

Decriminalising Rap Beat by Beat: Two Questions in Search of Answers

Lambros Fatsis

Abstract

Rap music is frequently summoned to stand trial for glorifying violence, glamourising outlaw lifestyles and causing ‘crime’. Perceived as dangerous, rap is pursued and processed as such by the police, prosecutors and judges without interrogating the prejudicial assumptions that lead to its discriminatory suppression. Taking up two recurring questions in debates on rap — ‘isn’t it violent?’ , ‘isn’t it misogynistic?’ — this chapter challenges stereotypical associations between rap music and ‘criminality’, reintroducing it instead as music to be appreciated against, beyond and outside law enforcement narratives that criminalise rap, while normalising violence in other aspects of cultural and socio-political life.

ORCID: 0000-0002-3082-951X

Rap music is variously imagined, talked about, personified and policed through narratives that translate its imagery and lyrical content into evidence of gratuitous violence and rampant misogyny. Condemning an entire music genre and the broader Afro-diasporic culture(s) from which rap emerges, however, tells us more about the politics of description than the defining character(istics) of what is being described. Such offhanded dismissals of rap music (sub)culture(s), therefore, reveal how the mainstream public, scholarly and penal imagination shrink-wraps rap in unquestioned stock responses— rather than doing justice to its artistic nuance, cultural context and sexual politics. This is not to justify, deny or condone any of the violence and misogyny of much commercial(ised) rap. Rather, it is to stress that this is *not what all rap is* or that this is *all that rap is*. Contrary to popular mythology, criminological sophistry, bad press and racialised state-sanctioned violence that routinely criminalise rap(pers), this chapter

argues that selectively criminalising rap for (some of) its socially harmful, politically dubious and aesthetically repugnant content does violence to factual accuracy, Black cultural literacy or political education into criminal (in)justice. To address such accusations head-on, the remainder of this text confronts such controversies over the sexual and criminal justice politics of rap music in the form of two questions: (i) isn't it misogynistic? and (ii) isn't it violent? In so doing, a considered reply is attempted to rescue debates on the misogyny and violence in rap from headline-grabbing sensationalism. What is offered instead, is a discussion that rejects the racialisation of misogyny and violence by particularising both in Black music genres and decries the criminalisation of rap; without pretending that such imagery in rap doesn't exist or shouldn't be opposed. Rather, the argument that is advanced here stresses that casting rap out as inherently misogynistic and violent, exonerates the dominant white, patriarchal, heteronormative social order that creates hierarchies of gender, race, class and sexuality that are (pre)served by the very criminal legal institutions that mark Black music genres like rap as "criminal". Instead of blaming rap music for the racist gendered state violence that is otherwise normalised and legitimised within mainstream socio-political culture, criminological scholarship and law enforcement agencies, what follows is an invitation to decriminalise rap; directing our suspicion towards wider socio-political realities to better understand and respond to violence and misogyny— in ways that do not summon forms of creative expression to stand trial for harms that are created in other areas of social and political life.

Isn't it misogynistic?

Accusations of misogyny incriminate rap music, pointing at imagery and lyrics that portray women in offensive, objectifying and derogatory ways. Such chilling representations of male domination over women— littered with nauseating references to "bitches", "hoes" (=whores) and "pussy"— disparage women as sexual(ised) male property, in ways that bear all the hallmarks of sexist patriarchal violence. Listening to, writing about or even defending rap against its discriminatory suppression by the criminal legal system, therefore, inevitably involves accounting for the genre's affront to gender(ed) justice. Calling rap out for its embrace of ideologies of male dominance, however, also carries the danger of singling it out as the worst or only offender, while also slipping into language

that racialises gendered violence—when it selectively identifies it in forms of Black cultural expression. This is not to say that *all* critiques of rap fall into such a rhetorical trap, but to stress that this *is* a reflex response to the genre in popular and scholarly denunciations of it. Yet, recognising the perils of essentialising Black popular culture to attack its repellent misogyny neither exonerates rap, nor does it silence critiques against it. Rather, it points to the possibility of conducting analysis and espousing politics that refuse to be complicit with *both* sexism and racism in the battle against gendered and racialised violence. Encouraging such an approach is a difficult, complicated, vexing and anxious endeavour, since rap devotees and feminist critics see their cultural and sexual politics collide.

This chapter argues against such a divide to point out that it is entirely possible to oppose rap's misogyny, without unfairly blaming it on Black popular culture (alone). Challenging the broader racist, hetero-patriarchal socio-cultural and political context that harms those who are gendered and racialised as deserving targets of racial and gender violence, the remainder of this section insists that the misogyny that is abhorred in rap is not qualitatively different to— nor does it spring from an altogether different cultural soil than the misogyny that is otherwise overlooked, ignored, normalised, legitimised, excused and rationalised in other spheres of social life. This should be a fairly obvious point to make, yet the passions that such debates stir steer us away from a unified rejection of the 'metaphysics of white supremacist capitalist patriarchy' (hooks, 2006: 7) that divert our attention and divide us into warring camps— where a united front is needed instead. Drawing on Black feminist scholarship and those aligned with its politics, the discussion that follows revolves around three related questions: what kind of misogyny does rap broadcast?, where does it come from? and what logics are used to oppose it?

