring peoples and the formation of its identity, both religious and cultural, attached to the maintenance of the Law and Tradition. Chilean professor Miguel Saidel rightly synthesizes his complex historical trajectory:

The commented history that we are going to sketch in broad strokes is that of a physically very small oriental people, whose greatness is not traced in geography, whose victories are not military, whose material power was always reduced, to which the great empires of antiquity over and over again, plunging him into destruction, slavery, or captivity; a people later scattered by the adverse winds of history, whose communities and individuals - lacking a national will - were harassed and bitterly persecuted, first, in order to attract them and, after a century of legal emancipation, to exterminate them ( Saidel, 1968, p. 8).

A brief chronological summary distinguishes several stages in the history of this controversial town:

<sup>7</sup> "Semites" are understood to be all peoples originating from Shem, Noah's son.

The first, and already mentioned, is known as the Biblical Stage, between the seventeenth and sixth centuries BC. From this chronology dates the establishment of the Jews in the Promised Land, the migration to Egypt and their long captivity, the Exodus led by Moses and the arrival to the land "flowing with milk and honey", in which the community receives his laws (Ten Commandments), inaugurates his monarchy (Saul, David, Solomon...), and fixes his capital in Jerusalem, where he erects his first Temple.

Around 930 a. C. arises the division between the descendant tribes of Jacob, giving rise to the kingdom of Israel, which will be subdued by the Assyrians, and that of Judah, conquered by the Babylonians, which will lead to the destruction of Jerusalem and its Temple and the deportation of the Jews to Babylon.

A third historical stage is distinguished from the 6th to the 1st century BC. In it, known as The Second Temple, the Jews return from Babylon, the Temple is rebuilt again, and now the arrival of the Macedonians of Alexander the Great is suffered. This time will not be exempt from internal rebellions against foreign occupation and a brief independence, which will conclude with the taking of Jerusalem by General Pompey in 63 BC. C.

From here, the period of Roman domination begins, which will span the 1st century BC. C. to III d. C., in which the family of Herod, Jewish king ally of Rome, will reign, and the birth, public life, passion and death of Jesus of Nazareth will be seen. The beginnings of Christianity will now coincide with uprisings against Rome and with a new devastation of the Jerusalem city.

From the 4th century of our era onwards, the history of the Jewish people will be that of subjugation to continuous foreign powers: Byzantines (4th-6th centuries), Arabs (6th-11th centuries), European crusaders (11th-13th centuries), Mamluks (13th-16th centuries), Ottoman Turks (16th-20th centuries) and British.

At this time, it is noteworthy that in the 7th century the Caliph Abd el-Malik ordered the construction of the Muslim mosque of the Dome of the Rock in the place where the successive temples of Jerusalem were located before, and that the medieval crusaders constitute the Regnum Hierosolymitanum or Kingdom of Acre in 1099.

Already in the contemporaneity of the 19th century, the First World Zionist Congress was opened in Basel (Switzerland), convened by Theodor Herzl (1860-1904), an Austro-Hungarian Jewish activist, and the Zionist Organization was founded.

In the early 20th century, the British will end Ottoman rule. The Arab-Israeli conflicts will then begin with the formation of Transjordan<sup>8</sup>. The Second World War and the Nazi genocide, better known to posterity as the Holocaust, will make the world turn its eyes towards the massacred Jewish people, so that, at the end of the war, the UN will propose the creation of the State of Israel.

In all this long time, the Jews suffered invasions, exterminations, captivity and diasporas; but "during the long years of dispersion, the Jewish people never cut or forgot their bond with the Earth. [Finally] with the establishment of the State of Israel in 1948, Jewish independence, lost two thousand years earlier, was regained" (Israel, 2020).

While all these conjunctures occurred, one after another, throughout the centuries, the tradition and religious faith of this people remained unharmed. This was possible because Judaism is not only an atavistic and strong doctrinal system, embedded in the culture of the Hebrew people for millennia:

If we take Judaism only as a religion, we can assure that it is certainly not a religion of fixed doctrines or dogmas, but a complex belief system that evolves. Beyond diversity, there is above, like a rubric, an arch that unites the (Jewish) individuals of each trend, from the most orthodox to the most liberal or secular (Barriuso and Laureiro, 2020).

<sup>8</sup> It comprised the eastern fringe beyond the Jordan River. In time, it will give rise to the current country of Jordan.

### The Jewish religion: unity in diversity

Unlike Christianity and Islam, the other two great existing monotheistic religions, Judaism does not have a specific date on which to chronologically secure its beginning. As has already been indicated, being linked to a semi-nomadic people, which is forced, for one reason or another, to make multiple movements through the Middle Eastern geography, its beginnings are lost in remote antiquity. However, his most deeply-rooted convictions, his dogmas, are based on a founding book: The Bible (Christian Old Testament), called by the Jews Tanakh, which recounts the epic of the Hebrews marked by their constant relationship with God.

Other fundamental religious texts are: the Torah (Pentateuch), the Nevi'im (Book of Prophets), the Ketuvim (Writings), The Mishnah (oral traditions and commentaries on the Torah<sup>9</sup>) and the Talmud (interpretations elaborated in the second century). Also, and derived from the school of thought known as Kabbalah<sup>10</sup>, highlights the mystical book Zohar ("Book of splendor")<sup>11</sup>.

As already mentioned, according to the Bible, Abraham is the first Hebrew who, leaving his Chaldean city of Ur, at the direction of Yahveh, will migrate to the land of Canaan. From his tribe, sedentarized around 1200 BC. C., the Hebrew people will be born, whose religion is based on the Covenant with God and the Law revealed by this to Moses.

Neither the Jewish nor the Christian faith question the existence of the first biblical characters and episodes, for example, Noah and the Universal Flood; yes, instead, secular history, which attributes to them a legendary and fictitious origin. However, studies of biblical criticism (without formal presence until the 18th century) and historical archeology, have revealed the credibility of certain characters, such as the kings David and Solomon.

From a religious point of view, Abraham is therefore the first patriarch to recognize the existence of a unique God who must be honored and obeyed, in exchange for the promise of a descendant as vast as the sands of the sea and a land in which to settle and grow. This covenant with Yahveh will extend to his son Isaac and his son's son, Jacob, from whom, as already noted, the Jewish or Israelite people would come.

