

The Preservation of the Language as An Element of Identity in Mexico: A Political Challenge

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Abstract: In the new text of the first constitutional article, since the reform in June 2011¹, in Mexico, the concept of “Human Rights” has prevailed; all native children, as part of a social group, have the right to know the culture of their community in their own native language, as it is only by learning the very meaning of their language that they will develop their own personal and collective identity, which will allow them to really “be” and “feel” indigenous.

Key words: identity, culture, language, human rights

A person is considered illiterate when they are unable to read or write a simple text about their everyday life, and understanding its meaning.

Glossary of Educational Terms. UNESCO, 2005.

1. Introduction

The study and analysis of this paper stems from of a series of questions with concerning answers, which originate from the sociocultural perception of the members of the indigenous groups, as well as the perception of the authorities, in which a background of cultural diversity can be observed.

Such cultural diversity becomes — due to multifactorial aspects within numerous communities in the same place — a unique State, which regardless of its own cultural diversity, opposes and contributes to the influence of other cultural diversity of any other State. Thus, transculturation obeys to factors which are political, economic, social etc. However, each State has their own programs to preserve the cultural manifestations which characterize them. The Mexican State institutionalizes such responsibility.

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¹ First title, Chapter I of *Human Rights and Their Guarantees*.

Article 1. In the Mexican United States every individual shall enjoy the guarantees and the human rights granted by this Constitution. Those rights are recognized in the International Treaties in which this country participates, and cannot be restricted or suspended except in such cases and under such conditions as are herein provided.

The norms related to human rights will be interpreted according to this Constitution and to the International Treaties and they provide the maximum protection to individuals at all times. All the authorities shall promote, respect, protect and guarantee the human rights in accordance with the principles of universality, interdependency, indivisibility and progress. Hence, the State shall prevent, research, penalize and repair the violations to human rights in accordance with the law.

Slavery is illegal in Mexico; any slaves from abroad who enter national territory will, by this mere act, be freed and given the full protection of the law. All types of discrimination whether it be for ethnic origin, national origin, gender, age, different capacities, social condition, health condition, religion, opinions, preferences, or civil state or any other which attack human dignity and has as an objective to destroy the rights and liberties of the people are forbidden.

To reflect on one's own identity is a very profound matter that a human being can face. The question "Who am I?" initiates the very original inquiring about human beings, and it is not a superficial topic. Following this line of thought, it is necessary to ask ourselves another question: How would we feel if we did not have that sense of being meaningful in life and that we may continue to be so beyond our consummation? So, recognition is the confirmation of the abilities, habits, talents and skills of oneself, and it is then the discovery of a new dimension in a reality that has already been established; in the simplest of terms, it is the recognition of others as their equals. Recognizing who we are and what we mean raises a sense of belonging within ourselves, a sense of identity.

That sense of being is possible thanks to the group to which one belongs to, and that is the sense of life, both in the meaning of being someone and of doing something in life, and that is why identity is determined by groups, races, languages, religion, ideology, and beliefs; in simple words, by shared values. We do not decide ourselves who we become, or who we are, rather, we do it through social interaction, struggling in life and also through the fact of having our own existence recognized by others.

Interacting in different cultural spaces is necessary to create new ways, visions, feelings, and ideologies, all which are inherent characteristics of human nature in the creation of a new world; nothing can be created without a tradition preceding it.

The past is never conceived as such, but it is rather engraved in the present: when things happened, it was present. The same happens with the future. Thus, the idea of the actual moment is not a unique point, but rather a crossroad: the present actualizes all past moments and potentializes all future ones (Benoist, 1982, p. 141).

The history of man in society is the story of the eternal adaptation of people to their environment and of human beings interacting with others. Their identity is reassured through either the comparison to others' identity or sometimes through the opposition to it.

We are, regardless of our own individual personalities, live and changing collective identities which are defined day by day through the interactions in which we are immersed.

It is our relations — private or public — of any nature: social, political, cultural, or economic, within a specific context, regional or national, what gives meaning to what we are, and at the same time they define our future; they define our culture.

The object of study of this paper is indigenous children, who are regarded as the basis where the responsibility of spreading the culture lies on, being able to preserve it or to allow meaningful changes, due to their social reality. Culture is the system of symbols that human beings have in order to make their own existence meaningful. These systems of symbols created and shared by man, are conventional, and moreover, learned, but more importantly, they provide human beings with a meaningful context in which they can have orientation in their reciprocal relationships, in their relation with the world around them and in the relation with themselves. Even when all the cultural contributions may stay immersed in this concept, I fully support the idea of culture being a historically transmitted pattern of meanings embodied in symbols, a system of inherited conceptions expressed in symbolic forms by means of which men communicate, perpetuate, and develop their knowledge about and attitudes toward life (Geertz, 2005, p. 88), in other words, the main feature in this concept is symbols.

