Mobilising and constraining: the dynamics of human rights discourse in two Mexican social movements

Abstract

Mobilising human rights discourse in pursuit of justice by local social movements is often treated as a straightforward process. However, social movement practice is rooted in domestic socio-political culture, the ability to affectively engage publics and envision 'political horizons'. Human rights discourse is often deployed in this process, but the dynamics involved have both enabling and constraining features which movement participants exploit, negotiate and disagree over. This article explores scholarship on human rights, social movements and democracy to examine these dynamics through the reflections of participants in two recent social mobilisations in Mexico: the Movement for Peace and Justice with Dignity and Ayotzinapa 43. Both movements arose in response to abuses and impunity in the context of spiralling state and non-state actor violence and corruption in Mexico, but also challenged the dominant political narratives of Mexico's democratic development. They focused on the justice demands of victims, but also involved plural groups, many hoping for wider change. Human rights discourse featured in each movement, but they were not human rights movements, raising important questions about how human rights discourse is understood, made meaningful but also kept in check as part of sustaining contentious collective action.

1. Introduction

This article explores how human rights discourse featured in two recent social movements in Mexico challenging the impunity underlying Mexico's democratic settlement characterised by corruption, violence and impunity. The Movement for Peace and Justice (MPJD) started in 2011 in protest against the killings and disappearances of thousands of citizens in Mexico's 'war on drugs'. In 2014, Ayotzinapa 43 emerged in response to the enforced disappearance of 43 students by public security forces working with criminal gangs in Guerrero State. Both movements attracted mass participation in protests and demands for justice, disrupting the political narratives of the federal administrations in power and opening the possibility for greater citizen participation and powerholder accountability. Both movements featured dimensions of human rights discourse, but were not considered by participants to be human rights movements. As such, the practices and understandings of those involved in the mobilisations provide evidence of specific ways that human rights discourse is experienced as both facilitating and limiting the collective mobilisation process; and how the movements' participants navigated these tense dynamics in the specific context of Mexico's social, cultural and political development.

Democracy, human rights and social movements are closely related areas of activism and scholarship, but each field of activity often overlooks key developments in the other. This article examines these overlapping areas of scholarship. It then considers Mexico's socio-political and human rights context, before exploring the empirical research findings in relation to the practices of the two social movements. To start with, I set out the methodology of the research into the case studies.

2. Methodology

This study was part of doctoral research undertaken to examine the relationship between human rights discourses and the practices of social movements. The methodology was designed to explore the question of how participants in the movements understood the ways human rights discourse featured in the mobilization processes. This involved ethnographic fieldwork in Mexico over a month in early 2016 focussing on two of the most significant social movements of recent years. I conducted 30 semi-structured two hour interviews and follow-up conversations with 33 individuals (21 men and 12 women). These participants were primarily selected on the basis of their mid-level roles in the movement, and drawn from a range of different ages, backgrounds and traditions. This included students, political and social activists, survivors, NGO workers, digital activists, media workers, academics and faith-based participants.[1] Many of the interviewees were involved in various roles across the two movements. I also gathered visual and audio materials produced about or by the movements for content analysis. I adopted a thematic framework analysis and iterative inductive reasoning to identify the key features of how human rights discourse was understood to facilitate and constrain the mobilisation process.[2] The relatively small sample of participants necessarily limited the scope of this data. However, the focus on mid-level movement participants resulted in a rich data set, avoiding the potential risk of more self-justificatory positions of those in leadership roles. In developing my research and analysis I was also at pains to recognise and limit potential biases formed as a result of my previous experience as a researcher on human rights violations in Mexico for an international non-governmental organisation.

3. Scholarship on democracy and human rights

By the end of the 20th century, most Latin American countries had transitioned from authoritarian regimes to forms of electoral democracy. However, scholars disagree on the reasons for the failure of these emergent democracies to consolidate into more equal, rights-

protective regimes,[3] including their failure to effectively tackle poverty, corruption, impunity and multiple forms of violence.[4] Mexico has experienced its own form of 'violent pluralism' since the political transition of 2000,[5] facilitated by corporatism, corruption, neoliberalism and proliferating criminal networks.[6] However, this did not extinguish societal demands for more participatory, democratic and distributive governance; based on such normative ideas as justice, citizen security, equality, dignity, anti-neoliberalism, sustainable development, citizen participation and powerholder accountability.[7] As with other countries in the region, Mexico has a diverse civil society, which addresses many of these deficits in the public sphere – not always in a progressive sense. This heterogenous civil society has played an important role in the democratization process, often operating in tension with political parties and state institutions which are widely distrusted due to corruption and the use of coercive strategies, such as of co-optation, delegitimization and repression.[8]

4.   Scholarship on social movements

Social movements are particularly dynamic civil society processes in which actors form dense informal networks and a shared identity to engage in conflictual collective action against identified, usually institutional, opponents.[9] From Marx onwards, their role has often been theorised as agents of social change, as revolutionary, democratizing or reactionary.[10] However, after WWII US behaviourist and functionalist scholars tended to characterise them as emotional and irrational, and as marginal to the ordered development of democratic society.[11]   From the 1960s, this view was challenged by researchers treating movements as emancipatory social forces, rationally mobilising internal resources, such as civil society organisations, and political opportunities to challenge their exclusion by elites or to defend the public sphere from the overreaching authoritarian state.[12]

