

# PLACE, RACE AND POLITICS

## THE ANATOMY OF A LAW AND ORDER CRISIS

LEANNE WEBER, JARRETT BLAUSTEIN, KATHRYN BENIER,  
REBECCA WICKES and DIANA JOHNS



# **Place, Race and Politics**

How is it that South Sudanese migrants, an overwhelming law-abiding group, have come to be criminalised in Australia? Using the 2016 Moomba ‘riot’, *Place, Race and Politics* charts the creation of a racialised law and order crisis in Melbourne. This terrific new book provides a detailed analysis of how social and political processes came to associate South Sudanese blackness with violent crime and what the consequences of this criminalisation were on the community. I strongly recommend it.

**Karen Farquharson**, Professor of Sociology and  
Vice President of the Academic Board, University of Melbourne

Following in the tradition of Hall et al’s classic, *Policing the Crisis, Place Race and Politics: The Anatomy of a Law and Order Crisis* analyses the racialisation and politicisation of crime during the 2018 Victorian election in Australia. Drawn from a number of discrete research projects undertaken by each of the authors, the book is broken down in chapters that largely reflect these different projects. As a result, the authors are able to focus on different elements of the ‘law and order crisis’ from the demonisation and dangerisation of asylum seekers and immigrant groups, to the media’s reportage and amplification of events, the populist political discourse and indeed interviews with those at the coalface of events. It makes for a sobering read as it teases out the long-standing Australian twin political strategies of vilification and law and order auctioneering. As the book shows there are no real winners to come out of such strategies and, ultimately, they serve to undermine the legitimacy even of the political winners – in this case the Victorian Labor party beholden to a tough on crime approach for the foreseeable future. The authors wisely eschew a straight ‘moral panic’ approach to the topic (while not rejecting it altogether) and offer something more sophisticated. *Race and Politics: The Anatomy of a Law and Order Crisis* makes a significant contribution to critical scholarship on law and order in Australia, but in doing so also explores the tentacles of racism, xenophobia and insecurity that constantly threaten to erode the successful foundations of multi-cultural Australia.

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# **Place, Race and Politics: The Anatomy of a Law and Order Crisis**

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United Kingdom – North America – Japan – India – Malaysia – China

Emerald Publishing Limited  
Howard House, Wagon Lane, Bingley BD16 1WA, UK

First edition 2021

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**British Library Cataloguing in Publication Data**

A catalogue record for this book is available from the British Library

ISBN: 978-1-80043-046-4 (Print)

ISBN: 978-1-80043-045-7 (Online)

ISBN: 978-1-80043-047-1 (Epub)



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# Table of Contents

List of Acronyms	<i>vii</i>
About the Authors	<i>ix</i>
Acknowledgements	<i>xi</i>
<b>Chapter 1 Introduction: The Foundations of a Law and Order Crisis</b>	<b>1</b>
<b>Chapter 2 From ‘Apex’ to ‘#AfricanGangs’</b>	<b>23</b>
<b>Chapter 3 The Racialisation of Crime: ‘African Gangs’ and the Media, with Chloe Keel, Greg Koumouris and Claire Moran</b>	<b>41</b>
<b>Chapter 4 ‘No-one Thinks You Are Innocent’: Policing the ‘Crimmigrant Other’</b>	<b>59</b>
<b>Chapter 5 Impact on the South Sudanese and Wider Australian Communities</b>	<b>89</b>
<b>Chapter 6 Conclusion: The Anatomy of a Law and Order Crisis</b>	<b>103</b>
Appendix 1: Refinement of Media Search Strategy	<i>109</i>
References	<i>113</i>
Index	<i>131</i>

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# List of Acronyms

ABC	Australian Broadcasting Corporation
ABS	Australian Bureau of Statistics
ACOSS	Australian Council of Social Services
CBD	Central business district
LNP	Liberal National Party
PSO	Protective Services Officer
UK	United Kingdom
UNHCR	United Nations High Commission for Refugees
US	United States
YNO	Youth network offender

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## About the Authors

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# Acknowledgements

The authors acknowledge we are settler occupiers on Aboriginal land. We acknowledge that sovereignty over this land – and by the people of the many Nations who have lived on this Country for thousands of years – has never been ceded.