Language is the first element which gives identity; it is defined from the inside of a community, and its spread and development intends not only to preserve it, but also to provide support to those who can preserve it. In this case, it is children, who in these processes of interaction configure their identity — both individual and collective — by using their native language, since the meaning of the objects and the words is not naturally acquired, but rather stems from the social context; which all in all is what allows the child to know and interpret the world.

The matter of a native language as a primary right of indigenous children can be approached from a number of varied and interesting points of view. However, for the purposes of this study, it will be analyzed focusing on the construction of individual and collective identity, considering children as a fundamental part of a given indigenous community. Children have the right to know their culture, by reaching a deep comprehension of their own language, in other words, in order for these children to really get to know their culture they must learn it in their own language and within the context of the community they belong to, otherwise, acquiring language outside their community will only result in the learning of isolated letters, incorrect word sense — from the perspective of the community, and ideas which are not linked to the specific reality of the indigenous community because they will not have the proper cultural framework to give meaning to everything they learn.

The second Article in the Constitution of the United Mexican States claims that the Nation is pluricultural based originally on its indigenous tribes, and it is evident that pluriculturality can only lie on the foundation of plurilinguism.

Since the constitutional reform of June 2011, the contents of this article, which previously established that all individuals shall have the guarantees recognized. However, the reform states that all individuals shall enjoy the Human Rights recognized in the Constitution of the United Mexican States, and in the International Treaties which the State takes part in. That is to say, the meaning of protection, regarding the rights to be granted, was extended.

As for the fact of being able to enjoy the Human Rights, in the case of indigenous people, we should start from the premise that the guiding principle is precisely “being an indigenous child” as a social being, both individually and collectively.

According to what was mentioned above, symbolic interactionism is established as the framework theory of this paper.

George H. Mead’s work is mainly regarded, within the symbolic interactionism, as the theoretical framework due to its particular approach to the study of interactions. These interactions take place when two individuals meet, in the presence of one another, in a determined physical space and among other members of the community, which will help them understand the concepts of selfness and other-ness. Symbolic interactionism is the school of thought that studies the life of individuals and their behavior in social groups.

Symbolic interaction is based on the usage of meaningful symbols, and language is regarded as a vast system of symbols; words are symbols used to give meaning to things, and it is because of words that all of the other symbols can be described. Language is an important feature as a means for social construction as well as an expression of life experiences within the following basic principles:

- (1) Human beings are capable of thought.
- (2) This capacity for thought is shaped by social interaction.
- (3) It is through social interaction that people learn the meanings and the symbols which allow them to perform their distinctively human thinking capabilities.
- (4) Meanings and symbols allow people to act and interact distinctively as human beings, they provide the basis in early childhood, within their families.
- (5) People are able to modify or alter the meanings and the symbols they use in the action and interaction, based on their very own interpretation.
- (6) People may cause modifications or alterations due to their capacity to interact with themselves, which is precisely what allows them to examine the possible courses of action and to evaluate the advantages and

disadvantages in order to make a decision.

(7) The intertwining of interaction and action constitutes groups and societies.

The initial theoretical premise is: an individual as a social being lives in interaction with other individuals and/or groups, and those processes of interaction are the ones that contribute decisively to the configuration of the individual's personality.

Thus, in Mead's interactionism, the main object of study is the processes of interaction, and research of those processes is based on a particular concept of interaction which emphasizes the symbolic character of social action.

When focusing on this area of an individual's social development, it is necessary to give attention to normativity, whose foundations lie in the social reality the members of a community, a society or a nation live. That is why the focus of the present paper is not legal, but rather metalegal.

Interactions become the specific object of study, since it is within family where children learn the meaning of various symbols, and they will also learn the interpretations which are to be given to each one of these symbols. Those interpretations will vary, depending of different factors: religion, social context, physical and geographical environment, among others. Symbolic interaction flows preponderantly in the development of individual and collective identity. And so, this identity decisively influences the production and reproduction of the culture of each community and of each Nation.

