

Middle Eight

Resisting the criminalisation of rap

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Rap has been a part of my life from very young; I personally attest to its therapeutic and artistic value. My first exposure was through my older sister, Cella. In addition to the R&B or UK garage kept on heavy rotation, hip hop albums like Nas's *God's Son* could also be heard blaring through my house via Cella's CD player at any time. I particularly enjoyed 'Book of Rhymes', a song on which a young Nasir Jones recites verses from his old lyric books. With a cool cadence and calming tone, Nas meanders through topics ranging from the imperialism of the US army to social issues like drug addiction in local communities. Contrary to its caricaturing as ceaselessly confrontational and crass, rap is often conscious at least in its subtext, and has long offered insightful social commentary.

My zealous appreciation for rap soon led me to try to write my own book of rhymes. I would find writing lyrics an avenue through which I could explore the fullness of my teenage sensibilities outside of the conservatism of my West African home. Similarly to how I'd first fallen in love with reading books and writing fiction, rap felt like a fresh, cathartic approach to storytelling. Rap has always helped me to process the things I've seen and experienced or even just heard about, and enabled a kind of escapism. Somewhere between a diary and an anthology of fantasy, I wrote some of my earliest verses by hand in a notebook intended to be kept strictly private. My verses explored everything from my wildly swinging emotions to my aspirations to eventually be able to buy everything I ever wanted from the Argos catalogue and my local JD Sports store. On one page I'd scribe a romantic ode to a crush, on the next I'd scribble quite specifically about desires to enact revenge against anyone who might have recently upset me. Perhaps as a form of adolescent rebellion against the arbitrary rules of respectability I felt were being thrust upon me by society, the verses I wrote were saturated with expletives to an almost comical extent.

When my parents inevitably stumbled across my top-secret handiwork, they appreciated my talents for neither poetry nor humour. Their immediate disapproval was non-negotiable. They were shocked not only that the topics I engaged with seemed inappropriate for my age but also by my use of profanity and graphic lyricism. Although their reasoning that I must have been emulating the existing conventions of rap was correct, they could not reconcile with the possibility that I may also have been genuinely trying to address complex personal thoughts and grappling

with some of the stark realities I was becoming increasingly aware of. I was subject to harsh discipline and discouraged from continuing to write such material.

This anecdote for me parallels the way in which rap has been reductively misunderstood and received with suspicion by wider society. Indeed, rap's exploration of experiences like grief and trauma or extensive analysis of social systems such as capitalism is routinely overlooked in favour of focussing on its cruder moments. It is also problematically assumed that artists are personal advocates of the attitudes they may explore in their work. If I were growing up in today's digital society, for instance, I might be more inclined to keep my lyrics on an app on my phone or even publish them on social media rather than scribbling them in a notebook. Horrifyingly, in keeping with the practices of prosecuting rap which are presently proliferating, these lyrics might be mistaken for actual intent and drawn upon as evidence of my guilt if I were implicated as a suspect of a crime. Indeed, the Metropolitan Police has increasingly been monitoring young people's digital activity, trawling social media accounts, for instance, for clues about their attitudes or to establish their interpersonal associations.

It is disheartening that the expressive value, limitless analytical scope and literary brilliance of rap are acknowledged far less in dominant rhetoric than the medium is lambasted for its engagement with the taboo and provocative approach. This is perhaps unsurprising, however, given the long history of the close surveillance and criminalisation of Black speech. The negative associations attached to rap correlate with enduring imperialist and colonial stereotypes which pathologise Black people as inherently criminal, hypersexual and primitive. Just as the use of indigenous language or the unauthorised assembly of enslaved people would invoke worry in plantation owners about the prospect of revolt, the unique culture and unifying effect of rap and hip-hop prove disconcerting for the modern state.

While Nas has had a Harvard University Fellowship named in his honour for his contribution to the canon of Black poetry, and Jay Z has been inducted into the Rock 'n' Roll Hall of Fame, the critical acclaim of such distinguished hip hop icons is relatively anomalous. Rap music has more frequently been scapegoated for the social issues it, in fact, reflects. Mainstream commentators prefer to focus for example on the interpersonal violence that rap allegedly glorifies rather than on its exposure of the wider context of structural violence perpetrated by the state through preventable social problems such as poverty and inequality of opportunity. These cause precarity to flourish in communities in the first instance.

Viewed as uniquely threatening, dangerous and literal compared with other music genres and creative endeavours, rap is ultimately denied a status of legitimacy as an art form. Disproportionate criticism persists despite the fact that content which explores themes of violence, crime and sexuality is far from exclusive to associated genres or even to the medium of music. Creative licence is afforded meanwhile to other (whiter) forms of cultural output such as country music, despite there being comparable levels of violence in its lyrics. Movies by directors like Quentin Tarantino and Martin Scorsese furthermore are heralded despite their graphic depictions. Consistent with supremacist rhetoric suggesting the intellectual inferiority of Black people, it is not supposed by critics that Black culture can be sophisticated enough to transcend literalism.

