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Sounds dangerous: Black music subcultures as victims of state regulation and social control

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Abstract

Despite a long history of policing against Black music subcultures, mainstream criminology has shied away from exploring their discriminatory suppression by law enforcement agencies. Understanding *how* Black music genres are policed as sonically disturbing and lyrically suspicious, however, exposes *why* they are targeted as sources of deviant behaviour in the first place. Drawing on UK grime, UK drill and Brazilian *baile funk* as examples of contemporary rap that are heavily criminalised, this chapter (re)introduces Black music genres as victims of institutionally racist processes of state regulation and social control that police rap music as unwelcome noise, and treat rappers as a threatening and uncivil presence in urban public space.

Keywords

Criminalisation of Black music subcultures, policing against UK grime, UK drill and Brazilian *baile funk*, state regulation and social control, policing urban public space, sensory criminology

Introduction

Black¹ music subcultures – especially hip-hop and rap² – have historically haunted the penal imagination as audible signs of danger, criminality and disorder. Excised from public culture through criminal justice interventions, entire music genres are put ‘on trial’ (Kubrin and Nielson 2014, Nielson and Dennis 2019) creating crimes out of rhymes without sufficient evidence to convict rappers for the offences that they are charged with. Against the backdrop of such (mis)interpretations of Black cultural forms as synonyms of lawlessness, this chapter critically interrogates how and why Black music genres are disproportionately perceived and pursued as sources of danger, while also reintroducing them as a rich resource for criminological scholarship. Drawing on the discriminatory suppression of three global subgenres of contemporary rap music – UK grime, UK drill and Brazilian *baile funk*³ – the criminalisation of rap(pers) will be blamed on institutionally racist assumptions within processes of state regulation and social control that betray their origins in the history of slavery and European colonial rule. The policing of grime, drill and *baile funk* will therefore be set in its proper Afro-Atlantic – or ‘Black Atlantic’ (Gilroy 1993) – context, followed by an argument for ‘thinking [criminologically] with music’ (Back 2016) as an instrument for widening the discipline’s scope culturally, politically and epistemologically.

Having provided a thumbnail sketch of this chapter, it should be stressed at the outset – by way of disclaimer – that none of the graphic imagery of violence, sexism, homophobia, and misogyny in (some) rap lyrics is celebrated or played-down. However, misleading representations of rap music that reduce it to ‘the violent, brutally sexist reality of a pack of wilding “little Willie Hortons”’⁴ (Rose 1990, p. 108) are also dismissed. This echoes the voices of prominent Black feminist scholars like bell hooks (2004), Kimberlé Crenshaw (1997), Tricia Rose (1990, 1994) and Imani Perry, who argue against prejudicial oversimplifications of the violence in and complex gender and sexual politics of rap. Decrying the criminalisation of rap music does not mean denying the existence of offensive and oppressive rap lyrics. Rather, it involves placing such lyrics into the context of a white mainstream culture whose prejudices disproportionately single out rap for police attention without adequately interrogating the violence or the racial, gender and sexual politics that are excused in more respectable forms of creative expression. As hooks (1994, p. 135) notes, the ‘sexist, misogynist, patriarchal ways of thinking and behaving that are glorified in gangsta rap are a reflection of the prevailing values in our society, values created and sustained by white supremacist capitalist patriarchy’.

The aim of this chapter, therefore, is not to airbrush the shocking, objectionable, disagreeable or vulgar content of much rap music, but to expose the thinking behind the hostile, unfair, illiberal and discriminatory manner in which rap culture is policed by the state and its law enforcement institutions. To do so, rap will be discussed in the light of its suppression as a perceived form of incivility that is often blamed for breeding urban disorder, due to longstanding prejudicial attitudes towards it as a source of unwelcome sensory and political ‘noise’. This long history of suspicion against rap (and other Black music genres before it) will then be set into the historical context of colonial policing to link the policing against Black music to the policing against Black people, followed by a positive and reconstructive attempt to reintroduce Black music genres as valuable (re)sources for the criminological study of the social control of disorder in contemporary urban space.

