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ORIGINAL ARTICLE

Giving rap a chance: the cultural policing and consequences of the suppression of rap music in England in the twenty-first century

AYUSH SANGHAVI

Faculty of Law, University of Cambridge, Cambridge, England

Correspondence
Email: ass55@cantab.ac.uk

Abstract

This article questions whether the twenty-first-century policing of rap music in England can be legitimized by reference to crime, or whether it is instead better interpreted as the policing of Black culture. Section 2 outlines the origins of rap and its policing, going on to explain why rap music should be interpreted as an art form. In Section 3, the policing of rap in England is chronicled, focusing mainly on grime and drill, but also on rap outside London and in the United States. Section 4 asks whether rap music causes crime; having established that the evidence does not support this conclusion, the article determines that the policing of rap in England amounts to cultural policing underpinned by an ideological state response to social insecurity. Finally, Section 5 considers the consequences of the policing of rap for Black communities, leading to a call for the state to reinterpret rap and recognize its value in informing policy and as a fixture within educational curricula. Throughout, the lyrics of rappers themselves take centre stage as a form of critical thought.

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1 | INTRODUCTION

The policing of rap music in England is an evolving area of academic study.[1] Via high-profile campaigns against the 'explosive[ly]' increasing[2] use of rap music as evidence in courtrooms,[3] such as Art Not Evidence, the issue has been thrust further into the public consciousness than ever before. However, this article makes only minor reference to the prosecution of rap, instead focusing on its policing – defined as the methods used by the police to 'monitor, gatekeep and censor sound, lyrics and performance to suppress rap creativity'.[4]

The article proceeds as follows. Section 2 outlines the origins of rap and its policing, and then explains how rap music should be interpreted as an art form. In Section 3, the policing of rap in England is chronicled, focusing mainly on grime and drill, but also on rap outside London and in the United States (US). Section 4 asks whether rap music causes crime; having established that the evidence does not support this conclusion, the article considers whether the policing of rap in England amounts to cultural policing. Finally, Section 5 considers the consequences of the policing of rap for Black[5] communities, leading to a call for the state to reinterpret rap and recognize its value in informing policy and as a fixture within educational curricula.

Through in-depth critical analysis of instances in the twenty-first century in which rap music has been policed, this article argues that the criminal justice response to rap music in England amounts to a reflection of racist beliefs about Black musical culture and criminality, the history of which in the Global West stretches back four centuries to the transatlantic slave trade.[6] In addition to analyses of existing research on the topic, the article contends that by suppressing rap music, English police forces create the appearance of addressing social issues (such as crime). On closer inspection, however, there is no evidence to support a link between rap and crime. Thus, by targeting rap, the police are able to pin the blame for a 'socially and racially unequal Britain'[7] on rappers and their audiences while simultaneously giving themselves an air of legitimacy by appearing to confront the very same social problems. Thus, the article advocates for a reformed approach in which rap music is afforded weight to inform public policy and police decision making, as well as calling for the contextual study of rap to become a fixture in educational curricula.

The article makes frequent use of rap lyrics as a form of critical thought. This, it is hoped, does justice to rap as an eloquent art form in a jurisdiction (and world) in which many state authorities and much of the general public refuse to do so. Insights are also drawn from the policing of the genre in the US, with which the situation in England has much in common[8] due to the

[1] A. Owusu-Bempah, 'The Irrelevance of Rap' (2022) 2 *Criminal Law Rev*. 130, at 151.

[2] E. Nielson and A. L. Dennis, *Rap on Trial: Race, Lyrics, and Guilt in America* (2019) 25.

[3] Owusu-Bempah, op. cit., n. 1, p. 132.

[4] E. Quinn et al., 'Introduction to Special Issue: *Prosecuting and Policing Rap*' (2022) 41 *Popular Music* 419, at 423.

[5] In this article, 'Black' is capitalized when referring to race, but not 'white'. See M. Laws, 'Why We Capitalize "Black" (and Not "White")' *Columbia Journalism Rev*., 16 June 2020, at <https://www.cjr.org/analysis/capital-b-black-styleguide.php>: 'For many people, *Black* reflects a shared sense of identity and community. White carries a different set of meanings; capitalizing the word in this context risks following the lead of white supremacists.'

[6] L. Fatsis, 'From Overseer to Officer: A Brief History of British Policing through Afro-Diasporic Music Culture' in *Southern and Postcolonial Perspectives on Policing, Security, and Social Order*, eds P. R. Cavalcanti et al. (2023) 45, at 48.

[7] L. Fatsis, 'Policing the Beats: The Criminalisation of UK Drill and Grime Music by the London Metropolitan Police' (2019) 67 *The Sociological Rev*. 1300, at 1311.

[8] L. Fatsis, 'Grime: Criminal Subculture or Public Counterculture? A Critical Investigation into the Criminalization of Black Musical Subcultures in the UK' (2019) 15 *Crime, Media, Culture* 447, at 447.

Afro-diasporic nature of rap and its culture. However, given the focus of the article on England, such comparison is minimal.

2 | RAP MUSIC 101

2.1 | The origins of rap music and its policing

'That's … that real Black music', emphatically declares Kanye West of rap in 2005's 'Crack Music'. To similar effect, in rapper Q-Tip's 2008 track 'Life Is Better', featured artist Norah Jones swoons over the 'rich history' of hip-hop music, the wider cultural genre of which rap is the star player. These allusions to the origins of rap music are not merely the use of artistic licence; in fact, they refer to the history of rap music as expression that evolved in part from music made by enslaved peoples[9] brought to the US. Today, rap music is recognized as 'a form of Black expressive youth culture',[10] as well as a reintroduction of Afrocentric oral tradition.[11] It is no coincidence that in the outro of 'Crack Music', poet Malik Yusef tells us that '[n]ow, the former slaves trade hooks for Grammys', referencing the awards bestowed by the Recording Academy of the US for achievements in music.

The African roots of rap music are well documented. As early as the start of the seventeenth century, enslaved peoples taken from Africa to the US brought with them the music of their culture. This being a music that bore similarities with African speech patterns, in situations in which communication was otherwise impossible, such music allowed enslaved peoples to relay to one another 'rhythmic messages that could not be decoded by Europeans'.[12] It was in reaction to such communication that some of the first examples of the policing of Black music arose within the so-called slave codes. Article 36 of the Slave Code of South Carolina 1740, for example, required that 'all due care be taken to restrain … slaves … [from the] using or keeping of drums, horns, or other loud instruments, which may call together or give sign or notice to one another of their wicked designs and purposes'.[13]

In British colonies in Africa and the Caribbean, 'similar prohibitions' existed.[14] Laws under British colonial rule in the Caribbean prevented the 'beat[ing of] drums and blow[ing of] horns' in order to prevent enslaved peoples from escaping or organizing uprisings.[15] As early as 1688, a law in Barbados required owners of enslaved peoples 'to search slave quarters weekly and confiscate and burn any instruments'.[16] In Britain's African colonies, bans prevented drums of African

[9] In this article, the term 'enslaved peoples' is used, rather than 'slaves'. See S. Browning-Mullis, 'Why We Use "Enslaved"' *Telfair Museums*, 4 May 2020, at <https://www.telfair.org/article/why-we-use-enslaved/>: 'The noun slave implies that she was, at her core, a slave. The adjective enslaved reveals that though in bondage, bondage was not her core existence. Furthermore, she was enslaved by the actions of another.'

[10] Owusu-Bempah, op. cit., n. 1, p. 130.

[11] K. ya Salaam, 'It Didn't Jes Grew: The Social and Aesthetic Significance of African American Music' (1995) 29 *African American Rev*. 351, at 373.

[12] H. Abdurraqib, *Go Ahead in the Rain: Notes to A Tribe Called Quest* (2019) 2.

[13] Slave Code of South Carolina 1740, Art. 36, cited in id.

[14] L. Fatsis, 'Sounds Dangerous: Black Music Subcultures as Victims of State Regulation and Social Control' in *Harm and Disorder in the Urban Space: Social Control, Sense and Sensibility*, eds N. Persak and A. D. Di Ronco (2021) 30, at 35.

[15] Fatsis, op. cit., n. 6, p. 49.

[16] A. Oliver, *Deeping It: Colonialism, Culture & Criminalisation of UK Drill* (2023) 46.

origin at public meetings and the performance of music deemed unacceptable by the authorities.[17] Slavery thus brought not only bondage, but also the policing of Black music.

The relevance of the aforementioned legislation to the policing of rap music becomes clear when the emergence of rap is seen as a something of an evolutionary process, with different genres – such as blues, gospel, jazz, soul, and rap – influencing each other, thereby leading to musical innovation. This began when many formerly enslaved peoples used their cultural music as a means to forge a career after abolition in 1865.[18] These individuals, having been deprived of instruments, made music instead from spoken word, chanting, and dancing.[19] Such musical tradition was seen to give blues, which emerged in the 1860s, a certain intensity and 'poetic resonance'.[20] Jazz, which came later, shared the 'poetically subversive core' of blues music.[21] Gospel music was then popularized in the US in the 1920s when blues was brought to church.[22] Finally, rap music, as it was born in the Bronx, New York City, in the 1970s,[23] took strong influence from jazz,[24] but can also be interpreted as blues sensibility over recorded beats.[25] Soul too can be 'counted among the direct predecessors of rap', sharing a similar structure and function to rap music.[26] This musical progression is summed up by US rapper Nas in 2004's 'Bridging the Gap': 'Bridging the gap, from the blues, to jazz, to rap / The history of music on this track / … / The blues came from gospel, gospel from blues / Slaves are harmonizin' them ahs and oohs.'

