

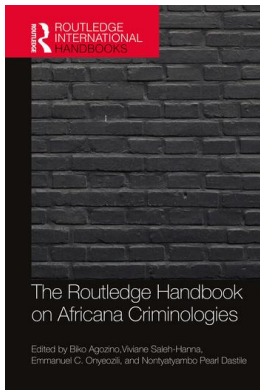
This article was downloaded by: 10.2.97.136

On: 31 Mar 2023

Access details: *subscription number*

Publisher: *Routledge*

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: 5 Howick Place, London SW1P 1WG, UK



The Routledge Handbook on Africana Criminologies

Biko Agozino, Viviane Saleh-Hanna, Emmanuel C. Onyeozili,
Nontyatyambo Pearl Dastile

Resisting the Criminalization of Hip-Hop Culture Among Africana People

Publication details

<https://test.routledgehandbooks.com/doi/10.4324/9781003004424-16>

Corey Miles

Published online on: 30 Dec 2020

How to cite :- Corey Miles. 30 Dec 2020, *Resisting the Criminalization of Hip-Hop Culture Among Africana People from: The Routledge Handbook on Africana Criminologies* Routledge

Accessed on: 31 Mar 2023

<https://test.routledgehandbooks.com/doi/10.4324/9781003004424-16>

PLEASE SCROLL DOWN FOR DOCUMENT

Full terms and conditions of use: <https://test.routledgehandbooks.com/legal-notices/terms>

This Document PDF may be used for research, teaching and private study purposes. Any substantial or systematic reproductions, re-distribution, re-selling, loan or sub-licensing, systematic supply or distribution in any form to anyone is expressly forbidden.

The publisher does not give any warranty express or implied or make any representation that the contents will be complete or accurate or up to date. The publisher shall not be liable for an loss, actions, claims, proceedings, demand or costs or damages whatsoever or howsoever caused arising directly or indirectly in connection with or arising out of the use of this material.

11

RESISTING THE CRIMINALIZATION OF HIP-HOP CULTURE AMONG AFRICANA PEOPLE

Corey Miles

Introduction

In April 2018, with the release of hip-hop icon Meek Mill from jail, where he served a five-month sentence for probation violation, and ten months following 12-year-old rapper Lil C-Note being arrested on felony charges in Georgia for selling CDs in a local mall, there was consistent engagement about the structural positioning of hip-hop within the American criminal justice system by the hip-hop community. This chapter explores court cases using hip-hop lyrics to prosecute Africana people and the development of police task forces to police the ontological bounds of hip-hop artists to suggest that, given hip-hop is an Africana cultural tradition, it has been rhetorically paired with criminality. This rhetorical pairing has branded hip-hop artists as potential and/or possible criminal offenders, leading to constant surveillance and over-policing in an era organized around incarcerating Black bodies. Given that those who embody a hip-hop aesthetic are some of the primary victims of the criminal justice system, they have become equipped with a nuanced understanding of these institutions' social practices. This chapter concludes by engaging with the aesthetic and linguistic ways in which hip-hop has resisted, challenged, and critiqued the oppressive social process of the American criminal justice system.

In the summer of 2016, I worked in a leadership mentoring program at a correctional facility in Miami-Dade County that served both male youth and adults. The program was structured for me to engage with the youth on topics of my choice as long as I included an educational component. While I shared similar characteristics with the boys, being that I was a young Black man who grew up low income in an all-Black neighborhood plagued with the structural issues of spaces highly segregated by race and class, a conceptual distance was created between us by the way I styled

my slang with academic jargon and my professional attire, which covered the scars of my poverty.¹ I was reminded of this distance when the boys asked me, “Why do you dress like that?” My personal introduction to the boys about having a background similar to theirs did not resonate well as, for the first 20 minutes of the interaction, they seemed uninterested. When I mentioned I study and write about hip-hop, the boys became active participants in the conversation. “I hear Gucci Mane got out of jail; did he make a mixtape?” I was asked. “You know, I rap; I can get my book if you want,” another shouted to me.

Popular culture, specifically music, has not been conceptualized as reflecting a static identity but is understood as the process by which identity is constructed and negotiated (Frith 1996). For those Black boys who were under correctional watch, hip-hop was the avenue on which they constructed identity outside of the structural possibilities of mainstream institutions. In their world, studying hip-hop positioned me as someone who valued the way in which they dealt with the oppressive structure of America. The relationship between the criminal justice system and hip-hop is a multifaceted one that can’t be fully addressed in one chapter. On one hand, hip-hop serving as a Black cultural tradition has been criminalized (Kubrin and Nielson 2014), and on the other, it has challenged the hegemonic assumptions of White structures (McLaren 2018).

This chapter examines the key structural strategies used to criminalize and police hip-hop culture and moves to ways hip-hop culture has served as a site for Black people to be fantastic: destabilizing dominant notions of modernity, specifically within the criminal justice system, by recasting Black subjectivity in a humanizing manner through the ways Blackness can operate from within in conversations with and against mainstream institutions (Iton 2008). Scholars have been diligent in exploring the relationship between hip-hop and the criminal justice system, reminding us that the cultural is always political.² This chapter adds to this body of literature by documenting how hip-hop culture being situated as a criminal threat to the moral and physical fabric of America has positioned the Black hip-hop community as a key epistemological agent in shaping our understanding of criminal justice.