Collectively, we acknowledge that we live and work on Kulin Country, specifically the land of the Boon Wurrung/Bunurong and Wurundjeri people of the Eastern Kulin nation in and around Melbourne, Victoria, and the land of the Ngunnawal people of the area now known as Canberra and the Ngarigo people of the Snowy Mountains.

We pay respect to Elders, past and present, of all Aboriginal and Torres Strait Islander communities, to their ongoing connection to and care for Country and to the cultural knowledge, wisdom and heritage they hold from the past and carry into the future.

The authors would like to credit Chloe Keel, Greg Koumouris and Claire Moran for their contributions to Chapter 3 and note that they are listed as co-authors of this chapter. Rebecca Powell and Meg Randolph assisted with the collection of data used in the drafting of Chapter 4. We would also like to acknowledge and thank Dr Sara Maher for her advice and assistance in the early developmental stages of the book.

We extend special thanks to Julia Farrell for her expert assistance with editing and compiling the manuscript and for her cheerful forbearance in the face of many delays, the complexities of working with multiple authors and the additional challenges imposed by the very real crisis that is the COVID-19 pandemic.

We would like to restate our thanks to the community members who shared their experiences in our research projects and the community organisations that assisted generously in the recruitment of young people as participants.

The research cited in Chapter 4 would have been impossible without the assistance of the Federation of South Sudanese Associations in Victoria, Afri-Aus Care, Daughters of Jerusalem and local youth and community workers.

The focus groups and interviews discussed in Chapter 5 were conducted with the support of the Centre for Multicultural Youth in Melbourne. We would also like to thank Nyayoud Jice and Barry Berih for their assistance with the project, as well as all of the young people who gave their time.

## **xii** Acknowledgements

The interview material included in Chapter 4 was previously published in the following reports:

Weber, L. (2018, December). *'Police are good for some people, but not for us': Community perspectives on young people, policing and belonging in Greater Dandenong and Casey*. Border Crossing Observatory.

Weber, L. (2020, April). *'You're going to be in the system forever': Policing, risk and belonging in Greater Dandenong and Casey*. Border Crossing Observatory.

Some material published in Chapter 5 has been adapted from

Benier, K., Blaustein, J., Johns, D., & Maher, S. (2018). *'Don't drag me into this': Growing up South Sudanese in Victoria after the 2016 Moomba 'riot'*. Centre for Multicultural Youth.

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## Chapter 1

# Introduction: The Foundations of a Law and Order Crisis

### Understanding Law and Order Crises

One Saturday evening in March 2016, the annual Moomba Festival – a whole-of-community event and feature of Melbourne’s cultural calendar – was disrupted when violence broke out between a crowd of young people and the police. Despite police reports of feuding groups involving young people from a variety of backgrounds – a multicultural ‘melting pot’ – the story-hungry media homed in on the so-called Apex gang as the main culprits, and the conflation of ‘Apex’ and ‘Moomba’ took hold in the public mind.<sup>1</sup> This gave rise to what scholars and activists often describe as a ‘moral panic’, which lasted for more than 32 months and then quickly fizzled out in the wake of Victoria’s 2018 state election. Media narratives about ‘African gangs’ and ‘Apex thugs’ exacted a huge toll on Victoria’s African communities and the South Sudanese community in particular.<sup>2</sup> Understanding the processes that fuelled this panic and its consequences requires an examination of the chronology of events; the role of political actors, the police and the media and the nature of the multicultural communities in which this law and order ‘crisis’ unfolded.

