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DEVIANT HEROES: AN ANALYSIS OF STRATEGIES OF SOCIAL CONTROL TOWARDS DEFENDERS OF PEOPLE ON THE MOVE IN HUNGARY

Heróis desviantes: uma análise das estratégias de controle social em relação aos defensores de pessoas em mobilidade na Hungria

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Abstract. Historically, icons of social movements were treated as outcasts by established structures of social control. When activists break unjust rules to promote human rights, their noble causes do not seem to fit the commonsensical frame of 'the deviant', which brings up some questions. When they infringe norms to promote rights, how are activists inserted in the crime framework? How do people perceive their actions and why? This article aims to address these questions, by using the case study of migrant human rights defenders in Hungary. It navigates phenomena such as stigmatisation and criminalisation, and presents positive deviance, supranormality and functional stigmatisation as alternatives to traditional perspectives.

Keywords: migrant human rights defenders; functional stigmatisation; criminalisation; positive deviance; supranormality.

Resumo. Historicamente, os ícones dos movimentos sociais foram tratados como párias pelas estruturas de controle social. Quando defensores de direitos humanos violam normas injustas para promover direitos, suas nobres causas parecem não se encaixar na noção de "desvio" advinda do senso comum, o que impõe algumas reflexões. Quando ativistas infringem normas para defender direitos humanos, como suas condutas se inserem na moldura legal de crime? Como as pessoas percebem suas ações e por quê? Este artigo tem como objetivo abordar essas questões, a partir do estudo de caso de defensores de migrantes na Hungria. Abordando fenômenos como estigmatização e criminalização, o artigo apresenta as figuras de desvio positivo, supranormalidade e estigmatização funcional como alternativas às perspectivas tradicionais.

Palavras-chave: defensores de pessoas em mobilidade; estigmatização funcional; criminalização; desvio positivo; supranormalidade.

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*"They attack your reputation, your credibility,
calling you a spy, a traitor, a prostitute. They attack
your body, and your sanity"*
(Barry, 2011, p. 9)

Introduction

Nelson Mandela has dedicated his life to fighting apartheid and spent 27 years in prison, charged with conspiracy. At the age of 23, Nobel Peace Prize Harry Wu was accused of being a counterrevolutionary rightist and was imprisoned in Chinese forced-labour camps for 19 years. In Hungary, Ahmed H was labelled a terrorist and sentenced to 10 years imprisonment after using a megaphone to call for calm during clashes at the border (Gardos, 2017; IAI, 2012). All of them, at some stage, have been stigmatised, persecuted as criminals, or both. Historically, icons of social movements were treated as outcasts by established structures of social control. When activists break unjust rules to promote human rights, their noble causes do not seem to fit the commonsensical frame of 'the deviant'. Yet strategies of social control are recurrently implicated in their activities, which brings up some reflections. When they infringe norms to promote rights, how are activists inserted in the crime framework? How do different people perceive their actions and why?

To address these issues, this paper initially reviews the relevant literature about social control and deviance, paying special attention to the construction of and reliance upon the concept of 'deviant'. The paper also considers two phenomena that significantly shape and adversely affect activists, *scilicet* stigmatisation and criminalisation. Further, anchored in an in-depth analysis of the situation of defenders of people on the move in Hungary, the essay critically assesses and presents alternatives to traditional perspectives, arguing the usefulness of categories such as *positive deviance, supranormality* and *functional stigmatisation*.

The essay draws upon Cohen's restrictive definition of social control as 'organised responses to crime, delinquency and allied forms of deviant or socially problematic behaviour' (Cohen, 1985, p. 3), which, albeit contested (Janowitz, 1975; Gibbs, 1989a; Gibbs, 1989b; Innes, 2003) remains a mainstay in contemporary sociology (Deflem, 2015).

Human rights defenders are change-makers. Thus, analysing their work through the lenses of social control, exploring concepts, theories of deviance and their interfaces with other social phenomena is relevant for understanding life in contemporary societies, particularly the role activists play in conforming to, challenging and changing the social order.

Literature review

Deviance

This section will navigate the notion of an essential element in Cohen`s definition of social control: deviance. It will also explore recent approaches of the 'deviant' as a possible route to address the challenging work of human rights defenders of people on the move.