Victims of what? Grime, drill, and *baile funk* as targets of state violence

As rap music continues to be perceived as *pathological* or *criminogenic*, it is seldom approached as *pathologised* or *criminopathic* in – as well as by – mainstream public discourse and criminal justice policy. Rap (sub)cultures, routinely appear on screen, in print, and on the airwaves as dangerous gang-affiliated networks that promote criminal behaviour, rather than as music collectives that are unfairly penalised as such by the police, prosecutors and judges (Nielson and Dennis 2019). Focusing away from the processes by which rap music becomes *criminalised*, however, obscures why and how it is approached as ‘criminal’ in the first place. In particular, it obscures the various ways in which rap becomes the victim of the state and its law enforcement institutions, instead of a perpetrator of crimes against them. In an attempt to eliminate this blind spot, the remainder of this section aims at redirecting our attention to the *violence of the state*, rather than the *violence in rap*. Rap subgenres such as UK grime, UK drill and Brazilian *baile funk* will therefore be introduced as victims of state regulation and social control. The chapter will further highlight how their discriminatory repression is indelibly linked to the policing against earlier Black music genres and the colonial roots of policing *itself* as an instrument of racial oppression. After briefly introducing the three genres and describing how they have been policed against, a discussion of the historical roots of policing against Black music will be offered in order to expose the rationale that informs decisions to disproportionately target, monitor, pursue, arrest, convict and incarcerate grime MCs⁵, drillers, and *funkeiros*.

Grime

UK grime music emerged in the early noughties from East London’s council estates, as a gritty countercultural force whose DIY ethos in the production and distribution of the music blended with the assertive swagger of its lyrical content and frantically-paced rhymes to create a unique idiom, which is loved by fans but also targeted by the police (Fatsis 2019a). Much like its glossier predecessor, UK garage, which previously dominated the sonic landscape of Black British dance music with its mix of glitzy danceable beats, soulful rhymes and a touch of gangster machismo, grime’s reputation was tarnished by the way it is prejudicially associated with criminality. Despite the lack of any solid evidence to prove ‘anything but a coincidental link’ between grime and criminal activity (Ilan 2012, p. 46), this newcomer to the Black British music scene nevertheless bore the brunt of the newly introduced Promotion Event Risk Assessment Form 696 (henceforth: Form 696) by the London Metropolitan Police.

Form 696 was designed to ‘identify and minimise any risk of most serious violent crime’ (London Metropolitan Police Service 2009, p. 1) in planned live music events and clubnights, but it disproportionately targeted Black music genres with grime taking the hardest hit (Fatsis 2019a, 2019b). Following leading questions about the ‘music style to be played’, listing ‘Bashment’, ‘R’n’B’ and ‘Garage’ as the *only* examples, Form 696 included additional questions on the ‘target audience’, the ‘make up of the patrons’, and the nature of the performance: ‘DJs or MCs performing to a backing track’ (Fatsis 2019a, p. 448). The wording of the form could be perceived as free from the discriminatory assumptions that are hidden within it, yet the only music styles that fit the descriptions given by Form 696 are Black music genres. It therefore came as no surprise to disgruntled grime artists, promoters and audiences that the kinds of music that Form 696 was targeting were the kinds of music that it was designed to suppress.

This being the main tool for the policing of grime, Form 696 became a notorious piece of paperwork which not only imposed bans on playing grime in clubs (Fatsis 2019a), but also symbolised the whitening of the urban nightlife via the criminalisation of Black music genres;

inspiring a campaign against its use on the grounds that it was discriminatory (Noisey 2014). Such voices grew to a chorus and led to the eventual removal of the form in November 2017, following an intervention by the London Mayor (Sadiq Khan) who criticised Form 696 for unfairly targeting grime artists and audiences and threatening grime's contribution to the UK's economy and cultural life (News Met Police 2017). These interventions should have heralded an era of less punitiveness towards grime, yet two years after the abolition of Form 696 the association of grime with 'trouble' led Leeds Labour Party Councillor Al Garthwaite to blame grime for the violence that broke out during a brawl at a bar (Hill 2019). Such thinking habits are indicative of the stigma of criminality that is attached to grime, as illustrated by a recent report by the Digital, Culture, Media and Sport Committee (House of Commons 2019, p. 11) which 'welcome[d] the abolition of the Metropolitan Police's 696 Form following concerns that it unfairly targeted certain artists and audiences', while also acknowledging that 'it is concerning to hear that prejudices against urban acts [like grime] persist'.