This book presents a multifaceted analysis of the genesis of the ‘African gangs’ panic by bringing together the findings of multiple empirical research projects conducted, individually and severally, by the book’s authors. We were inspired to combine and distil our research data in this way by the pioneering work of Stuart Hall and his colleagues from the Centre for Cultural Studies in Birmingham in *Policing the Crisis: Mugging, the State and Law and Order*, which presented one of the first comprehensive analyses of what they referred to as a ‘moral panic’ over youth violence that unfolded in the United Kingdom more than four decades ago (Hall et al., 1978). That book charted the creation of a racialised and politicised

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<sup>1</sup>Assistant Commissioner Leane, of Victoria Police, quoted in Zielinski and Booker (2016).

<sup>2</sup>While the media has often used the generic term ‘African’ to refer to a wide range of community groups, we use more specific terminology where possible to identify participants in our studies. See Maher et al. (2018) and Wickramaarachchi and Burns (2016) for a discussion of the frequent conflation of groups who identify as Sudanese and South Sudanese in official statistics and discourse.

## 2 *Place, Race and Politics*

media discourse about ‘muggings’ – a graphic label imported from the United States with no basis in English law – that legitimated a wave of intensive policing directed against a new generation of black British citizens. The book was the first of its kind to bring together the disparate elements of a highly racialised ‘moral panic’ to produce one explanatory narrative, and possibly the first to introduce systematic media analysis into criminology and identify police and other criminal justice actors as the ‘primary definers’ of crime (Reiner, 1978).

*Policing the Crisis*, however, was much more than an analysis of a moral panic. It was ultimately a book about the causes and consequences of racial and material inequality and, specifically, how political and media elites use ideology and culture to construct social problems as criminal threats to reinforce their legitimacy and uphold the status quo. According to Hall et al., the racialised panic over violent crime in the United Kingdom was largely a device to divert attention from a ‘crisis of capitalism’ and to bolster cross-class consensus in order to smooth the transition to a new, and uncertain, neoliberal order. Their Gramscian analysis – which places processes of political hegemony at its centre – remains influential amongst criminologists today, even though the days of grand theorising on this scale are, for better or worse, behind us.<sup>3</sup>

Hall et al. (1978) embarked on their research as the post-war consensus over welfare provision was beginning to break down in Britain and elsewhere in the world. Within Britain, the radical reforms to the Keynesian welfare state, attacks on the power of labour unions and economic deregulation associated with the policies of Prime Minister Margaret Thatcher unfolded from 1979 to 1990. At the same time, while these transformations to conservative ideology were taking hold and were often perceived as a ‘threat to traditional values’ (Reiner, 1978, p. 512), a parallel political development was occurring. In a famous speech, which built on the insights provided in *Policing the Crisis*, Stuart Hall (1979) argued that Britain was ‘Sleepwalking into a Law and Order Society’ characterised by authoritarian populism and an increasing emphasis on the order maintenance role of police.

At the time *Policing the Crisis* was being drafted, Britain had just experienced its first major wave of immigration from former colonies, and a new generation of marginalised ‘black British’ citizens was emerging (Gilroy, 1987). Emotions about immigration were running high, notwithstanding the fact that, as renowned UK anti-racist activist Ambalavaner Sivanandan noted in relation to postcolonial migration, ‘We are here, because you were there’ (cited in Younge, 2018), emotions about immigration were running high. This set the scene for authoritarian populism to take on a particularly racialised character. While multiculturalism was never explicitly mentioned as a historical ‘conjuncture’ underpinning the hegemonic crisis posited in Hall et al.’s book, and matters of race were considered by those authors to be mediated through class, one contemporary commentator has noted that the book was nevertheless ‘centrally framed by and through race’ (Murji, 2020, p. 450).