Despite the centuries between its emergence and the transatlantic slave trade, US rap music still bears signs of the root African cultural expression.[27] British rap music, the focus of this article, also came from the same cultural bloodline as its US sibling. Indeed, rap in the United Kingdom (UK) originated as 'a response to the same stimuli that gave birth to rap in New York in the mid-Seventies'.[28] More directly, there are also UK rap subgenres that were influenced by 'music and culture direct from the Caribbean and West Africa'.[29] The soundsystem culture brought to the UK from the Caribbean by the Windrush generation[30] as a means of preserving their musical culture is noteworthy here, having had a 'significant influence' on the development of grime.[31] Invited by the government to help to rebuild Britain after the destruction of the Second World War, the

[17] Fatsis, op. cit., n. 14.

[18] Abdurraqib, op. cit., n. 12, p. 2.

[19] ya Salaam, op. cit., n. 11, p. 351.

[20] Id.

[21] Id.

[22] Id., p. 363.

[23] D. Browne, 'Kool Herc and the History (and Mystery) of Hip-Hop's First Day' *Rolling Stone*, 11 August 2023, at <https://www.rollingstone.com/music/music-features/kool-herc-hip-hop-50-august-11-1973-1234802035>.

[24] J. Lewis, 'The New Cool: How Kamasi, Kendrick and Co Gave Jazz a New Groove' *Guardian*, 6 October 2016, at <https://www.theguardian.com/music/2016/oct/06/new-cool-kamasi-kendrick-gave-jazz-new-groove>.

[25] ya Salaam, op. cit., n. 11, p. 368.

[26] F. Neumann, 'Hip Hop: Origins, Characteristics and Creative Processes' (2000) 42 *The World of Music* 1, at 58–59.

[27] ya Salaam, op. cit., n. 11, p. 358.

[28] A. Batey, 'Home Grown' *Times*, 26 July 2003, at <https://www.thetimes.co.uk/article/home-grown-6jxq9jkpvsd>.

[29] Owusu-Bempah, op. cit., n. 1, p. 130.

[30] W. Pritchard, 'The Radical, Resistant Roots of UK Hip Hop' *M Magazine*, 11 October 2023, at <https://www.prsformusic.com/m-magazine/features/the-radical-resistant-roots-of-uk-hip-hop>.

[31] K. Monrose, 'How the Windrush Generation Transformed Music in Britain' *Wolfson College Cambridge*, 22 June 2023, at <https://www.wolfson.cam.ac.uk/news/how-windrush-generation-transformed-music-britain>.

Windrush generation found refuge in soundsystem parties given the racial hostility that they faced in more traditional UK venues.[32] Grime having grown out of these very parties, it is 'impossible to unpick the sound's defining characteristics from its liberational roots'.[33]

2.2 | Rap music as an art form

In order to appreciate the later analysis of the policing of rap music in England, an understanding of why rap is often not seen as an art form – and why it should be seen as such – is needed. This requires consideration of common themes across rap music.

Interpreted literally, rap music can often be viewed as a genre of swagger and exuberance ('Styles upon styles upon styles is what I have / You wanna diss the Phifer but you still don't know the half', claims A Tribe Called Quest's Phife Dawg in 1991's 'Buggin' Out'); of eloquent – and sometimes comedic – wordplay ('I regulate a flow[34] like chicks on birth control pills', asserts Bahamadia in 1996 track '3 Tha Hard Way'); and of nonchalance towards the detractors of the music ('We shine because they hate us, floss[35] 'cause they degrade us', exclaims Kanye West in 2004 hit 'All Falls Down').

Certain subgenres of rap, such as UK drill, which is Britain's answer to Chicago drill music,[36] are better characterized by 'sardonic'[37] 'violence and criminality';[38] 'Red card, get him sent off / Ching man's head, now he's looking like Lescott', raps UK drill artist RV in 2019's 'Crep Shop', alluding to stabbing a rival and leaving him looking like Joleon Lescott, a former England footballer with prominent forehead scarring.

Rivalry with other rappers is also a common theme in rap music. An infamous example is US rapper 2Pac's 1998 track 'Hit 'Em Up', in which the artist claims to have had sexual relations with rival the Notorious BIG's wife and brutally insults various East Coast rappers; another is UK star Stormzy's viral 2015 song 'Shut Up', with just one provocative lyric being the claim that the artist will '[k]ill a whole crew of MCs[39] for the throne'.

Yet to interpret rap music literally ignores the fact that it exists as an art form and therefore makes significant use of 'symbolism, figurative language, hyperbole and braggadocio',[40] among other literary devices. The use of 'humour, rhetoric and innuendo'[41] add additional layers to the music, which, like any other form of cultural expression, requires careful 'decoding'.[42] This is

[32] Y. Brissett and O. Flash, 'Event Celebrates Caribbean Sound System Culture' *BBC News*, 2 May 2024, at <https://www.bbc.co.uk/news/articles/c9wzx0279ymo>.

[33] Pritchard, op. cit., n. 30.

[34] 'Flow' is the rhythm of a rapper's lyrics over a beat.

[35] To 'floss' is to show off.

[36] Fatsis, op. cit., n. 7, p. 1302.

[37] Oliver, op. cit., n. 16, p. 2.

[38] Owusu-Bempah, op. cit., n. 1, p. 131.

[39] An MC is a master of ceremonies, an individual who performs rap music and engages an audience, typically alongside a disk jockey (DJ), who plays recorded music, typically mixing songs in real time.

[40] Owusu-Bempah, op. cit., n. 1, p. 131.

[41] Id.

[42] P. Bourdieu, *Distinction: A Social Critique of the Judgment of Taste* (1984) trans. R. Nice, 2, cited in Fatsis, op. cit., n. 8, p. 452.

true 'no matter how crude, indecent, suggestive or impolite' the lyrics,[43] which could simply be used to evoke certain feelings in the listener. Furthermore, as Nicholas Stoia et al.'s crucial music-theory-based interpretation of rap lyrics informs us, rappers employ established 'stock lyrical conventions'[44] similar to those used across other musical genres; in other words, rappers are 'actors' of sorts, and rap should not be taken at face value.[45] Such lyrical formulas include 'first-person brag', 'Black history', 'wordplay', and 'trouble/law',[46] as the various examples of rap used throughout this article illustrate.

Regarding 'first-person brag' in rap, UK drill artist Abra Cadabra argued in 2018 that 'challenging the competition comes with the territory'.[47] Clearly, rap rivalry is merely part of the 'braggadocio' so frequently seen in the genre. It is culturally important given the African origins of rap that braggadocio 'does not have a negative meaning in Black African cultures as would be the case in the West'; indeed, the 'entertaining character' of boasts and insults is celebrated – especially since what is said in lyrics 'must not necessarily be put into action'.[48] However, the importance of not interpreting rap music literally is perhaps most convincingly made when it comes from the horse's mouth. Warning against the stereotypical depictions of rappers, US rapper Talib Kweli confesses that 'most rappers are … nerds who are good with words [and who] turn poetry into personality and nervous energy into swagger'.[49]

3 | THE POLICING OF RAP MUSIC IN ENGLAND

'We used to spit 16s[50] 'til they called police', raps grime pioneer Kano in 'This Is England'. In order to make sense of this lyric, this section breaks down how rap music has been policed in England.

In England, the twenty-first-century criminal justice response to rap music has centred around two subgenres: grime and its successor, drill. However, it is important to note that before the emergence of either of these two subgenres – and indeed dating back to the 1950s – their precursors in Black music were also policed. Examples include the police targeting of dancehalls and youth clubs in which soundsystems played genres such as reggae (but also its precursors bluebeat, ska, and rocksteady),[51] as well as the disruption of cultural events such as the Notting Hill Carnival.[52]

[43] Fatsis, id.

[44] N. Stoia et al., 'Rap Lyrics as Evidence: What Can Music Theory Tell Us?' (2017) 8 *Race and Justice* 330, at 332.

[45] Id., p. 357.

[46] Id., p. 351.

[47] B. Beaumont-Thomas, 'Is UK Drill Music Really behind London's Wave of Violent Crime?' *Guardian*, 9 April 2018, at <https://www.theguardian.com/music/2018/apr/09/uk-drill-music-london-wave-violent-crime>.

[48] Neumann, op. cit., n. 26, p. 58.

[49] T. Kweli, *Vibrate Higher: A Rap Story* (2021) 3.

[50] This refers to a 16-bar verse, a common length for a verse in rap music.

[51] P. Gilroy, *There Ain't No Black in the Union Jack* (2002) 216–217.

[52] Id., pp. 115–117.

3.1 | The policing of grime

Grime, described as the most 'significant musical development within the UK for decades',[53] is 'a brutal, edgy, uncompromising music' that originated in the early 2000s from producers and MCs in East London.[54] Labelled 'the sound of social deprivation emerging from the shadows of re-urbanisation and gentrification',[55] the genre has been policed in a number of ways.