Residential segregation, poverty, racial profiling, over-policing, and incarceration intersect in unique ways that have separated Black people from family, rights, and dignity. These oppressive tactics have been reinvented in the form of using rap lyrics to prosecute hip-hop artists and law enforcement task forces that solely police rap artists to regulate the ontological bounds of the hip-hop community. Hip-hop has not only changed the material conditions for Black people, but, through giving voice to a criminalized identity and rhetorically shifting the national narrative on criminal justice, has also played a key role in dismantling structural inequalities organized within the American criminal justice system.

Criminalization of hip-hop

On November 6, 2017, the hip-hop community was left feeling hurt, angry, and hopeless as Meek Mill was sentenced to two to four years in state prison for parole violation. The Philadelphia star had been on parole for over a decade on drug and

gun charges that he was arrested for at the age of 19 and convicted for two years later. Mill's case highlighted structural flaws within the criminal justice system, with rapper Jay-Z critiquing the idea of probation, stating, "It is a land mine, with a random misstep bringing consequences greater than the crime. A person on probation can end up in jail over a technical violation" (Young 2018). After the sentencing, activist-athlete Colin Kaepernick tweeted that this case highlighted the urgent need for criminal justice reform. After five months spent incarcerated, Mill was released when the Supreme Court of Pennsylvania overturned the judge's decision, citing questions regarding the credibility of the officer who initially arrested Mill in 2007.

Shortly after Mill's release, 12-year-old rapper Lil C-Note was arrested selling CDs at Atlanta's Cumberland Mall in October 2018. Lil C-Note is a viral celebrity and developed success selling his music in Walmart and appearing on *The Ellen Show*. C-Note, who police said would not cooperate with the officer at the time of the arrest, was charged with felony obstruction, misdemeanor obstruction, and criminal trespassing from the confrontation. Black children are seen as less innocent and older than their White peers of the same age group, which has translated to more experiences of police violence for Black children (Goff et al. 2014). Atlanta rapper T.I., in a press conference speaking about C-Note, said, "It's our Black kids getting picked on. You know if that was a white kid, nothing would've ever happened." C-Note's case confirmed to the Black hip-hop community that, for the criminal justice system, Black children are to be dealt with and not engaged with.

For sociologists, systemic racism refers to how racial oppression is at the core of America and organizes every major institution and the ideological consciousness of the country (Feagin 2013). The material, social, and ideological organization of America at its foundation is engineered to produce disparate outcomes for Black people as a normal function. But how, then, does racism persist in liberal democracies that have repudiated racial discrimination and made it illegal? America has developed profound ideologies and discursive practices to justify, uphold, and explain away racialized outcomes produced by mainstream institutions (Bonilla-Silva 2006). Myths, stereotypes, and racist ideologies that have historically linked Blackness with criminality have led to discriminatory policies and state-sanctioned violence towards Black people from post-Reconstruction era to today (Smiley and Fakunle 2016). The criminalization of Black people has served as the ideological lynchpin in the continuation and reproduction of racial structural violence. Angela Davis (2003) contended that crime discourse serves as a masquerade behind which race can mobilize old fears to shape social structures.

The criminalization of hip-hop is grounded within a historical paradigm of policing Black cultural processes for White supremacist political, economic, and social gain. Hip-hop matters in that popular culture is one of the sites where the fight for and against the hegemony of the powerful is engaged (Hall 1998). Between May 10, 2018, and January 15, 2019, six Black men in Jacksonville, Florida, were arrested through Operation Rap Up for possession of a firearm by a convicted felon or possession of a weapon by a juvenile delinquent found to have committed a felony act because they were said to be waving real semi-automatic handguns and rifles in a rap video. Jacksonville Sheriff Mike Williams is reported to have stated, "These videos

glorify drug use. They celebrate a culture of violence and are often intended to intimidate or threaten rival groups” (Scanlan 2019). The videographer who filmed the video reported that he was not sure if the guns were genuine, and there were no acts of violence linked to these individuals following the video; however the sheriff insisted that the guns were real, and felons holding real firearms was illegal (Jones, Peel, and Piggott 2019).

Tibbs and Chauncey cite a new form of policing and prosecutorial decision-making in which prosecutors use local rap videos with limited additional evidence to convict Black people (2016). Within this unconstitutional practice, rap videos and lyrics are not used to prove that someone has committed a crime, but rather to play on the ways the White imagination has constructed false representations of Black identity and to reaffirm that Black people are prone to criminality. This is represented in Los Angeles Assistant District Attorney Alan Jackson’s paper, published for the American Prosecutors Research Institute, indicating that rap lyrics and videos are used in court to construct a picture of a defendant’s propensity or motive to commit violent acts (Tibbs and Chauncey 2016). By decontextualizing the art form and stripping hip-hop artists of epistemological agency (Steinmetz and Henderson 2012), hip-hop videos become the visual marker that, beyond a reasonable doubt, prove right the assumptions the White imagination has about Black criminality.