In sociological research, deviance has been traditionally defined in a number of ways. The normative conception refers to deviance as conditions that violate accepted standards of behaviour or appearance. The reactivist conception defines it as behaviour, attributes, or conditions that are socially disapproved or disvalued. For instance, representative of the normative stream, Merton described the deviant behaviour as 'a conduct that departs significantly from the norms set for people in their social statuses' (Merton, 1966, p. 805). Reactivist, Becker described deviance as 'a consequence of the application by others of rules and sanctions to an offender' and the deviant as 'one to whom that label has been successfully applied' (Becker, 1963, p. 11). Whilst normative definitions emphasise the violation of or lack of conformity to normative expectations, reactivist definitions stress the role of social reactions in producing deviance (Heckert, Hecker, 2004). Both, however, approach deviance as something morally bad or neutral. Consequently, neither traditional normative nor reactive theories account for deviants who play altruistic roles in society, whose behaviour is positive in its intention or effect.

Suggesting that the traditional approach was incomplete, some scholars introduced the notion of positive deviance. In 1950, Sorokin noted that sociology was exclusively concentrated in the study of negative elements of society and culture and advocated the need to examine positive types of individuals (1950a, p. 3-14). This approach was further explored by other authors, who often postulate that deviance should be understood as any diversion from social expectations (Heckert, 1989). As most of the research about deviance was centred on crime, there was a lot of resistance to the attempt to introduce this conceptual paradigm shift (Ben-Yehuda, 1990) and positive deviance was occasionally referred to as an oxymoron (Sagarin, 1985; Goode, 1991). This new concept, however, appears to have emerged as a substantive response to some gaps in the traditional theory.

Criticisms around positive deviance stem from the argument that, as well as what historically happened to the notion of social control, deviance has been referred to in so many different ways that it lost its sense (Goode, 1991). I contend that this argument points to the need to reflect upon and comprehensively articulate the concept of positive deviance, but not to its uselessness. As Ben-Yehuda notices, etymologically, the word deviate simply

means a departure from the established course, without any taint or regard to bad behaviour (Ben-Yehuda, 1990, p. 224). It is crucial, therefore, to look at a broader range of deviant phenomena, not restricting it to negative connotations, as traditionally postulated.

The concept of positive deviance has further been scrutinised for incompatibility with labelling theories, in which the central mechanism is stigma. As reactivists regard deviance as constituted by negative reactions, punishment or condemnation, a positive deviance is argued to be a monstrosity, a definitional impossibility. "If reactions do not take place, deviance simply does not exist" (Goode, 1991). Nonetheless, as Heckert convincingly demonstrates, there is no such incompatibility. Relying upon the example of French Impressionists, Heckert states that actions or behaviours defined as positive deviance vary over time, across societies, and within societies (Heckert, 1989). A behaviour labelled as deviant in a specific social context will occasionally be recognised as heroic by differing audiences or epochs (Wolf, Zuckerman, 2012, p. 5). Positive deviants can become negative deviants and negative deviants can become positive deviants (Heckert, 1989). Becker's work also contributes to this conclusion, by mapping the way geniuses were perceived over centuries. Once regarded as sane individuals, geniuses were later collectively perceived and rigorously defined as mad, and currently exceptionally intelligent people lead normal lives (Becker, 1963). Coser has as well noticed this phenomenon concerning innovators. A society may define some innovative behaviour as an undesirable departure from the norm and negatively sanction it. In a different context, nonetheless, the same behaviour can be elevated if perceived from a different perspective (Coser, 1967, p. 114-128).

Variations across time and place are remarkable in regard to activists. For instance, after refusing to give up her bus seat to a white person, the civil rights activist Claudette Colvin, was widely criticised. Only years afterwards, when Rosa Parks repeated the action, this violation of segregation laws was understood as a just challenge to inequality (Schwartz, 2009). The way the behaviour is assessed also depends on the audience. Malcolm X was a 'deviant' loved by some people and hated by others in the same epoch (Carr, 2011). Even Luther King was a controversial civil rights advocate in the 1960s and his Letter from a Birmingham Jail was widely criticised when first published (Wronka, 2016). Irrespective of the way the behaviours are perceived or the activists are labelled, in all the above mentioned there was a diversion from social expectations and, therefore, deviance, albeit not in a commonsensical way, but with a positive connotation.