Although hip hop inspired waves of Black subculture and entrepreneurialism worldwide, much of this innovation has been met with similar marginalisation from the mainstream and reactive denunciation. When So Solid Crew burst onto

the UK garage scene around the year 2000, for example, bringing along with them hip hop's sensibilities and enterprising instincts, their moodier sound was scapegoated for the relatively disparate eruptions of violence across London's nightlife landscape. Their shows were soon shut down across the UK for fear of further disturbances. Grime would experience similar suppression. Even the instrumental version of subsequent Lethal B's 'Forward Riddim' was barred from being played at venues because of the visceral reaction that audiences would have upon hearing it. Better known as 'Pow!', the song was also summarily banned from radio; its grating sonics and channelling of aggression would not be welcomed on the mainstream airwaves.

This initial, more informal exclusion of grime music would escalate from disapproving venue managers erecting signs that warned DJs against playing the genre to being institutionalised and enforced by the Metropolitan Police. Form 696 was a four page risk assessment that the police required promoters to submit two weeks before events took place. Failure to provide information in time would result in the event's cancellation. In addition to enabling surveillance by demanding the name, address and contact telephone numbers of all parties involved in planning and performing at events, the initial version of form 696 also asked for the ethnicity of likely attendees. In response to backlash about this clear racial profiling, the form was reworded to ask which genres would be played at the event. Rap and R&B were specified as examples to be declared.

While Form 696 was eventually scrapped in 2015, the resistance against rap and such other forms of Black music has since intensified and been systematised in other deeply worrisome ways. Drill music is the latest form of youth culture to generate panic among authorities and be made a scapegoat for violence in London. In addition to civil tools such as gang injunctions and the threat of imprisonment being wielded by authorities to censor rappers' content, rap music is increasingly successfully being used as evidence in criminal trials. Rap songs are being played back and discussed at length in courtrooms to confirm the stereotypes about the violent and criminal propensities of young Black men, which helps prosecution teams to secure guilty verdicts. Transcripts of lyrics, often produced by ill-informed police officers, are disseminated to juries. Appearance in music videos is used to confirm associations and bolster accusations of gang membership.

From my experience of working in violence prevention in settings ranging from schools to youth clubs, however, I know how spontaneously young people living in densely populated areas of the inner-city may end up as part of video shoots which happen to be taking place locally. Despite such themes being regularly explored in its content, furthermore, the vast majority of the creators of UK drill I have encountered during my time on the frontline are not committed to lives of crime or violence. Instead, they are young people with sincere aspirations to achieve legitimate success in entertainment.

Although Form 696 is no longer in use and Operation Trident has been disassembled, young Black people and their cultural activities are still being excessively monitored and treated as suspicious. The Gangs Matrix is one of the updated mechanisms facilitating this heavy policing. Created by the authorities allegedly to combat violent crime, this highly controversial police database identifies and risk-assesses so-called gang 'nominals' in London. Those listed may experience more regular stop-and-searches, be banned from particular geographies or subjected to a variety of such other impositions. Since Drill has been associated so heavily in

public discourse with violence, young people's participation in such music can lead to them being perceived as having a propensity towards crime and their inclusion on the Matrix. Problematically, even consuming drill music on YouTube or following pages on social media accounts which post associated content on platforms like Instagram or Snapchat is considered a contributory risk factor for involvement in gang crime.

The reality is far less linear. Where drill music does carry an air of aggression or appear concerned with weapons or drugs, it is largely reflective of its incubation in claustrophobic inner-city communities affected by violence, poverty and addiction. Rather than thoughtlessly celebrating or being personal participants in such ills, then, many rappers may be considered local documentarians, and rap can sometimes be more constructively understood as a form of reportage. Rap is ultimately the product of disenfranchised young people finding new ways to communicate with each other as well as the wider world about the unfavourable socioeconomic conditions they contend with. Even where rappers' lyrics may explore violence, they may not represent individual disposition or motive. While rappers' lyrics sometimes draw on autobiography and reflect real life, their works are also often forged from the experiences of others, or fictitious. With rap becoming so commercially valuable from its marginal origins, more and more young people aiming for upwards social mobility are aspiring at least to work within music if not become artists themselves. In order to amass listenership and sell units, many emerging acts will automatically align themselves with the conventions of their genre which have already proven to achieve success. In rap, this includes bragging about one's skills and possessions, levelling bold threats and witty slurs against imaginary, mainly anonymous opponents, or telling stories about violence in which the performer positions themselves as the protagonist (per the medium's favouring of first person narratives). Often, the references to violence in rap are generic, fabricated or hypothetical. They are performative rather than literal in essence and cannot be substantively connected to any actual occasions of harm. Although some incidents of violence have been exacerbated by exchanges enabled by drill music, the provocations between artists per the competitiveness of rap are most often musical. They remain contained within the online domain rather than being grounded or having consequences in the real world.