The sons of Jacob, founders of the twelve tribes of Israel, refugees in Egypt because of a fierce famine, were enslaved by Pharaoh, until Moses, who had received a divine revelation in the burning bush, frees them and leads them to the land that God had claimed to grant Abraham. In the Exodus Yahveh gives Moses the Decalogue of the Ten Commandments: "Cette loi visait à garder le contrôle sur le royaume par l'imposition d'une culture commune à toutes ses parties"<sup>12</sup> (Fellous, 2008, p. 3).

Next, Moses orders to build the Ark of the Covenant, to keep the Tablets of the Law in it. This will be the first seat of the later Jewish Temple. Later King David will establish the Israelite capital in Jerusalem, and his heir Solomon will actually build the aforementioned first Temple. With this action, Judaism will now be an official religion.

In the V century a. C., the Torah (instruction, teaching, doctrine) is reintroduced, the Law par excellence, which synthesizes the previous Jewish uses and rules, and corresponds to the Pentateuch, or the first five books of the Bible<sup>13</sup>. The reading of the Torah, the festivals, the sacrifices and the prayers will be, from now on, the foundation of Jewish life. This tradition lasted with the conquest of Rome and was preserved unchanged after the appearance of the Messiah, the diaspora and the destruction of the second Temple in Jerusalem, continuing to this day.

<sup>9</sup> Compiled in the 2nd century by Rabbi Yehuda Hanasi.

<sup>10</sup> The origin of this hermeneutical school or current dates back to the Essenes, although it became official in the Middle Ages.

<sup>11</sup> Book supposedly written by Shimon bar Yojai in the second century, but whose authorship is probably due to Moses de León.

ISSN: 2414-4835  
ECORFAN® All rights reserved.

<sup>12</sup> "This law aimed to maintain control over the kingdom by imposing a common culture in all its parts".

<sup>13</sup> Esdras, a Hebrew priest and scribe, is the one who, upon his return from the Babylonian captivity, reintroduces the Torah as religious and legislative norm.

This, then, in synthesis, is the foundation of the Jewish religion, characterized by the recognition of a unique and absolute God, who agrees an alliance of friendship with the man to whom he gives his Law, and the implementation of the Torah. These principles bring unity to the scattered Jewish people. However, contrary to what one might think, Judaism is made up of a great variety of currents, which present notable differences among themselves and come from at least the 6th century BC. C.

Since then, heterogeneous religious and political groups are documented in the ancient world, such as the Essenes, Baptists, Samaritans, Zealots, Sadducees and Pharisees. The former made up a rigid priestly caste, which only recognized the written Torah. In turn, the Pharisees were considered spiritual leaders, standing out for strictly applying and enforcing the Torah. These last two groups constituted the legal-religious institution of the Sanhedrin, in force at the time of Christ.

This diversity of ideologies, which continues to this day, causes astonishment in an extreme monotheistic religion like the Jewish one. The specialist in biblical studies Julio Treballe explains the reconciliation between this monotheism and its different tendencies with the following words: "The question that arises here is precisely the relationship between Jewish monotheism and its particularistic and universalistic derivations at the same time, that is, between Jewish monotheism and Jewish identity, universal and particular at the same time" (Treballe, 2005, p. 11). The dispersion of the Jewish people, the compartmentalization and isolation of their communities throughout history would go further in the direction of interpreting and living a Law in different ways. However, it could be said that religious alternatives do not imply basic dogmatic dissensions, but rather practical. In this sense, for the understanding of Judaism, the American psychologist Peter Nathan proposes starting from two previously contrasted concepts: "orthodoxy" and "orthopraxis".

From this point of view, there would be no distinction regarding an "orthodoxy" (let us remember here that, in opposition to Christianity, in Judaism there is hardly a dogmatic or an elaborate theology), only in terms of a practice, which would be what would make some currents differ from others. It should not be forgotten that Jesus of Nazareth was a Jew, and he himself became involved in this controversy. In Professor Nathan's opinion:

Judaism as a religion has always been defined as "having the correct practice" rather than "having the correct belief" (orthopraxis vs. orthodoxy). Uniformity of practice is the criterion. Controversies and differences in practice separated the various Jewish religious groups in Jesus' time, whether they were Sadducees, Pharisees, or Essenes. This explains why Jesus disagreed with his practice of God's law. For him, they failed to the point where they did not practice it correctly (Nathan, 2005).

The different forms of praxis have been imposed by famous rabbis in disparate territories and historical moments, registering, in turn, internal fragmentations, making it very difficult to sketch a first classification and a later typology of past and present tendencies of Judaism. In summary, and following the order proposed by the French researcher Martine Berthelot (Berthelot, 2008, p. 89), the main current divisions can be summarized as:

### **Orthodox or Hasidic Judaism**

Established by the Ukrainian Rabbi Israel Ben Eliezer, it originated in the 18th century as a reaction against the demand for a life dedicated entirely to the study of the Scriptures. Against this, it is advisable to cultivate other values, such as singing and religious dances, prayer and helping others. One division of Hasidism is the Habad movement, made up of those who believe in the coming of the Messiah. This other messianic line was founded in 1775 in Russia by Rabbi Shneur Zalman of Liadi.



**Ultra-Orthodox Judaism or Haredi**

(the "God-fearing"). As an Orthodox split, it was born in the 19th century in Eastern Europe, within the Ashkenazi communities<sup>14</sup>, although certain precedents were already registered in Ukraine in the 18th century. Haredi Jews fully uphold the ancient traditions of Judaism, remaining isolated from the other social groups with which they live, rejecting any contact with them, and speaking a distinctive common language: Yiddish<sup>15</sup>.

**Neo-Orthodox or Modern Judaism**

It is instituted in Germany in the 19th century by Rabbi Samson Rafael Hirsch, who advocated that Jews can adapt to modern life, while respecting Halakha. The neo-Orthodox differ from the liberal Jews in that, despite being adapted - and integrated - to the Western life of other denominations, the practices of the synagogues continue to be in Hebrew and with separation between men and women.