Drill

The alarm expressed by members of the elected chamber of the UK Parliament should sound reassuring enough. Yet, during the time span of the Digital, Culture, Media and Sport Committee report (2017-2019) another 'problem genre' – UK drill – was thrust into the limelight, without getting any mention as a music scene that was policed in equally controversial ways. Drill was 'discovered' by the popular mainstream after its dark 'monotone beats', "'glinting" synths' and 'bleak' yet 'charismatically delivered lyrics' (Hancox 2019) made headline news as 'the knife crime rap' (*The Sunday Times Magazine* 2019). In line with the disparaging nickname given to it, UK drill music has surfaced in the media as a cause behind London's rising knife crime; a view shared by the Home Office (HM Government 2018), the London Metropolitan Police (LBC 2018, Telegraph Reporters, 2018) and the Crown Court (Evans 2018). As a result, drill rappers faced a suite of criminal sanctions including the imposition of Criminal Behaviour Orders (CBOs), gang injunctions and suspended prison sentences, accompanied by the monitoring and removal of drill music videos from video-sharing platforms such as YouTube (Fatsis, 2019b: 1302-1303). The Metropolitan Police has even formed a Drill Music Translation Cadre consisting of police officers who 'act as rap expert witnesses'; decoding lyrics and translating them into evidence for the prosecution (Quinn 2018).

The intense policing of drill soon sparked an outcry from Human Rights groups, lawyers and academics who condemned the suppression of drillers' civil liberties (The Guardian – Letters 2019) in the light of ever-stricter measures. These included the classification of drill rappers as gang members under the Policing and Crime Act 2009, accompanied by intense surveillance through increased stop and search (Fatsis 2019b, p. 1304-5). Worse still, drillers are also banned from entire postcodes, forbidden to use certain words or refer to specific people and places in their lyrics,⁶ prohibited from contacting or associating with certain people, wearing hoods, using social media or unregistered mobile phones, and having their videos removed from YouTube (Fatsis 2019b). Indefensible though incitement to violence certainly is, it is notoriously difficult to prove a direct link between lyrics and specific acts of violence (Nielson and Dennis 2019). This is made even more challenging by the story-telling qualities of rap music, or any other art form for that matter, which may perform violence rhetorically as part of an adopted outlaw persona without actually advocating violence other than as a product of the rap lore rather than the property of criminal law.

Baile funk

Baile funk, now omnipresent as the soundtrack of young Black Brazil, is a hybrid genre which blends together electronic funk beats/breaks, rap rhymes and Afro-Brazilian music traditions; resulting in a heady musical crossover that can be likened to a Brazilian ‘take’ on Jamaican dancehall or *reggaetón*. Much like UK grime and drill, which broadcast how life is lived in London’s council estates, *baile funk* originally sprang from the favelas of Rio de Janeiro in the 1990s as music to be danced to at parties, while also functioning as a platform for commentary on the impoverished, yet culturally vibrant, life in the slums. The authorities were quick to spot this subversive new genre and responded to it through a series of state laws and police raids in line with broader policies to ‘pacify’ the favelas by silencing their music through a quasi-paramilitary occupation by the so-called Pacifying Police Units (Barboza Muniz 2015).