Recognising that ideas and meanings associated with specific behaviour may vary over time and place (Becker, 1963; Goffman 1963) enables the examination of how some actions can be vilified in one scenario and celebrated

in another. These assumptions can further provide a fertile ground for understanding the process of invention of the deviant. As the notion of deviant is mutable, it hence is not a given, but a created. If reality is continuously created and re-created by human beings (Berger, Luckmann, 1967), deviance cannot be an objective, eternally true, essence (Ben-Yehuda, 1990, p. 221). Hence, no behaviour is inherently or essentially evil or heroic; it is the label attached to it that sets the attributes. Society creates deviance 'by making rules whose infraction constitutes deviance, and by applying those rules to particular people and labelling them as outsiders' (Becker, 1963, p. 11-12). The label deviant is applied to various behaviours, for different reasons and through different mechanisms.

Historically, the notion of deviant was socially constructed in a plethora of moments. Abolitionists struggled to define enslaving black people as deviant. Prohibitionists worked to define the drinking of any alcoholic beverage as deviant. Victor Hugo tried to redefine prostitution as being a form of white slavery. The invention of the deviant has also enabled the persecution of a wide range of other groups and individuals, on the grounds of labels such as witches, Satanists, communists, mads and so on. In current times, crusaders target criminals, but also religious communities, LGBTQ, ethnic minorities and other vulnerable groups.

Stigma and supranormality

Goffman introduced the concept of stigma into the study of deviance and examined the ways people managed the spoiled identity. Central to Goffman's work is the idea of societal normality, with the obvious design of 'the normal', and the corollary of 'the abnormal', also designed 'the stigmatised'. Goffman describes stigma as an attribute, behaviour or reputation, socially discrediting in a particular way. He explains that society categorises persons and the complement of attributes felt to be ordinary and natural for members of each of these categories (1963). In other words, society establishes 'the normal.' Goffman suggests that society further leans on these anticipations, transforming them into normative expectations that comprise what he calls 'virtual social identity'. Some abnormal individuals, however, might not meet or behave according to this set of expected attributes. Stigma takes place when there is a discrepancy between the expected and the actual attributes of a person. Goffman's concept of stigma strongly links to the idea of deviance. In fact, although slightly different, the abnormality referred by Goffman keeps close correspondence to the notion of deviance. As Erikson notes, if deviance is a normal response to abnormal social conditions, then abnormality is an attribute of the deviant (1962).

Sorokin developed a theory of positive actions, suggesting that there are two types of 'social deviants': the subnormal - of which criminals are an example - and the 'supranormal', or good neighbours. Sorokin explains that if criminals are deviants falling below the legally prescribed norms of moral conduct, good neighbours are also deviants, but above the level of moral conduct demanded by the official law (Sorokin, 1950b, p. 81-82). The concept of supranormality was further developed by Zaniecki, considered the father of modern Polish sociology, but remained absent in most of the western labelling theories (Kurczewski, 2013) and has never been addressed in human rights studies. This approach can be useful for the understanding of the change making work of human rights defenders.

Crime and criminalisation of human rights defenders

The notion of crime is intrinsically related to deviance. Whilst some authors define crime as 'label created in social interaction', others present it as 'a social construction' or, in a different perspective, as a 'reflection of the law of a particular nation-state' (Morrison, 2009, p. 12). Crime causation perspectives focus attention on the cause of crime as a social fact, but do not argue why notions of crime vary across time and place. Construction perspectives regard crime as a construct or label that is attached to certain behaviour. Under these theories, deviance is the behaviour that violates a formal or an informal norm, whereas crime is reserved to refer to the specific label attached to deviant forms of behaviour under a system of law. Critical crime theories stem from crime constructions perspectives and share its fundaments (Deflen, 2015). In any case, it is doubtless that the notion of crime is socially created. Behaviours become crimes through a process of social construction. The same behaviour may be considered criminal in one society and an act of honour in another society or in the same society at a different time (Rafter, 1990). Hence, far from reflecting the immutable essence of individuals, criminal identities are constructed through strategies of knowledge and power (Golder, Fitzpatrick, 2009).