**Liberal Judaism**

It was organized in the city of Hamburg, Germany, in the 19th century as an adaptation of Judaism to modern liberalism, rapidly spreading to France and the rest of Western Europe, from where it passed to the United States, constituting the majority current of Judaism there. For his followers, essential Jewish values are more important than Halakha. The main changes in this line are the admission of women-rabbi (1935), the use of mixed spaces in synagogues, the use of vernacular languages in rites and prayers, etc.

**Masorti Judaism**

Initiated, in the same way, in Germany in the 19th century by Rabbi Zacharias Frankel, it arises in opposition to the liberal Jews and the Orthodox regarding the interpretation of the Halakha, which must remain unchanged and modernize as long as the Talmud authorizes it. Also, it allows women to be rabbis. This branch later developed, especially in the United States.

**Secular Judaism**

Known as humanistic or secular, it is more geared towards displaying a plural Jewish cultural identity than religious practice. This type of Judaism, very critical of the most fundamentalist and closed tendencies, which it defines as sectarian, is of an intellectual, humanistic, civic-social and universalist sign, betting on open and cooperative dialogue with all kinds of religions and beliefs, considered forms of cultural and civilizing expression.

All these variants within Judaism present internal divergences, which are well understood from the explanation of Martine Berthelot:

[...] In the case of Judaism, plurality, variability, openness prevail, as well as the complexity derived from the very essence of Judaism, which is not only religion, but also culture and civilization, tradition and practices, history and memory, values, feelings and attitudes, etc. To all of which is added the complexity induced by the multidimensional aspect of individual identity, which in turn is the result of the family trajectory and the civil and social options of each individual (Berthelot, 2008, pp. 105 and 106).

**Orthodox and Ultra-Orthodox Judaism: Characteristics, Similarities and Differences**

In the previous section, it has been pointed out how from the margins of Judaism it is difficult to delimit the scope of the different currents that coexist within the same religion. Something similar happened in Christianity when, as a result of the Lutheran Reformation, the "Christian churches" proliferated, having, as in the Jewish religion, a great development and a complex diversification between the 18th and 19th centuries, on the occasion of the Anglo-Saxon migrations to North American lands. However, the similarities and differences between Orthodox and ultra-Orthodox Jews are detectable.

Orthodox Judaism, like ultra-Orthodox, advocates a rigid religious practice, but without falling into isolation and total separation from civil society.

<sup>14</sup> Ashkenazis are the Jewish collectives settled mainly in Germany, Poland, Lithuania, Belarus, Hungary, Romania, Bulgaria, Ukraine and part of Russia.

<sup>15</sup> Yiddish is a dialect of German spoken only by Ashkenazi Jews.

Their integration into the socio-professional secular world is total, although their followers are signified by a series of signs, such as the dress (kippa -species of skullcap- and the men's black suit and white shirt; the women dress decently, but without the rigor of the ultra-Orthodox).

For its part, ultra-Orthodox Judaism orders a total behavior of the mitzvot or prescriptions that appear in the Bible, and an absolute compliance with the set of legal norms that constitute the Halakha. In this sense, ultra-Orthodox men and women strictly observe the Shabbat (Saturday feast), the rest of the Jewish holidays, the cleanliness of food, conjugal morality and traditional dress, as the bourgeois of Eastern Europe dressed. in the 19th century: men with white shirts, shorts, stockings and buckle shoes, long black coats, borsalino hat or shtreimel, grew long beards and ringlets or payot on their temples <sup>16</sup>; women wear long skirts, blouses buttoned up to the neck, wig <sup>17</sup> and cap or hat.

Men dedicate themselves, preferably, to the study of religious texts (Bible, Talmud and Kabbalah) and to prayer, while women take care of a large number of children at home, children who hardly receive any other education than in the yeshiva or school run by a rabbi. The economic conditions in which ultra-Orthodox families live are currently very precarious; grouped in neighborhoods, as in the case of Mea Shearim in Jerusalem, separated from the spaces of civil society, they find themselves in dire need to request economic aid from the State in order to survive.

### **Modern Orthodoxy and the Neocommunities: A Progressive Alteration of the Jewish Religious Tradition**

Modern orthodoxy or neo-orthodoxy is not a recent construction. Coinciding with the spread of the Enlightenment, it was born in Europe in the 19th century, within the orthodox trend, by assuming enlightened and romantic values, such as the rescue of the past, which will serve as a spur for the youth by defending respect for the religious heritage-cultural.

The Spanish theologian Antonio Rodríguez Carmona highlights the aforementioned German Rabbi Samson Rafael Hirsch as one of the promoters of this new orthodoxy, perhaps his most outstanding theorist, who defended, with respect, for example, to education, that "you have to learn subjects both religious and secular, without seeing opposition between the two" (Rodríguez Carmona, 2001, p. 275). Rodríguez Carmona goes on to explain that for this "enlightened orthodoxy" many of the interpretations of the Torah are mere formalities, which:

Reason can and should help religious life, but we must avoid uses that deviate from the Torah, as in fact happened with the Science of Judaism, which served only, according to him [Hirsch], to reason violations of the Torah. The foundation of his religious vision is the Law of God, revealed in nature and at Sinai. The Torah, both written and oral, is divine and therein lies its value, but it needs an explanation. The point of view of traditional orthodoxy that enforces the observance of the commandments just because they are commanded and, therefore, are a means of uniting with the will of God, is not enough. Hirsch offers an explanation of a symbolic type, taken from the Jewish world itself, criticizing the explanation of a rational type that Maimonides gave, making use of philosophy, something foreign to Jewish thought, which is self-sufficient (Rodríguez Carmona, 2001, pp. 275-276).

The above serves to clarify that the transformations of Jewish orthodoxy begin within itself. However, at the same time, and already in post-Enlightenment times, the pressure that ultra-Orthodox communities have received, and do receive, from secular societies has been, and is, very strong.

Despite the isolation in which they try to live, modern life, with its technological, consumerist and globalizing characteristics, the mass media, the advances in science and the general influences of the ways of life abroad are little by little undermining the steadfastness of these religious groups.