Drawing on stereotypical associations between *baile funk* and gang violence, the authorities started legislating against this ostensibly suspicious genre with the intent of criminalising and suppressing *baile funk* parties (Lopes 2011, Herschmann 2005). From the 1990s onwards, state legislation has been used to demand police approval for and increased police presence in *baile funk* events, often involving the installation of cameras and metal-detecting arches. These laws have been repealed and revised numerous times to recognise *baile funk* as a legitimate cultural practice rather than as a form of criminal activity, following protests by community activists and *baile funk* MCs (Barboza Muniz 2015, Jovchelovitch and Priego-Hernández 2013). Despite such victories from community groups, however, the repealed measures were replaced by new ones that continue the discriminatory suppression of *baile funk* through arresting, incarcerating and fining MCs for crimes against public peace, advocating crime and public incitement to violence (Barboza Muniz 2015, Freemuse 2015). Such is the contested terrain of policing the favelas, their residents and their forms of cultural life that the criminalisation of *baile funk* was tellingly described by the Brazilian Forum of Public Security and Violence Analysis Lab at the Rio de Janeiro State University as a ‘symbolic trophy’ for the police (Barboza Muniz 2015, p. 207).

This view of *baile funk* as ‘police property’ is not accidental or unique to it but applies to UK grime and drill as well, given that what all three genres have in common – apart from elective affinities on an aesthetic and cultural level – is the discriminatory policing they endure. Grime, drill and *baile funk* have been suppressed by policing methods that share the same discriminatory logic, be it in the form of bureaucratic policing (grime), trial by lyrics (drill), or a spate of state laws (*baile funk*). The policing of grime, drill and *baile funk* as targets of state regulation and social control, therefore, shines a light on how and why they become victims of such processes of monitoring and governance in the first place. All three genres are criminalised almost exclusively because they are perceived by the authorities as sources of nuisance and forms of incivility that are harmful and offensive to the public, aesthetically as well as politically. Singled out for unjust treatment the performance of grime, drill and *baile funk* is almost automatically turned into a criminal offence on suspicion of glamourising violence and inciting crime. Such suspicion, however, reveals more about how the state and its law enforcement agencies threaten civil liberties and create unjust criminal justice outcomes, than it does about whether rap breeds crime.

Policing Black music as the legacy of colonial rule

Apart from raising important questions about the legitimacy of a criminal justice system which fails to meet the professional, legal and ethical standards of evidence-based policy, the policing against rap also prompts us to understand the ideological, political and historical roots of its discriminatory suppression. This requires a discussion on the history of policing against Black music and the history of policing *itself* as ‘mutually constitutive’ (Owusu-Bempah 2016, p. 26) processes in countries whose colonial past informs its present politics. Britain and Brazil are two such countries whose experience of colonisation – as colonisers and colonised respectively – shaped the evolution of its models of policing and determined who and what ought to be policed, by whom and in whose interests, too. The suppression of Black cultural expression and the formation of pre-professional police-like forces therefore have a shared history, without which it is impossible to understand how or why Black music comes to be policed the way it is today. Looking at how Black cultural expression has been suppressed from the colonial period to the present day, inevitably involves looking at what forms of policing were created to patrol, control, and prohibit such cultural activities; thereby linking the criminalisation of Black music to the birth of policing as a tool for defending plantation slavery and enforcing colonial rule. Much of what follows will discuss these two processes as a way of bringing and thinking (about) them together to aid our understanding of the policing against Black music as part of a historical continuum instead of an accidental feature of contemporary metropolitan policing.

The suppression of Black music genres – like grime, drill, and *baile funk* – and the policing practices that are used against them have a shared history that may have originated in colonial times, but its legacy endures. The music of African slaves and their free, yet racially oppressed, descendants has always witnessed a variety of bans for fear of insurrection, revolt and resistance to their subjugation. In the US, slave patrol legislation was introduced to ‘prevent all caballings amongst negroes, by dispersing of them when drumming or playing’ (McCord 1841, p. 640), resembling similar prohibitions under colonial rule in Africa (Drewett and Cloonan 2006), the Caribbean (Cowley 1996, Wilmer 2018) and Brazil (Fryer 2000). Such regulatory measures often took the form of bans on ‘noisy instruments’ (Cowley 1996, p. 84), ‘drums of African origin in all types of public meetings’ (Moore 1997, p. 69) and prohibitions on ‘playing objectionable native tunes’ or ‘obscene songs’ (Collins 2006, p. 172-3) that point to historical continuities in the policing of Black music. Banning drumming, dancing and musical performance, however, did not end with the abolition of slavery, but continued apace with police harassment of blues music (Wagner 2009, p. 5, 60-61), bebop, brass band jazz and hip-hop (DeVeaux 1997, Swenson 2011, Berry *et al.* 2009, Nelson 1992). Carnival celebrations (Gutzmore 1993), reggae sound systems (Bradley 2001, Gilroy 2007, Gilroy 2002), garage and bashment (Fatsis 2019a) faced similar suppression, as did Trinidadian calypso/*kaiso* (Quevedo 1983), West African *Àsìkò* music (Collins 2006), Brazilian samba (Hertzman 2013), Afro-Cuban music (Leymarie 2002, Moore 1997), and South African *marabi* music (Schumann 2008) – to name a few indicative examples of Black music genres that were silenced by colonial powers through their order maintenance forces.