Mead takes, from Blumer's theory, the proposal that collective and reciprocal relations shape a community or a society, and from that premise of symbolic interactionism three fundamental principles are derived:

(1) Individuals act toward things and other individuals based on the meanings they have for them.

(2) The origin of meaning is a product of the individual's social context, since it is generated from the interactions with others.

(3) The individual uses meaning through their own interpretation, which has been collectively conceived and thus, conveys a variety of meanings.

Hence, the sense or meaning of objects, words, and spaces is not natural, it arises from social agreement, and it is changing as well. It allows social actors to know and interpret the world, to have a world view of their own, but at the same time inherited.

A word does not really have a meaning by itself; it is only a group of symbols or sounds, it is strictly a "signifier"; the significance comes only after the signifier has been interpreted by a person. Therefore, the sign is a combination of both significance and signifier (Saussure, 1945, p. 93), which are acquired through interaction. A language can well be learned outside the community where it originated, but it is only inside the community where the sounds and letters will make sense, and have a real meaning.

Although it is true that interactionism has been object of criticism regarding its limited field of study, because it only analyzes personal interactions; or its lack of research on relations of power, authority or domination; or its narrow focus on the study of the relation of independence between society and the individual. It is also true that those social phenomena are not the object of study of this paper.

Consequently, the contributions of symbolic interactionism, even before it became known as such, are the ideal framework to study why it is necessary to fully understand that the development of identity in children starts in early years through interaction processes, since it is precisely language what allows them to learn in context as they interact with others.

It is in that phase of experience in which we are immediately conscious of conflicting impulses that rob the object of its character as object-stimulus, leaving us in attitude of subjectivity; but during which a new

object-stimulus appears due to the reconstructive activity which is identified with the subject “I” as distinct from the object “Me” (Joas, 1995, p. 120). The human capacity of learning and using symbols whose meanings are agreed and shared in a determined community, allows communication and an interpretation of what an object, image, or action represents to a society; since the elements “Me – I” are built individually, but they are defined socially, as a result of the symbolic interactions which link society with each one of its members.

The development of identity based on interaction is the key element in Mead’s theory, taking as a starting point the contribution of concepts such as: the *I*, the *Me* and the *self*, which fundamentally originate from the interactions as a natural element in societies. Due to the fact that an individual interacts with others when he finds elements or objects (physical and social) that are familiar to him and those elements acquire meaning through symbolic interaction. Human beings’ reflexive capacity has two parts: the “I” and the “Me”, which are analyzed within the framework of social interaction.

Interactions are based on the theoretical conception of “being” human, as a product and a producer of their own social reality; interactionism focuses on attitude and meaning; the core element of symbolic interactionism is the “I” or personality (Martindale, 1979, p. 397). The interpretation and meaning of actions are the result of interactions, these thus have an “intention and an object”; the meaning is objective, whereas the interpretation is intersubjective.

The “self” refers to the reflective capacity of the person, and it has two components: the “I” and the “Me”. The “I” is the reactive part of an individual toward the attitudes of others, it is what the person provides, through their responses, in the interaction with others; every attitude the “I” has toward others is somewhat novel, it is the contribution of the individual; the “I” gives a sense of freedom, of initiative.

The “Me”, on the other hand, represents a definite organization of the community in our own attitudes, which calls for a response, but the response that takes place is something that just happens. There is no certainty in regard to it (Mead, 1934, p. 233).

The relation between the ‘I’ and the ‘Me’ is interesting, they are entities which exist independently from one another, and yet they belong to each other, they come together, they are both parts of a whole; their separation is not fictitious, it is real, they are not identical.

The “I” is neither calculable, not predictable, the “Me” calls for a response from the individual accordingly to the situation. Nevertheless, the “I”, which is the entity that provides the response, will never give a perfectly appropriate response to each situation; the “I” both calls out the “me” and responds to it, and taken together they constitute a personality as it is in social experience.

The “self” is essentially an ongoing social progress with two distinctive phases (the “I” and the “Me”) and, if these two phases did not exist, there could not be conscious responsibility, and there would be nothing novel in experience.

When an individual is in possess of a self, it must be understood that it is an object² to itself, i.e., each individual is able to perceive himself, to have a conception of himself and to obey reflexively, towards himself (Nosnik, 1986). Mead makes a distinction between the physiological organism and the self. The first one is there when we are born; the second is developed in the process of interaction of the individual with his environment. It is here where we have to highlight the group of human relations because it is precisely this evidenced experience,

² An object is everything which can be indicated, pointed at, or to which one can refer to. The nature of an object is the meaning that it conveys to the person who considers it as such.

dramatized by the acquisition of the language that works as a basis for the self.