<sup>16</sup> Following what is prescribed in Leviticus 19:27.

<sup>17</sup> They cover their hair or shave it on the day of their marriage, so that no one can see it anymore.

The English specialist in Hebrew studies Nicholas De Lange, in his extensive work *Judaism*, ventures to chart the future of this religion, threatened by external anti-Semitic pressures, its declining demographic trends, which have not yet been able to recover from the Holocaust, the conflicts Arab-Israeli politicians and, within the current State of Israel, social transformations, confessional pluralism, interreligious dialogue with Christianity and Islam and Jewish "theology" that, to this day, seems to be paralyzed and lacking dynamism (De Lange, 2011, pp. 351-372).

Thus, the obstacles for the Jews to preserve orthodoxy and the severe way of life that it entails are many. The main one is their location and the role they play in the social fabric of the countries they inhabit, where they try to reconcile secular civil laws with religious faith. Taking the State of Israel as an example, it is known that in it the Haredi or ultra-Orthodox Jews suffer political pressures that urge them to contribute to the payment of taxes or to fulfill military service like any other Israeli citizen, to which they resist, exterminating an evident rejection of all secular partisanship and Zionist manifestation. Paradoxically, as has already been anticipated, the precarious economic situation in which the Haredi live pushes them, on many occasions, to ask for financial support from the State itself, which they despise.

The harsh, almost permanent conditions they suffer also make them dependent on aid or remittances from relatives or other foreign Jewish communities, although, on the other hand, they necessarily belong to economic systems that are "abominable" from the point of view ultra-orthodox. These contradictions have a dissolving effect on the fundamental principles of this current, constituting a gateway to another type of society and world: "a modern world."

This influence is recognized to a greater extent in young people, who no longer agree to receive only the instruction offered by schools or yeshivas, nor to dedicate themselves to the exclusive study of the Scriptures, having as their only professional horizon to become rabbis, and this in the men.

Trades such as a doctor, archaeologist, musician or military are work fantasies that haunt the heads of youth, making them think and conceive ways of reconciling them with laws and religious practices. It is even known, for example, of ultra-Orthodox members of political parties, in order to contribute with their votes to support various proposals of these, and thus be able to receive, in return, the promise of respecting and defending their customs in government institutions and beliefs<sup>18</sup>.

These aspirations then pose the problem of equality between men and women, since many young women want to have a profession, or the opportunity to develop innate skills in them, such as those related to the arts, questioning the fulfillment of ancestral practices that they are forced to dedicate themselves to household chores, when they could work and contribute with their own income to the family economy; raising a large number of children, or shaving hair or hiding it under a wig when they marry are other feminine obligations that tend to be refuted and modified over time.

As regards the Orthodox or Hasidic communities, the opening towards a new orthodoxy occurs unstoppably, but almost imperceptibly. Music has been a determining factor in its flexibility. Hasidic Jews, who admit music as a religious-spiritual practice, go beyond the limits of ritual to join, with their musical competence, other artistic and cultural spheres of secular orientation. This is the case of the Argentine-Jewish rock band *Atzmus*, which, positioning itself in a new social space, that of rock and roll,

amalgamates a universalizing and a communitarian-ethnicizing way of projection of the Kabbalah and Hasidism, a process that is related to the construction of meaning about their practices [...] *Atzmus's* music is not exclusively intended for communitarized orthodox Jews nor does it seek to strengthen a community in particular, which accounts for the de-ethnicization of Hasidism (Setton, 2015).

<sup>18</sup> In 2013, an Ashkenazi ultra-Orthodox Jew and another Sephardic Jew were elected to preside over the Chief Rabbinate of Israel, a council that has jurisdiction over many aspects of Jewish life in the State.

Contrary to what it might seem, this band does not completely break with Jewish orthodoxy: two of its members declare themselves to be orthodox Jews, the lyrics of their songs have clear Hasidic and Kabbalistic references, and, in general, they conduct themselves while maintaining rigid principles of Halakha, such as the absence of female singers, in response to the ancient rule that prohibits men from listening to a woman sing. All this makes Damian Setton think that in this artistic manifestation Jewish orthodoxy is not lost, but rather expands.

Like any other religion, Judaism, in its strictest versions, is forced today to "coexist" with all kinds of secular and liberal sectors, which sparks debate and controversy over whether or not it needs progressive adaptability. current reality, or its defense not only as religion, but as a differentiating identity element:

The relationship between morality, Jewish religious truths, and social role in a progressively more complex society in the modern state takes on various aspects within Jewish understanding itself, particularly in light of discussions of liberal assimilation, the new orthodoxy, and the increasingly common manifestations of atheism or agnosticism (Fonti, 2011, p. 46).

To this his previous reflection, the Argentine researcher Diego Fonti adds the tendency, followed since the Enlightenment by theorists of Judaism, to admit the possibility of a kind of consensus or "normalization" between the Jewish religious discipline and the advance of secularization:

First of all, Judaism has to be understood qua religion, but in addition to Judaism as culture a science can be elaborated. Modes of religious services and liturgies emerge, and of symbolic representation of the "leaders" of these communities, which would lead all of them to think of Judaism as one more confession in a progressively more tolerant State that admits freedom of worship [...] In a framework of progressive secularization, religion is no longer the founding element of Jewish identity (Fonti, 2011, p. 40).

Apart from the influence that the governments of the countries in which they are inserted have on Jewish groups, the pressure of a neoliberal, consumerist and technologized system to the extreme, the always biased and often sensationalist information of the media, and the weight of the novelties, fashions and types of behavior, increasingly secularized and highly attractive, especially for the youth (all this also added to internal divergences), act as disruptive elements of the old orthodoxy, and as accelerators of the implantation of a "new Judaism" or "new Judaisms".

In the case of current Spanish communities, for example, the discrepancies originate around the idea that the Jews themselves have of Judaism, which is a serious disintegrating element. According to the sociologist Julia Martínez Ariño:

[...] It is in the different degree of compliance with the precepts, but above all in the justification that is made of it, where the greatest differences emerge. More specifically, the differences appear both in the severity or flexibility with which the prescriptions of the law are followed, and above all in the existence or absence of reflexivity around this observance. In fact, it is in the justification offered by people of their own practice where greater variability can be observed (Martínez Ariño, 2011, pp. 452-453).