The criminalization of hip-hop is situated within a broader historic pattern of rhetorically and ideologically linking working-class Black people with criminality (Aprahamian 2019). Hip-hop, being an extension of Blackness, becomes criminalized, and Black culture embracing a criminalized musical genre becomes proof that Black people have a propensity to embrace criminality. On February 9, 2019, a California Taco Bell employee called law enforcement because a young man was slumped over in his vehicle in the parking lot. The young man slumped over was Bay Area rapper Willie Bo, who was subsequently shot by Vallejo officers. Vallejo only allowed three family members to watch the video footage, with the family unanimously stating that the rapper was killed in his sleep. However, the spokesperson for the Vallejo officers stated, “He woke up on his own and sat up, reach [sic] for the handgun when the officers told him to show them his hands, then the officers fired” (Edwards 2019). Willie Bo was sleep with a handgun in his lap. Family member David Harrison stated, “He scratched his arm in his sleep . . . [a]nd they murdered him. There is no justification.”

The fear of a sleeping Black man is rooted in the tradition of criminalizing Black bodies to uphold the normalcy of White supremacy. A primary way this has been done is through criminalizing Black voices who challenge the epistemological and ontological contours of dominant American institutions. Hip-hop has been diligent in critiquing and reimagining the role of law enforcement, corrections, and courts through a lens that goes beyond traditional legal rhetoric (Steinmetz and Henderson 2012). The policing of hip-hop is a continuation of the practice of many Southern colonies policing the words of those enslaved for fear of a revolt (Tibbs and Chauncey 2016). Many who were enslaved were prosecuted under laws that targeted Black speech on the slightest evidence that their words were proof of actions or intentions of challenging the current structure. This process was replicated during the Black Power

era, when the state criminalized expressions of Black sovereignty by assaulting Black bodies. Structural violence from the state was used to circumvent the Black politics in the Black power era and the Black politics in hip-hop to narrow the cultural terrain in which Black voices present counternarratives to hegemonic assumptions about Black subjectivity (Tibbs 2012). If the cultural realm is the space where Black people can be fantastic: destabilizing dominant notions of modernity by recasting Black subjectivity in a modern humanizing manner (Iton 2008), then the criminalization of hip-hop is a modern way in which to police the imaginative possibilities and liberatory sensibilities of Black subjectivity.

The policing of the liberating possibilities of hip-hop has, in part, come through the construction of hip-hop task forces. Police departments have developed hip-hop task forces to police and construct criminal cases against hip-hop artists (Tibbs and Chauncey 2016). In 2005, retired police officer Derrick Parker admitted to creating a task force in New York to monitor the activity of rappers (Nielsen 2010), which, in practice, was to place existentialist limits on Blackness generally and hip-hop specifically. In 2004, after receiving a phone call from a local detective soliciting information about hip-hop artists, the *Miami Herald* published an article documenting how Miami police were secretly monitoring hip-hop artists who were visiting South Beach (White and McDonnell 2004). Simone Browne viewed Blackness as a key site where surveillance is practiced, narrated, and enacted (2015). Hip-hop has been positioned within the organizational structure of the criminal justice system as a threat to the moral fabric and safety of society, warranting oppressive surveillance. Existing from this vantage point, hip-hop artists have been equipped with a unique epistemological understanding of the criminal justice system. Exploring the ways in which hip-hop has resisted and critiqued the social process of the American criminal justice system can provide a template for us to imagine new ways in which to engage the structure.

Hip-hop justice epistemic

Weeks after being released from jail, Meek Mill had an interview on the *Breakfast Club*, where he shared that Jay-Z paid millions in legal fees for him that he would not have been able to afford (Chesman 2018). In February of 2019, when hip-hop artist 21 Savage was arrested by Immigration and Customs Enforcement (ICE), Jay-Z hired an immigration attorney to handle the case, stating, “The arrest and detention of 21 Savage is an absolute travesty; his U Visa petition has been pending for four years.” While hip-hop videos and songs in part construct the theoretical framework of hip-hop, the actions by artists such as Jay-Z highlight the activist sensibilities that are engrained in the hip-hop tradition (Travis Jr and Deepak 2011). This chapter contends that the theoretical critiques of the criminal justice system and the artists’ activist praxis targeted at the criminal justice system are bound together by a hip-hop justice epistemic.

James Spady suggests that hip-hop is linked to a socially grounded ontology, within the tradition of which are complex tropes, aesthetics, imaginings, and narrative strategies that are employed to frame who Black people are, where they have been, and

how they imagine themselves to be (Yancy 2013). Similarly, hip-hop icon KRS-ONE stated that “Hip-hop is something you live. You are not just doing hip-hop; you are hip-hop” (Murrell 2010). An appropriate hip-hop hermeneutic is required to understand the epistemological and ontological work hip-hop does to challenge and reimagine the criminal justice system. A useful hip-hop hermeneutic cannot be reduced to a simple accumulation of words and meaning as interpreted through a formal script (Metro-Roland 2010). To understand this framework, we must do what Spady suggested when he argued that we must remain epistemologically humble and contextually flexible to engage with hip-hop consciousnesses as it will challenge our sense of reality and our place in the normative order of things (Yancy 2013). Hip-hop does not simply offer us as an alternative framework of justice as it relates to the criminal justice system, but rather grounds us in a new epistemological and ontological understanding of humanity, justice, and dignity. It is not that a hip-hop epistemic offers us authentically new understandings of justice, but that it forces us to challenge, critique, and abandon normative understandings of justice in ways that frameworks rooted in mainstream institutions don’t allow.