The criminal justice response to grime music has come primarily through the use of Promotion Event Risk Assessment Form 696,[56] first introduced by London's Metropolitan Police (the Met) in 2005.[57] The form was self-admittedly created to 'identify and minimise any risk of serious violent crime happening' at proposed music events.[58] Questions on the form requested information about the planned performers and security for the event, as well as about the ethnicity of the expected audience.[59] The form's first iteration required details of the style of music billed to be played at the event, providing only bashment, R'n'B, and garage as examples[60] – all of which are forms of music whose primary creators and audiences are Black Britons.[61] This phraseology was removed after concerns that the form was disproportionately impacting Black musicians[62] – yet the amended 2009 version of the form still recommended it be filled out any time an event was held that 'predominantly feature[d] DJs or MCs performing to a recorded backing track'.[63] This latter part, 'MCs performing to a recorded backing track', encompasses the vast majority of rap music, not least grime. Via the form, grime artists such as JME, Wiley, and Tinchy Stryder all had live performances cancelled at short notice.[64] Though Form 696 was eventually scrapped in 2017,[65] claims persist that the requirements under the form have merely continued to exist under different names[66] (though it should be noted that Form 696 is no longer the main police tactic used to contain grime, or indeed drill).

Social media platforms such as YouTube and Facebook have also been used as venues to police grime music, with grime videos posted on these sites used by the Met's Gangs Unit to 'identify

[53] S. Holden, 'Academic Study Finds Grime as "Disruptive and Powerful" as Punk' *BBC News*, 11 October 2017, at <https://www.bbc.co.uk/news/newsbeat-41559356>.

[54] Ticketmaster, *State of Play: Grime* (2017) 9, at <https://discover.ticketmaster.co.uk/stateofplay/grime.pdf>.

[55] Id.

[56] Fatsis, op. cit., n. 7, p. 1306.

[57] W. Pritchard, '"They're Doing This by Stealth": How the Met Police Continues to Target Black Music' *Guardian*, 21 April 2023, at <https://amp.theguardian.com/music/2023/apr/21/theyre-doing-this-by-stealth-how-the-met-police-continues-to-target-black-music>.

[58] Metropolitan Police, *Promotion Event Risk Assessment Form 696 (Version 2)*, at <https://moderngov.southwark.gov.uk/documents/s58066/Appendix%20D%20Copy%20of%20premises%20licence%20holders%20evidence.pdf>.

[59] Metropolitan Police, *Promotion Event Risk Assessment Form 696 (Version 1)*, at <https://moderngov.harrow.gov.uk/documents/s30376/Form%20696.pdf>.

[60] Id.

[61] Fatsis, op. cit., n. 7, p. 1307.

[62] R. Bramwell, *UK Hip-Hop, Grime and the City: The Aesthetics and Ethics of London's Rap Scene* (2015) 65.

[63] Metropolitan Police, op. cit., n. 58.

[64] Pritchard, op. cit., n. 57.

[65] Fatsis, op. cit., n. 7, p. 1307.

[66] Pritchard, op. cit., n. 57.

and map potential "gang members"'.[67] In these instances, it has been found that it was not only those who featured in the videos considered who were regarded as suspects by the Met, but also those who posted them online – with this being used as a key source of police intelligence on 'gang association'.[68]

Police surveillance has also targeted individual grime artists such as Giggs. In a similar vein to the veiled police threats targeting drill that are discussed below, Giggs had a tour cancelled in 2010 due to police advising the promoters that there would be risks if it was to go ahead.[69] At this time, the artist was allegedly under police watch via Operation Trident, an initiative established to take on gun crime in Black communities in London.[70] Through this initiative, Giggs' music was further policed, with the artist recalling that his soon-to-be record label XL was called by police in order to 'warn [them] off' the day before the rapper was signed to their roster.[71]

3.2 | The policing of drill

UK drill music, though characterized by violence and criminality including gang conflict, is 'defined by real-life experiences and perspectives' of inner-city Black youths.[72] Musically, the genre is noted for its dark, often bellicose sound[73] and its 'skippy, syncopated hi-hat patterns' seen to resemble machine-gun fire.[74]

In certain aspects, the policing of drill music in England has not been dissimilar to the policing of grime. Drill music events have, much like grime events, been policed through the use of Form 696.[75] Moreover, UK drill has also experienced intense policing via online video-sharing platforms – YouTube in particular. As early as 2012, Newham Council's Operation New Hampshire saw 76 drill music videos removed from YouTube due to fears that they could be used to 'recruit new gang members'.[76] Three years later, 2015's Operation Domain saw the Met act similarly by including drill videos alleged to 'incite violence' in a major form of intelligence collection. By 2018, Operation Domain had been responsible for the removal of 30 videos from YouTube.[77] In 2019, the year after

[67] Fatsis, op. cit., n. 7, p. 1308.

[68] Amnesty International, *Trapped in the Matrix: Secrecy, Stigma, and Bias in the Met's Gangs Database* (2017) 46, at <https://www.amnesty.org.uk/files/reports/Inside%20the%20matrix.pdf>.

[69] T. Jonze, 'Rapper Giggs's Tour Cancelled after Police Warning' *Guardian*, 23 February 2010, at <https://www.theguardian.com/music/2010/feb/23/rapper-giggs-tour-cancelled>.

[70] J. Street, 'From Gigs to Giggs: Politics, Law and Live Music' (2012) 22 *Social Semiotics* 575, at 580.

[71] P. Morley, 'Paul Morley Showing Off … Giggs' *Guardian*, 21 February 2010, at <https://www.theguardian.com/music/2010/feb/19/paul-morley-giggs-rap>.

[72] P. Collings, 'How YouTube's Partnership with London's Police Force Is Censoring UK Drill Music' *EFF*, 25 August 2022, at <https://www.eff.org/deeplinks/2022/08/how-youtubes-partnership-londons-police-force-censoring-uks-drill-music>.

[73] L. Bakare, '"New Stop and Search": Rappers Condemn Police over Drill Bans' *Guardian*, 14 June 2019, at <https://amp.theguardian.com/music/2019/jun/14/rappers-konan-krept-condemn-police-criminalisation-of-drill>.

[74] S. Davies, 'The Controversial Music that Is the Sound of Global Youth' *BBC Culture*, 8 June 2021, at <https://www.bbc.com/culture/article/20210607-the-controversial-music-that-is-the-sound-of-global-youth>.

[75] Fatsis, op. cit., n. 7, p. 1306.

[76] Collings, op. cit., n. 72.

[77] Fatsis, op. cit., n. 7, p. 1303.

the Met entered into an 'enhanced partnership' with YouTube to moderate drill content online,[78] Operation Domain was replaced by Operation Alpha. This initiative has seen police anti-gang units use a large database including over 1,000 rap videos[79] to 'systematic[ally] monitor or profil[e] on a large scale' men between the ages of 15 and 21.[80] Between June 2021 and May 2022, all of the Met's requests to social media firms and streaming services to 'review or remove content' involved drill, and almost 87 per cent of the targeted content was removed.[81] The risk of criminalization has led to some drill artists prefacing their music videos with disclaimers. For instance, before the video for drill artist SR's 'Welcome To Brixton' begins proper, a disclaimer reads: 'The views and opinions expressed in the video are for entertainment purposes only.'

However, the policing of drill music, a genre blamed for 'London's wave of violent crime',[82] has been more stringent than that of grime. Indeed, police have gone as far as to pursue drill artists in the same way as 'terror suspects' who call for attacks online.[83] Moreover, gang injunctions under the Policing and Crime Act 2009 and criminal behaviour orders (CBOs) have been used to control the activities – particularly the performances and lyrics – of drill musicians.[84] Gang injunctions have been used to prevent artists such as drill artists Skengdo and AM from entering certain postcodes and referencing individuals, events, and places in their music; when Skengdo and AM breached their injunction, they were sentenced to nine months in prison, suspended for two years.[85] CBOs, which 'can prevent suspects from associating with certain people, entering designated areas, wearing hoods, or using social media and unregistered mobile phones', have notably been issued against five members of drill group 1011.[86] The group were thereby required to provide police notice within 24 hours of releasing music videos, as well as detailed warning 48 hours in advance of any recording or performance.[87]

In addition to this, emails released under the Freedom of Information Act 2000 have shown how Met officers have used 'veiled threats' to impose 'de facto ban[s]'[88] on certain live drill performances, including a scheduled show in 2022 by 1011 member Digga D. In this case, officers made references to gang, gun, and knife crime to pressure venue managers and event organizers to reconsider the event, adding that a review of the premises' licence would be considered as a potential repercussion if the event went ahead.[89]

[78] Collings, op. cit., n. 72.

[79] W. Pritchard, 'YouTube Is Working with Met Police to Take Down Rap and Drill Videos' *Vice*, 24 February 2022, at <https://www.vice.com/en/article/bvnp8v/met-police-youtube-drill-music-removal>.

[80] W. Crisp and V. Dodd, 'Met Police Profiling Children "on a Large Scale", Documents Show' *Guardian*, 3 June 2022, at <https://www.theguardian.com/uk-news/2022/jun/03/met-police-project-alpha-profiling-children-documents-show>.