Fast-forward to the first two decades of the twenty-first century, neoliberalism has become near-hegemonic on a global scale, ushering in a sustained period of

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<sup>3</sup>See Fatsis (2021) for a contemporary assessment of the book’s legacy.

structural insecurity for working people across both the developed and less-developed world characterised by the deliberate creation of job insecurity and the transfer of government resources from service provision towards policies of exclusion and law enforcement. In many respects, the ‘drift’ identified by Stuart Hall (1979) has gained pace and the ‘law and order society’ he predicted seems to now be much closer on the horizon. At the same time, global economic inequality and political instability have given rise to widespread population movements, bringing with them a nationalist backlash in which anti-immigrant sentiments have gained political purchase, even in countries, such as Australia, with long-standing commitments to multiculturalism. If *Policing the Crisis* was written against a backdrop of a ‘crisis of capitalism’, then our book is written in a context where a pervasive ‘contestation over membership’ concerning some groups of immigrants is also a determining feature (Bosworth & Guild, 2008; Franko, 2020).

Although the contexts – in both a historical and a geographical sense – are somewhat distinct, we believe there are important continuities and similarities in terms of process between the construction of Melbourne’s ‘African gangs crisis’ and Britain’s ‘mugging crisis’. Thus, while this book is less ambitious in its scope than the classic work that inspired it, it nevertheless tells a story about how politics, policing and journalism actively contributed to the construction of a racialised ‘folk devil’ in Melbourne at a particular point in time. This, in turn, prompts consideration of the wider social impacts of the sustained demonisation of African Australians in terms of community attitudes and social cohesion, and the politics of race and crime, in a relatively prosperous, progressive and diverse late capitalist society.

While there are important parallels between this book and *Policing the Crisis*, it is not our intention to present an updated version of that classic text. Nor do we seek to use our more recent example as an opportunity to assess the ‘validity’ of Hall et al.’s theoretical claims about the deployment of a ‘moral panic’ by political elites to shore up hegemony.<sup>4</sup> Rather, our analysis of the ‘African gangs crisis’ draws more loosely on Hall et al.’s rich, holistic, place-based and historicised account of the ‘mugging crisis’, which sheds light on how the criminalisation of a racialised folk devil is shaped by an interplay of cultural, political and structural forces. While *Policing the Crisis* has been described as a book of two parts – an empirically informed analysis that examines institutional processes, combined with an ideologically driven and explanatory structural analysis – we focus primarily on the former, treating wider social and economic forces largely as ‘background’ (Horton, 1979). In contrast to Hall et al.’s predominantly ‘top-down’ approach, our discussion also includes original research that reflects the experiences of affected communities. This avoids the criticism levelled at those authors of ‘eschew[ing] empirical lived reality ... in pursuit of deeper structures’ (McMullan & Ratner, 1982, p. 236). And while *Policing the Crisis* has attracted

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<sup>4</sup>For critiques of the overall success of this endeavour, see McMullan and Ratner (1982), Schlesinger (1979) and Turk (1980).

#### 4 *Place, Race and Politics*

criticism in some quarters for treating race and racism largely as a ‘footnote’ (Horton, 1979; but see Fatsis, 2021, for an alternative view), we position race and other markers of non-belonging at the front and centre of our analysis in recognition of the openly racialised labelling that has characterised the ‘African gangs’ phenomenon.

### **Theorising Risk, Security and Othering**

While *Policing the Crisis* provides a natural anchor point for our work, we also avail ourselves of the considerable volume of academic literature that has accrued on a range of topics since the publication of this classic text. In response to social, political and economic changes around the world, new analytical frameworks have emerged to deal with the rapid transformations taking place under globalisation and the consolidation of both neoliberalism and authoritarianism.