Hip-hop developed from racial minority groups who were politically, economically, and socially marginalized and most impacted by the structural configuration of the criminal justice system (Tonry 2011). Given the creators of the genre and culture were disproportionately impacted by the criminal justice system and had a higher stake in its reconfiguration, we can see how hip-hop cultural productions offer understanding of those under the criminal justice purview that traditional frameworks cannot detect. What makes this even more powerful is that the role of art for Black people has always been to facilitate a revisioning of society, a space where those excluded from and oppressed by mainstream institutions can have their unfettered ideals gain expression (Rashid 2016). For those who have been silenced by institutional violence in the political, educational, and economic realm, the cultural served as the primary battlefield against a hegemonic White supremacist patriarchal society.

These revisionist hip-hop sensibilities are ontologically grounded in the “streets” (Spady 1994). Royce da 5’9” (2004) alludes to the significance of the streets in his song “Hip-Hop” when he says, “I know my streets, I know my sounds; Y’all know my beats, how I get down; I take my steps, and leaps and bound; Nigga, it’s hip-hop.” For Royce da 5’9”, the streets are the conceptual starting point of hip-hop. The streets are the physical, conceptual, and cultural spaces that represent the values, morals, aesthetics, and norms that organize Black life in America (Alim 2002). A hip-hop justice epistemic allows us to take the life-world of those who have been the primary victims of the criminal justice system as our conceptual starting point when working to transform the current system. The historic lack of hip-hop research by criminal justice and criminology journals is perplexing, given the structural positioning of the hip-hop community and the ways it documents the way those who are marginalized perceive the system (Steinmetz and Henderson 2012). This omission has limited the scope of criminological analysis of Black people.

In 2010, law professor Michelle Alexander released her groundbreaking book *The New Jim Crow*, documenting the historical legacy of White supremacy in the criminal justice system. However, for some decades prior, hip-hop artists were using

the same words and text to narrate the racialized structure of the criminal justice system, and far more Black people globally will hear and memorize those lyrics than will read Alexander's book (Tibbs 2015). Abolitionists and others who offer a critical perspective on the American criminal justice system situate the criminalization of Blackness at the complex intersection of public policy, the business sector, military punishment, and anti-Blackness (Davis 1998). Just as these scholars have situated the criminal justice system within a larger network of marginalization, so has the hip-hop community. Hip-hop's construction of justice goes beyond the bounds of legal justice and engages with issues around poverty, economics, racism, and philosophy (Murrell 2010). A hip-hop justice epistemic situates solutions to the criminal justice system into a larger Black-centered framework that engages the systematic nature of the Black experience.

Meek Mill (2018), in his song "Oodles O' Noodles Babies," which is a critique of the structural violence endured by Black America, says: "Yeah, they called it the projects, they put us in projects; What they gon' do with us? Can't call the cops yet." In this verse, Mill is highlighting the governmental violence Black people endure prior to their interactions with law enforcement. He positions residential segregation by class and race as a precursor to the violence Black people will experience at the hands of law enforcement. Later in the album, on the song "Championships," Mill augments this by stating, "See coming from where I come from, we had to beat the streets; beat the system; beat racism, beat poverty." Mill is offering a systemic analysis of the interconnectedness of the criminal justice system, racism, and capitalism in the lives of poor Black folk. These nuanced conceptualizations derived through experience have equipped the hip-hop community with an imaginative vision of Black liberation. This expansive view is highlighted Dj Khaled and Cole's (2016) "Jermaine Interlude":

Momma sorry, I just stopped trying it,
Paid for your house,
In hopes there'd be no more reason for crying,
That shows you how stupid I am,
Cause niggas is out here dying,
From police that flash the siren
And pull up and just start firing.

Here, J Cole shows that the solution to the issues facing Black America is more complex than just economic because no amount of financial security can shield Black bodies from the structural violence that comes with the criminalization of Blackness. A hip-hop justice epistemic has an ontological grounding in the streets and views meaningful criminal justice change coming through engagement with the interconnectedness of the criminal justice system, poverty, and anti-Blackness. This is not to suggest that members of the hip-hop community all agree on a singular path in which to resist the criminalization of Black bodies, but rather to contend that a theme within the hip-hop community is that the criminalization of Black bodies is a product of the interconnection of public policy, capitalism, and anti-Blackness.

Theories of hip-hop justice have engaged with hip-hop's Black nationalist and revolutionary politics (Murrell 2010), ability to position poor Black people as epistemological voices (Land and Stovall 2009), and analytical ability to make intersectional assessments of inequality (Akom 2009). The remainder of this chapter builds on these scholars by exploring how a hip-hop justice epistemic is both a theoretical framework and a form of praxis. It explores how the hip-hop community has critiqued the systemic nature of the criminal justice system and engaged in activism in ways that are rooted in a street politic. This chapter positions the hip-hop community as a key actor in the process of restructuring the American criminal justice system and legalizing Blackness.

Hip-hop justice epistemic praxis

The hip-hop community has used a hip-hop justice epistemic to change the material and cultural landscape of the Black community in various ways. This chapter engages three interconnected avenues that the hip-hop community have traveled to transform the structural positioning of Blackness: criminal justice reform organizing, Black-owned community businesses, and providing humanizing understanding of the criminal. I do not contend that these are the only or the most important ways in which the hip-hop community is challenging the structural positioning of Blackness within the criminal justice system but intend for these strategies to serve as a starting point for understanding how hood politics and aesthetics have been used to challenge mainstream institutions.