We reach the conclusion that, a situation is real if the integrating elements define it as such. From the theoretical interactionist position, men build up the truth; i.e., the truth by itself does not exist, it is necessary to build and validate it socially. From this approach, society is not a complex net of groups, cultures and traditions shaped throughout history anymore, but a group of individuals who consider themselves as equal (Florescano, 1999, p. 278).

The social content of this objectification is the capacity of each person to see himself through the different points of view of the members or the general point of view of the group which they belong to. Indigenous children acquire a self when they do the activities that are part of a certain environment or a social context of experiences or conducts where everybody (the person and the others) is involved.

Reflective abilities deserve special attention since they are the abilities each person has of being his own object of knowledge. They are possible since they are considered part of a social whole: their group. Individual and collective consciousness.

It is impossible to think of the appearance of a “self” out of social experience (Mead, 1934, p. 204). Therefore, the awareness of oneself cannot be isolated, in a social emptiness. Self-consciousness, on the other hand, is possible because the person experiments himself both as the destiny of the others’ reflections about him, and as the idea that he is born from a social whole integrated by other individuals who are also part of this whole.

The “I” is the reaction of the organism before the others’ attitudes. The “Me” is the series of organized attitudes that we adopt from others. The others’ attitudes constitute an organized “Me” and then one reacts before them as an “I”. All those things make possible that a person exists as an object for himself, and has a reflective and thoughtful capacity, respond to the significant action that the person develops in his social activity. It is only the social aspect which enables a person, in his psychological dimension, to have a personality and integrates him to a society.

The coexistence of society and person, according to Mead, is possible through language and the use of meaningful symbols, which is exclusive to human beings.

2. Constitutional Reform

We have to take into consideration that the individual is the main focus of the legal system but it is also necessary to bear in mind that the development of the self-talking specifically about indigenous children — is the basis of what each one “is”. Therefore, the importance of the protection given to social interaction becomes a priority, since it will continue with the formation of the self as a human right. Children then will have an opportune protection of their selfness as a unique being in their process of formation.

On June 10th, 2011, an important reform related to Human Rights was published in the Political Constitution of the United Mexican States. The most important factor here was that it changed the content of Article 1, which in the past stated that every person shall be protected by all the guarantees granted by the Constitution. With this reform, apart from establishing these guarantees, it is claimed that every person’s human rights must be recognized in the Fundamental Norm and International Treaties which the Mexican State takes part in.

From reading the initiatives (other topics were addressed, such as the protection of the right to running water, the need to regulate the figure of the superior interest of the minor, the legal strength of the National Commission of Human Rights; the freedom of speech, education, etc.) of the different parliamentary parties, we can observe

issues that impulse the constitutional reform regarding Human Rights.

In the amended text, it is established that the norms related to Human Rights will be interpreted according to the Constitution and International Treaties, and they provide the maximum protection to individuals at all times.

Furthermore, after the reform, competent authorities are obliged to promote, respect, protect and guarantee human rights based on the principles of universality, interdependence, indivisibility and progress. Consequently, the State shall prevent, investigate, penalize and repair violations to human rights.

However, not all the issues previously mentioned will be approached. Only some of them will be considered and are directly related to the topic we are focusing on:

► The protection to childhood was studied, given the seriousness of the problems that minors are facing has increased considerably, especially in those countries with a higher social inequality, from which our country is not excluded.

► The need to include specifically the superior interest of boys and girls, in the legal framework of the Constitution, since it would help and force legal systems — and even public national policies — to fully recognize the rights of children in the country. In this way, not only would the protection of a vulnerable sector of society be guaranteed, but it would also contribute to the enforcement of the obligations undertaken by Mexico in different international contexts.

► The meaning of Human Rights was also discussed, as defined by the Nacional Commission of Human Rights: they constitute a set of prerogatives inherent to the nature of the individual, and their effective realization becomes essential for the comprehensive development of the individual who lives in a legally organized society. These rights, established in the Constitution and in the legal framework, must be acknowledged and guaranteed by the State.

In the same line of thought, it was stated that nowadays the Universal Declaration constitutes one of the most advanced texts in terms of promotion and defense of Human Rights, which has given a sense of universality to their conception and validity. In other words:

- They are universal because they belong to all individuals, regardless of their gender, age, social status, political preferences, religion, family origins, or economic status.
- They are unconditional because they are applicable only under the norms and procedures which set the limits of the rights themselves, that is to say, as far as the others' rights, or the interests of the community start.
- They are inalienable because they cannot be lost or transferred by our own will; they are inherent to the idea of individuals' dignity.