Yet, these approaches tended to treat movements as unitary rational collective actors, paying less attention to the subjective processes of how citizens mobilise and understand their participation in a broader socio-political landscape. Snow and Benford shifted this focus, recognising the importance of subjective cognition and culture in 'frames' adopted by movements to discursively attract participants and target opponents.[13] However, this tended to assume the adoption of frames, such as human rights discourse, as purely instrumental; deployed by rational movement leaders to attract followers with little regard to contested values within movements.[14] This move to culture and subjectivity also enabled a much deeper conceptualisation of movement dynamics, such as identity formation, networks, adaptive practices and agency, including individualised participation in plural heterogenous movements.[15] This focus on subjective experience also provided space once again for recognition of the role of affect and emotion in the collective mobilisation process,[16] not as symptomatic of negative irrationality, but as integral elements to understand motivations of participants and their role in the rise and decline of social movements.[17]

In Latin America, social movements have been widely recognised as key to democratic development.[18] However, this role has been understood in varied ways. For instance, the radical tradition has theorised that a plurality of actors and interests coalesce into subaltern autonomous movements.[19] This mobilization process in turn forges new political subjectivities in the praxis of counter-hegemonic struggle against neoliberal domination, creating the conditions for social transformation. On the other hand, the more reformist liberal approach has understood collective civil society action in terms of defence against the repressive and/or neoliberal state. This collective action contributes to public deliberation and rational consensus formation to exercise social accountability over the state by institutionalising rights, and potentially reshaping the political settlement in favour of inclusion and voice.[20] In both these

theoretical approaches, the complexity of sustaining coalitions of different individuals, groups and organisations with varying interests, ideologies and practices is underplayed. In fact, the dynamic process of articulating shared positions, identities and strategies is fraught with tensions around leadership, deliberation, cooperation and decision-making. The more inclusive the articulation and identity formation process, the wider and more diverse the participation, potentially increasing repercussions in the public sphere and on powerholders. However, this plurality also carries the danger of incoherence and destabilisation; what Jasper calls the 'risk of over extension'.[21] The struggle to preserve a degree of indeterminacy and openness over the movement identity and agenda is in tension with the need to define the movement, to concretize identity and objectives to make the movement meaningful to both internal constituencies and external targets. If, as Arato and Cohen theorise, human rights discourse serves as a shared 'self-limiting radicalism' or 'cultural code' of social movements,[22] this suggests that it may provide a relatively stable and shared discursive framework to mobilise and sustain collective action. This will be considered in relation to the two cases studies in the findings section.

5.   Scholarship on social movements and human rights

In social movement scholarship, human rights discourse is usually identified with the transnational human rights movement and networks that emerged from the 1970s onwards to promote principled international human rights norms as part of the democratization processes.[23] Conversely, Bob's analysis of locally rooted social movements adopting human rights discourse, argued this was a purely strategic choice of movement leaders to attract the support of these international networks to further their particular domestic goals.[24]

Scholarship on human rights often recognises in general the importance of social movements,[25] but is often more focused on the historical development of human rights ideas and law,

including the rational justification of human rights claims as integral to their legitimacy.[26] Scholars such Risse, Ropp and Sikkink theorise the implementation of human rights norms by sovereign states resulting from pressure by the transnational human rights movement, including national and international NGOs. Beth Simmons explores in more detail the role of domestic social movements in the implementation process, but uses a limited resource mobilisation model to represent local social movement practice.[27] This reduces mobilisations once again to the structuralist model of rational unitary actors exploiting political cleavage in pursuit of group interests, in this case specific institutional human rights goals. Such an approach treats social movement practices in a similar way to the advocacy strategies of professional human rights NGOs and INGOs.[28] As a result, it pays less attention to the more subjective dynamics of meaning-making of heterogenous domestic mobilisations, where the ideas associated with movement discourses and their embedded cultures are integral to mobilisation processes.

In the case of Mexico, there is a relatively small professional network of human rights NGOs, but there is a much longer tradition of diverse grassroots popular contention at local and national level, going back to before the Mexican Revolution.[29] These collective movements, such as the Zapatistas in Chiapas, have asserted autonomous identities and radical political agendas, charged with affect and emotion, based on resisting powerholders and making broader social justice demands beyond the apparently self-limiting agenda of 'human rights talk'. These political projects have not necessarily adopted human rights discourses. This may be because of a lack of familiarity with the possibilities of human rights discourse, but also because some human rights practitioners have frequently presented human rights as supranational, as universalist ethics and law above political struggles. This tactic has served to legitimate human rights discourse, but as Goodhart suggests, it also makes for an uncomfortable fit with diverse grassroots movements which understand their struggle as political, engaged in combative

counter-hegemonic practices with transformative political ambitions.[30] In addition, some political and social activists on the left view Western state-centric conceptions of human rights with suspicion, not least for their association with individualism, liberalism and the legalisms of state legitimation.[31]

These tensions around what rights can be claimed and by whom has led some scholars and activists to rethink the assumptions of the international human rights order compared to the plural praxis of subaltern social justice demands.[32] This includes examining the practices involved in local claims making, such as Merry's 'vernacularization' to make rights meaningful in local contexts, and more lately how autonomous subaltern rights-claiming processes 'travel' and influence the international human rights machinery.[33]

This attention to practice and meaning also explores the agency and empowerment of human rights claims-makers. Agency is the capacity of individuals or groups to exercise a degree of autonomous influence over their lives and constraining circumstances, coupled to an awareness of some degree of personal efficacy. The reflexive sense of directly engaging with the political and social context, in order to alter it, is central to the development of individual and collective political subjectivity and the practice of social movements.[34] This is also closely associated with aspects of human rights discourse which assert the importance of individual autonomy, freedom and self-realization as part of the process of 'free and full development of [his] personality'.[35] This sense of agency is intrinsic to the process by which people denied rights come to understand their situation not just as misfortune, but as injustice.[36] This is a necessary step in the process of taking action to demand fair treatment on the basis of universal principles. As such, concepts of human dignity are not determined by local powerholders, so can serve as a legitimated discourse to empower individual and communal agency in struggles for

recognition and justice against powerholders. This sense of agency can also be experienced by those acting in solidarity with direct claimants. Participation in movements can have this potent affective dimension, strengthening a sense of identity and self-realisation in the struggle, potentially developing political subjectivity.[37]