Mill, on his first day out of prison, pledged to fight for others, specifically those most marginalized without a voice. Mill and Jay-Z joined forces with leaders in sports and the business world to create a criminal justice reform organization called REFORM Alliance. At the launch of REFORM Alliance, speaking about the criminal justice system, Jay-Z said, "We're all prisoners to this because until everyone's free, no one's free" (Zaru 2019). Jay-Z and REFORM Alliance are positioning criminal justice reform as something much larger than politics and the legal system, situating it as an all-encompassing institution that touches everyone. Mill, who has spent a large portion of his adult life on probation, stated in a *Times* piece, "The plantation and the prison are actually no different. The past is the present" (Relman 2018). Mill suggested that the criminal justice system is a system of social control, and the goal of REFORM Alliance is to move one million people out of prison and to advocate for better prison rehabilitation programs and a restructuring of probation polices, bail, and sentencing procedures.

These ideas presented by Mill and other hip-hop artists are similar to other forms of criminal justice reform recommendations; however, given that they come from a street ontological grounding, they are supported by a different epistemological core than others who may present comparable ideas. Different epistemological groundings lead to different subjective understandings and definitions of social processes (Locke 2003). Multiple individuals and institutions can share the same sentiment that there needs to be a restructuring of probation, bail, and sentencing; however, how they understand and the way they came to that understanding shape the texture of the

way in which restructuring plays out. Creating and working within criminal justice reform organizations from a hip-hop justice epistemic position activists to use street politics as a framework to implement strategies that take up the interconnectedness of public policy, poverty, and anti-Blackness. They allow criminal justice reform to be, in part, about changing the structural positioning of Blackness in the economic market, criminal justice system, and White imaginary.

A hip-hop justice epistemic framework extends beyond legal solutions; however, this framework has been used in meaningful ways to restructure how we conceptualize the legal system and how to engage with it. In 1998, the hip-hop group Public Enemy performed on Rikers Island to connect with incarcerated Black men. Chuck D of Public Enemy made a distinction between their visiting prisons and other artists who have done it, such as when Johnny Cash performed at Folsom Prison, by suggesting their visit was to uplift and connect with their community (Linden 2013). Public Enemy critiqued the idea that prison reform is a top-down process, positioning Black people who were direct victims of the system as key actors in the process. Hip-hop mogul Russell Simmons's involvement in #cut50, a bipartisan effort to reduce the prison population by 50 percent in ten years, was inspired by his grounding in the streets. "All the kids that grew up with me died or went to jail. My eight grade friends shot dope. . . .I know the most horrible thing that's happened to Black people since Jim Crow is the War on Drugs," Simmons said in an interview with NBC (Whack 2015). For Simmons, criminal justice reform is not solely about creating a more just system of accountability but is part of a larger anti-racist process of humanizing the structural positioning of Blackness.

These criminal justice reform efforts have all been grounded in and shaped by the cultural and aesthetic experiences of the streets. The hip-hop community serves as "organic intellectuals" (Gramsci 2005), using their class and racial positioning as frameworks to act upon the existing criminal justice structure.³ This positioning has allowed these efforts to remain conceptually, culturally, and spatially close to Black America. In 1999, CNN pundit Van Jones collaborated with local activists and rap artists to host rap shows to challenge California's Proposition 21.⁴ Hip-hop artists performed in flatbed trucks, opposing this initiative that removed legal protections from youth in criminal cases. This hip-hop activist organizing work conceptually grew from a street framework and was literally enacted on the streets of California. A hip-hop justice epistemic has positioned organizers to take seriously the social processes and spatial location of Black America when engaging in criminal justice reform.

In 2018, while conducting fieldwork in northeast North Carolina on the local hip-hop community, building Black-owned businesses was a core piece of how the artists contended with the structural configurations of racism. Philanthropic and ethical justifications play a major role in the development of minority-owned businesses in comparison to non-minority enterprises (Edmondson and Carroll 1999). Starting and/or supporting Black-owned business and buying Black was seen less as an economic endeavor than as a way to forge a diasporic sense of community. For African Americans, shopping is an expression of social and political relations (Crockett and Wallendorf 2004); to buy Black is to restructure the Black community's political ideology. Kris, a local North Carolina artist, noted that this process can occur in formal

and informal ways when he suggested, “When I say buying Black I’m talking about your friend got a clothing line, your auntie sell plates, you know your cousin do taxes. I’m talking about all that. We have to live and depend on each other.” Black-owned business as it relates to the criminal justice system for these artists was an avenue to give the Black community financial freedom but, more importantly, to develop a united community to struggle for liberation together.

The hip-hop justice epistemic position engages the criminal justice system as an oppressive institution that is interconnected with public policy, poverty, and anti-Blackness; thus, to restructure the criminal justice system is to also restructure the institutions that it is interconnected with. Nipsey Hussle, a hip-hop icon from California, was murdered on March 31, 2019, outside his store while retrieving items to help a friend who was released from prison. After his death, social media was flooded with Hussle’s music, and the world was exposed to how his music was the foundation of his business and activist initiatives. Underpinning Hussle’s endeavors was the idea that only a strong and independent Black community could contend with the structural manifestation of imperialism. Hussle had purchased the strip mall in Crenshaw where his Marathon Clothing store is located to rebuild it into a residential and commercial complex. Hussle’s store is a smart store where customers can use an app to make purchases and access unique content from Hussle (Wicker 2019).