The term criminalisation, in criminology, refers to 'the process by which behaviours and individuals are transformed into crime and criminals' (Michalowski, 1985, p. 6). In other words, along with stigmatisation, it is a process of creation of deviance. In many countries, human rights defenders have been criminalised on a range of alleged motives. In places like as Burundi, anti-corruption legislation has paradoxically been used to punish individuals who denounce corruption (Tate, 2013). In others, criminalisation of protest or dissent has become a "systemic state response to the intense multifaceted mobilization in favour of democracy and new generations of rights" (Doran, 2017). Criminalisation of dissent is particularly common in Latin America,

namely Peru (Vasquez, circa 2015), Argentina (Pitrola, 2008), Equador (Espinosa, 2012), Mexico and Chile (Amnesty International, 2017b, Human Rights First, 2017; IACHR, 2015; United Nations, 2013; OMCT/FIDH, 2013). Alleged reasons of national security mask attempts to undermine the work of defenders in places such as Iran, where the activist Narges Mohammadi was sentenced to 22-years imprisonment, accused of conspiracy during a campaign for minorities' rights (Farzaneh, 2017). The strategy to counteract defenders is criminalising the activities of unregistered groups in countries like Algeria, Bahrain, Belarus, Burma, Egypt, Uganda and Syria (OMCT/FIDH, 2013). In all these places, criminalisation has proven to be an "effective strategy for weakening, or completely shutting down, the activities of human rights defenders" (Nah *et alii*, 2013).

In sum, in stigmatisation, the notion of 'abnormal' is created. In parallel, in criminalisation, the concept of crime is filled with the description of a deviant behaviour. Stigmatisation happens when the label is attached to the deviant behaviour and the sanction applied is social or internal, or both. Criminalisation, conversely, occurs when the deviant behaviour is defined as crime and sanctions are provided by formal law. In both the phenomena, there is an invention of the concepts that will further be used to justify social control.

Case study: defenders of people on the move in Hungary and the paradox of the defence of rights as a violation of the law

The significance of human rights defenders as agents of change has been increasingly recognised. However, whereas some countries have developed protection mechanisms to support activists at risk (Nah *et alii*, 2013), in Hungary, the state, who has the primary duty to protect defenders (OHCHR, 1998), is the first one to attack them. That leads to a paradox: the defence of rights turns into a violation of the law.

The current situation of activists in Hungary is a manifestation of a systematic deterioration of the rule of law and human rights, that takes place since 2010, when the Fidesz party came to power (FIDH, 2017). The Hungarian government has steadily adopted measures targeted at tightening control over the judiciary, the media, and independent institutions, and at emptying their prerogatives (UN, 2017). The Hungarian legal framework has been reshaped through a new Constitution and over 600 laws, which had an adverse impact on human rights practice. Hungary, hitherto generally hospitable to non-state actors, has experienced a crackdown on the field of action of civil society (Grabbe, Lehne, 2017). The number of non-governmental organisations (NGOs) has gradually diminished (OMCT/FIDH, 2013) and the resisting ones face police raids, confiscation of computers, lengthy investigations (Frontline, 2017) and threats (Amnesty, 2017a).

The Hungarian government has notably worked to forge a stigma of NGOs and human rights defenders in general, and defenders of people on the move in particular. The strategy has been implemented in steps. Firstly, since 2010, by fuelling the nationalistic spirit and forging the belief that everything that comes from abroad threatens Hungarian sovereignty (Human Rights First, 2017). Secondly, by labelling social movements as protectors of alien values. Since 2013, NGOs and activists have been depicted as 'promoting foreign interests' and blacklisted (UN, 2017; Human Rights First, 2017; Transparency, 2017). In 2016, the government spent €20,000,000 on campaigns labelling refugees and their defenders as criminals and threats to national security (Amnesty, 2017a). In February 2017, Amnesty International was described by the Fidesz party as "an agent organisation encouraging migrants to break the law and publishing fake reports" (Gardos, 2017). Prime Minister Orban has declared that George Soros, founder of an organisation (OSF), operated in a "mafia-style" (Gardos, 2017). In mid-2017, a great campaign to vilify Soros was launched on television, giant posters and billboards. Albeit controversial, in the context of Hungary George Soros is a human rights defender, as he fits the frame of the Declaration on Human Rights Defenders, having contributed to "…the effective elimination of all violations of human rights" (OHCHR, 1999) and having spent €12,000,000 in civil initiatives with human rights components (Thorpe, 2017). Prior to the smear campaign, Soros had made several public speeches in favour of migrants, refugees and asylum-seekers in Europe (Soros, 2017), which seems to have detonated a reprisal. Consequently, Soros, previously simply regarded as billionaire funder of Hungarian NGOs, is currently incredibly unpopular. Recent polls show that 61 percent of Hungarians have an unfavourable opinion about Soros (Tomlinson, 2017).