[81] Oliver, op. cit., n. 16, pp. 6–7.

[82] Beaumont-Thomas, op. cit., n. 47.

[83] J. Simpson, 'Police to Treat Gangs like Terror Suspects' *Times*, 30 May 2018, at <https://www.thetimes.co.uk/article/police-to-treat-gangs-like-terror-suspects-7zms8gsmr>.

[84] Owusu-Bempah, op. cit., n. 1, p. 150.

[85] D. Hancox, 'Skengdo and AM: The Drill Rappers Sentenced for Playing Their Song' *Guardian*, 31 January 2019, at <https://www.theguardian.com/music/2019/jan/31/skengdo-and-am-the-drill-rappers-sentenced-for-playing-their-song>.

[86] Fatsis, op. cit., n. 7, p. 1303.

[87] Bakare, op. cit., n. 73.

[88] Street, op. cit., n. 70, p. 580.

[89] Pritchard, op. cit., n. 57.

Stop and search has also been used as part of the police arsenal against drill, including in 2018 when the Met used machine guns and a support helicopter in a stop and search investigation in order to prevent the recording of a drill video by artist Balistik.[90] Three years later, in 2021, a Section 60 order under the Criminal Justice and Public Order Act 1994 was used to close a venue 20 minutes before the start of a performance by drill artist Fumez the Engineer.[91] Section 60 affords the police '[p]owers to stop and search in anticipation of or after violence'.

3.3 | The policing of rap music outside London: Manchester, the rest of England, and the US

Little academic literature has considered the policing of rap music in England outside the capital, with the notable exception of Latoya Reisner and Kamila Rymajdo's recent work on the policing of Manchester's rap scene. In their research, a picture emerges that the state's treatment of rap in cities outside London is much the same as that in the capital.[92] Indeed, despite there being no evidence proving the existence of official Form 696-style paperwork in Manchester,[93] rapper Gaika was provided with paperwork of a similar kind on multiple occasions in the city. Moreover, the study also found multiple examples of police often 'unequivocal[ly]'[94] pressuring event promoters and venue owners to cancel rap shows with claims that audiences at rap events would cause trouble, as was the case with Manchester's DJ Silva.[95] These factors combined to restrict the 'opportunities of Black rappers … to perform' in Manchester.[96] Moreover, it was revealed in 2017 that 16 other English police forces outside London had adopted paperwork similar to Form 696, with it being unclear whether or not these forms were also scrapped following the 2017 removal of the form in London.[97]

It should be noted, however, that it is not only British rap that has been the target of policing in England. In 2015, US rapper Tyler, the Creator was banned from entering the UK by the then Home Secretary Theresa May, with the communication to the artist citing lyrics from two of his previous albums.[98] The letter from the Home Secretary stated specifically that the ban was imposed due to the artist's 'unacceptable behaviour' through lyrical 'statements that may foster hatred, which might lead to intercommunity violence in the UK'.[99]

[90] Fatsis, op. cit., n. 7, p. 1304. See also K. Virk, 'Drill Music Video Stop and Search by Armed Police "Embarrassing"' *BBC News*, 27 July 2018, at <https://www.bbc.co.uk/news/newsbeat-44982560>.

[91] Pritchard, op. cit., n. 57.

[92] L. Reisner and K. Rymajdo, 'The 0161 Rap Gap: The Marginalisation of Black Rap Musicians in Manchester's Live Music Scene' (2022) 41 *Popular Music* 481, at 492.

[93] Id.

[94] Id., p. 484.

[95] Id., p. 485.

[96] Id., p. 486.

[97] Pritchard, op. cit., n. 57.

[98] J. Blistein, 'Tyler, the Creator Banned from United Kingdom over Lyrics' *Rolling Stone*, 27 August 2015, at <https://www.rollingstone.com/music/music-news/tyler-the-creator-banned-from-united-kingdom-over-lyrics-71119/>.

[99] J. Escobedo Shepherd, 'Tyler, the Creator on Being Banned from the UK: "I'm Being Treated like a Terrorist"' *Guardian*, 1 September 2015, at <https://www.theguardian.com/music/musicblog/2015/sep/01/tyler-the-creator-comments-banned-uk-freedom-of-speech>.

4 | RESPONDING TO A LEGITIMATE THREAT OR THE POLICING OF CULTURE?

'A bunch of young men all dressed in black dancing extremely aggressively on stage. It made me feel so intimidated and it's just not what I expect to see on primetime TV', complains a vocalist in a skit in Mercury Prize-winning grime MC Skepta's 2015 track 'Shutdown'. The skit mocks the backlash received by Kanye West for his exuberant performance of single 'All Day' at the 2015 Brit Awards, for which the US rapper was accompanied by a large crew of UK grime artists including Skepta.[100] The inclusion of the skit in the track touches on a significant idea: that rap music is dangerous. From this idea stems another: that due to this allegedly dangerous nature of the music, rap requires policing.

This section considers whether the twenty-first-century policing of rap in England is responding to crime (including via safeguarding or gathering intelligence), or whether it instead amounts to the policing of Black culture.

4.1 | Does rap music cause crime?

The police response to rap in England implies some connection between rap music and crime (or a genuine risk thereof). The specific offences for which rap music is blamed centre around violent crime,[101] including gang violence and knife crime.[102] The core question, then, when considering whether the policing of rap music in England can be justified is deceptively simple: does rap music cause crime? However, the question requires slightly more nuance than this to elicit any valuable answer. First, is there empirical evidence of any causal relationship between rap music and crime rates? Second, if the policing of rap music is not responding to crime, what is it responding to instead?

Examining first whether the empirical evidence reveals any causal relationship between rap music and crime rates, research published as early as 2004 with regard to US gangsta rap 'simply does not support a direct link between listening to gangsta rap music and involvement in crime'.[103] Research analysing UK rap has produced similar results; one study found nothing but 'a coincidental link' between grime music and crime,[104] with there also being no evidence to show that UK drill causes (violent) crime.[105] Though it may be true that links can be found 'between

[100] J. Embley, 'Five of the Most Shocking Performances at the BRIT Awards, from Madonna to the KLF' *Standard*, 18 February 2020, at <https://www.standard.co.uk/culture/music/brits-shocking-moments-performances-controversial-madonna-stormzy-kanye-klf-a4365306.html>; *Guardian*, 'Kanye West Debuts New Track "All Day" at the Brit Awards 2015' *Guardian*, 25 February 2015, at <https://www.theguardian.com/music/2015/feb/25/kanye-west-debuts-new-track-all-day-at-the-brit-awards-2015>.

[101] Beaumont-Thomas, op. cit., n. 46.

[102] J. Day, 'Radio 1 Glorifies Knife Crime, Says Tory Leader' *Guardian*, 7 June 2006, at <https://www.theguardian.com/media/2006/jun/07/radio.conservativeparty>.

[103] K. Russell-Brown, *Underground Codes: Race, Crime, and Related Fires* (2004) 54.

[104] J. Ilan, '"The Industry's the New Road": Crime, Commodification and Street Cultural Tropes in UK Urban Music' (2012) 8 *Crime, Media, Culture* 39, at 46.

[105] B. Kleinberg and P. McFarlane, 'Violent Music vs Violence *and* Music: Drill Rap and Violent Crime in London' (2020) 1, at <https://arXiv:2004.04598>.

violent lyrics and particular incidents of violence',[106] this is no basis on which to condemn the entire genre as criminal. The answer is clear: in the absence of any empirical evidence, any claims that allege that making or listening to rap music *in general* cause crime are unfounded.

From this conclusion arises logically the second question: if it is not crime that the state is responding to in policing rap music, what then is it is responding to? The aforementioned policing of drill music videos through intelligence collection initiatives such as Operation Domain was carried out 'without any proof music videos were linked to specific acts of violence',[107] while the policing of grime music and its listeners via similar means took place without the targeted grime fans necessarily being 'involved in criminal wrongdoing'.[108] Moreover, the gang injunction against Skengdo and AM was imposed without any evidence of gang membership or activity,[109] and was called 'demonstrably ineffective at tackling youth violence'[110] by human rights organization Liberty. Finally, the heavy-handed police response to Balistik's drill video shoot ultimately resulted in no arrests.[111] In these examples, what was the state was responding to?

4.2 | The police response to rap as an ideological state response to 'social insecurity'

In answer to the above question, this article submits that in policing rap, the British state is responding to the fear of crime as opposed to crime itself, which in turn exposes the racist assumption that Black culture is criminal. In 2022's 'Head High', US artist Joey Bada$$ raps about 'Government agendas against rappers', alluding somewhat to the Wacquantian idea that policymakers are pursuing a 'neoliberal agenda' of social insecurity as opposed to responding to a genuine 'crime problem' in order to justify penal policies.[112] Despite Bada$$' lyric referring to the US, his words also ring true for England. In 2006, former Prime Minister David Cameron criticized BBC Radio 1's playing of grime music, claiming that it 'encourages people to carry guns and knives'.[113] In 2018, to similar effect, the then Met Commissioner Cressida Dick stated that '[d]rill music is associated with lyrics which are about glamourising serious violence: murder, stabbings'.[114] Such sensationalist comments, lacking the crucial caveat that there is no evidence to prove a causal connection between rap and crime, draw on common public fears of criminality as opposed to genuine criminality. These fears are in turn amplified by the media, especially concerning postcode wars and gang crime.[115] In this sense, and in answer to a question posed by

[106] Owusu-Bempah, op. cit., n. 1, p. 131.