Decision-making on aspects such as burial places, breaking up old communities to create new ones or positions to be taken on the request for greater visibility and female participation, claims contemplated in the problem of gender equality, are a frequent reason for splits and claims before the corresponding rabbinical authorities.

The issue of gender equality, together with the change in family orientation, is a thorny issue and difficult to deal with - if not impossible - within the Orthodox, but mainly among the Haredis or ultra-Orthodox, since "From their point of view, the more children a couple has, the more confident they feel of having demonstrated their superiority over the secular world and of having followed the biblical recommendation to multiply" (Álvarez, 2007, p. 40).

The Spanish researcher Ana Álvarez assumes, in the same way, the opinion of Richard Baehr, political correspondent for the American Thinker, when she affirms that "In addition, the ultra-Orthodox believe that they are called to repopulate the Jewish community after the loss suffered by the Holocaust." (Cf., Álvarez, 2007, p. 40; Baehr, 2006). Their differences with those who make up non-denominational groups are great; In the opinion of New York sociologist Samuel Heilman, "in secular societies, young people aspire to get a college degree, go out into the world of work, and succeed. The Haredim [or Haredis], on the other hand, have set their goal to have as many children as possible. This is how they interpret success" (Cf. Wattenberg, 2005; Cf., Álvarez, 2007, p. 40).

The aforementioned cases, although they do not have much social impact, are symptoms of something more important: the existence of marked internal dissensions in the Orthodox and ultra-Orthodox Jewish communities and the appearance of a gradual trend aimed at blurring the borders of the ethnic, the cultural - community and the religious that is their own and distinctive. Thus, there is a de-ethnicizing and de-communitarianizing process among Jews (Setton, 2015), a process that, in higher instances, even manifests itself in new socio-political currents.

### Conclusions

From the above, could it be said that we are facing an imminent fragmentation of Judaism? If so, would the responsibility for this rupture or danger of rupture fall almost exclusively on the generalized advance of secularization in all religious systems?

These and other questions have been raised and answered since the late twentieth century by historians and philosophers, such as British Rabbi Jonathan Sacks, who, in his abundant research production, addresses the main problems that Jews will have to face in the future that, in our millennium, it is already a present (Sacks, 1993). To do this, Sacks conducts a survey of the anthropological notion of "being Jewish", a difficult task.

For Johann Meier, a German expert in Talmudic studies, "The emergence of other movements within Judaism, non-religious Zionists, socialist internationalists, neo-Orthodox, etc., shows the impossibility of reducing the modern Jewish experience to a confessional definition" (Meier, 1988). In this sense, it would be in the conception of "Jew", built from the complexity of history, the diaspora, the different interpretations of the Law, schools, guidelines and consequent disagreements, controversies and fragmentations, where the explanation of the advance of the religious lassitude and current secularization.

Likewise, let us not forget that, despite their rejection "of the exterior", the Orthodox and ultra-Orthodox Jewish communities live in the realm of modernity, which is why their members enter into controversy with the consciousness of being a modern subject, characterized by, among many other singularities, the death of the sacred, the progressive dissolution of the religious and the affirmation above all of the subjective and secular reason of man.

Product of the previous trend, today, as in all our belief systems, heterodoxy rises among Jews, challenging their ability to maintain their Orthodox unity in the face of growing heterodox diversity. Only the depth and richness of a millennial message can find forms of dialogue and consensus that prevent the new currents from ending up being elements of the extermination of a religion and a culture more than arcane.

Faced with this imminence, Christians should take due precautions, since, in some way, we are indebted to Judaism and inheritors of its tradition collected in the Old Testament, a set of precursor texts of our faith. However, remember that "What unites the Jews is not a belief, but a history: the deep sense of a common origin, and a shared past and destiny" (De Lange, 2011, p. 55), which, As has been demonstrated several times, it conspires, and will always conspire, any extermination of this group with a definitive character.