The stigmatisation of Hungarian activists is designed with the crucial help of media, dominated by outlets closely affiliated or loyal to the government. The media representation of activists' behaviour helps to define it, communicate it and portray it. In this process, the set of attributes expected to be 'ordinary and natural' for Hungarians is artificially designed and normative expectations about activists are forged. As a result, the defenders' "normal identity" (people who act to promote or protect human rights) is spoiled and a "virtual social identity" (alien defenders in Hungary) is forged, contributing to the process of shrinking space of civil society.

Stigmatisation in Hungary has preceded and paralleled the criminalisation of defenders, which has started in 2012, around two years after the first actions targeted at stigmatising them. In 2012, Ferenc Sziráki, a homeless and activist member of the NGO City is for All was condemned for having silently sat in front of a politician's office, claiming the revocation of a law which criminalised homelessness. Moreover, a law passed in 2015 criminalises refugees, migrants

and their defenders with a prison sentence of between one and five years (Amnesty International, 2015). The scenario worsened in June 2017, when the Hungarian Parliament adopted a law restricting the work of NGOs that receive foreign donations, allegedly designed to ensure transparency (FIDH, 2017; FrontLine Defenders, 2017; Rojas, 2017). The law is said to enable an artificial link between foreign funding and criminal activity, providing a fertile ground for further persecution of defenders (Tasz, 2017). In 2017, Márton Gulyás, a civil rights activist was sentenced to a fine and put on probation for one year, after a protest during which he adhered small signs on a public building (Spike, 2017a). Gulyás and the civil activist Gergő Varga also took part in another expedited criminal procedure. They were imprisoned and sentenced to 500 hours of public work for attempting to throw bottles of paint at the palace of the Hungarian president during a protest (Novak, 2017). Other nine members of the activist group Ligetvédők are currently facing trial for disorderly conduct (which is a criminal charge in Hungary) after protesting against the transplantation of large 100-years-old trees (Spike, 2017b).

Whereas some of these cases could qualify as a misdemeanour, in others the only wrongdoing was peaceful protest. This scenario discloses the implicit criminalisation of the right to dissent, phenomena documented by a number of reports (Amnesty, 2017b; Human Rights First, 2017; IACHR, 2015; UN, 2013; OMCT/FIDH, 2013). This strategy of dissuasion of social movements through punishment is reported to be successful in populist states, whose essence is a rejection of pluralism (Alston, 2017), such as Hungary. As populist governments claim a 'moral monopoly of representation' to speak on behalf of the people, but also need people's approval to remain in power, they tend to accuse political contenders of being illegitimate (Müller, 2016). As activists stand in their way, they are recurrently targeted by populist governments, who commonly run a strong anti-human rights agenda.

The persecution of defenders has been compared to a witch hunt in Hungary (Liberties, 2018). On 13 February 2018, the government proposed a pack of three laws, referred to as "Stop Soros", which if approved will oblige certain organisations to obtain a national security clearance and a government permit and to pay a tax of 25% of any foreign funding. Whereas proponents claim that the measures are aimed at curbing illegal immigration, Orbán's critics postulate it is to silence dissent and control Hungarian civil society (Nelson, 2018).