However, these somewhat idealised processes cannot be taken for granted in the lived-experiences of claims-making and social movement mobilisation. Merry's research shows the complexity of 'vernacularization'.[38] When the voice and experience of the claimants remains central to the process, there is greater potential exercise of agency and empowerment. In addition, this positive experience may also contribute to the socialization of human rights discourse by making it meaningful for others. However, there are also less successful processes, including when the relationship between claimants and human rights practitioners, such as lawyers and activists, breaks down. These complex relations may lead to suspicions of instrumental exploitation of victims and rights discourse, particularly by those with expert legal knowledge (an allegation state officials and media also frequently fabricate to discredit and weaken such relationships). In such cases the agency of claimants can be undermined, increasing the sense of exclusion and abuse rather than overcoming it. Baxi refers to this as human rights discourse ***to*** rather than ***for***. [39] This suggests that the adoption of human frames and discourses should be looked at in context to better understand their implications for claimants and movements, so I now examine the emergence of human rights discourse in Mexico's recent socio-political development.

6. Human rights discourse in Mexico's democratic transition

'*The scale of the crisis took a long time be understood. The government didn't get it, just accusing the victims of being "narcos". It stigmatised the victims to defend itself. But for a long time human rights organisations didn't grasp the scale of it either.*'[40]

The struggle over the meaning and relevance of human rights discourse in Mexico took shape in the latter period of the 70-year rule of the Institutional Revolutionary Party (PRI). From the 1970s, in common with other countries in the region, there was an increasing adoption of human rights discourse and practices by Mexican civil society groups in claims making to challenge the authoritarian regime by highlighting State repression, particularly violations of civil and political rights. This was the case with the Zapatista uprising in Chiapas in 1994, but, as Bob suggests, the adoption of human rights discourse by diverse left-wing social movements was also primarily instrumental, serving as a means to further their particular struggles.[41]

At the same time, the PRI governments increasingly sought to integrate Mexico into the global neoliberal economic order, making them more responsive to national and international pressure to take limited action on particular domestic human rights concerns. The alliance between local, national and international human rights organisations played an important part in this process.[42] During the period of democratic transition around 2000, when the PRI was first voted out of power, this process led to the gradual incorporation of international and regional human rights norms into domestic law, culminating with progressive reforms to the Constitution in 2011 and subsequent National Supreme Court rulings which explicitly recognised the obligation to comply with international human rights treaties and jurisprudence in domestic law.

The institutionalisation of human rights discourse in Mexico's democratic transition had paradoxical impacts, on the one hand human rights gained greater legal purchase for making a range of social and justice claims. However, at the same time, the lack of practical results for many communities suffering abuses and exclusion often seemed to suggest that human rights discourse was more about state legitimation than empowering disadvantaged communities to secure redress for their grievances. In addition, those NGOs that had become embroiled in the institutionalisation process, were increasingly perceived as distant from grassroots political and social demands which were challenging the terms of the post-transition political settlement.[43] This raised questions as to whether human rights discourse was an emancipatory tool to hold powerholders to account in pursuit of progressive social change or an institutional legal order managed and negotiated by officials and entangled NGOs producing little tangible results for those in need.

In 2006, as levels of criminal violence continued to rise in different regions of the country, and after a contested presidential election, President Calderón (2006-2012) attempted to assert his legitimacy, declaring a 'war on the cartels', massively increasing the use of the armed forces in public security operations. This militarization of the conflict worsened the crisis of violence and human rights violations, leading to a surge in killings and disappearances. National and international human rights organisations initially struggled to find traction for concrete human rights concerns in a complex multipolar violence, where much was not visible or clear. The State often presented itself as the victim, defending citizens against ruthless criminal organisations, whereas in fact many state agents formed part of the criminal networks.[44] To a large extent, it took small local human rights organisations in states such as Chihuahua, Coahuila and Nuevo Leon, working with the relatives of the victims of disappearances

committed by gangs, police and military to reposition human rights NGOs in relation to the violence and the victims, and develop a human rights critique of Calderon's 'war'.[45]

In the public sphere, there was a confusion of human rights discourses, mostly negative. Parts of the media and some public officials routinely presented human rights discourse and human rights defenders as only interested in protecting the rights of violent criminals. Human rights norms restricting use of lethal force, arbitrary detention and ill-treatment were presented as opposed to the security of ordinary citizens. In addition, despite mounting evidence that the 'war' was in fact increasing insecurity across the country, the Calderón government sought to use human rights discourse to justify its policy, arguing that its strategy was fulfilling the State's responsibility to protect citizens' human right to security. The government claimed, without evidence, that the vast majority of those killed and disappeared were linked to organised crime, and as such were not victims at all, but criminals who deserved no human sympathy or solidarity, let alone human rights. This approach served as a pretext not to investigate reports of disappearances, killings and torture, enabling officials to cover-up the widespread involvement of state actors and to entrench impunity. In particular, it stigmatised the victims and their relatives, delegitimising their demands to know the fate of their loved ones.