The *first* question challenges us to clarify whether there is a specific kind of misogyny that pervades rap that differs markedly in character from other manifestations of it in dominant or mainstream culture. If rap's misogyny is different or worse, then the alarm that is stridently expressed towards it, is wholly justified. If the misogyny that rap broadcasts reflects the broader cultural environment that we are socialised into, however, our reaction to it can be suspected of being selective at best and hypocritical at worst. As

Tricia Rose (2008: 5) puts it by attacking easy mythologies that either accuse or excuse rap's violent misogyny, '[t]he excessive blame levelled at hip hop is astonishing in its refusal to consider the culpability of the larger social and political context'. This point is expressed with similar vigour by bell hooks (2006: 135) who sees the 'sexist, misogynist, patriarchal ways of thinking and behaving that are glorified in [...] rap' as 'a reflection of the prevailing values in our society, values created and sustained by white supremacist capitalist patriarchy'. Avid readers who are well-versed in Black feminist scholarship on rap, will quickly note that neither Rose (1990, 1994), nor hooks (2004) are strangers to critiques of ideologies, politics and practices of male domination— so their pointed comments carry special weight, as does the work of Kimberlé Crenshaw (1997) and Imani Perry (1995, 2004) who also warn against prejudicial oversimplifications of the violence in and complex gender and sexual politics of rap. This is not to hear the music by becoming blind to its misogynist narratives, but to stress that rap should be seen 'as a reflection of dominant values in our culture rather than as an aberrant pathological standpoint' (hooks, 2006: 135). Indeed, admitting this 'does not mean that a rigorous feminist critique and interrogation of the sexist and misogyny expressed in this music is not needed' (hooks, 2006: 135). Rather, rethinking misogyny in rap in this way simply advises that it ought to be placed within the social, cultural, political and economic environment that shapes it— namely, 'white supremacist capitalist patriarchy' that 'approves' and 'materially rewards' rappers' tales of misogyny and sexism (hooks, 2006: 143) by packaging and promoting violence against women as a branded commercial spectacle to be consumed as entertainment. What both Rose and hooks object to, therefore, is the discriminating and discriminatory demonisation of rap without being sensitive to the 'cultural crossing, mixings, and engagement of black youth culture with the values, attitudes, and concerns of the white majority' (hooks, 2006: 135), or attentive to how similar themes pass unnoticed in other forms of cultural expression that are granted poetic license, despite the fact that they, too may 'labor in the plantations of misogyny and sexism' (hooks, 2006: 143).

To illustrate this point, hooks observes how Jane Campion's art-house film *The Piano* is praised as "'an incredible film, a truly compelling love story'" but '[n]o one speaking about

this film mentions misogyny and sexism or white supremacist capitalist patriarchy' (hooks, 2006: 139). Set in the 'nineteenth-century world of the white invasion of New Zealand' , as hooks (2006: 139) puts it, *The Piano* tells the story of Ada who is sold into marriage and expresses herself solely through playing the piano — having not spoken since childhood. After being refused her piano by her husband (Alisdair), due to lack of space in his patriarchal homestead, a neighbour (Baines) intervenes trading the piano for some of Alisdair's land; allowing Ada to reunite with her most precious possession, in exchange for molesting Ada while she plays. When Baines realises that it is not sexual assault that Ada visits him for but her chance to play the piano, he returns the piano and forces himself on her; cursing their arrangement for making Ada a "whore", and him "wretched". Ada nevertheless returns to Baines, where she is spied on by Alisdair, who 'unable to win her back [...] expresses his rage, rooted in misogyny and sexism, by physically attacking her and chopping off her finger with an ax' (hooks, 2006: 140). Despite ample depictions of '[v]iolence against land, natives, and women', *The Piano's* high-art cinematography 'unlike [...] rap' is portrayed uncritically, as though [such imagery] is "natural" — the inevitable climax of conflicting passions' (hooks, 2006: 140). 'The outcome of this violence is all positive', hooks (2006: 140) notes, although the plotline 'betrays feminist visions of female actualization, celebrating and eroticizing male domination'. Such selectivity, inevitably begs the question of why it is acceptable for 'folks involved with high culture' to 'celebrate and condone the ideas and values upheld in this film', but decry 'those who celebrate and condone [...] rap' (hooks, 2006: 141). Blaming rap for the misogyny and sexism that passes unnoticed in highbrow art, therefore, makes attacks on rap vulnerable to accusations of double standards that falsely accuse rap, but also do violence to gendered liberation too— in ways that compromise the integrity of critique when it castigates violence against women in some forms of creative expression, but not others.

The *second* question that bedevils what Rose (2008) describes as 'the hip hop wars' surrounds the source of rap's misogyny. Having suggested above that rap shares its misogyny with art forms that are judged to be more elevated culturally, we now turn to the ideology that singles rap out as exceptionally misogynistic; through the demonisation of Black culture and young black men in particular who are labelled a 'cultural problem as