[107] D. Hancox, 'The Drill and Knife Crime Story Is a Classic Chicken-and-Egg Dilemma' *Vice*, 31 May 2018, at <https://www.vice.com/en/article/nek3qm/drill-knife-crime-violence-london-long-read>.

[108] Amnesty International, op. cit., n. 68, p. 40.

[109] Fatsis, op. cit., n. 7, p. 1303.

[110] Bakare, op. cit., n. 73.

[111] Virk, op. cit., n. 90.

[112] H. Schoenfeld, 'Crime or Insecurity: Who Is "the State"? And What Is It "Responding" to?' (2011) 13 *Punishment & Society* 473, at 476.

[113] Day, op. cit., n. 102.

[114] J. Waterson, 'YouTube Deletes 30 Music Videos after Met Link with Gang Violence' *Guardian*, 29 May 2018, at <https://www.theguardian.com/uk-news/2018/may/29/youtube-deletes-30-music-videos-after-met-link-with-gang-violence>.

[115] Fatsis, op. cit., n. 7, p. 1307.

Bennett Kleinberg and Paul McFarlane,[116] the music can be seen as drawing public attention to existing violence and 'foreground[ing]' existing conflict[117] as opposed to causing or catalysing it. In the words of Digga D, 'violence is always gonna happen, whether there's drill music or not'.[118]

In England, the public perception of rap music has centred around anxiety of crime[119] – specifically, Black crime. Therefore, both Cameron's and Dick's comments contribute to what Loïc Wacquant would term a categorization of rappers as symbolic, threatening, so-called 'others' by elected officials in order to 'boost … legitimacy and re-affirm the authority of the state'.[120] Indeed, drill artist AM claimed in response to his aforementioned gang injunction that the measure was a public relations (PR) exercise for the police: '[It] makes the police look like they're doing something.'[121] Such comments imply that policing rap can enhance the public image – and thus legitimacy – of the police. As is considered in depth below, the Met's actions towards rap music have been construed as being motivated by the 'racialised stereotypes that … underpin contemporary policing … in relation to serious youth violence in England'.[122] Where there is crime, such as the steadily rising nationwide rate of knife crime from 2010 to 2019 (after which there was a minor drop),[123] rap musicians can become racialized scapegoats for such crime despite a lack of causal evidence. Indeed, a 2021 Policy Exchange report does just this, describing drill as a 'call to violence' and claiming that the genre is linked to violent crime in London,[124] despite evidence to the contrary. The report was later branded 'factually inaccurate, misleading and politically dangerous' in an open letter signed by 49 experts,[125] and its methodology and evidence described as 'shaky at best and fabricated at worst'.[126] Indeed, the report admits that crime as 'creative content' can be used to propel a career in drill,[127] despite rather dangerously conflating crime and creative content that *mentions* crime. It is no secret, even among the staunchest defenders of drill, that the genre's lyrics are often violent. However, the same can be said for opera and country music;[128] as articulated by Adèle Oliver, '[i]t seems that we are always able to suspend our disbelief until

[116] B. Kleinberg and P. McFarlane, 'Examining UK Drill Music through Sentiment Trajectory Analysis' (2019) 9, at <https://arxiv.org/abs/1911.01324>.

[117] Oliver, op. cit., n. 16, p. 76.

[118] R. Chatterjee, 'Should Drill Lyrics Be Used as Evidence in Criminal Cases?' *Channel 4 News*, 11 January 2024, at <https://www.channel4.com/news/should-drill-lyrics-be-used-as-evidence-in-criminal-cases>.

[119] Fatsis, op. cit., n. 8.

[120] Schoenfeld, op. cit., n. 112, p. 474.

[121] Bakare, op. cit., n. 73.

[122] P. Williams and B. Clarke, *Dangerous Associations: Joint Enterprise, Gangs and Racism – An Analysis of the Processes of Criminalisation of Black, Asian and Minority Ethnic Individuals* (2016) 3, at <https://www.crimeandjustice.org.uk/sites/default/files/Dangerous%20assocations%20Joint%20Enterprise%20gangs%20and%20racism.pdf>. See also Fatsis, op. cit., n. 7, p. 1305.

[123] G. Allen and H. Wong, *Knife Crime Statistics: England and Wales* (2023), at <https://researchbriefings.files.parliament.uk/documents/SN04304/SN04304.pdf>.

[124] S. Falkner, *Knife Crime in the Capital: How Gangs Are Drawing Another Generation into a Life of Violent Crime* (2021) 53, at <https://policyexchange.org.uk/publication/knife-crime-in-the-capital/>.

[125] L. Fatsis, 'Experts' Open Letter in Response to a Recent Policy Exchange Report' *Sociologist of Crisis*, 13 November 2021, at <https://sociologistofcrisis.wordpress.com/2021/11/13/experts-open-letter-in-response-to-a-recent-policy-exchange-report/>.

[126] Oliver, op. cit., n. 16, pp. 8–9.

[127] Falkner, op. cit., n. 124, p. 54.

[128] Nielson and Dennis, op. cit., n. 2.

it comes to rap music'.[129] The policing of rap as an ideological state ploy is illuminated when it is interpreted as 'a useful political tool with which to criminalise people for the unequal social arrangements and conditions' that victimize them[130] by 'requisitioning self-stigmatising aspects of their creative expression as evidence of collective guilt'.[131]

Even arguments that rely on a more nuanced view of the relationship between rap and crime can be dangerous. Research conducted in 2020 by Adam Lynes et al. claims that 'the lives and careers of hip hop artists are not to blame for a rise in violence, they are proposed as a fascinating demonstration of the detrimental effects of consumer culture and neoliberal progression'.[132] However, it is argued in this article that defining the effects of an entire genre as 'detrimental' takes an overly simplistic view of rap, especially when such an assessment seems to hinge on reference to specific incidences of rappers engaging in violence. The authors themselves admit that there is a 'script-like' quality to rap music, but go on to claim that this provides a blueprint for criminal gangs in the UK.[133] In the absence of evidence to this effect, we must question whether this is yet another instance of rappers being scapegoated as 'othered' autobiographical perpetrators of the content in their artistic expression. Moreover, this condemnation of the genre can be interpreted as an 'offhanded [dismissal]' that 'reveal[s] 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'.[134]

Attention should however be drawn towards two problems with the use of Wacquant's theory of social insecurity in our context. First, Wacquant's theory often suffers from a lack of empirical justification when applied in practice.[135] Second, when articulating this theory, Wacquant also argues that the value of the 'racialized criminal' in the public mind has decreased, meaning that the state thus is forced to create different categories of others.[136] In response to the first issue, in the case of the criminal justice response towards rap music in England, it appears that Wacquant's theory stands its ground; with no empirical evidence that rap in general causes crime but a great deal of evidence that it causes fear of crime among the public, the conclusion that the police are responding to social insecurity as opposed to increases in crime appears to arise naturally. This argument is consolidated given the response of politicians to rap music in England. As for the second issue, it is argued in this article that (1) the policing of rap shows us that the figure of the scapegoated racialized criminal in fact lives on, contrary to Wacquant's arguments; and that (2) the policy underpinning the policing of rap in England creates a more complex character than that of a merely racialized criminal – it presents the idea of racialized criminals not only committing violent acts among each other, but also broadcasting this criminality via a genre of music that has mass public appeal. By leveraging public *fear* of crime, rap music in England has been policed with an apparent air of legitimacy without requiring the *fact* of increased crime.

[129] Oliver, op. cit., n. 16, p. 80.

[130] Fatsis, op. cit., n. 7, p. 1309.

[131] E. Quinn et al., *Compound Injustice: A Review of Cases Involving Rap Music Evidence in England and Wales* (2024) 12, at <https://documents.manchester.ac.uk/display.aspx?DocID=72455>.

[132] A. Lynes et al., 'Thug Life: Drill Music as a Periscope into Urban Violence in the Consumer Age' (2020) 60 *Brit. J. of Criminology* 1201.

[133] Id.

[134] L. Fatsis, 'Decriminalising Rap Beat by Beat: Two Questions in Search of Answers' in *Music in Crime, Resistance and Identity*, ed. E. Peters (2023) 63, at 63.

[135] Schoenfeld, op. cit., n. 112, p. 477.

[136] Id., pp. 476–477.

The justifications provided for the criminalization of African cultural music made by enslaved peoples in the seventeenth and eighteenth centuries and the rap music made by artists today have much in common, including both being characterized not by reference to crime, but instead by reference to a racist, ideological fear of crime. Both see Black cultural music 'refigured as "noise"'[137] by their Western oppressors, and the targeting of both is purported to quell 'social insecurity'. In this sense, grime and drill being targeted by police forces in England is not anomalous, but instead merely the centuries-long continuation of a pattern of 'policing as an instrument of discriminatory suppression'[138] against Black music via 'racist logics and tactics that remain virtually unchanged'.[139] As mentioned above, rap music requires careful deciphering (not least given its frequent use of slang), and it is partly this fear of not being able to understand the sound that drives the suppression of rap in England today, just as it did historically in Britain's colonies. The policing of rap and its predecessors in Black music constantly boils down to the same binary of Black individuals feeling underprotected and being overpoliced in the Global West[140] – a sentiment that is expressed clearly in rap music (as is analysed in Section 4). As admittedly 'crudely' – but ultimately accurately – put by Lambros Fatsis, 'the slave patrols of yesteryear are the precursors of today's beat patrolling'.[141] We may be living in the '"afterlives" of slavery, colonialism, and Empire',[142] but it is clear that decolonization is still very much an ongoing process.