I once worked with a young person, for instance, whose music made reference to an incident of violence in his local community. While his lyrics could have been interpreted as him claiming involvement, he categorically had nothing to do with what had transpired, and admitted in conversation with me that he'd written about it to incite the reaction that helps gain traction as an artist. Such professional experience, in addition to my own personal participation in music, has uniquely positioned me to assist defence teams as an expert witness in criminal court cases where Rap is presented devoid of context, mischaracterised as autobiography and treated as tantamount to confession. In these proceedings, police officers provide courts with (mis)translations of the stories told and colloquialisms used in rappers' songs to fit narratives of tit-for-tat gangland violence. Comparable with how joint enterprise laws have been widely misapplied with devastating human impact, the concept of the 'gang' is routinely invoked at various points in the criminal justice process, implicating a disproportionate number of young Black men in incidents of crime. Charges in such instances may be escalated to conspiracy status, for example, which carries significantly heavier sentences should defendants be found guilty. Such practices continue in spite of the fact that the Mayor's Office of Policing and Crime's own

statistics confirm that the links between 'gangs' and violent crime in the London are much more tenuous than is often assumed.

I have participated in several cases in which a disproportionate amount of time has been afforded to prosecution teams to comb through exhibits of music evidence to elucidate theories about the mobster lifestyles and murderous intent of defendants. Defence teams meanwhile have been allowed significantly less time to call on experts to provide crucial context which will help juries make more informed decisions. This asymmetry heightens the risk that too many of the prosecutions' problematic assumptions may go unchallenged in proceedings. I observed in one recent case for instance that the common English idiom 'make a killing' was misleadingly highlighted in a police witness statement as if to suggest the homicidal intent of the performer. In another case, it was glaringly obvious that the officer whose 'expertise' of 'gangs' and 'urban music' was being relied upon could not actually understand what the rapper under scrutiny was saying because of his Jamaican accent and heavy use of slang. Even more concerning than this officer's repeated concession that significant parts of the song were to them 'inaudible' was their mistranslation of mundane words used by the rapper as the names of local gangs. In addition to the utter incompetence of most police officers to reliably translate and contextualise rap, such fundamental inaccuracy also exposes a kind of confirmation bias whereby young people's music is interpreted in courts in a way that supports pre-conceptions of them as criminal.

Even where translations may be accurate, and themes of violence and criminality are indeed explored by artists, it would be misguided to uncritically interpret rap verses as evidence of wrongdoing beyond musical performance, or even as representative of the personal views of the author(s). Since meaning within any given rap verse is fluid, it is not robust to assume that artists are advocates of the sentiments or behaviours their work may describe. Rap artists, for instance, often rely on figurative expression, regularly utilising hyperbole and exploiting stereotypes to incite reaction. Authors of verses adopt various perspectives and seamlessly meander between topics and themes, truth and fabrication. As such, rap verses can be extremely complicated and require disentangling, especially for those unfamiliar with the conventions of rap and without crucial cultural context. Although it is reasonable to assume that most police officers in the UK fall into this category, and many of them admit to only engaging with rap to understand its potential links with crime, they nevertheless assume the position of rap 'experts' and their witness statements are treated as credible by the courts.

Owing to the fear that rap can invoke, and its increased susceptibility to being misinterpreted, its admission as evidence in criminal court cases risks misleading juries and significantly heightens the prospect of unfair prejudice against defendants. Furthermore, because rap concerns itself less with chronology and literalism than with coolness or exhibitions of lyrical dexterity, it also often provides minimal probative value. Literal translations of the colloquialisms used in rap lyrics (which are cherry-picked to be presented by police officers and divorced from their original context) are dangerously insufficient to prove gang membership or involvement in crime to a legal standard. Since lyrics by themselves have extremely limited utility in establishing the facts of any case, and their introduction often confuses issues and detracts from time which could be spent deliberating more material matters, rap 'evidence' should be foregone in favour of focusing on less ambiguous and easily manipulable evidence such as CCTV, cell sites and DNA. Meanwhile, per

the work of the Prosecuting Rap network, we must continue to urgently challenge this criminalisation of diasporic expression both in individual cases and in wider discourse, and to resist the reinforcement of stereotypes of young Black people as criminally inclined.