a group' (Rose, 2008: 10; emphasis added) — in ways that would be unthinkable with reference to their white counterparts. As hooks (2006: 136) helpfully adds: 'black males, young and old, must be held politically accountable for their sexism. Yet this critique must always be contextualized or we risk making it appear that the problems of misogyny, sexism, and all the behaviors this thinking supports and condones, including rape, male violence against women, is a black male thing.' Exercising caution against interpreting misogyny (in rap) as 'merely a reflection of daily gender conflicts and negotiations among inner-city black youth' (Kelley, 1994: 221), the 'racist white imagination' (hooks, 2006: 142) that sanctions such interpretations, therefore, cannot remain unnamed or critically unexamined. Situating misogyny and sexism within specific forms of Black cultural expression, implicitly suggests that violence against women is inherent in and emanates from Black culture as an exceptional, problematic and justifiably pathologised breeding ground of gendered violence. While a 'very long and ignoble tradition of sexism' (Kelley, 1994: 214) does exist in black vernacular culture, the same applies to the dominant, Eurocentric, white mainstream culture that we are educated and socialised into. As references to "hoes" abound in rap music, representations of women as "bad", promiscuous "whores" who dishonour themselves by violating patriarchal idea(l)s of chastity and marital bondage, are also prevalent in the most revered and sacred repositories of mainstream Western culture. Couched in variations of the 'Madonna-Whore Dichotomy' (Kahalon, *et al.* 2019), the female body in the Western cultural canon is variously viewed as dangerous, unclean and a source of potential contamination in moralistic language that drips with sexualised violence against women. In Chapter 17 of the *Book of Revelation*, Babylon is symbolised as a "great whore" who will eventually be made "desolate and naked," her "flesh" "devoured" and "burn[t] up with fire". Sigmund Freud's (1933) classic lectures on psychoanalysis depict women as anatomically inferior, envious and resentful; ostensibly suffering from penis envy. Cesare Lombroso's (1958) positivist criminology attributed physical and moral "anomalies" to female offenders, describing prostitutes as a criminal category that possesses degenerative characteristics. Ovid's *Metamorphoses* is rife with rape scenes, the most famous of which being the Greek myth of Europa's rape by Zeus— which is deemed so central a symbol of European culture

as to name an entire continent (Europe) after it. Friedrich Nietzsche's *Thus Spoke Zarathustra* dutifully reminds readers: 'You are going to women? Do not forget the whip!' (Burgard, 1994: 4) and many more examples of violent misogyny could be plucked from the pantheon of Western culture. Yet, even when such texts are contextualised or criticised they are hardly dismissed as sources of cultural pathology or outright misogyny. Instead, they feature as classic works of religious instruction, psychoanalytical scholarship, criminological history, literary appreciation and philosophical meditation.

The *third* question that brings us closer to the source of the selective blame that is heaped on rap as a cesspool of sexist misogyny, invites us to think about the very worldview that sets attacks on rap in motion. This worldview and logic has a name: racism, but it remains conspicuously absent from such debates— despite its ominous presence as the dominant way of seeing the world from the perspective and social location of the white mainstream; white feminism included. Contrary to popular (mis)conceptions of racism that treat it as 'a mental quirk', 'a psychological flaw' (Fanon, 1967: 88), an individual attribute or as mere behaviour, racism is approached here as 'a structure not an event' (Wolfe, 2006: 390). Racism is *systemic*, structural, institutional(ised). It is not *episodic*, accidental or the outcome of a few unfortunate, isolated incidents that suddenly erupt out of nowhere. Much like sexism, racism should be understood as the very socio-cultural and political context that shapes and defines social life. Rather than a deviation from such a context, racism is an exclusionary ideology, a structural feature and an active ingredient of a social system of racialised hierarchy that creates institutional patterns, organisations, structures, cultures and politics of social injustice and social exclusion. Racism, therefore, is not simply what somebody thinks about or does to someone who is perceived, defined, classified and understood —primarily if not exclusively — as a member of a particular (minority) racial or ethnic group. It is a socio-cultural, political, institutional mentality, worldview and ideology which assigns a negative value to biological and cultural differences that are perceived as alien, incomprehensible, and inadmissible to a (majority) white society and its social institutions.

Acknowledging racism as the perspective and the social location from which critiques on rap are mounted, is therefore essential for a sober appraisal of the stigmatisation that rap

suffers. Yet, even progressive socio-political movements like feminism, or rather its “white” variant, fail to recognise their complicity in the racist logic(s) that essentialise misogyny by disproportionately blaming it on Black forms of cultural expression. Charging white feminism with racism might sound unfair, but it is impossible to ignore a blind spot that chips away at the movement’s integrity as a scholarly perspective and a radical political force. Just as our appreciation of rap music should not silence concerns about its misogyny, our commitment to feminist politics should not obscure the whiteness that sneaks into its worldview. Pretending that feminism doesn’t construct itself by default as normatively and universally “white”, is to ignore and dismiss a rich Black feminist tradition that emerged as a response to feminist politics that assume that ‘all the women are white’ or that ‘all the Blacks are men’ (Hull *et al.*, 1982), as the title of a Black feminist classic has it¹. As Audre Lorde observes, ‘[u]nchallenged, racism ultimately will be the death of the women’s movement in England, just as it threatens to become the death of any women’s movement in those developed countries where it is not addressed’ (Parmar and Kay, 1988: 125). Exaggerated though such a warning may sound, racism has nevertheless been endemic in white feminism, permeating foundational texts of the movement. Consider Mary Wollstonecraft’s (1985: 310-1) *Vindication of the Rights of Woman*, which depicted enslaved Black women as showing an ‘immoderate fondness for dress, for pleasure, and for sway’, dismissing these as ‘the passions of savages; the passions that occupy those uncivilised human beings who have not yet extended the dominion of mind’. Think also about how later modern classics like Shulamith Firestone’s *The Dialectic of Sex* ‘addres[s] black women’s issues in a single chapter, and everywhere else in the book, “woman” — a universal and unmodified noun— does not mean *them*’ (Spillers, 2003: 159). Or think about how standard critiques of rape and sexualised male violence, like Susan Brownmiller’s *Against our Will*, are ‘so intent on pursuing the black-man-as rapist theme that [...] black women’s sexual experience, static and reified [...] strike the reader as a rather perverse and exotic exercise’ (Spillers, 2003: 160). These selective passages do not encompass the entire canon of white feminist literature, nor do they pretend to offer an