With his sustained focus on technology, Hussle launched Vector 90, an inner-city community incubator and co-working space, to offer those in the inner city an opportunity to develop entrepreneurial and tech skills. Quality education has been linked to a significant reduction in the probability of incarceration (Lochner and Moretti 2004), and Vector 90 houses a STEM program for local children. Hussle, a former gang member, suggested that this initiative was to give kids an alternative to gang culture that he felt had not been there for him (Wicker 2019). Hussle was attempting to use his businesses to create economic opportunities, build technological and entrepreneurial skills, and create community in Black neighborhoods. During his life, Hussle used his understanding of the structural organization of the streets as the foundation for his activist initiatives. Hip-hop served as an aesthetic and cultural platform to launch community-centered programs that allowed us to reimagine Black subjectivity.

There are countless examples of the hip-hop community creating businesses such as clothing brands, restaurants, record labels, and barbershops, using them in unique ways to support the Black community. Rather than providing details about the exceptionality of more individual hip-hop Black-owned businesses, I rather embrace the large degree to which these endeavors are engaged in. Tina Campt (2012) suggested it is often not that something is rare or exceptional that makes it important, but the serial engagement and production of it. The hip-hop community has had such extensive engagement with the idea of Black-owned businesses that Jay-Z and Diddy are creating an app to help locate Black-owned businesses. Jay-Z announced this in March of 2018, a day after investing \$3 million dollars in a bail reform start-up called Promise (Berry 2018). This emphasis on Black business is not an attempt to replace “White” capitalism with Black capitalism, but a way to forge a diasporic sense of community and belonging, with Diddy suggesting that Black people can empower

themselves by building collective wealth and be better positioned to help each other. Black business is not simply about allowing Black people to participate equally with Whites in the economic market but rests on the assumption that capital will better equip Black people to give back to their communities.

Hip-hop has challenged the ontological and epistemological assumptions of the criminal justice system by providing humanizing representations of the criminal. This has been done primarily by centering the criminal as an epistemological actor and performing from this positionality. Drop, a local North Carolina hip-hop artist I worked with, explained the difficulty of speaking from the vantage point of someone who has engaged in criminal activity:

People can listen to my music and say, “Oh he a gansta. That’s gangsta music.” If you think I’m gangsta, then that’s just your opinion. I’m just telling you what I go through. I’m just telling you my struggle and what I will do to make sure my family straight.

Drop is suggesting that his music about selling drugs is not an endorsement; rather, he alludes to how criminality within structures of oppression can produce positive outcomes. He positions a drug dealer as someone who is willing to risk their freedom for the safety and well-being of their family. Perry (2004) contends that previous generations of Black Americans employed self-definitions and identities that challenged Blackness as being criminal, but the hip-hop generation has embodied, appropriated, and exploited the prescribed constructions linking Blackness with criminality. Opposed to hiding from illicit behavior, hip-hop artists contextualize it and problematize how we understand what has been socially constructed as criminal behavior.

At the 2016 Grammys, Kendrick Lamar began his performance by walking on stage wearing an inmate outfit chained to four other Black men. Lamar took the shackles around his wrist and placed them around the microphone, and during his performance, he yelled in front of the world, “I’m a proud monkey. You vandalize my perception but can’t take style from me.” By embracing the marginalized constructions of Blackness, Lamar was creating sense of intentional presence where previously there was only shame and a desire to hide (Smith 1997). By taking ownership over an image once solely controlled by the White imagination, hip-hop artists displace dominant discursive narratives, destabilize hegemonic discourses, and try to make valid counterhegemonic discourses (Rose 1994). Speaking from this vantage point isn’t solely about giving voice to a criminalized identity but also about challenging the epistemological assumptions of society and providing a new framework with which to understand who deserves dignity and humanity.

When marginalized groups take control of their representation, they engage in cultural politics by defining the value and meaning of acts and events and restructure the way their cultures and histories are understood (Mahon 2000). For Hall (1997), representation does not capture an identity or process, but representation is constitutive of them. My contention, in this case regarding hip-hop providing humanizing representations of the criminal, is that the culture is not simply providing

more accurate representations of those who are criminalized, but rather, through a performative process of creating these representations, it is constructing societal understanding of those socially positioned as criminals and how/why they became positioned as such.

Conclusion

Hip-hop has been structurally positioned as criminal within the organizational structure of the criminal justice system. This positioning has equipped the community with an intimate nuanced understanding of criminal justice social processes. Given that the Black cultural realm has been described as the one least inhibited by imperialist ideologies (Iton 2008), it will benefit anyone with a stake in criminal justice, the Black community, and the future of America to take seriously hip-hop's ontological positioning. From this positioning, I argue that the hip-hop community operates from a hip-hop justice epistemic, in which the cultural and aesthetic knowledge of the streets is used to theorize and deconstruct the systematic nature of the criminal justice system. This chapter highlights three interconnected ways the hip-hop community has used this grounding to challenge the criminal justice system beyond the music: criminal justice reform organizing, Black-owned community businesses, and providing humanizing understanding of the criminal. I do not contend that these are the only or the best ways in which the hip-hop community deals with the systematic nature of the criminal justice system. Rather, these initiatives should be read as descriptive and not exhaustive. They describe ongoing innovative ways the hip-hop community is resisting criminalization in an effort to force us to reimagine ways to deconstruct the criminal justice system.