Despite these official and media attempts to twist or reject human rights discourse, and a continuing lack of knowledge about human rights law across many sectors of society,[46] the years of struggle over human rights, democracy and accountability had increased its recognition as a legitimised moral discourse in the public sphere. This is particularly the case for social actors focused on engaging publics in normative ideas of human dignity and justice. As one of the research interviewees observed, 'there were now more human rights components

than before. Well, that could be because human rights discourse has been socialised with sectors that weren't accustomed to using those terms in their demands for justice'.[47] As such, human rights discourse had become more available to social actors in both social movements to challenge powerholders and raise a range of concerns about the violence and the plight of the victims.

I now turn to the two case studies, providing a brief summary of the mobilisations and exploring the research findings.

7. Case studies

'We know that human rights are the defence that society has against repressive acts of the State… but unfortunately human rights in Mexico… was something to administer the tragedy with… to administer the demands, the complaints, the mobilisations…to administer the suffering.'[48]

The Movimiento por la Paz con Justicia y Dignidad (MPJD) emerged in 2011 in response to the killing of Francisco Sicilia and six others in Morelos state. He was the son of Javier Sicilia, a national poet and public intellectual of the left, who rapidly galvanized support for a movement to end Calderon's militarised 'war on drugs'. The MPDJ took shape around Javier Sicilia's personal protest against his son's killing and the official response, but as more relatives from around the country joined, it exposed the scale of violence and involvement of authorities, as well as the plight of ignored and stigmatized relatives (themselves victims in human rights terms). This encouraged more relatives to come forward to participate in public actions and connect in networks of victims.[49] This was aided by the widespread use of social media and creative protest actions, undermining the Calderón narrative of a 'just war' and the claim to be protecting citizens to consolidate democracy. The MPJD was initially a broad

coalition of social actors, such as students, trade unions, church groups, and diverse social activists drawn from Mexico's wide and diverse networks of left-wing social movement activists, who came together to support the emerging victims of the violence. The movement demanded structural reforms to bring peace and justice. Public pressure on the Calderón government (2006-2012) forced it to enter into negotiation with the movement on a broad agenda, but the movement gradually narrowed, focusing on the relatives' demands for truth and justice. Some scholars have argued the movement contributed to public sphere deliberations and policy innovation on citizen security and victims.[50] However, others argue that these institutional gains were illusory, drawing victims into a labyrinthine bureaucracy.[51] Movement leaders have also reflected on these dynamics, highlighting the moral strength of the movement, but also some of its organisational and tactical limitations.[52] By 2014, the MPJD struggled to maintain its unity and momentum, and went into a period of latency. This ultimately enabled smaller regional groups of relatives to emerge and later form part of the National Movement for our Disappeared in Mexico. Javier Sicilia and other MPJD activists continue to intervene in the struggle for truth and justice for victims of violence in Mexico, but the MPJD has not repeated the scale of mobilisation and impact of its early years.

Ayotzinapa 43 is the movement in support of the relatives of the 43 trainee teachers forcibly disappeared by public security agencies and criminal networks in Guerrero in September 2014. The fate and whereabouts of the young men remain unresolved. This movement also gathered a range of social and political actors in mass protests in support of the parents and surviving students and against the local and national governments. As an emblematic case of corruption, violence and impunity, the mobilisation played an important part in discrediting the PRI and Enrique Peña Ñieto's government (2012–2018), in part, pathing the way for the 2018 electoral victory of left-wing presidential candidate, Andrés Manuel López Obrador (AMLO). The

broad alliance of the Ayotzinapa 43 movement combined, amongst others, trade unionists, students, social activists and some previously unpoliticised citizens in mass protests. The initial upsurge of the movement also included more radical calls for the fall of the government and other significant political and social changes. However, this broader mobilisation gradually declined to a core movement, passing through stages of relative latency, focused on the demands of the parents for truth and justice for the 43 disappeared students. This secured the unprecedented involvement of the Inter American Commission on Human Rights which exposed manipulation of evidence and human rights abuses committed during the official criminal investigation. It also led AMLO to commit his new government to reinvestigate the crime and bring perpetrators to account. In 2022, this resulted in the publication of new findings and renewed controversy around the investigation. Amongst other approaches, the social mobilisation and the disappearance of the young men have been analysed as a 'social drama' changing Mexicans' understanding of their country, as a crisis in political democratic representation and as a manifestation of collective resistance in the form of Negri and Hardt's 'multitude'.[53]

Human rights discourse and trigger events

'It generated a type of shock in the population'

'In a moment it changed how society understood what was happening'[54]

The increased visibility of human rights discourse in the public sphere meant it was readily available to interpret an event with particular emotional resonance; one that not only demonstrated an individual tragedy and injustice, but also represented the wider crisis. In the case of the MJPD, this was the killing of Javier Sicilia's son, and for Ayoztinapa 43 it was the

abduction of the young students. Jasper identifies these types of trigger events in terms of the 'moral shocks' necessary to stir mobilisation processes:

> '"Moral shocks" are often the first step toward recruitment into social movements: when an unexpected event or piece of information raises such a sense of outrage in a person that she becomes inclined toward political action… The information or event helps a person think about her basic values and how the world diverges from them in some important way… These shocks …can spur recruitment. Events can be powerful symbols.'[55]

However, these events also require skilled actors to interpret them, to point to their wider symbolic meaning, to articulate a shared sense of grievance and the urgent need for solidarity and action; to make sense of and give purpose to moral outrage. In this context, interviewees recognised that the increasing embeddedness of human rights discourse in the public sphere, meant that it was quite widely understood in a moral sense, as a type of template for how things should be and that people were entitled to expect and demand – but not necessarily in specific human rights terminology. This facilitated the interpretation of the trigger events as reflective of the social, judicial and political crisis, giving the singular event a wider meaning, helping to generate a shared moral shock.