¹ For a masterly discussion of how blackness is theorised, constructed and fictionalised as property, object or what she calls a ‘surrogate’ through which the white imagination asserts itself, see Morrison (1993: 26).

overview of white feminism's racism. Rather, they are mentioned here as a confrontation with white feminist critiques of rap's misogyny that remain oblivious to their own racism. Were this not so, there would not be an entire tradition of Black women's thought that rejects the term "feminism" to describe its gender politics; opting instead for the word 'womanism'; as a word that 'encompasses "feminist" [...] but also means *instinctively* pro-woman' with 'blackness [being] implicit in the term' (Walker, 1980:100). 'An advantage of using "womanist"', Walker (1980: 100) explains, 'is that, because it is from my own culture, I needn't preface it with the word "Black" (an awkward necessity and a problem I have with the word "feminist")', since blackness is implicit in the term; just as for white women there is apparently no felt need to preface "feminist" with the word "white" since the word "feminist" is accepted as coming out of white women's culture'². White feminism's reluctance to interrogate the ways in which its whiteness —as an invisibilised power relation— distorts its agenda for women's liberation, is especially audible in the way it overlooks Black women's agency— including Black women rappers— when misogyny in rap is discussed. In so doing, a long history of 'talkin' up to the white woman' (Moreton-Robinson, 2020) is ignored— as is the contribution of 'hip-hop' feminism (Morgan, 1999; David, 2007; Peoples, 2008) by Black women rappers who 'wreck' (Pough, 2004) misogynistic representations of Black women within rap. While Black women rappers make room for a progressive feminist 'stage' (Durham, Cooper and Morris, 2013) that openly challenges misogyny, white feminist critique assumes that 'images of Black women as sexually available hoochies' (Collins, 2000: 85) are not sufficiently resisted by their non-white "sisters".

Isn't it violent?

Violence has long been a central theme in the aesthetic vocabulary of some rap subgenres, especially 1990s "gangsta rap" and its offshoots; including drill music today (Fatsis, 2019b; Ilan, 2020). Such graphic imagery depicts "criminal" lifestyles, where

² For further discussion on womanism, see: Ogunyemi, 1985; Cannon, 1988; Smitherman, 1996; Hill Collins, 1998 and Hudson-Weems, 1998.

references to firearms, knives, drugs and gang violence are common— as are lurid tales of fictional larger-than-life personas who tell their story in the first person and pose as unabashedly violent. (Mis)taken for literal threats of violence rather than confrontational boasts that reflect the artistic conventions of the genre, rap features prominently on the law enforcement radar and is frequently put ‘on trial’ (Nielson and Dennis, 2019) as evidence of criminal wrongdoing. As such, rap lyrics are translated into autobiographical confessions of already committed offences, or expressions of intent or motive for offences to be committed— rather than as first-person narratives that may be partly or purely performative, fictional, hyperbolic or fabricated even; as is the case with many other music lyrics or literary works (Bramwell, 2018: 484; Fatsis, 2019b: 1301; Ilan, 2020: 2, 3, 6, 13, 16; Stuart, 2020: 195). Acknowledging the artistic nature of violent rap lyrics does not justify, excuse, or encourage its enjoyment with relish— nor does it justify the hostile, discriminatory, illiberal and unjust way(s) in which it is criminalised, policed against and prosecuted through ‘street illiterate’, ‘inaccurate’ and ultimately ‘counterproductive’ tactics (Ilan, 2020). It simply offers a contextual reading of violence in rap, by urging that we focus on *how* it is violent. Is violence in rap real or performative? Is it an expression of “criminal” intent or a bid for commercial success? Does rap celebrate violence or does it comment on it? These questions are taken up in turn, to do justice to accusations of violence in rap that tell us more about the discriminatory logic, mission and function of criminal legal institutions and their racial politics of law and order (Fatsis, 2021a) than they do about rap.

Starting with the nature of violence in rap, the genre’s cast of “gangstas”, “thugs” and “hustlas” are examples of “badman” archetypes that have a long pedigree in ‘black vernacular folklore’ (Kelley, 1994: 191) featuring outlaw legends like Stagolee and MacDaddy who fearlessly defy societal norms with casual bravado (Toop, 2000: 34; Quinn, 2005; Gunter, 2008; Nielson and Dennis 2019). The adoption of similar violent personas in rap, therefore, are a continuation of such literary conventions rather than evidence of involvement in violent acts (Krimms, 2000). As Stoia *et al.* (2018: 330) argue ‘fictionalized accounts of violence form the stock-in-trade of rap and should not be interpreted literally’. Treating them as literal truth, means interpreting art in a legalistic context where