Notes

- 1 I grew up in the south in North Carolina in a city that is 89.9 percent Black and the median income is \$36,089. I had similar lived experiences as the kids in the justice system, over my life course I developed academic language and styled my clothes like folks in academia. I used academic jargon and casual clothing to signify mobility as a way to be read as belonging to academia. This aesthetic shift put distance between myself and the children I was trying to connect with.
- 2 Foundation hip-hop texts such as *Black Noise* by Tricia Rose and Imani Perry's *Prophets of the Hood* have laid a groundwork to understand how culture, specifically hip-hop, is attached to political and material realities. Political processes do not exist independent of the cultural scripts we use to make assessments about what's good, right, or beautiful.
- 3 Gramsci distinguishes between traditional intelligentsia, which sees itself as a class apart from society and organic intellectuals that are folk's part of a thinking group that is produced through their own class. Organic intellectuals articulate about their group's social position through the feelings, experiences, and culture of those within their social locations. Organic intellectuals represent the marginalized groups in society.
- 4 California Proposition 21 was a proposition that would increase a range of criminal penalties for youth. It created harsher punishments for gang-related crimes and required more young offenders to be tried as adults. Van Jones organized with a variety of people from rappers to student activists to oppose the proposition. The proposition ultimately passed, but his efforts made nationwide news and led to future organizing efforts.

References

- Akom, A. (2009). Critical hip hop pedagogy as a form of liberatory praxis. *Equity & Excellence in Education*, 42(1), 52–66.
- Alim, H. S. (2002). Street-conscious copula variation in the hip hop nation. *American Speech*, 77(3), 288–304.
- Aprahamian, S. (2019). Hip-hop, gangs, and the criminalization of African American culture: A critical appraisal of yes yes y'all. *Journal of Black Studies*, 50(3), 298–315.
- Berry, P. (2018, March 20). *Diddy and Jay-Z creating app to help locate black-owned businesses*. Retrieved from xxlmag.com: www.xxlmag.com/news/2018/03/diddy-jay-z-creating-app-black-owned-businesses/
- Bonilla-Silva, E. (2006). *Racism without racists: Color-blind racism and the persistence of racial inequality in the United States*. Lanham, MD: Rowman & Littlefield Publishers.
- Browne, S. (2015). *Dark matters: On the surveillance of blackness*. Durham, NC: Duke University Press.
- Campt, T. (2012). *Image matters: Archive, photography, and the African diaspora in Europe*. Durham, NC: Duke University Press.
- Chesman, D. (2018, October 13). *Meek Mill reveals Jay-Z helped pay his legal fees: "I don't even think I could have afforded it"*. Retrieved from Djbooth.net: <https://djbooth.net/features/2018-05-11-meek-mill-jay-z-paid-legal-fees>
- Crockett, D. and Wallendorf, M. (2004). The role of normative political ideology in consumer behavior. *Journal of Consumer Research*, 31(3), 511–528.
- Davis, A. (1998). Marked racism: Reflections on the prison industrial complex. *Color Lines*, 1(2), 11–13.
- Davis, A. (2003). *Are prisons obsolete?* New York: Seven Stories Press.
- Edmondson, V. C. and Carroll, A. B. (1999). Giving back: An examination of the philanthropic motivations, orientations and activities of large black-owned businesses. *Journal of Business Ethics*, 19(2), 171–179.
- Edwards, B. (2019, March 14). *Police started shooting California Rapper Willie Bo when he was asleep, family who viewed video says*. Retrieved from Essence.com: www.essence.com/news/police-started-shooting-calif-rapper-willie-bo-when-he-was-asleep-family-who-viewed-video-says/
- Feagin, J. (2013). *Systemic racism: A theory of oppression*. New York, NY: Routledge.
- Frith, S. (1996). Music and identity. *Questions of Cultural Identity*, 1, 108–128.
- Goff, P. A., Leone, D., Lewis, B. A., Culotta, C. M. and DiTomasso, N. A. (2014). The essence of innocence: Consequences of dehumanizing Black children. *Journal of Personality and Social Psychology*, 106(4), 526.
- Gramsci, A. (2005). The intellectuals. *Contemporary Sociological Thought*, 49, 60–69.
- Hall, S. (1997). *Representation & the media*. Northampton: Media Education Foundation.
- Hall, S. (1998). D Notes on Deconstructing 'the popular'. In J. Storey, *Cultural theory and popular culture: A reader* (pp. 442–453). London: Pearson Education.
- Iton, R. (2008). *In search of the Black fantastic: Politics & popular culture in the post-civil rights era*. New York: Oxford University Press.
- Jones, N., Peel, C. and Piggott, J. (2019, January 29). *JSO: 6 arrested, 3 wanted in 'Operation Rap Up'*. Retrieved from News4Jax.com: 2019
- Khaled, D. J. and Cole, J. (2016) "Jermaine's Interlude". On Major Key [Cd]. USA: Epic.
- Kubrin, C. E. and Nielson, E. (2014). Rap on trial. *Race and Justice*, 4(3), 185–211.
- Land, R. and Stovall, D. (2009). Hip hop and social justice education: A brief introduction. *Equity & Excellence in Education*, 42(1), 1–5.
- Linden, A. (2013, April 29). *Public enemy at Rikers*. Retrieved from Redbullmusicacademy: <https://daily.redbullmusicacademy.com/2013/04/public-enemy-at-rikers-oral-history>
- Lochner, L. and Moretti, E. (2004). The effect of education on crime: Evidence from prison inmates, arrests, and self-reports. *American Economic Review* 94(1), 155–189.