For example, Javier Sicilia used his public profile to demand justice for his son, and in a widely witnessed speech he called on civil society to restore: '*love, peace, justice, dignity and our stuttering democracy which we are losing*'.[56] Without explicitly referring to human rights, he highlighted what had been lost in the democratic transition and the crisis of values of Calderon's 'war'. Ideas of human dignity and civil society featured as legitimised and

recognised markers for understanding the failure of the democratic transition, and projecting a better, more principled society that collective action could help express and build.

In the case of Ayotzinapa 43, evidence of the brazen involvement of police and security forces in the abduction of the students, and their collusion with organised crime groups, was circulated rapidly on social media among a wide range of social activist networks and media. This enabled a classic human rights interpretation of the events in terms of State responsibility for enforced disappearances and the obligation to return the young men alive – a meaning that resonated strongly with the abuses committed by the State in Mexico's so-called Dirty War of the 1970s and 80s.

However, the process of interpreting these events was not primarily a matter of applying a human rights 'frame', but rather rendering the events as moral and emotional shocks, particularly through the visibility and articulate outrage of Javier Sicilia and the parents of the Ayotzinapa students. This positioned the events in relation to the universal values of human rights discourse, but also with the long traditions of solidarity and social resistance to unjust powerholders and impunity. As such, the context of crisis, embeddedness of human rights discourse and the visibility of deeply affected victims making manifest the gravity of the 'trigger' events for wider society, were part of the political and discursive opportunities which spurred plural participation in the movements.

Human rights practitioners and NGOs
'Without the lawyers we wouldn't have managed anything. Yes, there are human rights organisations of every sort. We are accompanied by independent NGOs with a reputation for

standing with the people, like SERAPAZ, el PRODH and TLACHI…they accepted the responsibility of what it means to take on the case'.[57]

Another element shaping the manner and extent to which human rights discourse came to feature in each movement relates to the deployment of internal movement resources; that is the configuration and centrality of skilled human rights practitioners and resourced NGOs in the movement networks and decision-making roles. In the case of the MPJD, Javier Sicilia, was rapidly joined by a wide range of social and political actors from the Left, including high profile human rights defenders, such Emilio ÁIvarez Icaza and Miguel Álvarez Gándara. Their early incorporation into the movement, also brought the support of two NGOs they led, the National Centre for Social Communication (Centro Nacional de Comunicación Social, CENCOS) and Services and Advice for Peace (Servicios y Asesoria para Paz, SERAPAZ). This individual and organisational participation contributed additional resources, networks and know-how to the mobilisation, and also strengthened the role of human rights in the movement's discourses and strategic objectives.

In Ayotzinapa 43, diverse left-wing political and social movement groupings provided support to the families. However, two human rights NGOs also rapidly assisted the families and surviving students: Centro de Derechos Humanos de la Montaña 'Tlachinollan' and Centro de Derechos Humanos Miguel Agustín Pro Juárez (Centro PRODH). Their human rights expertise played a key role in documenting the case, supporting the families to make human rights based-demands and linking up with national and international human rights networks and institutions.

That skilled human rights activists were key to shaping how human rights discourse featured in the movement, is not to argue that these actors alone determined how and whether human

rights discourse was mobilised. Clearly the nature of the grievance, particularly the experience of victims and the conduct of powerholders, were key factors in the relevance of human rights discourse. However, the extent to which knowledgeable and trusted human rights practitioners were rapidly involved - rather than, for example, solely engaging political, student, faith-based or other types of social activists from the Left - significantly contributed to the interpretation of the 'trigger' events, and development of the movements' subsequent strategies and identities. As such, the mobilisation of human rights discourse in each movement was not solely dependent on the structural opportunities of the context and 'trigger' in themselves, but also the supporting networks of skilled adaptive human rights practitioners, rationally and emotionally committed, to help interpret these events and build the movements.

Mobilising narratives and human rights discourse

'*Human rights discourse can repel people.*'

'*It was the change of discourse, because it wasn't the traditional NGO discourse, it was the discourse of the victims.*'[58]

Notwithstanding the importance of human rights discourse to interpret the trigger event and represent some of the initial values of the movements, most interviewees from both movements considered that human rights discourse was not the principal mobilising narrative or frame that resonated with participants and supporters. In fact, they did not regard the mobilisations as human rights movements, rather forms of popular collective resistance which involved human rights dimensions. The mobilising narrative and identity of each movement was much more reliant on engaging publics at an emotional level, dramatizing grievances and enabling recognition of shared sentiments in response to trigger events, often facilitated by the skilled use of social media. As an activist commented on the early Ayotzinapa demonstrations, 'what

you saw was empathy with the pain, seeing how the parents were suffering'.[59] It was this

emotionally charged discourse of the victims that opened the path to acting collectively, that

enabled others to see their own potential pain at the murder or abduction of a family member.

These core mobilising emotions were rooted in the cultural knowledge of collective resistance,

social solidarity, class, a sense of outrage, fear, distrust of powerholders and discontent with

the violence of Mexico's partial democracy. In line with Jasper's approach, these more

affective responses were not irrelevant or irrational, but were intrinsic to political decisions to

participate, making the movements angry, dynamic and contentious.