they are deemed “true threats” and prosecuted as such. Rapping about a crime— even alluding to a real crime— cannot be interpreted as equivalent to an admission made by an actual person (rather than a character or persona) made *outside* the artistic context of a musical composition. Such a suggestion is often accused of placing rap lyrics beyond the reach of forensic scrutiny or legal debate, potentially allowing miscreants to safely record their wrongdoings as long as they write about them in rap verse. Yet, the problem with including first person narratives in rhyme form as evidence is that it is applied selectively to rap music and its various subgenres; thereby having a prejudicial impact on court proceedings due to stereotypical associations between drill and crime, crime and gang membership, and indeed Black culture and criminality (see, e.g. Gilroy, 1987; Young, 2014; Lammy, 2017; Owusu-Bempah, 2017; Owusu-Bempah, 2020; Williams and Clarke, 2018; Phillips *et al.*, 2020; Fatsis, 2019a; 2019b; Kubrin and Nielson, 2014; Dunbar and Kubrin, 2018; Fischhoff, 1999; Fried, 1999; Dennis, 2007; Paul, 2021). As Nielson and Dennis (2019: 114) remind us ‘[r]ap is not the only art to trade in outlaw [...] narratives’, nor is it ‘the only art form to draw from real life for its creations’. Any close “reading” of country music lyrics (Fried, 1999), 17th century English folk music (Thompson, 1992), opera librettos (Hartford, 2016), or any music genre that ‘levers people’s wild side over their inhibitions’ (Toop, 2000: 166) would suffice to attest to that fact. Yet rap is ‘the only form of artistic expression to be mischaracterized as pure autobiography [or] real world documentary’ (Nielson and Dennis, 2019: 114).

To illustrate that with an example, Stormzy —who poses as a “WickedSkengman” (meaning ‘wicked gunman’ or ‘wicked knifeman’) on ‘WickedSkengman 5’— raps: ‘My n****z they don’t talk, they shoot’. Such references to ‘shooting’ rather than ‘talking’ could be taken literally. Doing so, however, would distort the meaning and violate the context of this verse by conflating the narrator of the lyrics with the rapper, while also ignoring the use of inversion in rap lyrics where rhymes mean the opposite of what they say. Drawing on such a verse as evidence of involvement in violent crime, would therefore mean labelling, accusing and pursuing Stormzy as someone whose career ostensibly revolves around shooting rather than rapping. Yet, this is the same artist who has won Album of the Year at the 2018 Brit Awards and established a Cambridge University

scholarship programme. He is therefore not the “WickedSkengman” that his rapped first-person narrative describes. Rather, Stormzy is using poetic license to adopt a “badman” persona to excite fans following long-established genre norms.

According to such norms, violent content is actually expected as a lyrical motif within rap— whose connections to literal truth are rhetorical. These claims and performances are part of an economy of authenticity by which artists compete for relevance and popularity through telling violent stories; not unlike Hollywood gangster films, or popular video games. In fact, much of the appeal of commercial, mainstream rap depends on consciously exploiting stereotypes of violence, gangsterism and “ghetto life” as a sought-after commodity to be consumed online by followers whose clicks, views, likes and shares can and *do* yield material rewards (Stuart, 2020). Rather than offering a simple “authentic” voice, rappers are highly attuned to the commercial relations of their work. They deploy themes of violence and crime that they know to be very marketable. A central impetus and theme of the music is the desire to become a successful rapper to escape poverty and the violence is part of the genre’s conventions and part of its commercial appeal too. A broader reading of the genre, therefore, reveals deeply ambiguous relationships to violence that cannot be simply described as “glorifying” them—contrary to what criminal (in)justice institutions and their personnel erroneously and misleadingly contend (Fatsis, 2019b; Nielson and Dennis, 2019: 157, 319; Ilan, 2020), drawing on questionable expertise (Ward and Fouladvand, 2021; Lerner and Kubrin, 2021; Paul, 2021: 41; Lutes *et al.*, 2019).

In addition to performative dimension of violence in rap, the reality of violence that rappers are often accused of glamourising is also misunderstood as being *dictated* by rappers, rather than *narrated* by them. As a result, shocked reactions to violent rap lyrics focus on the lyrics but overlook the realities they portray. ‘[S]tructural forms of deep racism, corporate influences, and the long-term effects of economic, social and political disempowerment’, therefore, become separated from ‘rappers’ alienated angry stories about life in the ghetto’ and ‘seen as “proof” that black behaviour creates ghetto conditions’ (Rose, 2008: 5) — making ‘decades of urban racial discrimination (the reason black ghettos exist in the first place), in every significant area — housing, education, jobs,

social services— in every city with a significant black population, [...] disappear from view’ (Rose, 2008: 5). Following such a logic, rapping about violence is blamed for causing violence rather than as being read as social commentary that exposes the violence that prevails in neighbourhoods that racist social policy shapes into ‘zones of racial enclosure characterised by extreme deprivation and regular violence’ (Hartman, 2021: 94). To make matters worse, accusing violent lyrics for the violence they broadcast and comment on, doesn’t just direct our attention away from how ‘extremity’ and ‘[v]iolation teaches violence’ (Jordan, 1995: 180). It also denies rappers the possibility of expressing negative angry emotions to purge them away, by treating every violent verse as proof of “criminality” — rather than as an examples of purification through creative expression, not unlike the function of catharsis in tragedy that Aristotle’s *Poetics* defends as socially beneficial (Nicholl, 1980: 142). Seen this way, violent lyrics become an outlet for artistic production that makes room for young people to come to voice, articulate their thoughts, explore their emotions and respond to their social environment by translating their anger, bitterness and frustration into rap lyrics, instead of picking up a knife or a gun (Nielson and Dennis, 2019: 30; Toop, 2000: 166, 169-170). Such an approach to violent rap lyrics, however, is often accused of excusing violence and dismissed as an ostentatious display of permissiveness that is out of touch with empirical reality. Yet, such an accusation is itself to blame for confusing *rationalising* violence with *contextualising* it, while also neglecting forms of structural and state violence as the reality that breeds violence in the first place (Fatsis, 2019b: 1304-5; Lynes *et al.*, 2020).