► It was mentioned that in recent years new rules have been generated. These rules now limit public power, where the respect of individual rights by the government has been accepted as a priority. In this matter, noticeable advances can be seen; they give account of the government's will to respect the human rights of Mexicans. This is why, in this way, over the past few years a remarkable enhancement to guarantee the full respect of human rights has been noted.

► So, it is clear that nowadays, the protection of Human Rights has become a priority for the government and for politicians. Moreover, it has become an obligation, both individual and collective for the States, and a fundamental condition for the consolidation of democracy. However, much is yet to be done.

► The initiative was aimed to strengthen and modernize the Mexican legal framework regarding the protection of the fundamental rights of all Mexicans. This is a series of amendments to the Constitution, where we can find the ones to article 1, in which full acknowledgement of Human Rights was established.

► The intention of reforming this article 1 in order to acknowledge Human Rights originated from the principle that no democracy can overlook: No reason of state will ever be above the citizens' rights.

► In that sense, granting acknowledgement to Human Rights within the constitution stems from the principle that the State must not overlook the essential rights of individuals and of communities, nor making decisions of power in a unique source of law or in an arbitrary definition of common wellbeing (Program of Action of PAN³, 2012).

► It was mentioned that this country has improved in the matter of Human Rights but it is a must to initiate the process of harmonization of the several international tools related to human rights supported on the domestic legislation, specifically our Constitution.

Therefore our Constitution is the supreme norm which both governors and governed have to be subjected to. It is what contains the soul of our nation, as well as the values which we should protect as Mexican citizens. This is the reason why we must include the concept of Human Rights as a fundamental principle which covers all the legal system.

► It was proposed to modify the concept of Chapter I of the first Title of the Political Constitution of the United Mexican States to name it "of the Human Rights and Individual Guaranties". This concept, in order to recognize and protect human rights, enhances the rights the Constitution recognizes under the term "individual guarantees".

This was possible since the Political Constitution of the United Mexican States did not mention the concept of "Human Rights" in the first chapter, but the term of individual guarantees instead. And, in some sectors of the doctrine it is still thought that the human rights in operation are only those included in the constitutional text of the first twenty-nine articles, i.e., in the section regarding the individual guarantees. Some authors have claimed that individual guarantees are the way in which the Constitution protects Human Rights.

Therefore, it is necessary to emphasize that these concepts are not synonyms even when they have been used similarly somehow. Actually, there are scholars that demand the inclusion of these two concepts in our Constitution as a fundamental decision of the Mexican State.

As well, there was a proposal to add a third paragraph in Article 1 to state the importance of International Treaties in the matter of Human Rights for the Mexican legal system, establishing its constitutional link as a priority for these treaties are imperative norms of the International Law.

► Moreover, it was highlighted that it is a must to modify article 15 of the Constitution in order for the authorities to protect the Human Rights recognized in International Treaties.

This amendment becomes relevant in the general context because it would modify several articles of the Constitution and would make it possible for the State to generate more guarantees to respect the Human Rights in Mexico and consequently to create a real state policy.

On the one hand, it is about explicitly establishing the authorities' obligation to protect and observe Human Rights. This means to create a respectful state policy that guarantees the protection of Human Rights.

On the other hand, as part of the general objective of the integrating initiative and through the mentioned amendment, it is intended to enhance the diffusion and respect of the Human Rights through the explicit recognition in the Constitution that all the authorities guarantee the protection of Human Rights according to what is stated in the different International Treaties.

³ PAN is a political party in Mexico: Party of National Action.

► It was claimed that International Treaties regarding Human Rights need to have an effective and direct application that enables them to achieve the goals they once set when they were legislated; i.e., to improve and develop the idea of human dignity that demands the current time. Then, the States need to look for a way in which the set of noble ideas established in the treaties regarding the Human Rights are legislated and implemented in the systems of the States that are part of the international community.

It is noted that, with the reform about Human Rights, the scope of protection to individuals was extended when the term “Human Rights” was coined, particularly the rights subjected to guardianship.

Nevertheless, Constitutional Article 4 which establishes in specific terms the children’s rights was not modified. Although it has been subject of reforms after June 10, 2011, the minor’s⁴ rights we refer to have not been relevant for the topic we are dealing with.