For one thing, the concept of ‘moral panic’ has been subjected to sustained critique and refinement (Cornwell & Linders, 2002; Hier, 2008; Horsley, 2017). Even though *Policing the Crisis* integrated observations from multiple cultural, economic and political domains, over time the terminology of ‘moral panic’ has come to be seen as reductionist and incapable of explaining the multiple processes that combine to produce these phenomena. Subsequent research has also served to illuminate the complex political and cultural processes that contribute to ‘moral panics’, directly and indirectly and intentionally and unintentionally. We reflect on some of these processes in Chapters 2 and 3; however, it is not our desire to rehash these debates or discuss the validity of moral panic theory today. Rather, mindful of this historical critique, we adopt the more contemporary terminology of ‘law and order crisis’ to describe the construction of the ‘African gangs’ threat. This terminology has emerged as an analytical tool of choice across many fields of policy analysis. For example, Wonders and Cerys (forthcoming) note that nation-states around the world are increasingly framing governance challenges such as the control of spontaneous border crossing in terms of ‘crisis’, in order to justify harsh border controls, the application of executive power and other repressive measures that short-circuit democratic accountability (see also Koulis & van der Woude, 2020; McAdam, 2013; Tazreiter, 2018).

The concept of crisis is underpinned by heightened perceptions of risk, both in general and through the association of risk with particular places, events or people. The allocation of specific individuals or groups of people to risk categories has often been a precursor to their differential treatment, including increased surveillance or exclusionary measures directed towards ‘high-risk’ people (Armstrong, 2004; Harcourt, 2015; O’Malley, 1994; Pratt, 2017; Pratt et al., 2005). The concept of risk, therefore, is also part of our theoretical repertoire. Understood as the calculation of the probability of harm, risk is often seen as the predominant organising principle for crime control and other areas of governance under neoliberalism. Risk theorists have described the style of governance they associate with heightened risk perceptions and individualistic neoliberal ideology as ‘governing through crime’ (Simon, 2007).

This mode of neoliberal governance and the underlying ideological and economic conditions that have given rise to it have come to be associated with the phenomenon of penal populism in Anglophone democracies, which is characterised by a preference for punitive responses to social problems rather than a welfare-based approach (discussed in Chapter 2). In the context of growing socioeconomic inequality, increasingly punitive penal policies and practices effectively serve to punish marginalised communities (Wacquant, 2009). Reflecting on these transformations and their impact on state penalty, Bauman (2013, pp. 43–44) writes:

The protective functions of the state are tapered and ‘targeted’, to embrace a small minority of the unemployable and the invalid, though even that minority tends to be reclassified step by step from an object of social care into an issue of law and order; the incapacity of an individual to engage in the market game according to its statutory rules while using their own resources and at their own personal risk tends to be increasingly criminalized or suspected of criminal intention, or at any rate criminal potential.

Closely associated with risk is a preoccupation with security, the state of being free from danger or risk of harm, which is increasingly applied at the individual and community level, as well as the national level (Zedner, 2009). The cognate process of securitisation refers to a condition in which social issues are framed almost exclusively in terms of the pursuit of security (Bigo, 2011; Rose, 1999), often displacing other values such as due process or fairness. Critical scholars have argued that the categorisation of people according to risk categories – whether formal or informal – can lead to the security of marginalised groups being sacrificed in pursuit of security and wellbeing for the majority, with counterterrorism being a frequently cited example (McCulloch & Wilson, 2016; Zedner, 2010). More recently, this idea has been adapted in the field of border criminology, with ‘governing through immigration control’ being presented as a method for bolstering perceptions of security for citizens, while also reinforcing the boundaries of membership and inclusion, often in highly racialised ways (Bosworth & Guild, 2008).

A considerable body of scholarship has also advanced our understanding of processes of racialisation (Cunneen, 2020; Das Gupta et al., 2007; Hervik, 2019; Parmar et al., 2020). This term is underpinned by a belief in the socially constructed nature of ‘race’. It refers to the process by which particular groups come to be collectively identified through physical characteristics, such as skin colour, that are popularly associated with race and can also be applied more broadly to the ways in which social institutions become ‘imbued with racial meanings’ (Murji, 2006, p. 334).