Having surveyed accusations of sexual and “criminal” violence in rap should have hitherto encouraged us to resist a “‘blame and explain’ festival’ where ‘[o]ne side attacks and blames, and the other side explains’ (Rose, 2008: 129). Yet, the temptation of taking sides often overrides the necessity of flipping the script through language and politics that should refuse to discuss misogyny and violence in rap— without attending to the complex and nuanced socio-cultural and political considerations that shape such controversies. As Tricia Rose (2008: 27) wisely counsels, it is possible —as it is necessary— to find ways to ‘critique hip hop without bashing the entire genre’, just as there are ways of ‘support[ing]’ it without nourishing sexist, homophobic, or racist ideas’. Such a shift in our thinking,

however, requires an attitude towards gender, racial and criminal justice that turns its critical attention to the dominant social order and the political systems that uphold it by and through divisions of both gender and “race”. Racialised as “white” and gendered as male, this is the very racist, patriarchal order that criminal justice institutions serve, protect and maintain. Yet, little of the critical fire that rap draws is directed at the way our social world is put together through interlocking systems of oppression that Black feminist intellectuals took pains to lay bare (see, e.g. Hull *et al.*, 1982: 13-22) . With Black radical feminist thought as our guide, questions of misogyny and violence inevitably become questions of political violence. If we are to understand anything about the law and order politics that (in)forms criminal justice system definitions of who and what is “criminal”, we also ought to understand something about the ideological nature of state violence as patriarchal and racist (Wynter, 2003). And to understand state violence, we need to understand that state formation itself is violent, depending as it does on an extractive and repressive logic that is imposed and therefore coercive by its very nature (Robinson, 2016; Tilly, 1985; 1992). And this extractive and repressive logic is disproportionately exercised on those who are gendered and racialised as subordinate and *unbelonging* to the dominant patriarchal and racial order. Given the deep historical roots of patriarchy and racism as ideologies of political power that have erected social and cultural institutions that we are born into, misogyny and violence become easier to detect and decry in forms of Black popular culture —like rap— than they are to blame on the patriarchal violence that pervades political economic and cultural systems of oppression every day. Developing such new thinking habits, however, involves readjusting our worldview to understand that the realities that our words describe are dictated by the vocabulary of an unequal social order where misogyny and violence become crimes only if they are identified as what Saidiya Hartman (2021: 220) calls ‘status offense[s]’; acts that are ‘deemed illegal only for a particular group of persons’, but not others. As this chapter has attempted to reveal, the punitive language with which rap is perceived as exceptionally misogynistic and violent is shaped by a moral vocabulary that uses social status to determine whether what people are and do or whether they should be punished for the same activities that are rarely criminalised in the social and political lives of others.

Through such thinking, “crime” becomes a matter of *being* rather than *doing* to denote who belongs and who doesn’t. Accusations of misogyny and violence, therefore, serve as excuses that the white mainstream invents to police blackness through music (Fatsis, 2021b). Were this not so, Black music genres like rap would not be stereotypically identified with misogyny and violence— nor would ‘criminality [be] tethered ineradicably to blackness’ (Hartman, 2021: 243). Critics of misogyny and violence —however sincere they may wish to be— may need to look elsewhere for the crimes that Black music genres take the rap for.

References

- Bramwell, R. (2018) ‘Freedom within bars: maximum security prisoners’ negotiations of identity through rap’. *Identities*, 25 (4), 475–492
- Burgard, P.J. (1994) *Nietzsche and the Feminine*. London: University Press of Virginia
- Cannon, K.G. (1988) *Black Womanist Ethics*. Atlanta: Scholars Press.
- Collins, P.H. (2000) *Black Feminist Thought: Knowledge, Consciousness and the Politics of Empowerment*. London: Routledge
- Collins, P.H. (1998) *Fighting Words: Black Women and the Search for Justice*. Minneapolis: University of Minnesota Press
- Crenshaw, K.W. (1997) ‘Beyond racism and misogyny: Black feminism and 2 live crew’. In: Meyers, D.T. (ed.) *Feminist Social Thought: A Reader*. London: Routledge, pp. 245–263
- David, M. (2007) “More than Baby Mamas: Black Mothers and Hip-Hop Feminism.” In Pough, G.D. et al (eds) *Home Girls Make Some Noise: Hip Hop Feminism Anthology*. Mira Loma, CA: Parker Publishing, pp. 345–367
- Dennis, A.L. (2007) ‘Poetic (In)Justice? Rap Music Lyrics as Art, Life, and Criminal Evidence’, *The Columbia Journal of Law & the Arts*, 31: 1–41