Human rights discourse provided the undergirding support for the mobilising discourse, and

facilitated international solidarity and scrutiny, but for most participants in the movements, it

did not drive or shape the impulse to participate in the mobilisations. Neither did it represent

the more radically transformative aspirations which motivated the participation of many

diverse actors in the movements, such as trade unionists, political activists, faith-based groups,

students and others. Almost all interviewees considered human rights discourse alone to be too

technocratic, legalist and alienating to emotionally engage potential recruits who were not

already engaged in human rights activism. As such, it did not substantially contribute to

developing collective identity and sentiments across different social groups. These aspects

were more rooted in culture and context, drawing on a wide range of sources, such as the

memory of the 1968 student movement, the Zapatistas in Chiapas and countless other acts of

grassroot collective resistance. For others, it was about reaching out to ordinary unpoliticised

citizens through identification with injustice made manifest in the vivid suffering of ordinary

victims, coupled to vaguer aspirations for transformative social change. The movement

participants I interviewed felt human rights discourse was at best secondary compared to these

more affective socially rooted narratives. It helped legitimate but did not express the 'righteous anger' necessary to bring people onto the streets in sustained collective action.[60]

I believe this is important as it roots social movements and their use of human rights discourse primarily in the specific local context, rather than as offshoots of globalization and transnational networks deploying instrumental advocacy strategies. This is not to argue that international support networks were not an important factor in legitimating these domestic movements, but that the practices and meanings of nationally oriented movements and local political processes cannot be understood primarily through the prism of international human rights advocacy.

Agency and human rights discourse

'I think that is where we had impact… empowering victims… giving them knowledge to understand how their rights were violated so they could argue with the government which of their rights it was violating'.[61]

In my research, interviewee participants in the MPJD and Ayotzinapa 43 recognised the valuable role of local human rights practitioners in making human rights ideas meaningful for a wide range of victims of violence and solidarity participants, many of whom were previously unfamiliar with human rights discourse. This process also contributed to the development of a 'different mentality among the victims, not of vengeance but of justice, a move to end impunity…. from a retributive to a restorative justice'.[62] However, this process was not necessarily smooth or universal, as one participant observed, 'it's an internal struggle of these types of space …. It's a question of trying to convince people that human rights are something positive in life'.[63] This suggests a complex and uneven process, where disagreements and

power relations were often present. However, the fact that so many of the relatives that participated in the MPJD went on to form their own collectives of families of victims and continue to participate in the national Movement for our Disappeared in Mexico, also indicates an enduring sense of empowerment through the struggle and engagement with human rights claims-making.

A not dissimilar process occurred in Ayotzinapa 43 with the development of a constructive relationship between key human rights organisations such as Centro Tlachinollan and Centro Prodh with relatives of the disappeared and surviving students. As one participant observed, 'the parents of the victims didn't know Tlachinollan, they are from different parts of the state… the issue of human rights was not on their agenda… it was a real challenge to accompany, focus, organise and help.'[64]

Notwithstanding the importance of this NGO support, the relative success of Ayotzinapa 43 in sustaining mobilisation was also attributed by interviewees to the voice of the families remaining at the core of the movement identity and the public mobilisation. The agency of the parents was channelled through human rights-based demands supported by human rights practitioners. However, this was also communicated in the political discourse of organised social resistance and the dignified voices of the predominantly Indigenous parents. For interviewees, the centrality of the parents was key to keeping the mobilisation rooted in the lived-experience of the claims-makers and their agency. Despite the challenges to sustain unity among the parents over the years of struggle, the fact that so many continue in their demand for truth and justice in 2022 is also testament to their ongoing agency.

Another less recognized dimension of agency relates to the creative role of activists and victims in interpreting human rights discourse, what Merry and Destrooper call the 'travel and transformation' of human rights.[65] For example, the MPJD deployed human rights discourse to reshape debate about the treatment of all victims of violence in Mexico. This approach recognized not just victims of abuses committed by state actors, but the wider victims of criminal violence, clearly framing this as part of the State's duty to protect and guarantee. This also contributed to the analysis of the violence in terms of human rights principles by IGOs and INGOs, particularly the responsibilities of the State toward victims in situations of multidimensional violence. These processes in turn enhanced the legitimacy of the claims-making of the relatives and their political subjectivity with regard to national authorities. This is again evidenced by the continuing struggle of the many off-shoot groups of the MJPD, for example, innovating citizen search methodologies, for more than 100,000 disappeared in Mexico.[66]

This multifaceted aspect of mobilising human rights discourse as part of movement practices illustrates that it can help give shape to the agency of claimants and participants. But this is not inevitable, particularly if their voice and experience are marginalized in the mobilisation process. However, a more detailed examination of how claimants' understanding of human rights discourse develops as part of the mobilisation process is an area for further research.

Plural movements and human rights discourse

'Ayotzi is a watershed movement for the participation of people who did not have the slightest idea about human rights.'

'Social movements have a logic of conflict over a political project against powerholders, they are counter-power, counter-hegemonic …. human rights can be a tool in this struggle, they can be useful. But at the core, it is a process of political struggle.'[67]

In interviews movement participants frequently suggested that the relative indeterminacy or openness of human rights discourse initially enabled articulation of plural social actors around fundamental ideas of human dignity and State accountability, but this broad participation became increasingly difficult to sustain as narrower human rights-based demands became the movement's primary focus. In the case of the MPJD, the rapid incorporation of diverse social actors alongside victims, facilitated the development of a broad transformative social and political agenda. This focused on truth and justice demands of victims, but also the causes of violence, such as militarization, inequality, social exclusion and other democratic deficits. This attracted wide early participation of solidarity groups in support of the victims as part of the process of constructing a just and democratic peace. However, the early attempts to bring together this 'network of networks' of social activists was curtailed in favour of a narrower strategic leadership, focused on advancing concrete human rights demands to address the urgent needs of victims. For example, the early negotiations with the Calderón government included a wide range of social and political issues, but these were rapidly closed off, as the government focused on the victims. Some participant interviewees felt that as human rights demands became dominant in negotiations, it displaced a more integrated focus on structural issues driving the 'war'. As such, the supposed political neutrality that human rights practitioners often asserted in relation to the discourse facilitated concrete negotiations, but was also understood by some participants to reduce the movement's capacity to sustain more substantive transformational demands. This shift was identified by the some interviewees as the risk of a more legalistic and technocratic human rights discourse undermining the

connective and affective dimensions key to sustaining contentious mobilisation. However, for other participants, particularly among human rights practitioners, 'It is an issue of demands, of enforceability'[68], illustrating how human rights discourse enabled the movement to concretise and focus practical demands to support the victims.