- Locke, E. (2003). Good definitions: The epistemological foundation of scientific progress. *Organizational Behavior: The State of Science*, 395–425.
- Mahon, M. (2000). The visible evidence of cultural producers. *Annual Review of Anthropology*, 29(1), 467–492.
- McLaren, P. (2018). Gangsta pedagogy and ghettocentricity: The hip-hop nation as counterpublic sphere. In P. McLaren, *Revolutionary Multiculturalism* (pp. 50–191). London: Routledge.
- Metro-Roland, D. (2010). Hip hop hermeneutics and multicultural education: A theory of cross-cultural understanding. *Educational Studies*, 46(6), 560–578.
- Mill, Meek. Oodles Championships. (2018). On Championships[Cd] USA: Atlantic.
- Mill, Meek. Oodles O’Noodles Babies. (2018). On Championships[Cd] USA: Atlantic.
- Murrell, M. (2010). This is real hip-hop: Hip-hop’s rejection of Paul Butler’s theory of justice in let’s get free. *Geo. Law Journal*, 99, 1179.
- Nielson, E. (2010). “Can’t C me” surveillance and rap music. *Journal of Black Studies*, 40(6), 1254–1274.
- Perry, I. (2004). *Prophets of the hood: Politics and poetics in hip hop*. Durham, NC: Duke University Press.
- Rashid, K. (2016). “Start the revolution”: Hip hop music and social justice education. *Journal of Pan African Studies*, 9(4), 341–363.
- Relman, E. (2018, December 4). *Rapper Meek Mill and 76ers co-owner Michael Rubin are teaming up to move one million people out of the criminal justice system*. Retrieved from Businessinsider.com: www.businessinsider.com/rapper-meek-mill-and-76ers-co-owner-michael-rubin-want-to-reform-prisons-2018-12
- Rose, T. (1994). *Black noise: Rap music and black culture in contemporary America*. Chicago, IL: Wesleyan.
- Royce da 5’9”. (2004). Hip Hop. On Death is Certain[Cd]. USA: E1 Music.
- Scanlan, D. (2019, January 29). *6 arrested possessing handguns used in threatening rap videos, Jacksonville sheriff says*. Retrieved from Jacksonville.com: www.jacksonville.com/news/20190129/6-arrested-possessing-handguns-used-in-threatening-hip-hop-videos-jacksonville-sheriff-says
- Smiley, C. and Fakunle, D. (2016). From “brute” to “thug:” The demonization and criminalization of unarmed Black male victims in America. *Journal of Human Behavior in the Social Environment*, 26(3–4), 350–366.
- Smith, C. H. (1997). Method in the madness: Exploring the boundaries of identity in hip-hop performativity. *Social Identities*, 3(3), 345–374.
- Spady, J. (1994). Living in America where the brother got to get esoterica: The Philly hip hop language and philosophy of Schooly D. *Fourth Dimension*, 4(1), 26–27.
- Steinmetz, K. F. and Henderson, H. (2012). Hip-hop and procedural justice: Hip-hop artists’ perceptions of criminal justice. *Race and Justice*, 2(3), 155–178.
- Tibbs, D. F. (2012). From Black power to hip hop: Discussing race, policing, and the fourth amendment through the war on paradigm. *Journal of Gender Race & Justice*, 15, 47.
- Tibbs, D. F. (2015). Hip hop and the new Jim Crow: Rap music’s insight on mass incarceration. *U. Md. LJ Race, Religion, Gender & Class*, 15, 209.
- Tibbs, D. F. and Chauncey, S. (2016). From slavery to hip-hop: Punishing Black speech and what’s unconstitutional about prosecuting young Black men through art. *Wash. UJL & Policy*, 52, 33.
- Tonry, M. (2011). *Punishing race: A continuing American dilemma*. New York: Oxford University Press.
- Travis Jr, R. and Deepak, A. (2011). Empowerment in context: Lessons from hip-hop culture for social work practice. *Journal of Ethnic and Cultural Diversity in Social Work*, 20(3), 203–222.
- Whack, E. (2015, October 15). *Russell Simmons wants to bring criminal justice reform mainstream*. Retrieved from Nbcnews.com: www.nbcnews.com/news/nbcblk/russell-simmons-wants-bring-criminal-justice-reform-mainstream-n444471
- White, N. and McDonnell, E. (2004). Police secretly watching hip hop artists. *Miami Herald*, 1.

- Wicker, J. (2019, April 1). *Nipsey Hussle's business moves were ahead of his time*. Retrieved from Billboard.com: www.billboard.com/articles/business/8505072/nipsey-hussle-business-moves-ahead-of-his-time-list
- Yancy, G. (2013). Socially grounded ontology and epistemological agency: James G. Spady's search for the marvelous/imaginative within the expansive and expressive domain of rap music and hip hop self-consciousness. *Western Journal of Black Studies*, 37(2), 66.
- Young, A. (2018, April 24). *Meek Mill has been released from prison*. Retrieved from Consequenceofsound.net: <https://consequenceofsound.net/2018/04/meek-mill-is-being-released-from-prison/>
- Zaru, D. (2019, January 23). *Meek Mill and Jay-Z launch criminal justice reform organization 'to speak for all the people who don't have a voice'*. Retrieved from Abcnews.go.com: abcnews.go.com/Politics/meek-mill-jay-launch-criminal-justice-reform-organization/story?id=60552751