This being the prehistory of policing *against* Afrodiasporic music(s), UK grime, drill, and *baile funk* were destined to follow suit in post-colonial times. To better understand how and why grime drill, *baile funk* continue to be criminalised, however, also requires an understanding of the colonial origins of policing itself. Such music genres do not become ‘police property’ in a historical vacuum, but as a consequence of the very foundation(s) of policing during colonialism and slavery. Both in the UK and Brazil, the models and styles of policing that emerged in the metropole derive from practices deployed by the British and the Portuguese in their colonies (Arnold 1986, Brogden 1987, Emsley 2014, Jackson 2016, Williams 2003).

Similar to US police forces, their European counterparts were modelled after pre-professional, informal militias that were formed to patrol, capture and control fugitive slaves and colonial subjects in Europe's overseas territories or 'possessions' (Brucato 2014, Das and Verma 1998, Reichel 1988, Seigel 2016). In their transition from colonial militias to professionalised metropolitan law enforcement agencies, police forces retained much of the colonialist logic that gave birth to them, continuing to serve the post-imperial state as its most effective weapons of social control. To put it crudely, the slave patrols of yesteryear are the precursors of today's beat patrolling; in a historical continuum that resurrects colonial subjugation in the form of the grossly disproportionate policing against Black people today. In the UK, Black people continue to be targeted, suspected, and mistreated by the police at alarmingly high levels that are recorded in government statistics (Brown 2019, Race Disparity Unit 2020) and denounced by criminologists and Human Rights organisations alike (Grimshaw and Ford 2018, Liberty 2020, OHCHR 2018, Shiner *et al.* 2018, Tiratelli *et al.* 2018). Similarly, in Brazil the majority Black population of the favelas is subjected to a regime of 'militarization' and 'social control' (de Souza 2019, p. 463) that 'the institution of policing has been enforcing since the days of imperial rule'; seamlessly transmuting 'racial discrimination' into 'criminalisation' (de Souza 2019, p. 465, Cavalcanti, 2020).

These being the historical roots of policing against Black music and of policing *itself* in former colonial states, the suppression of contemporary variants of Black music by contemporary institutions of order maintenance seems unavoidable; unless the logic and practices that treat such forms of creative expression as 'suspicious' change. Continuities in the suppression of Black music by the state – colonial or otherwise – therefore raise urgent questions about what ideas, perceptions and assumptions inspire the hostility and suspicion that is reserved for Black music genres such as grime, drill and *baile funk*. Having already discussed what Black music genres become *victims of*, namely state regulation and social control from colonial times to the present day, the following section of this chapter turns to the question of what they are *policed as*. Drawing on what will be referred to here as sensory and political noise, Black music genres are discussed as forms of uncivil or offensive nuisance and symbols of danger to illustrate why they are perceived and criminalised as such by laws that outlaw them.