Stammer suggests this focus on institutionalisation paradoxically enhances the risk of the demobilising dynamics of negotiation and state domination through law.[69] This is particularly the case in Mexico, where a wide range of institutional actors have traditionally used negotiation to co-opt challengers, often enacting but not implementing legal commitments. The advance of legal human rights protections in Mexico without effective enforcement is an illustration of this. This dilemma can be viewed as part of the traditional debate within social movements between reformist engagement or autonomist transformation.[70] But it also relates to the values and identity of the movement, and the contribution that participants feel they are making to challenge the status quo. As the MPJD increasingly focused on legalistic human rights demands of victims, it allowed the wider social, economic and political issues to be marginalized. As a result, it gradually lost its more plural and socially transformative identity, becoming a movement of and for the victims.

For some participants, this was the natural and correct course of the movement; that once it had represented and re-legitimated the interests of the victims, the natural life-cycle of the wider movement was complete. The victims could then pursue their own struggles having been empowered by the process. However, for others, this narrowing of the agenda to the technical human rights demands, reduced the relevance of the MPJD as a social and political actor, muting the wider political impact it had promised. The dilemma of the decision of the MPJD leadership to focus on legal reform rather than more open-ended political contention to

challenge the status quo was encapsulated in Javier Sicilia's subsequent observation that '*we only have the law to confront disaster. It is that or nothing*'.[71]

Ayotzinapa 43 had the strategic advantage of being focused on one case, albeit terrible. The mobilisation sustained a skilled human rights discourse with the expressive political resistance of the students and parents. In this context, human rights discourse also helped bring together (not without tensions) the victims, human rights lawyers, supporting political organisations, international networks and an array of other plural actors. In addition, the effectiveness of the human rights approach was maintained by not monopolising the discursive narrative of the movement or appearing to displace the agendas of other key actors which, at least initially, addressed a range of social and political issues. At times, these wider more politically contentious agendas, particularly those focused on bringing down the then PRI government, threatened to overwhelm the less politically charged human rights focus of the movement. Nonetheless, as more radical demands waned with the changing political environment, the discourse of human rights and the voice of the parents remained key to the movement's continuing articulation. In this context, Ayotzinapa 43 perhaps represents a more successful use of human rights discourse alongside other politically expressive discourses of the movement. However, it was still insufficient to develop or sustain a more radical socially transformative agenda which many of the initial participants hoped for. One human rights practitioner I interviewed who worked closely with the families, felt that ultimately, '*the human rights agenda is very counter-majoritarian, it is not the agenda to articulate social mobilisation*'.[72] As such, human rights could not unite these diverse social actors around a sustained transformative agenda. This also pointed to the often tense struggle to reconcile the more instrumental or transitional view of human rights discourse in mobilisations of diverse

left-wing social activists versus the more self-limiting approach of human rights practitioners focused on justiciability.

This evidence suggests that the adoption of human rights discourse enabled initial articulation of plural forces in the two movements, but did not provide a bridging discourse to a more socially transformative movement. Instead, the fragmenting pressures of plural interests and agendas which were initially managed within a broad human rights discourse, increasingly threatened to unravel the limited articulation of the coalition as human rights demands were made explicit and limited. However, where this was more successful was when the affective and expressive dimensions of the mobilisation, articulated through the rooted discourse of the victims, were not overshadowed by more technocratic and legalistic features of human rights demands.

8. Conclusions

This article has explored the practices of two recent Mexican social movements. It suggests that human rights discourse performed several different but interconnected functions for participants, both internally to the movements but also in relation to the wider political and social landscape. These had enabling as well as constraining dynamics for the movements. They include the importance of the gradually increasing social recognition of human rights discourse in the domestic legal framework and the public sphere in Mexico. This reinforced the value of using human rights discourse to help interpret and make meaningful key 'trigger' events for audiences, particularly those more in tune with social justice concerns. The early participation of skilled human rights practitioners and networks was also important for this interpretative process as well as supplying resources, networks and adaptive know-how necessary to foster mobilisation, frame narratives and negotiate strategy. The use of human rights discourse to analyse the violence and identify chains of responsibility also enhanced the

claims-making process articulated by the victims themselves, legitimating and focusing their demands, and helping attract solidarity participation into the movements. This strengthened the sense of participant agency and developing political subjectivity at the centre of the mobilisations. The openness of human rights discourse enabled the initial articulation of heterogenous social actors in a shared project of collective contention against powerholders, impacting public sphere discourse and the dominant political narratives of Mexico's post transition democratic settlement.