## References

- ÁLVAREZ, A. (2007). “La corriente ortodoxa dentro del judaísmo estadounidense: evolución y distanciamiento”, *UNISCI Discussion Papers*, N° 14. Madrid: Universidad Complutense de Madrid, pp. 29-45.
- ARIEL, D. (1995). *What Do Jews Believe*. New York: Schocken Books.
- ATTIAS, J.-Ch. (2014). “Judaïsme. Une mosaïque de sensibilités”, *Le monde des religions*, N° 22. Online: <https://www.jeanchristopheattias.net/wp-content/uploads/2014/06/lemondedesreligions.pdf>. Accessed: October 1, 2020.
- BAEHR, R. (2006). “The Exit Polls and the Jewish Vote”, *American Thinker*. Online: [http://www.americanthinker.com/2006/11/the\\_exit\\_polls\\_and\\_the\\_jewish.html](http://www.americanthinker.com/2006/11/the_exit_polls_and_the_jewish.html). Accessed: September 29, 2020.
- BARRIUSO, A. y J. M. LAUREIRO (2020). “¿Qué es ser judío?”, *Tarbut Sefarad. Red de Cultura Judía*. Online: <https://www.tarbutsefarad.com>. Accessed: September 19, 2020.
- BERTHELOT, M. (2008). “Aproximación a las principales corrientes actuales del judaísmo religioso y laico en Occidente y España”, *Miscelánea de Estudios Árabes y Hebraicos (MEAH)*, Sección Hebreo, N° 57. Granada: Universidad de Granada, pp. 79-108.
- La Biblia Latinoamericana* (2005). Madrid: San Pablo / Verbo Divino.
- DE LANGE, N. (2011). *El Judaísmo*. Madrid: Akal.
- FELLOUS, S. (2008). *Histoire du judaïsme, Documentation photographique*, dossier N° 8065. Collège public Luis Ortiz ST DIZIER, pp. 2-6. Online: [https://sitetab2.ac-reims.fr/clg-luis-ortiz/-spip-/IMG/article\\_PDF/article\\_a61.pdf](https://sitetab2.ac-reims.fr/clg-luis-ortiz/-spip-/IMG/article_PDF/article_a61.pdf). Accessed: September 30, 2020.
- FONTI, D. (2011). “Judaísmo y Modernidad. Análisis de una tensa relación desde las perspectivas de Mendelssohn, Cohen y Rosenzweig”, *Sociedad y Religión: Sociología, Antropología e Historia de la Religión en el Cono Sur*, Vol. XXI, N° 34-35. Buenos Aires: Centro de Estudios e Investigaciones Laborales, pp. 32-58.
- Israel (2020). Consulate General of Israel in Los Angeles. Online: <https://embassies.gov.il/la/Pages/default.aspx>. Accessed: September 18, 2020.
- MACÍAS KAPÓN, U. y R. IZQUIERDO BENITO (2005). *El judaísmo uno y diverso*. Cuenca: Universidad de Castilla La Mancha.
- MALLIMACI, F. (2008). *Modernidad, religión y memoria*. Buenos Aires: Colihue.
- MARTINEZ ARIÑO, J. (2011). *Las comunidades judías contemporáneas de Cataluña* (Tesis Doctoral). Barcelona: Universidad Autónoma de Barcelona.
- MEIER, J. (1988). *Das Judentum. Von der biblischen Zeit bis zur Moderne*. Bindlach: Gondrom.
- NATHAN, P. (2005). *¿Ortodoxia judía?* Online: <https://www.vision.org/es/ortodoxia-judia-2814>. Accessed: October 2, 2020.
- RODRÍGUEZ CARMONA, A. (2001). *La religión judía. Historia y teología*. Madrid: BAC.
- SACKS, J. (1993). *One people? Tradition, Modernity and Jewish Unity*. Liverpool: Liverpool University Press.
- SAIDEL, M. (1968). *Interpretación de la historia del pueblo judío*. Buenos Aires: Diálogo.
- SETTON, D. (2016). “Jasidismo, cábala y rock en el proyecto musical de Atzmus”, *Alteridades*, N° 51. México: UAM Iztapalapa. Online: <https://alteridades.izt.uam.mx/index.php/Alter/article/view/872/989>. Accessed: September 5, 2020.

STOFENMACHER, M. (2005). “El judaísmo conservador”, *El judaísmo uno y diverso* (Coords. Macías Kapón, U. y R. Izquierdo Benito). Cuenca: Universidad de Castilla La Mancha, pp. 233-244.

TREBOLLE BARRERA, J. (2005). “El monoteísmo judío: identidad y alteridad”, *El judaísmo uno y diverso* (Coords. Macías Kapón, U. y R. Izquierdo Benito). Cuenca: Universidad de Castilla La Mancha, pp. 11-30.

WATTENBERG, B. J y J. KADDEN (2005). *Jewish Babies*. American Enterprise Institute for Public Policy Research. Online: <https://www.aei.org/articles/jewish-babies/>. Accessed: September 30, 2020.

[Title in Times New Roman and Bold No. 14 in English and Spanish]

Surname (IN UPPERCASE), Name 1<sup>st</sup> Author†\*, Surname (IN UPPERCASE), Name 1<sup>st</sup> Coauthor, Surname (IN UPPERCASE), Name 2<sup>nd</sup> Coauthor and Surname (IN UPPERCASE), Name 3<sup>rd</sup> Coauthor

*Institutional Affiliation of Author including Dependency (No.10 Times New Roman and Italic)*

International Identification of Science - Technology and Innovation

ID 1<sup>st</sup> Author: (ORC ID - Researcher ID Thomson, arXiv Author ID - PubMed Author ID - Open ID) and CVU 1<sup>st</sup> author: (Scholar-PNPC or SNI-CONACYT) (No.10 Times New Roman)

ID 1<sup>st</sup> Coauthor: (ORC ID - Researcher ID Thomson, arXiv Author ID - PubMed Author ID - Open ID) and CVU 1<sup>st</sup> coauthor: (Scholar or SNI) (No.10 Times New Roman)

ID 2<sup>nd</sup> Coauthor: (ORC ID - Researcher ID Thomson, arXiv Author ID - PubMed Author ID - Open ID) and CVU 2<sup>nd</sup> coauthor: (Scholar or SNI) (No.10 Times New Roman)

ID 3<sup>rd</sup> Coauthor: (ORC ID - Researcher ID Thomson, arXiv Author ID - PubMed Author ID - Open ID) and CVU 3<sup>rd</sup> coauthor: (Scholar or SNI) (No.10 Times New Roman)

(Report Submission Date: Month, Day, and Year); Accepted (Insert date of Acceptance: Use Only ECORFAN)

**Abstract (In English, 150-200 words)**

Objectives  
Methodology  
Contribution

**Abstract (In Spanish, 150-200 words)**

Objectives  
Methodology  
Contribution

**Keywords (In English)**

Indicate 3 keywords in Times New Roman and Bold No. 10

**Keywords (In Spanish)**

Indicate 3 keywords in Times New Roman and Bold No. 10

**Citation:** Surname (IN UPPERCASE), Name 1st Author, Surname (IN UPPERCASE), Name 1st Coauthor, Surname (IN UPPERCASE), Name 2nd Coauthor and Surname (IN UPPERCASE), Name 3rd Coauthor. Paper Title. Journal of Social Researches. Year 1-1: 1-11 [Times New Roman No.10]

\* Correspondence to Author (example@example.org)

† Researcher contributing as first author.



**Introduction**

Text in Times New Roman No.12, single space.

General explanation of the subject and explain why it is important.

What is your added value with respect to other techniques?

Clearly focus each of its features

Clearly explain the problem to be solved and the central hypothesis.

Explanation of sections Article.

**Development of headings and subheadings of the article with subsequent numbers**

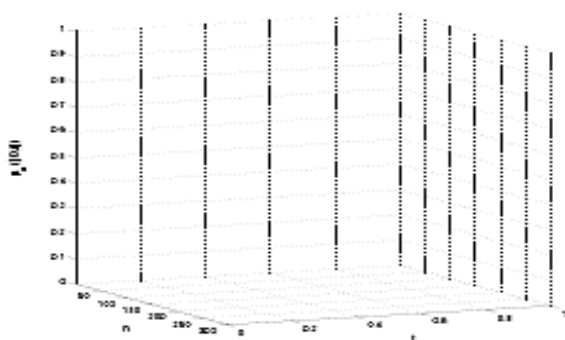
[Title No.12 in Times New Roman, single spaced and bold]

Products in development No.12 Times New Roman, single spaced.