According to the bill presented by the political party PRD, published in the Parliamentary Gazette No. 2495-X, on April 30th, 2008, it was claimed that:

- Unlike adults, it is clear that boys, girls and teenagers’ behavior and appropriate formation lies partially in them as well as in the adults under whose authority they are. However, the State must satisfy the minor’s basic needs — culture, education, leisure, health, social security and housing, factors that ensure a good quality of life — through the family and social institutions.

- So, if the State does not act properly, it would be acting under responsibility of omission, which generates serious consequences such as aggravating the inequality conditions and defenselessness of this sector.

- Undoubtedly, childhood and adolescence are determining stages in people’s lives. It is then when they form the norms and values that will define their personality as adults and the way they will relate to the rest of society. This is the period in which boys, girls and adolescents represent a vulnerable sector, sensitive to violence,

⁴ (The first previous paragraph was derogated) Man and woman are equal under the law. The law shall protect the organization and development of the family.

Every person has the right to decide, in a free, responsible and informed manner, the number of children desired and the timing between each of them.

All individuals have the right to nutritional, sufficient and quality nourishment. The State shall guarantee this.

Every person has the right to access to health services.

Any person has the right to a healthy environment for his/her own development and wellbeing. The State will guarantee the respect to such right. Environmental damage and deterioration will generate a liability for whoever provokes them in terms of the provisions by the law.

Any person has the right of access, provision and drainage of water for personal and domestic consumption in a sufficient, healthy, acceptable and affordable manner. The State will guarantee such right and the law will define the bases, supports and modality for the equitable and sustainable access and use of the freshwater resources, establishing the participation of the Federation, federal entities and municipalities, as well as the participation of the citizens for the achievement of such purposes.

Any family has the right to enjoy a decent and respectable house. The law will set the instruments and supports necessary to achieve such objective.

Every person has the right to live in an environment that is suitable for his development and wellbeing.

Every family has the right to live in a dignified and decorous housing.

The State, in all decisions it makes and all actions it carried out, will safeguard and comply with the principle of doing what is in the best interest of children, thus entirely guaranteeing their rights. Boys and girls have the right to having their nutritional, health, educational and relocation needs satisfied for their proper development. This principle should guide the design, enforcement, following up and evaluation of the policies published dealing with children.

Ascendant relatives and guardians have the obligation of maintaining and demanding the compliance of these rights and principles.

The State will grant aid to individuals to assist with the compliance of the rights of children.

Ascendants, tutors and guardians have the duty to protect these rights.

Every person has cultural rights, has the right of access to culture and the right to enjoy state cultural services. The State shall provide the means to spread and develop culture, taking into account the cultural diversity of our country and respecting creative freedom. The law shall provide instruments that guarantee access and participation of any cultural expression.

All individuals have a right to physical culture and the practice of sports. The State shall promote and stimulate this with laws on

aggression and abuse in different aspects of their life. This is the reason why they deserve special attention that guaranties the free development of their personality.

However, we consider that the proposal of the reform content is incomplete:

“Children and adolescents are the owners of all the Human Rights recognized in this Constitution and the International Systems. Laws, institutions and policies regarding childhood and adolescence aim the superior interest in the child and the adolescent, their progressive autonomy and the right to the survival and integrating development as well as the priority principle. All the decisions made by any of the government levels and branches are based on these principles”.

We can read from this text that they do not protect the right of the “self”, or the minor’s personality as such; i.e., they do not guarantee the previous right, the right “to be”, particularly of the indigenous children, their right “to be indigenous”.

Human dignity was approached by the Supreme Court of Justice⁵ and it was stated that it must be considered as an absolutely fundamental right. It is the basis and condition of the rest of the rights — right to life, physical and mind integrity, honor, privacy, name, own image, free development of personality, marital status, and personal dignity — since they are essential for the individuals to entirely develop their personality.

And, although human dignity is the basis for the rest of the rights, it is not clearly stated in the Political Constitution of the United Mexican States. The Supreme Court of Justice pointed that it is implicitly found in the International Treaties signed by Mexico and consequently it must be considered a human right.

The Supreme Court of Justice of Mexico recognizes the right to life, name, own image, free development of personality, marital status, and personal dignity; however, the right to personal identity or free development of personality do not have a clear legal foundation either on the Constitution or the international scope, alike the rest of the rights mentioned above.