However, set against these enabling dynamics are more ambiguous and limiting features. Firstly, this study questions the assumption that human rights discourse itself is an adequate mobilising frame to motivate broad based social participation in contentious collective action. This is because it is often perceived, including by human rights practitioners, as too technocratic and legalistic to express the personal affect and shared emotional recognition necessary to motivate recruitment of individuals and small groups.[73] It may be argued that this assumes a particular legalist understanding of human rights discourse, but as Freeman notes, a key aspect of human rights discourse is its appeal to rational justification, limiting the role of affect and cultural specificity in its validity appeals.[74] This study suggests contentious social mobilisations are rooted in the specific culture and political practices of collective resistance and solidarity, rather than the content of human rights discourse. Secondly, human rights discourse can contribute to the agency of claims-makers and solidarity participants. However, the more affective dimensions of agency, the sense of empowerment, are rooted in the lived-experience and struggle of the claims-makers and the process of collective action amplifying this narrative to wider society. As such, in the process of sustaining collective action, claimants - in their own voice, emotions and experiences – need to remain at the core of the movements'

identity and mobilising narrative, and not be displaced by the more technocratic tendencies of human rights discourse and practitioners.

It is important to recognise that universalist claims of human rights discourse enhanced the legitimacy and agency of claims-makers. However, the assertion of a neutral supranational law over and above local context also risks marginalizing the dynamics of domestic political contention; the very disruptive feature of movements that challenges the institutional status quo and influences the public sphere.

Another related dynamic of human rights becoming the privileged movement discourse, particularly to frame objectives, is the risk of increasing reliance on technical negotiation in pursuit of institutionalisation. This concrete aim, while understandable, may lead to frustration and fragmentation in the movement – at least for those more politically motivated participants aspiring to greater social transformation. This may set in train the dynamics of demobilisation. As such, the foreclosing of the movement's 'political horizons',[75] may undermine the affective potential of the movement to sustain recruitment and challenge the status quo, limiting the likely implementation of the very reforms demanded.

Given these tensions, some movement participants understood the importance of keeping human rights discourse in check in the mobilising process, to prevent it dominating the movement's identity and objectives by displacing its more affective social roots and transformative appeal. This ultimately may not be possible, or even desirable. However the process of negotiating these contradictory dynamics among the movements' plural actors is also key to sustaining contention.

There is frequently an assumption in some scholarship that human rights discourse is a principled discursive framework for civil society to act collectively with a narrow rationality to pursue social justice demands and deepen democracy.[76] Or that human rights discourse is merely an instrument used by domestic movements to leverage international pressure for their own purposes or a convenient shared 'cultural code' around which plural actors choose to mobilise.[77] This research suggests that these approaches were present to some extent in the practices of the two movements. However, they do not adequately reflect the complexity of dynamics of mobilisations involving human rights discourse and practitioners. Social movement theory recognises the rational deployment of resources, political opportunities, frames and networks, but has been less keen to acknowledge equally important dimensions of shared affect and emotion of participants, and their deep social and political roots. These are also essential to develop the identity, mobilising urgency and contention of the movements. In this complex process, human rights discourse can legitimate claims-making and agency, but it does not represent the expressive vitality of the movements nor their promise of transformative change. In fact, excessive focus on human rights discourse can threaten these aspects, undermining the capacity to sustain mobilisation. Therefore, negotiating the place and character of human rights discourse within the movement is a necessary element of tension and instability.

Disclosure statement

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Notes

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[38] Sally Engle Merry, *Human rights and gender violence.*

[39] Upendra Baxi, 'Changing Paradigms of Human Rights'. In contrast to an instrumental use of human rights to serve the purposes of domination he refers to human rights *for* to express the emancipatory project of grassroots human rights discourse challenging domination.

[40] Anonymised interview with NGO worker participating in Ayotzinapa 43 movement, Mexico, April 2016.

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[44] An illustration of this is the 2019 arrest and prosecution in the USA of Genaro García Luna for involvement in drug trafficking. He was a pivotal figure in the Calderón administration and Minister for public security.

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[57] Anonymised interview with survivor participant in Ayotzinapa 43 movement, Mexico, April 2016.

[58] Anonymised interview with media worker and academic participant in MPJD movement, Mexico, April 2016

[59] Anonymised interview with NGO worker active in MPDJ and Aytzinapa 43 movements, Mexico, April 2016. It is worth noting that the participant interviewee also expressed considerable unease about the negative aspects of spectators emoting to the observed suffering of the victims as part of mobilisation sentiments. This may not have been Boltanski's 'distant suffering'[Boltanski, L, Distant Suffering: Morality, Media and Politics (Cambridge University Press, 1999)], but it raised the issue of how movement audiences instrumentally connect with 'victims'.

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[61] Anonymised interview with citizen media participant in MPJD movement, Mexico, April 2016.

[62] Anonymised interview with faith-based participant in MPJD, Mexico, April 2016.

[63] Anonymised interview with student and later NGO worker active in Ayotzinapa 43, Mexico, April 2016.

[64] Anonymised interview with student and NGO worker active in Ayotzinapa 43, Mexico, April 2016.

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[67] Anonymised interview with NGO worker participant in Ayotzinapa 43; Interview with social activist and NGO worker in MPJD and Ayotzinapa 43 movements, Mexico, April 2016.

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[71] Javier Sicilia, *El Deshabitado*, (Penguin Random House, 2016),17. The original text is: 'sólo tenemos esa ley para enfrentar el desastre. Es ella o nada'

[72] Anonymized interview with human rights lawyer participant in Ayotzinapa 43, Mexico, April 2016.

[73] Though some survey research suggests that perhaps practitioners themselves have excessively negative perceptions, see for example, Ron Golden and others, The Human Rights Sector in Mexico Evidence from Activists, the Public, and Elites, (2014), available at https://www.researchgate.net/publication/345198671_The_Human_Rights_Sector_in_Mexico_Evidence_from_Activists_the_Public_and_Elites.

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