In Australia, as in other places, risk has imbued youth justice as an ordering concept for over two decades, during which time it has become increasingly fused with race and indigeneity. Risk assessment in youth justice involves tools that are ‘apparently neutral and non-discriminatory’, but which are, in practice, highly racialised (Cunneen, 2020). Cunneen argues that risk assessment, as an ‘evidence-

## 6 Place, Race and Politics

based' and therefore 'scientised' practice, both *masks* race and *marks* black and Indigenous youth as 'risky'. When risk is put to work as a concept to stand in for dangerousness, it carries this mask and these marks with it. Indicators of imputed 'dangerousness' are validated and legitimised through a 'risk' lens that categorises and classifies, measures and objectifies. Through this lens, danger becomes knowable and can be factored into institutional logics for maintaining order, ensuring safety and managing security. But because, as Cunneen (2020) argues, risk is racialised, so then is dangerousness.

Here, the concept of *dangerisation* is useful for understanding how certain racial categories, youth and crime are conflated and thus come to be perceived as threats to order and safety. Dangerisation, according to Lianos and Douglas (2000, p. 267),

...is the tendency to perceive and analyse the world through categories of menace ... to continuously scan and assess public and private spaces in terms of potential threats by other people.

They explain that when 'democratic, civil society imposes its highly institutionalised, formally egalitarian model of social coexistence, difference and otherness can only be established in terms of dangerousness' (2000, p. 267). From this perspective, in places that celebrate multiculturalism and diversity on the one hand, and a safe and tolerant community on the other, citizens

...build their old lines of bias on the new legitimizing basis of danger ... presumed dangerousness is the major postindustrial criterion for distinguishing between those who should be avoided and those who can approach.

(2000, pp. 267–268)

When we consider how securitisation sacrifices the safety of some for the security of the majority (Zedner, 2010), dangerisation can be seen as both activator and amplifier of securitising processes, and making this connection helps explain how the safety of racialised young people may be sacrificed ostensibly for the safety and security of the wider community.

Dangerisation is not recognised as a matter of racial discrimination, however, because it is coded as community safety, public order and individual security. In this way race is 'laundered' through risk (Goddard & Myers, 2017) and rendered 'colourblind' (Gonzalez Van Cleve & Mayes, 2015). For middle-class progressives, this is palatable, tolerable and, indeed, entirely reasonable. For lawmakers and law-enforcers, according to Lianos and Douglas (2000, p. 269), the 'projection of menace ... at a large scale ... becomes a contemporary way of building institutional legitimacy'. This arises in the identification and perceived quelling of potential danger, as they qualify: 'Dangerization does not ascertain the *existence* of dangers. It is rather a constant skill of scanning the environment for perceptual indices of irregularity, which are then perceived as menacing' (Lianos & Douglas, 2000, p. 273).

This process is nothing new. As early as the 1960s, US policing scholar Jerome Skolnick argued that the ‘underlying collectively held sentiments, which justify penal sanctions, arise ultimately and most clearly from the threat of violence and the possibility of danger to the community’ (Skolnick, 1966, p. 45). This scanning for danger could lead, he argued, to the identification by police of ‘symbolic assailants’ as a kind of ‘perceptual shorthand’, mediated by a range of factors including appearance and demeanour, but often attached to race. While there may indeed be high levels of offending associated with certain groups at times, Skolnick (2007, p. 69) warned of a ‘ratchet effect’ that ‘occurs when racial profiling produces a supervised population disproportionate to the distribution of offending by the racial group’. ‘Danger-based legitimacy’ (Lianos & Douglas, 2000, p. 269), then, is garnered through strategies of control directed at people or groups deemed ‘risky’.