**Including graphs, figures and tables-Editable**

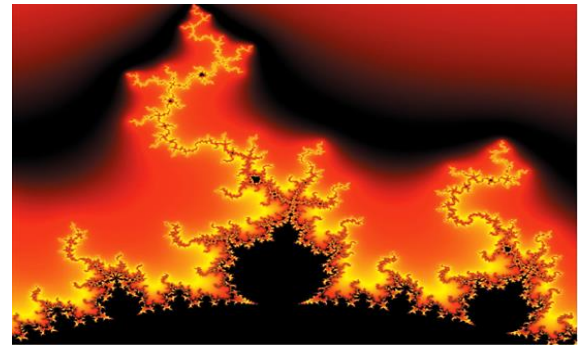
In the article content any graphic, table and figure should be editable formats that can change size, type and number of letter, for the purposes of edition, these must be high quality, not pixelated and should be noticeable even reducing image scale.

[Indicating the title at the bottom with No.10 and Times New Roman Bold]



**Graphic 1** Title and *Source (in italics)*

Should not be images-everything must be editable.



**Figure 1** Title and *Source (in italics)*

Should not be images-everything must be editable.


**Table 1** Title and *Source (in italics)*

Should not be images-everything must be editable.

Each article shall present separately in **3 folders**:  
 a) Figures, b) Charts and c) Tables in .JPG format, indicating the number and sequential Bold Title.

**For the use of equations, noted as follows:**

$$Y_{ij} = \alpha + \sum_{h=1}^r \beta_h X_{hij} + u_j + e_{ij} \tag{1}$$

Must be editable and number aligned on the right side.

**Methodology**

Develop give the meaning of the variables in linear writing and important is the comparison of the used criteria.

**Results**

The results shall be by section of the article.

**Annexes**

Tables and adequate sources

**Thanks**

Indicate if they were financed by any institution, University or company.

**Conclusions**

Explain clearly the results and possibilities of improvement.

## References

Use APA system. Should not be numbered, nor with bullets, however if necessary numbering will be because reference or mention is made somewhere in the Article.

Use Roman Alphabet, all references you have used must be in the Roman Alphabet, even if you have quoted an Article, book in any of the official languages of the United Nations (English, French, German, Chinese, Russian, Portuguese, Italian, Spanish, Arabic), you must write the reference in Roman script and not in any of the official languages.

## Technical Specifications

Each article must submit your dates into a Word document (.docx):

Journal Name

Article title

Abstract

Keywords

Article sections, for example:

*1. Introduction*

*2. Description of the method*

*3. Analysis from the regression demand curve*

*4. Results*

*5. Thanks*

*6. Conclusions*

*7. References*

Author Name (s)

Email Correspondence to Author

References

## Intellectual Property Requirements for editing:

-Authentic Signature in Color of Originality  
Format Author and Coauthors

-Authentic Signature in Color of the Acceptance  
Format of Author and Coauthors

## **Reservation to Editorial Policy**

Journal of Social Researches reserves the right to make editorial changes required to adapt the Articles to the Editorial Policy of the Journal. Once the Article is accepted in its final version, the Journal will send the author the proofs for review. ECORFAN® will only accept the correction of errata and errors or omissions arising from the editing process of the Journal, reserving in full the copyrights and content dissemination. No deletions, substitutions or additions that alter the formation of the Article will be accepted.

## **Code of Ethics - Good Practices and Declaration of Solution to Editorial Conflicts**

### **Declaration of Originality and unpublished character of the Article, of Authors, on the obtaining of data and interpretation of results, Acknowledgments, Conflict of interests, Assignment of rights and Distribution.**

The ECORFAN-Mexico, S.C Management claims to Authors of Articles that its content must be original, unpublished and of Scientific, Technological and Innovation content to be submitted for evaluation.

The Authors signing the Article must be the same that have contributed to its conception, realization and development, as well as obtaining the data, interpreting the results, drafting and reviewing it. The Corresponding Author of the proposed Article will request the form that follows.

Article title:

- The sending of an Article to Journal of Social Researches emanates the commitment of the author not to submit it simultaneously to the consideration of other series publications for it must complement the Format of Originality for its Article, unless it is rejected by the Arbitration Committee, it may be withdrawn.
- None of the data presented in this article has been plagiarized or invented. The original data are clearly distinguished from those already published. And it is known of the test in PLAGSCAN if a level of plagiarism is detected Positive will not proceed to arbitrate.
- References are cited on which the information contained in the Article is based, as well as theories and data from other previously published Articles.
- The authors sign the Format of Authorization for their Article to be disseminated by means that ECORFAN-Mexico, S.C. In its Republic of Nicaragua considers pertinent for disclosure and diffusion of its Article its Rights of Work.
- Consent has been obtained from those who have contributed unpublished data obtained through verbal or written communication, and such communication and Authorship are adequately identified.
- The Author and Co-Authors who sign this work have participated in its planning, design and execution, as well as in the interpretation of the results. They also critically reviewed the paper, approved its final version and agreed with its publication.
- No signature responsible for the work has been omitted and the criteria of Scientific Authorization are satisfied.
- The results of this Article have been interpreted objectively. Any results contrary to the point of view of those who sign are exposed and discussed in the Article.

## Copyright and Access

The publication of this Article supposes the transfer of the copyright to ECORFAN-Mexico, SC in its Holding Republic of Nicaragua for its Journal of Social Researches, which reserves the right to distribute on the Web the published version of the Article and the making available of the Article in This format supposes for its Authors the fulfilment of what is established in the Law of Science and Technology of the United Mexican States, regarding the obligation to allow access to the results of Scientific Research.

Article Title:

Name and Surnames of the Contact Author and the Coauthors	Signature
1.	
2.	
3.	
4.	