Discussions and findings

Positive deviance and the construction of the deviant

Although controversial (Ben-Yehuda, 1990), the notion of positive deviance can shed some lights on the situation of human rights defenders. Deviance in the

traditional sense (bad or neutral behaviour) is problematic because it reinforces stereotypes, particularly the association between challenging rules and bad behaviour (Jones, 1998, p. 10-11). The commonsensical deviance is anchored in the premise that rule-breaking is intrinsically detrimental or sociopathic. It also fortifies the idea that deviance should be blindly avoided whilst conformity should be socially aimed. However, in some places, rules and instruments of social control are an oppressive and unjust social force. Social changes are usually not a product of consensus, but a result of struggles ignited by deviant actions. Even Goode, who arduously criticises positive deviance, agrees that "in deviance lies the seeds of much social change" and that "definitions of deviance change" (Goode, 1990, p. 291).

The law-breaking work of Hungarian human rights defenders provides for empirical examination of positive deviance. In Hungary, the resistance against the anti-human rights agenda is guided by activists like Márton Gulyás, who recurrently challenges oppressive norms. Depicting activists as evil does not seem to fairly address Sziráki and other activists who break rules illuminated by altruistic values. Thus it is necessary to deconstruct the idea that conformity is something good whereas deviance is something bad. In the field of human rights, conformity can lead to the perpetuation of inequalities or violations, and deviance might figure as a prosperous avenue to bring about change or to resist oppression. Hence, when they perform a noble rule-breaking task, Hungarian defenders cannot be categorised as bad or neutral. Instead of bad deviants, therefore, it seems appropriate to approach defenders in a different manner.

Furthermore, the work of human rights defenders in Hungary corroborates the arguments of Heckert (1989), Becker (1963), Coser (1967) and Wolf & Zuckerman (2012) that the perceptions of behaviours vary over time, across societies, and within societies. Thus, negative deviants can become positive deviants (Heckert, 1989). The example of Hungarian activists shows the flip side of the coin: how by the influence of government, a positive deviant can become negative. George Soros, hitherto simply perceived as billionaire financier of Hungarian NGOs - 'a positive deviant' -, has recently been casted as an 'outside enemy' and become incredibly unpopular (Tomlinson, 2017).

Exploring the way the shape of the deviant in the field of defenders has changed is also relevant to understand that 'the deviant' is an invention and encourage responses to oppression. When deviance is presented as a "given" - and not as a constructed - it is also perceived as inevitable. This argument is not consistent with recurrent examples of defenders, such as Márton Gulyás, who has steadily put himself at risk to challenge the tag of alien representatives commonly attached to activists.

The example of human rights defenders, therefore, makes clear that the concept of deviance is not static and not a 'given'. It is rather fluid (Wolf and Zuckerman, 2012, p.6) and adaptable to the scenario. "Deviance is not an objective, eternally true, essence. Deviance is the product of complex and dynamic processes of interaction, power and legitimacy" (Ben-Yehuda, 1990, p. 221). If an unjust norm or law is predominant within society or a group, then violating or resisting it - given that unjust social context - should be considered 'deviant' in a positive way.

Stigma and supranormality

Although it has drawn criticism, Goffman's theory, far from being supplanted, has been absorbed into expanded perspectives and is still immensely influential. However, the binary perspective of stigma, centred in the notions of normality and abnormality, does not seem to account for the work of human rights defenders. Considering activists as abnormal for stepping out of rules to defend fundamental rights is paradoxical. Activists breaking rules and challenging existing structures do not fit the traditional sociological approaches; they are not 'abnormal'. When nine members of the Hungarian group Ligetvédők obstructed the transplantation of trees (Spike, 2017b), they were not behaving as deviants in the traditional sense, but rather promoting environmental rights. There is a positive component either in the intention or in the result of their work, that cannot be captured by the traditional frames of the deviant and the abnormal.

I propose that Goffman's binary approach of normality as in opposition to abnormality should be broadened to include supranormality, into which human rights defenders fall. Although absent in western labelling theories (Kurczewski, 2013) and never addressed in human rights studies, supranormality seems to be an adequate way to address activists. When they step out of the established order, activists behave in the defence of the most fundamental rights, elected as inalienable to all human beings (United Nations, 1948). Rather than abnormal, their behaviour is more normal than the normal; it is *supranormal*. There are great similarities between the good positive neighbours described by Sorokin and the work of activists. Sorokin examines altruism in good neighbours and Christian-Catholic saints and describes supranormal as "people who are above the level of moral conduct" and as "positive creative innovators in all fields of culture and social life" (1950, p. 2). Hungarian defenders are also creative innovators who make use of an array of methods to promote rights, ranging from silently sitting in front of an office (Ferenc Sziráki) to obstructing tree transplants (Ligetvédők), and from adhering signs (Márton Gulyás) to throwing paint bottles (Gergő Varga) on public buildings, always innovatively seeking to drive attention to their causes.