4.3 | The policing of culture and denying rap the status of art

Though the above provides hints of such an argument, in this section it is argued that the policing of rap music in England sees the state fall back on all-too-familiar stereotypes of Black culture and the racialized criminal. Rap music, as outlined above, is part of Black expressive culture; Skepta goes as far as to call it his 'religion' in 'Shutdown'. However, this article submits that due to racist stereotypes, rap music is not given due respect as a 'rich, complex art form'.[143] Instead, it is viewed through a biased lens with the assumption that 'no specialized knowledge is required to interpret lyrics',[144] thereby allowing the police to determine what is and is not 'art'. In turn, the music is dismissed nonchalantly and flippantly as criminal; rap is not given a chance.

When Newham Council was asked about the benefits of using Operation New Hampshire to monitor drill videos for indications of gang crime, for example, its response was that 'the successful outcome of removal of the videos is self-evident'.[145] This is a rather circular argument that makes no reference to the underlying logic of the removal of the videos – namely, whether or not the removal of the videos had any impact on gang crime or the risk thereof. It appears that drill as a genre was not regarded by those conducting the operation as artistic, but instead was branded as

[137] Oliver, op. cit., n. 16, p. 48.

[138] Fatsis, op. cit., n. 6, p. 48.

[139] L. Fatsis, 'Beat(s) for Blame: UK Drill Music, "Race", and Criminal Justice' in *Music for Inclusion and Healing in Schools and Beyond: Hip Hop, Techno, Grime, and More*, eds P. Dale et al. (2023) 19, at 28.

[140] Conversation between A. Parmar and author, 21 November 2023.

[141] Fatsis, op. cit., n. 14, p. 36.

[142] Oliver, op. cit., n. 16, p. 94.

[143] Nielson and Dennis, op. cit., n. 2, p. 8.

[144] Stoia et al., op. cit., n. 44, p. 331.

[145] Collings, op. cit., n. 72.

criminal by default. This is particularly unfortunate given the unique perspective that this music provides into inner London's council estates,[146] as is considered in Section 5. Furthermore, the racist suppression of a music (rap) that often exposes the racially and socially disparate underbelly of England itself lends credence to arguments of cultural policing given the history of rap as a powerful form of Black protest (as is also explored in depth in Section 5).

It is submitted that the reason for such a blasé police attitude towards rap music is the 'persistence of institutional racism within the Met through policing tactics that reveal stereotypical associations between … "[B]lackness" and "criminality"',[147] as well as within other police forces across the country, including Greater Manchester Police.[148] Institutional racism, as defined in the seminal 1999 Macpherson Report, refers to '[t]he collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin'.[149] The report elaborated that such racism 'can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping'.[150] It is this thoughtless and racist stereotyping in particular that underpins the police response to rap music in England, including the characterization of rap artists as violent, hostile, and aggressive.[151] The result is something of a vicious circle, with institutional racism shaping the current police response to rap in England, and this policing in turn entrenching institutional racism.

The aforementioned stereotypes play a pivotal role in rap music not being treated as an art form by state authorities in England. For example, the lyrics cited by Theresa May in order to justify Tyler, the Creator's 2015 ban from the UK were, though indisputably violent, from 'songs … written from [the perspective of] an alter ego' (as recognized in the letter communicating the ban to the artist).[152] Despite this, the lyrics were still regarded as likely to incite violence. This, it is argued, exposes the racism at the heart of the policing of rap music in England; even the clear use of artistic licence is interpreted literally and is thereby used to suppress a Black cultural art form. It should be noted that even a white rapper, Eminem, has been criticized for promoting violence through the use of an alter ego; Slim Shady, the rapper's creation, has made frequent '[d]epictions of murder, rape, and slurs' in his music[153] (and has done so far more notoriously than Tyler, the Creator). The previous point stands, however; though Eminem once had a UK festival performance vetoed by the Royal Parks charity in 2014 for fear of 'his lyrics … upset[ting] other park users', he was never formally barred from the country, and indeed went on to perform at Wembley Stadium twice in the following month.[154]

[146] D. Hancox, *Inner City Pressure: The Story of Grime* (2018) 304.

[147] Fatsis, op. cit., n. 7, p. 1311.

[148] M. Trewern and C. Long, 'Greater Manchester Police "Remains Institutionally Racist"' *BBC News*, 28 November 2023, at <https://www.bbc.co.uk/news/uk-england-manchester-67542596>.

[149] W. Macpherson, *The Stephen Lawrence Inquiry* (1999) para. 6.34, at <https://assets.publishing.service.gov.uk/media/5a7c2af540f0b645ba3c7202/4262.pdf>.

[150] Id.

[151] C. B. Fried, 'Bad Rap for Rap: Bias in Reactions to Music Lyrics' (1996) 26 *J. of Applied Social Psychology* 2135, at 2136.

[152] Escobedo Shepherd, op. cit., n. 99.

[153] A. Taylor, '"The Death of Slim Shady": Controversial Legacy of Eminem's Peroxide-Blond Alter Ego' *BBC News*, 1 June 2024, at <https://www.bbc.co.uk/news/articles/clee3445w0lo>.

[154] A. Welch, 'Eminem Banned from Hyde Park Gig Due to "Offensive" and "Unsuitable" Lyrics' *NME*, 26 June 2014, at <https://www.nme.com/news/music/eminem-64-1244493>.

It is true that, historically, other violent first-person narratives have been supressed in England; take Stanley Kubrick's 1971 film adaptation of Anthony Burgess' novel *A Clockwork Orange*, for example. Through the use of the Cinematograph Acts 1909 and 1952, the film was banned by various local councils.[155] In order to curb allegations that the film was inciting violent copycat crime, Kubrick himself later asked for it to be withdrawn from release in Britain.[156] However, more than 50 years have passed since the council bans of the film, since which the work has been re-released multiple times[157] and significantly re-evaluated by critics as one of the greatest British films of all time.[158] By contrast, for rap, a Black musical genre, and especially for rap created by Black artists, such a critical revaluation and easing of state restrictions appears nowhere in sight, despite grime and drill originating in a society far more at ease with artistic depictions of violence than that which existed when Kubrick's film was first released. The reason for this difference in treatment appears to be racism.

The ethnic make-up of rap's audience is also relevant to the police, as seen through analyses of Form 696 and the Met's targeting of those who upload rap videos online as potential members of criminal gangs. Rap is a genre of music often enhanced by performances among friends; consider grime crews such as Boy Better Know and Roll Deep, for example. Bearing this in mind, understanding the racism behind the policing of the genre tears down the illusion of rappers as gang associates and reveals these so-called gangs as mere 'neighbourhood friendship groups'.[159] The creation of such associations in policing is 'premised on judgements around the nature of the music's audience … and ultimately its relationship to criminality',[160] including the idea that Black music cannot be performed in public due to its feared 'capacity for uncontrollable violence'.[161]

Both the 'stealth' and the discrimination hidden within the policing of rap music in England is elucidated through comparison with the policing of another musical genre in the jurisdiction – namely, rave music. The Criminal Justice and Public Order Act 1994 provides a particularly useful foil for these purposes. Section 63 of the Act outlines the police powers in relation to unlicensed raves, defined as

> gathering[s] on land in the open air of 20 or more persons … at which amplified music is played during the night … and is such as, by reason of its loudness and duration and the time at which it is played, is likely to cause serious distress to the inhabitants of the locality.[162]

Music, for the purposes of the Act, is defined as 'sounds wholly or predominantly characterised by the emission of a succession of repetitive beats',[163] referring to the dance music typically played

[155] A. Biswell, 'The Banning of *A Clockwork Orange*' *The International Anthony Burgess Foundation*, 5 April 2019, at <https://www.anthonyburgess.org/blog-posts/the-banning-of-a-clockwork-orange/>.

[156] P. Duncan, *Stanley Kubrick: The Complete Films* (2003) 136.

[157] Biswell, op. cit., n. 155.

[158] J. Dyer, 'The 100 Best British Films' *Empire*, 20 December 2023, at <https://www.empireonline.com/movies/features/best-british-films/>.

[159] E. Quinn, 'Prosecuting Rap: Can We Get Racial Discrimination out of the Courtroom?' *Futurum*, 21 June 2022, at <https://futurumcareers.com/prosecuting-rap-can-we-get-racial-discrimination-out-of-the-courtroom>.

[160] Ilan, op. cit., n. 104, p. 47.

[161] Reisner and Rymajdo, op. cit., n. 92, p. 492.

[162] Criminal Justice and Public Order Act 1994, s. 63(1).