Policed as what? Black music as sonic and social disturbance

Having described how Black music genres like grime, drill and *baile funk* are criminalised by the state through its 'coercion-wielding' (Tilly 1992, p. 1) criminal justice institutions, this section of the chapter shifts its attention to what prompts the police, prosecutors and judges to concentrate on them so obsessively as sources of danger. Tainted as Black music genres are with the stain of 'criminality', the question of what inspires such perceptions asserts itself forcefully; demanding answers that can only be provided if we cast our interpretive net wide enough to point to the multiple ways in which Black music genres are treated – culturally as well as politically – as 'noise' to be eliminated rather than as music to be appreciated. Understood as such, Black music genres will be discussed here as forms of sensory and political 'noise' that is perceived as offensive, contaminating, degrading and threatening to the sensory faculties and political institutions of 'white civil society' (Martinot and Sexton 2003, p. 172). Criminalised through policing and penal practices that define socio-cultural activities as out of order, out of place, and 'out of the edifice of citizenship' altogether (Dahrendorf 1985, p. 98), Black music genres predictably become maligned as sources of cultural dissonance and signs of political danger. In fact, Black music genres are targeted, monitored and policed *against* because of what they are policed *as*, namely sources of sonic and cultural, and political

disturbance. Consequently, policing and punishment – in the context of this chapter – are understood not as neutral functions of the criminal justice system, but as socio-cultural and political processes that create and convey meaning, influence cultural definitions and shape social and political reality as conductors of cultural norms and instruments of social control. As Loader (1997, p. 7) points out, policing and punishment are ‘expressive institution[s]’ that should be understood as ‘a cultural performance’. Through their ‘depictions of social authority, subjectivity and social relations’ they ‘hel[p] give meaning to the social world’ by ‘teach[ing], clarif[ying], dramatiz[ing], and authoritatively enact[ing] some of the basic moral-political categories which help form our symbolic universe’ (Garland 1990, p. 252). Building on this approach to criminal justice institutions as definers of cultural and political standards of propriety, sensory and political noise are coined here as conceptual metaphors with which to visualise how prejudicial cultural judgements and discriminatory policing tactics against Black music genres determine why they are transformed from forms of artistic expression into legally-punishable offences.

The suspicion of ‘blackness’ – as a physical and cultural marker of difference – has a long and disreputable history that begins with plantation slavery and colonial governance and survives today in the form of longstanding and deep-seated fears of and prejudices against ‘race’, both as a signifier of ‘the grosser physical differences of color, hair and bone’ (Du Bois 1970, p. 75) and the cultural output of people who are racialised, and consequently politicised, as Black. ‘Race’ – either as biology or as culture – therefore becomes the stage on which notions belonging are performed, in societies that have emerged in the shadow of colonial ‘raceocracy’ (Hesse 2013) and (mis)rule. This is of utmost importance in any attempt to understand what turns Black music genres into forms of incivility. The activities that are deemed offensive, undesirable, disturbing, or harmful to ‘the public’ are ultimately determined by who and what that ‘public’ is imagined to be, as well as by who is producing the nuisance that this public needs to be protected from. Without identifying *who* belongs *where* and *as what*, it is impossible to understand who is being cast out as undesirable and unwanted; which in turn determines how this unwanted presence is to be managed and even removed from the body politic.

Out of tune, out of place and out of order

Black music symbolises this unwanted presence through the way that it is treated as aesthetically ‘out of tune’, culturally ‘out of place’ and politically ‘out of order’. In this context, the criminal justice system performs the role of the arbiter of aesthetics, culture, or acceptable politics on the state’s behalf and at its behest too. Police, prosecutors and judges, therefore, become definers of culture to preserve order. As a result, *order maintenance* assumes the guise of *cultural evaluation* to designate *political belonging* by establishing who and what fits the frame of white mainstream culture, and what measures can and should be taken to set apart anything that deviates from the conventional, white cultural mainstream in an uncomfortably conspicuous way.