Functional stigmatisation, criminalisation and the theatre of exclusion

Stigmatisation and criminalisation have commonly been analysed as separate phenomena. In the reviewed literature, stigma as has been approached either without regarding its connection to crime, or as its consequence. Whereas some authors analyse stigmatisation but do not look into criminalisation, others regard stigmatisation as a result of being labelled criminal. Even the United Nations regards stigma as a result rather than as a strategy antecedent to criminalisation: "the multitude of arrests and detentions of defenders contributes to their stigmatisation" (2009). Conversely, in the studied case, starting in 2010, stigmatisation has preceded and paralleled the criminalisation of defenders, detonated in 2012.

This timeline should be analysed in the context of the populist Fidesz government, which rejects pluralism (Alston, 2017; Müller, 2016) and seeks to paralyse the opposition, but also needs people's support to remain in power. In Hungary, stigma seems to prepare the ground and for the further targeting activists with people's consent, as people perceive persecution as a necessary means to achieve a most important end: the protection of national interests. Hence, in this case stigmatisation paves the way for criminalisation.

The case studied, therefore, suggests that beyond the mainstream approaches, there is a type of *functional stigmatisation*, that is neither an isolated phenomena nor an effect of crime. It is rather a means to an end. A causal nexus in an opposite direction emerges. The 'because they are criminals they are stigmatised' gives place to 'because they are stigmatised they can be criminalised'. The example of defenders is an evidence that stigmatisation does not always arise like an unintended and normal consequence of a deviant behaviour. Contrariwise, it can be specially constructed to be practical and useful. In the case studied, it is an essential element in a theatre of exclusion, in which the voices of the opposition are silenced. It sets the scene for criminalisation, which ultimately performs the role of undermining the work of defenders. As stigmatisation sets the scene, when society attends the spectacle it perceives criminalisation as necessary. As a result, criminalisation is not questioned or disputed, which is crucial for a populist authoritarian government. Both these phenomena, in a broader scene, decisively contribute to shrinking the space of action of civil society and eroding democracy.

Conclusion

Proposing approaches that are either uncommon or absent in western theories of social control and human rights studies, this article risked to be deviant itself; yet, hopefully, a positive deviant. The way human rights defenders behave differs from other deviant behaviours. As such, they require an equally

unusual approach. Activists are agents of transformation and resistance. The case studied is a clear evidence that the work of defenders of people on the move in Hungary is not consistent with the theoretical underpinnings of the major traditions in the sociology of deviance, centred in the dichotomy normal/abnormal. The concepts of *positive deviance* and *supranormality* are presented as alternatives to the traditional viewpoints.

The article also explores stigmatisation and criminalisation from a non-conventional angle: stigma as a ground preparation for criminalisation. In navigating the example of defenders of people on the move in Hungary, in contrast to the view of stigma as paralleled or subsequent to crime, a new category emerges: *functional stigmatisation*. Understanding the process of creation of deviance and acknowledging the functional dimension of stigmatisation are relevant for guiding and encouraging defenders to resist oppression. Therefore, the new perspectives highlighted in this paper, beyond provoking reflections on influential theories and concepts of social control, are also meaningful to strengthen the work of activists.

The stigmatisation and criminalisation of defenders of migrants are worldwide and current phenomena, which makes these findings important and timely. Beyond Latin America, Africa, Eastern Europe and the Middle East, even countries that have played a crucial role in the nascency and development of the human rights currently persecute migrant human rights defenders. For instance, whereas in France activists are convicted for having provided aid to migrants sans papiers (Penchaszadeh, Sferco, 2019), in the USA migrants human rights defenders are recurrently harassed on political basis (Amnesty, 2019). Therefore, further studies could explore the phenomena presented in this paper in other scenarios. Further aspects of the causal nexus between stigmatisation and criminalisation, their interface with other strategies of social control, as well as responses of defenders to these phenomena, are also a prosperous avenue for future researches.

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