Hip Hop and the Law
Hip Hop and the Law

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Dedication

Pamela Bridgewater Touré
July 22, 1969 – December 27, 2014

Pamela Bridgewater Touré was an activist lawyer, deeply involved in movements for reproductive rights, clinic defense, and the rights of people with AIDS. She was a scholar of women’s reproductive freedom and black emancipation, and merged both histories in her work by focusing on the experiences of black women. She was a diva, a pro-sex feminist, and a sister whose wicked sense of humor was matched by her generosity of thought and care—a beautiful, buoyant soul.

As a professor at the American University Washington College of Law, Pam was among a group of pioneering lawyers and law professors interested in exploring the relationship between law, culture and hip hop. Beginning in 2009 she contributed to HipHopLaw.com and presented hip hop scholarship at the annual conference of the Society of American Law Teachers, the largest organization of progressive law teachers in the country. She organized and worked with law students from various student groups and her popular culture and the law seminar at AU to prepare one of the early symposia on the subject. In its first year the Roots and Reality symposium explored the connection between grassroots organizing and social justice lawyering. In its second year, it brought together lawyers, law students, activists, scholars and artists to examine the relationship between their work, hip hop culture and social justice theory.

Quite literally, this anthology represents Pam’s final scholarly project while she was with us on this Earth. We were incredibly honored to work closely with Pam as our co-editor on this labor of love, HIP HOP AND THE LAW. During the last years of her life, Pam worked diligently on this anthology, editing, drafting, re-drafting, and negotiating with authors and with us, her co-editors. She loved this project and was determined that her legacy would include the first hip hop and the law book of its kind. Even when close to her last days, Pam continued to work with us to ensure this anthology would make it to print. We were continually inspired by her fortitude, positivity, and generosity. We believe that Pam’s very best professional work is represented in the pages that follow.

This book is dedicated to our co-author, our sister, our pioneer in legal scholarship, our friend, our guiding light in social justice, and most of all our hero (or shero as she would call it) in the vast world of hip hop.

andré douglas pond cummings
Donald F. Tibbs
co-editors
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Projects of this size and scope typically require a village to get to publication. That village for me begins with my co-editors Dr. Donald Tibbs and Pamela Bridgewater (RIP). Both possess(ed) incredible intellectual firepower and both are (were) visionary activists and radical lawyers. Without Tibbs’ vision and Pam’s positive leadership, this anthology would still be an idea, a great idea by my way of thinking, but still just an idea. That our sister Pam passed away just months before publication reminds us how fragile life can be and that each breath we draw is a precious one. In the words of Tupac Shakur, “U Can be Touched,” and in appreciation of Tupac’s double meaning, Pam was touched by God in being called home, and Pam touched all who knew her with a generous spirit and an intellectual honesty that will never be forgotten. I express deep respect and admiration to both Donald Tibbs and Pamela Bridgewater.

Next, this volume is filled with the creative and inspiring writing of over two dozen contributing authors. Our anthology is filled to overflowing with incisive, intellectually deep, and riveting chapters authored by our talented contributors who, like us, have seen and felt that intersection between hip hop and legal theory and have committed their thoughts to provocative writings. Each time I re-read one of our contributing authors’ chapters, I find myself exclaiming, “That is my favorite chapter in the book,” except that I have uttered that very phrase more than a dozen times. I hope that all readers will also be so challenged in discovering their favorite chapter. To our contributing authors, we express heartfelt gratitude.

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Donald F. Tibbs

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Introduction

Historically, African Americans have never shared the same cultural destiny as any other segment of the American population; and this awareness is at the center of Black music and the Black radical tradition. The genesis of using music as a form of personal expression and liberation began inconspicuously during African slavery, as the songs and lyrics of captive Blacks became the focal point of their freedom. Slave songs, or Negro spirituals, as they eventually became retitled, were perceived as rhythmic modalities to keep pace with the pressure of plantation economic production. But, in reality they were more. Indeed, they were much more. Instead, slave songs contained hidden messages underlying soulful beats that contained a critical liberation message: that slavery was immoral and that American law needed to undergo radical revision to free blacks held in captive bondage.

Fast-forward through the eras of Jazz and the Blues to the 1979 birth of Hip Hop, a musical invention that blended slave narratives — the language of un-free people — with urban street anthems — the language of free people and produced a genre of music that has transcended every believable boundary in the post-Civil Rights era. What began in the South Bronx, New York, under the music of a little known group called the Sugarhill Gang, has emerged into a culture and lifestyle that spans the globe. On its face, Hip Hop has outsold almost every other music category; spawned into a multi-billion dollar enterprise; and currently serves as the thematic backdrop for marketing everything from fast food to automobiles. So vast is Hip Hop’s appeal that culturally-hip professionals, such as doctors, lawyers, and even the President of the United States, have attached their name in order to garner community endorsement: better known as street credit. Hip Hop artists have rapped their way to vast success producing innumerable riches for some, while unwrapping a style of music that blends creative storytelling with hidden messages and critiques of the American way of life. American law and legal culture are often the centerpiece of those critiques. Indeed, Hip Hop artists have often experienced the blunt trauma of the American legal system first hand and as young men of color in the United States, are keenly positioned to critique a system that disproportionally imprisons and discards African American and Latino youth. Critical Race Theory pioneers Derrick Bell and Mari Matsuda passionately advocated in their writing and teaching that “looking to the bottom” should become a crucial undertaking when making policies and drafting legislation, and Hip Hop truly represents the view from the “bottom of the well.” Listening closely and paying attention to Hip Hop’s critique is literally an exercise in “looking to the bottom” and encompasses a genuine hearing of the voices of the oppressed and often powerless. Yet Hip Hop has now emerged as a voice of power.

Hip Hop and the Law is a collection of scholarly writings that explain what we can learn about American law through Hip Hop music and culture. It seeks to invigorate an important discussion confronting the American legal order in the 21st century: that the law as written is very different from the law as practiced. Hip Hop and the Law is a
compiled anthology that uncovers, from a legal perspective, how Hip Hop lyrics not only critique the continuing racial problems confronting American law and society, but also how potential solutions for eradicating the vestiges of racism and social injustices are deeply embedded hidden messages. Although there is a wealth of literature on Hip Hop music and culture generally, very few books discuss the legal message from, and the meaning and purpose of, hip hop music.