The ‘order’ that is preserved through the policing of Black expressive culture, therefore, hierarchically assigns the place one can occupy in relation to white cultural norms. This in turn determines what activities require regulation, monitoring, surveillance and control if and when such activities are deemed to be beyond the pale culturally as well as politically. Seized by law enforcement agencies, ‘culture’ soon becomes transformed from a stage where creativity roams freely to an arena where the politics of difference and hierarchical social and racial order is played out. Held hostage to such politics of ‘law and order’, the notion, function and mission

of culture are weaponised and transformed from a sphere of creative activity to a legal territory where ‘the law’ decides, sorts and *orders* what characteristics, standards, values and criteria determine what belongs to the realm of creative expression and what becomes the property of the criminal justice system. In so doing, *music* is separated from *noise*. The former represents what is acceptable, desirable, celebrated and cherished, while the latter symbolises what is inadmissible, unwanted, out of place, out of ‘order’ and outside the limits of propriety, respectability and acceptability, not just aesthetically but culturally and politically, too.

Such ‘norm images’ (Hoetink 1967, p. 76, 106-110) of ‘blackness’ as a dangerous and threatening cultural force in the ‘white mind’ (Fredrickson 1971) establish hierarchies of belonging and exception that can only be understood at the crossroads of the sensory and the political realm. After all, it is in this very context that Black music genres become forms of sensory and political noise. The idea of Black music genres as sensory and political noise is therefore introduced here as a conceptual handle with which one can fully grasp the cultural and political processes by which Black music genres become types of incivility, instead of being recognised as valid forms of creative expression. Judged by the standards and established principles of European traditions of music composition, Black music becomes perceived as aesthetically and culturally ‘out of place’ due to its emphasis on the low-frequency drum, polyrhythm, call and response, interactivity (Rose 1994), improvisation, montage, and syncopation (Gilroy 1993) and ‘sonic sensibilities’ that deviate from classical, European or Western ‘soundscape norms’ (Charles 2018, p. 7). Fusing rhythmic speech (e.g. rap), expressive vocal phrases (e.g. screams, grunts, wails), sound effects (e.g. dub sirens), low-frequency infrasound (e.g. sub-bass) and (re)mixing practices (e.g. sampling and versioning), Black music stands out as intrinsically ‘different’ – if not entirely separate – from Eurocentric aesthetic conventions. The ‘deviant’ cultural character of Black music genres, therefore, excludes them from the pantheon of art, by consigning them to the margins of refinement, propriety and respectability. This is due to prohibitive definitions that prevent mainstream culture to take Black music seriously, as anything other than as a source of dissonance and incivility. After all, as Howard Becker (2014, p. 125) notes, what counts as music involves ‘the moral evaluation of noise’. As a result, aesthetic appreciation is reduced to culturally-codified principles of acceptability, which imprison audiences to ‘conventional ways of making and listening to music’ which ‘represent the choice of a very few from all the possible ways of doing those things’ (Becker 2014, p. 126).

If what counts as music is a culturally-loaded decision-making process about the normative value of sound, what counts as noise also falls prey to definitions of pleasantness, politeness, civility and their polar opposites, namely rudeness, disturbance, and incivility. Unlike music, however, noise is the sonic equivalent of dirt; ‘matter out of place’ and a ‘threat to good order’ that is ‘regarded as objectionable and vigorously brushed away’ (Douglas 1966, p. 41, 161). Adapting Mary Douglas’ (1966) masterful anthropological analysis of uncleanliness to noise as a source of pollution – which violates cultural taboos of aesthetic purity and signifies danger – becomes increasingly relevant in reminding ourselves of the emotive dimension and political consequences of moral judgement in the concert hall and in the courtroom. Moving from the sensory to the political realm, noise loses none of the repulsion with which it is treated apart from shifting the context in which such distaste takes place. If noise is dismissed as ‘disorder, dirt, pollution [...] blasphemy [and] plague’ on a sensory level, it is also feared on the political level as ‘an aggression against the code-structuring messages’ of conventional or mainstream culture – resembling a ‘weapon’ which does ‘violence’ and disrupts the existing social order by threatening to ‘create new orders, unstable and changing’ (Attali 1985, p. 27, 19). What attracts such feelings of anxiety is not just the tone or even the lyrical message of the music,

but the potential of such music to escape the confines of culture by spilling into, diluting or even transforming the nature, order, political culture and ethnic or racial make-up of white civil society. To recognise Black music genres as worthy art forms would also involve regarding the producers and audiences of such art forms as worthy fellow citizens, despite differences in outlook about what counts as music, culture or politics.