The human right to personal identity or personality development, in Mead’s terms, the “self” development, is not taken into consideration in Article 4 of the Political Constitution of the United States of Mexico. It only establishes rights for the minor’s integrating development such as nourishment, health, education and leisure. Moreover, it aims to protect the childhood dignity and the full exercise of children’s rights⁶.

The right to personal identity or free development of personality is not included in the Children’ Rights

the matter.

⁵ Location: 9th. Epoca; Pleno; S.J.F and its gazette; XXX, December 2009; Pag. 8 (T.A.); Num. IUS 165813.

Human Dignity. The Mexican Legal System Recognizes as A Condition And Basis of the Rest of the Fundamental Rights.

Article 1 of the Political Constitution of the United Mexican States Any form of discrimination, based on ethnic or national origin, gender, age, disabilities, social status, medical conditions, religious, opinions, sexual orientation, marital status, or any other form, which violates the human dignity or seeks to annul or diminish the rights and freedoms of the people, is prohibited. This means that in the human being there is a dignity that must be respected in all cases, being an absolutely fundamental rights, base and condition of the rest of the rights since they are necessary for the individuals to develop his personality integrally. Among these rights are the right to life, to physical and psychical integrity, to honor, to privacy, to name, to an own image, to the free development of the personality, to the marital status and the right to personal dignity. Furthermore and even when these very personal rights are not explicitly included in the General Constitution of the Country, they are implicit in International Treaties which Mexico takes part in, and in all cases, must be understood as rights derived from the recognition of the right to human dignity. Only through its respect, dignity of a human being can be addressed.

Direct Defense 6/2008. January 6, 2009. Eleven votes. Presenter: Sergio A. Valls Hernández. Secretary: Laura García Velasco.

⁶ In the part that here interests, it explicitly expresses the following: “Boys and girls have the right to having their nutritional, health, educational and relocation needs satisfied for their proper development. This principle should guide the design, enforcement, following up and evaluation of the policies published dealing with children.

Ascendant relatives and guardians have the obligation of maintaining and demanding the compliance of these rights and principles. The State will grant aid to individuals to assist with the compliance of the rights of children.”

Convention, article 8⁷ either. It claims that the Party States must respect the child's right to preserve his identity. The preservation of this identity is developed within the context of his family and through social interaction.

The concern for the respect of the indigenous children's rights to be, to know and to recognize their own language rises from the idea that inequality has always been linked to the concept of civilization. In the past, it was thought that in order for all the Mexicans to be considered as equal, they needed to share their culture: occidental. A good proof of this was the creation in 1948 of the Indigenous National Institute whose purpose was the integration of indigenous people into the national development, from the theory of a cultural change and a strong campaign of hispanicization. It is important to remember that from the XIX century on, with the new feeling of nationalism, all the indigenous, Afro-American and "mestizo" people, which represented most of the population, needed to be included in the growing Mexican nation, i.e., the new ethnic identity; otherwise, they would vanish (Navarrete, 2004, pp. 67–68). It is obvious that, in praxis, legal equality is excluding.

The UNESCO (United Nations Educational, Scientific and Cultural Organization) has claimed that half of the 6.000 languages currently spoken around the world will disappear by the end of this century, 30 per year in average. So, with the disappearance of the unwritten and undocumented languages, humankind will not only lose a great cultural wealth, but also all the antique knowledge comprised in indigenous languages. Mexico is one of the eight countries which have over half of the indigenous languages spoken around the world.

Talking about indigenous groups means referring to indigenous people or Indians and "in this definition we can observe a paternalist and protectionist attitude that implies a defined development, built up and executed from outside. On the other hand, the concept of ethnic group makes a distinction and definition of each one as social units with their own historic project and different processes of development which make them aspire to continue existing historically" (Nahmad, 1993, p. 79). The cultural, educative and indigenous policy during the late XIX century and early XX century stated that speaking indigenous languages meant a delay and resistance to the longing national integration.

For instance, ex-president José Lopez-Portillo once claimed: "Naturally, it is necessary that many generations die in the limbo of amazement so that the racial memories are erased from the minds; so that new languages are fixed in the brains as if they were natural; so that the horizon full of horror — which originated from hunger, from their own complicated culture, and from the collapse Spanish Conquer — the menacing dark clouds disappear. The Indian has a lot to forget if he wants to learn... The unthinking Indians who now intend to revive the use of dead or dying languages, which are condemned to disappear for being absolutely inappropriate for the current situation, are just delaying the moment in which the Indian, now free of the unconscious memories of a painful situation, assumes his active role in the new culture that is trying to include him. Let's help the Indian forget old things, pain and death and so, learn new things. Our action, then, will have a noble human intention far from selfishness and we will be able to accomplish the task given by our old conquerors." (López-Portillo, en Korsbaeck, 2007, p. IV).