- Dunbar, A. and Kubrin, C.E. (2018) 'Imagining Violent Criminals: An Experimental Investigation of Music Stereotypes and Character Judgments', *Journal of Experimental Criminology* 14(4): 507–528
- Durham, A., Cooper, B.C. Morris, S.M. (2013) 'The Stage Hip-Hop Feminism Built: A New Directions Essay', *Signs*, 38(3): 721-737.
- Fanon, F. (1967) *Toward the African Revolution: Political Essays*. New York: Grove Press
- Fatsis, L. (2019b) 'Policing the beats: the criminalisation of UK drill and grime music by the London Metropolitan Police'. *The Sociological Review*, 67 (6): 1300–1316
- Fatsis, L. (2019a) 'Grime: Criminal subculture or public counterculture? A critical investigation into the criminalization of Black musical subcultures in the UK'. *Crime Media Culture*, 15 (3), 447– 461
- Fatsis, L. (2021a) 'Policing the Union's Black: The Racial Politics of Law and Order in Contemporary Britain' In: Gordon, F. and Newman, D. (eds) *Leading Works in Law and Social Justice*. London: Routledge, pp. 137-150
- Fatsis, L. (2021b) 'Sounds Dangerous: Black Music Subcultures as Victims of State Regulation and Social Control' In: Peršak, N. and Di Ronco, A. (eds). *Harm and Disorder in the Urban Space: Social Control, Sense and Sensibility*. London: Routledge, pp.30-51
- Fischhoff, S.P. (1999) 'Gangsta' Rap and a Murder in Bakersfield', *Journal of Applied Social Psychology* 29(4): 795-805
- Fried, C.B. (1999) 'Who's Afraid of Rap: Differential Reactions to Music Lyrics', *Journal of Applied Social Psychology*, 29(4): 705–721
- Freud, S. (1933). *New Introductory Lectures on Psychoanalysis*. New York: Norton & Co.
- Gilroy, P. (1987) 'The myth of black criminality', in Scraton, P. (ed.) *Law, Order and the Authoritarian State: Readings in Critical Criminology*. London: Open University Press, pp. 47–56.

- Guevara, N. (1996) "Women Writin' Rappin' Breakin'." In: Perskin, W.E. (ed.) *Droppin' Science: Critical Essays on Rap Music and Hip Hop Culture*, Philadelphia: Temple University Press, pp. 49–62
- Gunter, A. (2008) 'Growing up bad: Black youth 'road' culture and badness in an East London neighbourhood'. *Crime Media Culture*, 4(3): 349–365
- Hartford, K.L. (2016) 'Beyond the Trigger Warning: Teaching Operas that Depict Sexual Violence', *Journal of Music History Pedagogy*, 7(1): 19–34
- Hartman, S. (2021) *Wayward Lives, Beautiful Experiments*. London: Serpent's Tail
- hooks, b. (2006) *Outlaw Culture: Resisting Representations*. London: Routledge
- hooks, b. (2004) *We Real Cool: Black Men and Masculinity*. London: Routledge
- Hudson-Weems, C. (1998) 'Africana Womanism' In: Nnaemeka, O. (ed.) *Sisterhood, Feminisms, and Power: From Africa to the Diaspora*. Trenton, NJ: Africa World Press, pp. 149–62
- Hull, A. (G.T.), Bell-Scott, P. and Smith, B. (1982) *All the Women are White, All the Blacks are Men, But Some of Us are Brave*. New York: The Feminist Press
- Ilan, J. (2020) 'Digital street culture decoded: why criminalizing drill music is street illiterate and counterproductive'. *The British Journal of Criminology*, 60 (4), 994–1013
- Jordan, J. (1995: 180) *Civil Wars*. New York: Simon and Schuster
- Kahalon, R. *et al.* (2019) 'The Madonna-Whore Dichotomy Is Associated With Patriarchy Endorsement: Evidence From Israel, the United States, and Germany', *Psychology of Women Quarterly*, 43(3): 348-367
- Kelley, R.D.G (1994) *Race Rebels: Culture, Politics and the Black Working Class*. New York: Free Press
- Keyes, C. L. (1993) "'We're More than a Novelty, Boys': Strategies of Female Rappers in the Rap Music Tradition." In: Radner, J.N. (ed.) *Feminist Messages: Coding in Women's Folk Culture*. Urbana: University of Illinois Press, pp. 203–19

Krims, A. (2000) *Rap Music and the Poetics of Identity*. Cambridge: Cambridge University Press

Kubrin, C. E. (2005). Gangstas, thugs, and hustlas: Identity and the code of the street in rap music. *Social problems*, 52(3), 360-378

Kubrin, C. E. and Nielson, E. (2014). 'Rap on trial'. *Race and justice*, 4(3), 185-211

Lammy Review (2017) 'An independent review of the treatment of and outcomes for Black, Asian and Minority Ethnic individuals in the criminal justice system'. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf [Accessed 28 August 2021]

Lerner, J. I. and Kubrin, C. E. (2021) 'Rap on Trial: A Legal Guide for Attorneys', *UC Irvine School of Law Research Paper*, No. 2021-35

Lombroso, C. (1958). *The Female Offender*. New York: Philosophical Library

Lynes, A., Kelly, C. and Kelly, E. (2020) 'Thug life: Drill music as a periscope into urban violence in the consumer age'. *The British Journal of Criminology* 60(5): 1201–1219

Lutes, E., Purdon, J. and Fradella, H.F. (2019) 'When music takes the stand: A content analysis of how courts use and misuse rap lyrics in criminal cases', *American Journal of Criminal Law*, 46(1): 77-132

Morgan, J. (1999) *When Chickenheads Come Home to Roost: A Hip-Hop Feminist Breaks It Down*. New York: Simon & Schuster

Moreton-Robinson, A. (2020) *Talkin' Up to the White Woman: Indigenous Women and Feminism*. St. Lucia, Queensland: UQP