These risk-reduction strategies targeting non-citizens are consistent with the intense contestation over membership that has arisen under the destabilising conditions of globalisation. This contestation embeds immigration status, as well as race, into processes of dangerisation. Katja Franko (2020, p. 3) has described the production of ‘crimmigrant others’ in Europe as a process in which particular groups of unwanted migrants come to be associated with criminality and seen as a wider threat to an increasingly fragile moral order:

Immigrants are no longer people in need of protection, or a potential source of labour; they have been turned into rule-breakers and criminal offenders, or what can be termed “crimmigrant others.” Their presence is associated with illegality and crime.

There is no suggestion that this label is explicitly applied by politicians, state agents or members of the public. Rather, crimmigrant others may come to be recognised in the popular imagination as ‘queue jumpers’ or ‘people smugglers’ or members of ‘African gangs’. While some individual migrants do become law-breakers, Franko notes the malleability of this label so that crimmigrants may be so classified as a group, more on the basis of their perceived difference and non-belonging than due to their actual criminality. Indeed, we might contend that it may not even be necessary to be an immigrant in order to be considered a crimmigrant; for example, where young people born or raised in the country of residence, but whose parents were born elsewhere, are continually reminded of their outsider status. Dangerisation describes the process whereby difference comes to be seen in terms of danger and strategies of control through the lens of risk.

Like Lianos and Douglas, Franko (2020) sees the putative labelling of certain migrants as crimmigrants as a legitimating device, transforming them into targets of ‘penal power’ and ‘justified social exclusion’. Crimmigrants may be subjected to intensive surveillance, punishment or deportation, while at the same time governments can claim a continuing commitment to multiculturalism and universal human rights, thus creating a ‘paradox of social exclusion’ in a ‘seemingly

inclusive society' (p. 111), a paradox also explained by Lianos and Douglas (2000; Lianos, 2013). Just as, according to Hall et al., the casting of black British youths as dangerous offenders diverted attention from the conditions of social and economic marginalisation to which they were exposed, Franko sees the exclusion of the 'crimmigrant other' as a device to shore up a deeply unequal global order.

Through the control of the crimmigrant other, contemporary modalities of penal power are a central mechanism for guarding the boundaries of citizenship. They mobilise notions of innocence, goodness, right, and wrong in the processes of the making and unmaking of contemporary membership and belonging. The growing use of penal power at the border speaks of the increasingly contentious and privileged nature of Northern citizenship and residence rights in a deeply unequal global order.  
(2020, p. 198)

In Australia, as elsewhere, immigration policy has generated racist, criminalising 'us and them' tropes that have shaped exclusionary punitive discourse and ideas about 'the good society'. These narratives have hinged on otherness as a category of menace that has somehow enabled a collective apathy and acceptance of increasingly punitive practices cloaked in legitimising justifications (Windle, 2008). This is an example of how, as Lianos (2013, p. 2) asserts, 'otherness can easily and unjustifiably be associated with dangerousness, but it can also arbitrarily be manipulated as a social force through dangerousness'. This explains 'the direct but unfounded link between insecurity and poor ethnic minorities' and how 'African youth' came to represent danger, menace and a threat to order and security within both conservative authoritarian logic and 'progressive' forms of social control.

### **Understanding the Moomba 'Riot'**

Although the process associating African migrants with crime was set in motion many years earlier, the emergence of the 'African gangs' label in the public arena coincided with the Moomba Festival in 2016. This is a longstanding and unique community event described as a family-friendly celebration of the city's diversity and talent. Organised annually by the City of Melbourne since 1955, the Moomba Festival attracts more than one million people to the city's central business district (CBD). On the Saturday evening, 12 March 2016, Moomba crowds gathered along the Yarra River in Melbourne's CBD in anticipation of a fireworks show. Just before 8 p.m., a fight broke out in Federation Square. It is not entirely clear what sparked the incident but reports would later suggest that a group of white men racially abused a group of young men from African backgrounds who were walking past and this triggered one of three separate fights (Hosking, 2016). These fights were described by journalists as a 'series of affrays' (Calligeros, 2016) and a 'rolling brawl' (Mills & Houston, 2016) involving up to 150 people (Zielinski &