[163] Id., s. 63(1)(b).

at such events. The purpose of this contrast is not to consider the justifiability of these statutory provisions, but instead to show that here the policing of the musical genre in question does at least use statutory provisions that explicitly spell out the type of music to be policed, thereby exposing it to the checks and balances necessary for any legislative enactment. The same cannot be said for rap music, the suppression of which, as shown above, hides behind veiled threats and social insecurity founded on racist stereotypes, and is therefore able to criminalize the culture of both its creators and its audience. In short, when using rap music to criminalize individuals, '[p]olice … who don't want to appear overtly discriminatory can … let the rap music do the racist signalling for them'.[164]

The lack of credibility evident in the racially charged policing of rap music in England[165] indicates that the police seem to have been thrown into the proverbial deep end by the 'need' to respond to the genre's alleged dangers. The absence of adequate guidance and the lack of any proper appreciation – or indeed comprehension – of the music, the artistic devices within it, and its importance to Black communities in Britain have arguably caused the police to instead fall back on familiar stereotypes to achieve their goals[166] in a way that is related to the wider trivialization and suppression of Black culture. From this viewpoint, such 'lazy',[167] discriminatory policing appears to be a '[perception] of disorder' as the result of 'the racial composition of a neighborhood',[168] given that the grime and drill music videos filmed on London estates largely feature Black individuals, for example. The increasing use of technology in the policing of rap music does not appear to reduce the risk that racist stereotypes will underpin policing, either. Indeed, such technological innovation can instead perpetuate 'criminalized and racialized identities',[169] such as those associated with rap.

In short, then, it is not the music itself that is being policed, but instead the race of those creating – or even simply playing – it. Indeed, research has shown that Black artists in Manchester were stigmatized or excluded (including not receiving bookings) for playing the very same Black musical genres as white artists. This phenomenon became so clear to Black artists in the city that when proposing future performances, they ensured that their ethnic identity was not visible to venue owners.[170]

Evidence of racism is shown just as clearly in the aforementioned public reception of rap music, which takes the form of social insecurity. Depictions of violence – as well as the wider imagery present in rap culture[171] – are used to pigeonhole the genre, allowing it to be nothing more than what the listener permits. Such discriminatory responses to the music, especially when amplified through the platforms of prominent politicians, create fear and dismay among the public in a manner rather similar to stereotypes around US gangsta rap and its alleged celebration of the

[164] E. Quinn, 'Lost in Translation? Rap Music and Racial Bias in the Courtroom' *Policy@Manchester*, 4 October 2018, at <https://blog.policy.manchester.ac.uk/posts/2018/10/lost-in-translation-rap-music-and-racial-bias-in-the-courtroom/>.

[165] Fatsis, op. cit., n. 7, p. 1308.

[166] Conversation between A. Parmar and author, op. cit., n. 140.

[167] Chatterjee, op. cit., n. 118.

[168] E. Klinenberg, *Palaces for the People: How to Build a More Equal and United Society* (2020) 61.

[169] A. Parmar, 'Policing Migration and Racial Technologies' (2019) 59 *Brit. J. of Criminology* 938, at 952.

[170] Reisner and Rymajdo, op. cit., n. 92, p. 486.

[171] Fatsis, op. cit., n. 8, p. 452.

'Black male as social outlaw'.[172] As British rapper Dave explained in 2019's 'Environment', 'You see our gold chains and our flashy cars / I see a lack of self-worth and I see battle scars'; in essence, rap can appear on the surface something very different to reality, and this is especially the case when public perception is sullied by racist stereotypes.

In sum, the policing of rap music in England is driven by an irrational fear of crime, which in turn reflects an institutionally racist tendency to assume that Black cultural output amounts to criminality. As put by human rights organization Amnesty International, 'people … are at risk of being profiled and monitored by police … simply because of the subculture to which they belong'.[173] Through a lack of due consideration inseparable from institutional racism, British rap music has been – and continues to be – suppressed in a way through which the 'perceived threat of Blackness can be recognised as exceeding the body and extending into the infectious sounds it produces'.[174]

5 | THE CONSEQUENCES OF THE POLICING OF RAP MUSIC

Given that the evidence displays no meaningful connection between rap and crime in England, this section considers the *real* consequences of the policing of rap. It is argued here that the policing of rap increases the lack of trust that Black individuals feel in the criminal justice system by entrenching and perpetuating racism. The criminalization of rap music therefore becomes a distraction from the real issue of a 'socially and racially unequal Britain',[175] the magnitude of which is articulated first hand through the very same grime and drill music being suppressed.

The issue of Black individuals in England having a lack of trust in the criminal justice system is nothing new. The Scarman Report, ordered after the 1981 Brixton riots, 'found loss of confidence and mistrust in the police and their methods of policing' among the local Black community,[176] while data from 2019/2020 shows that fewer Black people had confidence in their local police compared to any other ethnic group.[177] This sentiment stems specifically from disillusionment with the 'fairness and integrity of the criminal process'[178] – an unsurprising fact given that four decades of data have shown that racism is 'endemic' in police culture.[179]

The concept of distaste towards the police is also well trodden in rap music, with some of the most pertinent examples appearing in the US more than three decades ago in NWA's 1988 protest song 'Fuck tha Police' and KRS-One's 1993 track 'Sound of da Police'. However, beyond this

[172] K. Crenshaw, 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color' (1991) 43 *Stanford Law Rev*. 1241, at 1289.

[173] Amnesty International, op. cit., n. 68, p. 38.

[174] C. D. Scott, 'Policing Black Sound: Performing UK Grime and Rap Music under Routinised Surveillance' (2020) 75 *Soundings* 55, at 63.

[175] Fatsis, op. cit., n. 7, p. 1311.

[176] BBC News, 'Q&A: The Scarman Report' *BBC News*, 27 April 2004, at <https://news.bbc.co.uk/1/hi/programmes/bbc_parliament/3631579.stm>.

[177] Gov.uk, 'Confidence in the Local Police' *Gov.uk*, 2021, at <https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/policing/confidence-in-the-local-police/5.0/>.

[178] J. Peay and E. Player, 'Pleading Guilty: Why Vulnerability Matters' (2018) 18 *Modern Law Rev*. 929, at 956.

[179] C. Phillips et al., 'Ethnicities, Racism, Crime, and Criminal Justice' in *The Oxford Handbook of Criminology*, eds A. Liebling et al. (2023, 7th edn) 329, at 336.

hard, often hateful, exterior is a real trend in rap music – in both the US and the UK – expressing that Black people do not *trust* the police and do not feel that the police value them. '[S]till it ain't safe, not even in a world full of cops', states Skepta in 2019's 'Bullet from a Gun'; 'They don't care about you when you Black and British', declares rapper Wretch 32 in 2024's 'Black and British'.

There are also grime and drill lyrics that criticize specific areas of the law in England. Examples noted by Fatsis[180] include Wretch 32's expression of distaste towards 'cops on the dayshift / Who just can't stop and search without tazing' in a 2015 freestyle, and JME's 2015 lyric in '96 Fuckries' that '[f]requently I get stopped by the gammon[181] / Because my whip[182] looks it should be owned by Jeremy Clarkson or Richard Hammond', referring to the former presenters of *Top Gear*. In the year ending March 2015, the year in which both of these tracks were released, Black individuals were four times more likely to be stopped and searched by police in England and Wales than those who were white;[183] the disparity remains marked, with the latest figures (for the year ending March 2024) seeing this decrease only marginally to 3.7 times.[184] Though studies have found no 'direct discrimination' in stop and searches,[185] the 1999 Macpherson Report made clear that the disproportionality present may be the result of 'racist stereotyping'.[186]

The targeting of rap music with criminal sanctions, then, appears to exacerbate this feeling of disillusionment with the police; 'I'll expose these racist clubs and feds / Who can't mute me anymore', raps Stormzy in 2015's 'Hear Dis', alluding to Form 696.[187] If the above analysis of the methods and justifications for the policing of rap music in this jurisdiction have shown anything, it is that these rappers have valid reasons to express such sentiment; yet it is lyrics such as these that are viewed through a racialized lens and therefore criticized as examples of rap as criminal (indeed, NWA's 'Fuck tha Police' itself triggered an Federal Bureau of Investigation (FBI) inquiry[188]). Such actions serve 'as a useful reminder of how the state conspires to target, monitor, contain, control and cast out those who it deems undesirable or underserving of its protection',[189] leading to arguments that more will be lost in PR through the policing of rap than will be gained in 'disrupting' any purported criminality.[190] More dangerously, perhaps, research has shown that instead of countering any alleged risks of crime tied to rap music, police tactics such as the

[180] Fatsis, op. cit., n. 7, p. 1309.

[181] 'The gammon' are the police.

[182] A 'whip' is a car.

[183] Home Office, 'Police Powers and Procedures England and Wales Year Ending 31 March 2015' *Gov.uk*, 19 November 2015, at <https://www.gov.uk/government/statistics/police-powers-and-procedures-england-and-wales-year-ending-31-march-2015/police-powers-and-procedures-england-and-wales-year-ending-31-march-2015>.

[184] Home Office, 'Police Powers and Procedures: Stop and Search, Arrests and Mental Health Detentions, England and Wales, Year Ending 31 March 2024' *Gov.uk*, 26 September 2024, at <https://www.gov.uk/government/statistics/stop-and-search-arrests-and-mental-health-detentions-march-2024/police-powers-and-procedures-stop-and-search-arrests-and-mental-health-detentions-england-and-wales-year-ending-31-march-2024>.