Morrison. T. (1993) *Playing in the Dark: Whiteness and the Literary Imagination*. New York: Vintage

Nicholl, C. (1980) *The Chemical Theatre*. London: Routledge

Nielson, E. and Dennis, A.L. (2019) *Rap on Trial Race, Lyrics, and Guilt in America*. New York: New Press

- Ogunyemi, C. O. (1985) 'Womanism: The Dynamics of the Contemporary Black Female Novel in English', *Signs*, 11(1): 63-80
- Owusu-Bempah, A. (2017) 'Race and policing in historical context: Dehumanization and the policing of Black people in the 21st century', *Theoretical Criminology*, Vol. 21(1): 23–34
- Owusu-Bempah, A. (2020), 'Part of Art or Part of Life? Rap Lyrics in Criminal Trials', LSE Blogs. Available at: <https://blogs.lse.ac.uk/politicsandpolicy/rap-lyrics-in-criminal-trials/> [Accessed 28 August 2021]
- Peoples, W. A. (2008) "'Under Construction': Identifying Foundations of Hip-Hop Feminism and Exploring Bridges between Black Second-Wave and Hip-Hop Feminisms." *Meridians* 8(1):19–52.
- Perry, I. (1995) 'It's My Thang and I'll Swing It the Way That I Feel!', In: Dines, G. and Humez, J. (eds) *Gender, Race and Class in Media*. Thousand Oaks, CA: Sage, pp.524–30.
- Perry, I. (2004) *Prophets of the Hood: Politics and Poetics in Hip Hop*. Durham: Duke University Press
- Parmar, P. and Kay. J. (1988) 'Frontiers. Pratibha Parmar and Jackie Kay interview Audre Lorde', In: Grewal, S. (ed.) *Charting the Journey: Writings by Black and Third World Women*. London: Sheba, pp.121-131
- Paul, S. (2021) *Tackling Racial Injustice: Children and the Youth Justice System: A Report by JUSTICE*. London: Justice
- Pough, G. D. (2004) *Check It While I Wreck It: Black Womanhood, Hip- Hop Culture, and the Public Sphere*. Boston: Northeastern University Press
- Phillips, C., Earle, R., Parmar, A. *et al.* (2020) 'Dear British Criminology: Where Has all the Race and Racism Gone?' *Theoretical Criminology*, Vol. 24(3): 427–446
- Quinn, E. (2005) *Nuthin' But a G Thang: The Culture and Commerce of Gangsta Rap*. New York: Columbia University Press

- Robinson, C.J. (2016) *The Terms of Order: Political Science and the Myth of Leadership*. Chapel Hill: The University of North Carolina Press
- Rose, T. (2008) *The Hip Hop Wars: What We Talk About When We Talk About Hip Hop--and Why It Matters*. New York: Basic Books
- Rose, T. (1990) 'Never trust a big butt and a smile'. *Camera Obscura*, 23, 108–131.
- Rose, T. (1994) *Black Noise: Rap Music and Black Culture in Contemporary America*. Hanover, NH: Wesleyan University Press
- Smitherman, G. (1996) 'A Womanist Looks at the Million Man March', In: Madhubuti, H.R. and Karenga, M. (eds) *Million Man March / Day of Absence*, Chicago: Third World Press, pp. 104–107
- Spillers, H. (2003) *Black, White, and in Color: Essays on American Literature and Culture*. London: The University of Chicago Press
- Stoia, N., Adams, K. and Drakulich, K. (2018) 'Rap Lyrics as Evidence: What Can Music Theory Tell Us?' *Race and Justice* 2018, 8(4): 330-365
- Stuart, F. (2020) *Ballad of the Bullet: Gangs, Drill Music and the Power of Online Infamy*. Princeton: Princeton University Press
- Tilly, C. (1992) *Coercion, Capital, and European States AD 900-1992*. Cambridge: Blackwell
- Tilly, C. (1985) 'War Making and State Making as Organized Crime', in: Evans, P., Rueschemeyer, D. and Skocpol, T. (eds) *Bringing the State Back In*. Cambridge: Cambridge University Press, pp. 170-186
- Toop, D. (2000) *Rap Attack #3: African Rap to Global Hip Hop*. London: Serpent's Tail
- Thompson, E.P. (1992) 'Rough Music Reconsidered', *Folklore* 103(1): 3-26
- Walker, A. (1980) 'Coming Apart', In: Lederer, L. (ed.) *Take Back the Night: Women on Pornography*. New York: William Morrow and Company, pp. 95-104

Ward, T. and Fouladvand, S. (2021) 'Bodies of knowledge and robes of expertise: expert evidence about drugs, gangs and human trafficking', *Criminal Law Review*, 6: 442-460

Williams, P. and Clarke, B. (2018) 'The Black Criminal Other as an Object of Social Control', *Social Sciences*, 7(234): 1-14

Wollstonecraft, M. (1985) *Vindication of the Rights of Women*. Harmondsworth: Penguin

Wolfe, P. (2006) 'Settler colonialism and the elimination of the native', *Journal of Genocide Research*, (8)4: 387-409

Wynter, S. (2003) 'Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, After Man, Its Overrepresentation--An Argument'. *CR: The New Centennial Review* 3(3): 257-337.

Young Review (2014) 'Improving Outcomes for Young Black and/or Muslim Men in the Criminal Justice System'. Available at:

http://www.youngreview.org.uk/sites/default/files/clinks_young-review_report_dec2014.pdf [Accessed 28 August 2021]