3. Conclusion

(1) Indigenous groups suffer every day from this transculturation and if we refer to them as the main characters of this perception is due to the conditions they currently face. Discontent and hunger are only some of the principal factors that make the members of these indigenous groups leave their roots. The abandonment is

⁷ Article 8-1. "The States Party shall respect the right of the child to preserve his identity, including nationality, name..."

individual but it really represents abandonment. And the question is why? It is because of a lack of public policies that allow them to remain in their communities, with a job, education and, mainly, the resources to live on and spend time with the community that will ensure the preservation of their customs and a cultural basis to our country.

(2) Each person has the right to keep his identity and develop in a family and in society; in this way and by respecting his rights, it will be possible to ensure a national culture based on public policies that support and determine the sociocultural conditions in the country.

The importance of personal identity or personality development lies in the right that each person has to be oneself, in his own awareness and in the others' opinion, self-attachment and social recognition.

(3) In the building of "people" there is a clear influence of the "other" generalized, in the "self" formation; this means the influence of the social interactions over the identity and "self" configuration, and consequently over the personality development. In this sense, the individual reacts before the image of himself which is created from the others' attitude.

The prime group is basic for the formation of the individual's social nature and ideals. The family is in charge of this function, especially during the early stages of life, since it is the nucleus where learning and symbols assimilation of the community he will develop in take place.

(4) The human right to personal identity or personality development is not clearly recognized in the national law. Article 4 of the Political Constitution of the United Mexican States, only establishes as rights for the minors and their integrating development: Nourishment, health, education and leisure. Furthermore, it defends the childhood dignity and the full exercise of its rights.

The human right to personal identity or personality development is not explicitly regulated by the international law, either. It does not fit in Article 8 in the Convention of the Children's Rights, which establishes that the Party States are committed to respect the child's right to preserve his identity. The preservation of this refers to the external elements (name and last name) not the internal ones which appear during the first years of a person's life as a consequence of social interaction.

(5) Man is a social being, in a permanent state of evolution, then, his development in society requires the adaptation of the legal norms for the appropriate protection of the human rights. We must take into consideration that social reality deserves special attention. Quoting Kuhn (2007, p. 348) it is ordinarily considered that a scientific theory must be better than the ones before not only because they are an improved tool to discover and solve puzzles, but also because they are a better representation of what nature is like.

It is a must to generate public policies in order to maintain language as an identity symbol of every indigenous community of our country, as well as to create actions that pass on the knowledge about the rights of this sector and then give and make the authorities improve their lives. By respecting the right of personal identity and the rights mentioned above, there will be a closeness to the identity of country, rescuing the local inside the global and making culture an institution.

Nowadays, in order to maintain the human rights effectiveness, it is necessary the government intervention to create appropriate conditions and a good legal system. A society can be considered protected if its government carries out its responsibilities to guaranty the human rights (Development Plan of the State of Mexico 2011–2017).

(6) The balance between economic globalization and cultural identity of communities, and consequently of the individuals, must be the heritage of our generation in the process of integration and compatibility of knowledge for the future.

The preservation of values, support of creativity and diffusion of the works of our best spirits are actions that in our time, are fundamental elements to guaranty with dignity our national sovereignty in the desired transit towards development.

Identity is built up through concrete social practices. It is not the product of imagination or desire. Identity is acquired from birth, depending on factors such as where, how, when and what family we are born in. There is an individual and a collective identity. The former is subjective and emotional, the latter is cultural and obligatory.

Identity is acquired day by day, consciously or unconsciously, in the routine and in ritual practices. So, our culture, our identity is valid and meaningful to us, just like “the others” is for them. It is knowledge and mutual respect which enrich our lives without underestimating any culture.

It is only within a social group where a certain culture obtains its identity elements. Undoubtedly, it is language the defining element, due to its profound meaning; it is the only way to understand the cosmovision of a community. There are names attributed to people, animals or objects that do not exist in other languages. Language is the best channel of perception and reflection. Every language is unique, it is the representation of a system of thought and singular conception of life. The only possible way to transmit the traditions, customs and culture of a community is through its language, it is the only way of reliable transmission.

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