[185] P. A. J. Waddington et al., 'In Proportion: Race, and Police Stop and Search' (2004) 44 *Brit. J. of Criminology* 889, at 911.

[186] Macpherson, op. cit., n. 149, para. 6.45(b).

[187] Fatsis, op. cit., n. 7, p. 1310.

[188] Russell-Brown, op. cit., n. 103, p. 37.

[189] Fatsis, op. cit., n. 7, p. 1311.

[190] J. Ilan, 'Digital Street Culture Decoded: Why Criminalizing Drill Music Is Street Illiterate and Counterproductive' (2020) 60 *Brit. J. of Criminology* 994, at 1008.

criminalization of grime and drill music increase lack of trust in the police and thus may actually 'contribute' to gang crime or knife carrying.[191]

Furthermore, the policing of rap music distracts from the real issues that, it is submitted, do in fact require state intervention; in this way, the policing of rap can be used as a tool to not only ignore social issues, but also deflect blame for them onto rap artists.[192] This article heavily draws on rap lyrics in part due to their excellent value as critical thought and insight into the disregarded[193] social and cultural challenges faced by many Black individuals in England. From its inception,[194] rap has been an art form that 'allows artists to express sentiments of dissatisfaction and dissent on a global and local scale on a range of social and political issues'.[195] This value is only revealed, however, if one gives rap music a chance. Instead of being rashly dismissed as violent or criminal, rap music should be reframed as showcasing an 'eloquent, albeit angry, testimony of stigmatisation, marginalisation, and criminalisation by a police force which draws on bias, prejudice and stereotypes'.[196]

Moreover, the criminal personas often adopted in drill music should be reinterpreted not only as use of artistic licence, but also as one of the only ways in which marginalized youths feel that they can gain respect from their peers and their audience;[197] 'Reminisce as we was kids screaming "Fuck a cop" / … for me that shit was just for props[198]', flows US rapper J. Cole in 2014's 'Knock tha Hustle'. Cole's lyrics lay bare what many rap afficionados realize goes without saying: that rappers fabricate 'elaborate "street" personas in order to gain credibility among the rap community'.[199]

Furthermore, it should be recognized that creating rap music is, on a very basic level, a career like any other.[200] Alongside 'narrativising precarity', creating rap is a mode of 'monetising pain'.[201] This opportunity to produce income through music also leads to the adoption of criminal personas in the music,[202] with such deliberately shocking imagery[203] increasing the reach of the music (and thus in turn its profitability) by satisfying the 'morbid curiosity of consumers'.[204] 'There's not really many avenues to get off the street, music is the main one',[205] argued Konan of UK rap

[191] B. Hall et al., 'Criminalising Black Trauma: Grime and Drill Lyrics as a Form of Ethnographic Data to Understand "Gangs" and Serious Youth Violence' (2023) 7 *Genealogy* 2, at 14.

[192] A. Mohdin, 'Drill Music Crackdown "Fails to Address Root Causes of Youth Violence"' *Guardian*, 10 February 2019, at <https://www.theguardian.com/music/2019/feb/10/drill-music-crackdown-fails-to-address-root-causes-of-youth-violence>.

[193] Hancox, op. cit., n. 146.

[194] Kweli, op. cit., n. 49, pp. 274–275.

[195] I. Thompson, 'Art Not Evidence' *Counsel*, 10 July 2024, at <https://www.counselmagazine.co.uk/articles/art-not-evidence>.

[196] Fatsis, op. cit., n. 7, p. 1310.

[197] Ilan, op. cit., n. 190, p. 1009.

[198] 'Props' is respect.

[199] Stoia et al., op. cit., n. 44, p. 357.

[200] Nielson and Dennis, op. cit., n. 2, p. 2.

[201] Quinn et al., op. cit., n. 4, p. 421.

[202] Ilan, op. cit., n. 190, p. 1009.

[203] T. Schwarze and L. Fatsis, 'Copping the Blame: The Role of YouTube Videos in the Criminalisation of UK Drill Music' (2022) 41 *Popular Music* 463, at 476.

[204] Oliver, op. cit., n. 16, p. 89.

[205] Pritchard, op. cit., n. 57.

duo Krept and Konan in 2019 in response to the policing of drill music, implying that the root issue is not rap, but a lack of opportunities for social mobility. Indeed, rap music itself touches on the idea that the potential of a lucrative career in rap enables individuals to avoid crime; 'Major labels don't want killers', raps JME in 2005's 'Serious'. It is not only Black culture that is suppressed through the policing of rap in England, therefore, but also the ability of many Black musical artists to earn a living.

In the chorus of 2021's 'Gangbiz', Shepherds Bush native Central Cee raps 'They wanna ban it, they don't understand it'. Given that police forces in England have little understanding of the culture that leads to the creation of grime and drill,[206] it is proposed that state actors should recognize the positive – and even therapeutic[207] – role that rap can play in the lives of many youths.[208] More importantly, however, such music should be given greater weight by state actors for the ways in which it chronicles the challenges faced by Black individuals in the jurisdiction, especially given the significant audience with which the music resonates.

In addition, this article supports Art Not Evidence's campaign to ensure that rap is only admissible as evidence in courtrooms if both its heritage and its 'artistic and linguistic conventions'[209] are given consideration. Used in such a way, rap music can inform policy and police decision making and 'force the state to effect a fundamental redistribution of resources supported by a concerted antiracist agenda',[210] as opposed to being the target of discriminatory police campaigns that hinder progress more than they help. We should avoid 'superficial analysis' of rap music and drawing 'prejudiced conclusions' about it,[211] and favour a process in which grime and drill lyrics are interpreted by professionals using a trauma-centred approach that is appreciative of the racial and cultural significance of the music.[212] Using rap lyrics as 'ethnographic data'[213] in this way can return focus to the realities faced by those individuals who express their concerns in the music, instead of policing them for these realities.

A final, but important, additional benefit of such a new, inclusive approach is the rehabilitation of the image of the conventional rapper. Instead of being represented as 'gangs of marauding Black youths',[214] or having their music dismissed as illegitimate, rappers should be viewed as 'courageous truth-tellers' who encourage political debate and resistance against oppression.[215]

6 | CONCLUSION

'Some things you can't escape: / Death, taxes, and a racist society', proclaims J. Cole in 2018's 'Neighbors'. Given the above analysis of the policing of rap music in England, Cole's reworking of

[206] JUSTICE, *Tackling Racial Injustice: Children and the Youth Justice System* (2021) 41, at <https://files.justice.org.uk/wp-content/uploads/2021/02/23104938/JUSTICE-Tackling-Racial-Injustice-Children-and-the-Youth-Justice-System.pdf>.

[207] Chatterjee, op. cit., n. 118.

[208] Quinn, op. cit., n. 159.

[209] Thompson, op. cit., n. 195.

[210] Quinn et al., op. cit., n. 131, p. 12.

[211] Hall et al., op. cit., n. 191, p. 16.

[212] Id., p. 15.

[213] L. Barron, 'The Sound of Street Corner Society: UK Grime Music as Ethnography' (2013) 16 *European J. of Cultural Studies* 531, at 543.

[214] Fatsis, op. cit., n. 7, p. 1310.

[215] Id., p. 1311.

the classic idiom, albeit pessimistic, rings true in our context. Owing to racist stereotyping, rap and those who create it are viewed as 'criminal by default'[216] and the music is ideologically suppressed in England not to prevent crime, but to ostensibly allay unfounded social insecurity. Through cultural policing, rap is denied its proper status as art and the lack of trust that Black individuals feel in the police is intensified. Simultaneously, attention is diverted from fixing Britain's pressing social and racial issues and blame is forced onto Black communities, compounding these very issues in the process.

This article advocates for a rehabilitation of the image of rap music. In this way, rap music can be used to ameliorate areas of social policy and legitimize police decision making, while the public perception of rap music as a historic and powerful art form can be affirmed in the meantime.

As a closing note, this article encourages the study of rap in schools as a different way 'of making sense of police racism, state violence, social injustice and the politics of knowledge itself'.[217] Naturally, rap lyrics should be studied only within their own contexts, such as drill lyrics in the light of England's inequality and lack of opportunity; and misogynistic lyrics in the light of feminist commentary, as well as the view that often '[a]ccusations of misogyny … serve as excuses that the white mainstream invents to police [B]lackness through music'.[218] Not only would such education 'facilitate identity development, support emotional intelligence, and provide a safe space for experimentation',[219] it would also play a significant role in reforming the public perception of the genre – enabling us to propel the decolonization of curricula, as well as the decolonization of 'our minds and ears'.[220]

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[216] Reisner and Rymajdo, op. cit., n. 92, p. 484.

[217] L. Fatsis, 'Arresting Sounds: What UK Soundsystem Culture Teaches Us about Police Racism and Public Life' in *Black Music in Britain in the 21st Century*, eds M. Charles and M. W. Gani (2023) 181, at 198.

[218] Fatsis, op. cit., n. 134, p. 73.

[219] Nielson and Dennis, op. cit., n. 2, p. 8.

[220] Fatsis, op. cit., n. 217, p. 193.