## Principles of Ethics and Declaration of Solution to Editorial Conflicts

### Editor Responsibilities

The Publisher undertakes to guarantee the confidentiality of the evaluation process, it may not disclose to the Arbitrators the identity of the Authors, nor may it reveal the identity of the Arbitrators at any time.

The Editor assumes the responsibility to properly inform the Author of the stage of the editorial process in which the text is sent, as well as the resolutions of Double-Blind Review.

The Editor should evaluate manuscripts and their intellectual content without distinction of race, gender, sexual orientation, religious beliefs, ethnicity, nationality, or the political philosophy of the Authors.

The Editor and his editing team of ECORFAN® Holdings will not disclose any information about Articles submitted to anyone other than the corresponding Author.

The Editor should make fair and impartial decisions and ensure a fair Double-Blind Review.

### Responsibilities of the Editorial Board

The description of the peer review processes is made known by the Editorial Board in order that the Authors know what the evaluation criteria are and will always be willing to justify any controversy in the evaluation process. In case of Plagiarism Detection to the Article the Committee notifies the Authors for Violation to the Right of Scientific, Technological and Innovation Authorization.

### Responsibilities of the Arbitration Committee

The Arbitrators undertake to notify about any unethical conduct by the Authors and to indicate all the information that may be reason to reject the publication of the Articles. In addition, they must undertake to keep confidential information related to the Articles they evaluate.

Any manuscript received for your arbitration must be treated as confidential, should not be displayed or discussed with other experts, except with the permission of the Editor.

The Arbitrators must be conducted objectively, any personal criticism of the Author is inappropriate.

The Arbitrators must express their points of view with clarity and with valid arguments that contribute to the Scientific, Technological and Innovation of the Author.

The Arbitrators should not evaluate manuscripts in which they have conflicts of interest and have been notified to the Editor before submitting the Article for Double-Blind Review.

## **Responsibilities of the Authors**

Authors must guarantee that their articles are the product of their original work and that the data has been obtained ethically.

Authors must ensure that they have not been previously published or that they are not considered in another serial publication.

Authors must strictly follow the rules for the publication of Defined Articles by the Editorial Board.

The authors have requested that the text in all its forms be an unethical editorial behavior and is unacceptable, consequently, any manuscript that incurs in plagiarism is eliminated and not considered for publication.

Authors should cite publications that have been influential in the nature of the Article submitted to arbitration.

## **Information services**

### **Indexation - Bases and Repositories**

LATINDEX (Scientific Journals of Latin America, Spain and Portugal)

RESEARCH GATE (Germany)

GOOGLE SCHOLAR (Citation indices-Google)

REDIB (Ibero-American Network of Innovation and Scientific Knowledge- CSIC)

MENDELEY (Bibliographic References Manager)

## **Publishing Services**

Citation and Index Identification H

Management of Originality Format and Authorization

Testing Article with PLAGSCAN

Article Evaluation

Certificate of Double-Blind Review

Article Edition

Web layout

Indexing and Repository

Article Translation

Article Publication

Certificate of Article

Service Billing

## **Editorial Policy and Management**

Southwest Avenue, San Sebastian – León-Nicaragua. Phones: +52 1 55 6159 2296, +52 1 55 1260 0355, +52 1 55 6034 9181; Email: [contact@ecorfan.org](mailto:contact@ecorfan.org) [www.ecorfan.org](http://www.ecorfan.org)

**ECORFAN®**

**Chief Editor**

VALLE-CORNAVACA, Ana Lorena. PhD

**Executive Director**

RAMOS-ESCAMILLA, María. PhD

**Editorial Director**

PERALTA-CASTRO, Enrique. MSc

**Web Designer**

ESCAMILLA-BOUCHAN, Imelda. PhD

**Web Diagrammer**

LUNA-SOTO, Vladimir. PhD

**Editorial Assistant**

REYES-VILLO, Angélica. BsC

**Translator**

DÍAZ-OCAMPO, Javier. BsC

**Philologist**

RAMOS-ARANCIBIA, Alejandra. BsC

**Advertising & Sponsorship**

(ECORFAN® Nicaragua), [sponsorships@ecorfan.org](mailto:sponsorships@ecorfan.org)

**Site Licences**

03-2010-032610094200-01-For printed material ,03-2010-031613323600-01-For Electronic material,03-2010-032610105200-01-For Photographic material,03-2010-032610115700-14-For the facts Compilation,04-2010-031613323600-01-For its Web page,19502-For the Iberoamerican and Caribbean Indexation,20-281 HB9-For its indexation in Latin-American in Social Sciences and Humanities,671-For its indexing in Electronic Scientific Journals Spanish and Latin-America,7045008-For its divulgation and edition in the Ministry of Education and Culture-Spain,25409-For its repository in the Biblioteca Universitaria-Madrid,16258-For its indexing in the Dialnet,20589-For its indexing in the edited Journals in the countries of Iberian-America and the Caribbean, 15048-For the international registration of Congress and Colloquiums. [financingprograms@ecorfan.org](mailto:financingprograms@ecorfan.org)

**Management Offices**

Southwest Avenue, San Sebastian – León-Nicaragua.

# Journal of Social Researches

“The challenges of the mexican state in the application of the rules of international law in the protection of the rights of unaccompanied irregular migrant girls and children”

**ZUÑIGA, Blanca Lorena, CARRILLO, María Guadalupe, RAMOS, Cristina Liliana and ARREOLA, Miguel Ángel**

*Universidad Autónoma de Chihuahua*

“Retrospective Mexican model of research managing: challenges and perspectives”

**ESCOBEDO-MORATILLA, Abraham & VÁZQUEZ-ELORZA, Ariel**

“Insights on the theoretical causes of labour informality: the indivisibility of hours”

**QUINTERO-ROJAS, Coralia A. & MÉNARD, Sébastien**

*Universidad de Guanajuato*

*GAINS, Le Mans University*

“Historicity, continuity and neo-orthodoxy in contemporary Judaism”

**SÁNCHEZ-USÓN, María José & VILLEGAS-SÁNCHEZ, María José**

*Universidad Autónoma de Zacatecas*

*Universidad Iberoamericana*