Objects of fear, sources of danger

The reasons why Black music genres are not recognised as art, pursued as criminal and feared as ‘different’ or ‘Other’, however, hinge on definitions of belonging and membership in national cultures that are racialised as white. Such definitions put a chokehold on our ability to acknowledge that aesthetic appreciation is inseparable from moral judgement or that ‘moral judgements are inseparable from race and class’ (Stuart 2020, p. 214), given that what counts as standard, normal, acceptable and “official” is [also] inseparable from existing structures of power and privilege’ (Stuart 2020, p. 213). Given the ‘perpetually provisional status’ (Stuart 2020, p. 204) that our Black fellow citizens endure – due to stereotypes which depict ‘every black person as a *potential* resident of the ghetto’ (Stuart 2020, p. 204) – it is hardly surprising to see how or why forms of Black cultural expression are discriminated against and disqualified from the ‘kingdom of culture’ (Du Bois 2007, p. 9). Encoded as they are as signs of disorder, Black music genres inevitably grow into symbols of danger in the public mind, attracting coercive sanctions by law enforcement in order to prevent the kind of ‘trouble’, violence or ‘criminality’ that they are thought to embody. Approached as suspicious and potentially threatening, Black music genres (especially rap and its various subgenres) find themselves enmeshed in a messy tangle of misperceptions that (a) rob them of their status as art forms, (b) cast them (out) as criminogenic, and (c) suspect the racial or cultural ‘difference’ they are thought to represent as an embodiment of danger – both as a cultural presence, and a potential source of violent uprising against their marginalised status. These misperceptions neatly encapsulate the essence of what has been referred to here as sensory and political noise to explain what Black music genres like grime, drill and *baile funk* are policed as. Dismissed as ‘out of tune’, ‘out of place’ and ‘out of order’, rap music – in all its Afro-Atlantic variations – is ‘effectively denied [...] the status of art’ due to the way in which ‘the criminal justice system, allow[s] police and prosecutors to present it to juries as auto-biography rhymed over a beat’ (Nielson and Dennis 2019, p. 7).

Seen obsessively, if not exclusively, through the perspective of law enforcement, the lyrical content of rap lyrics is therefore (mis)taken for real-life descriptions of crimes committed or about to be committed, rather than as first-person narratives that may be partly or purely performative, fictional, hyperbolic or fabricated even, as is the case with many other music lyrics or literary works (Bramwell 2018, p.484; Fatsis 2019b, p. 1301; Ilan 2020, p. 2,3, 6, 13, 16; Stuart 2020, p. 195). Identified as a security risk rather than as potential art forms, rap genres are not only suspected of going beyond the limits of what is legally acceptable. They also pose an existential threat by disrupting the cultural unity and political order of the white mainstream. Rap music – be it UK grime, drill or Brazilian *baile funk* – is not just *offensive* to the ear as ‘a powerful challenge to the sonic order’ that threatens ‘established musical codes’ (Denning 2015, p. 157, 12). It is also *subversive* as an aural reminder that those who find themselves ‘down, out, and under arrest’ (Stuart 2016) still have the power and the means to broadcast what can often be radical, rebellious and insurrectionary messages that resemble an ‘ominous war cry [directed at] the status quo’ (Sneed 2003, p. 25).

Policing state failure beat by beat

The targeting of grime, drill, and *baile funk* by judicial processes that literally *make* them ‘criminal’, through punishable offences that are created against them, reminds us of the immense power that the state and its criminal justice apparatus have to legislate people in and out of citizenship. Policing against Black music subgenres, their producers and their audiences as a form of interference or an unwanted and inadmissible presence – sonically as well as socio-culturally and politically – exposes the ‘symbolic power’ that the police have to ‘diagnose, classify, authorize, and represent both individuals and the world, and to have this power of “legitimate naming” not just taken seriously, but taken-for-granted’ (Loader 1997, p. 3). When understood as both sensory and political noise, the discriminatory rationale behind the silencing of Black music genres becomes more clearly audible over the din of pretexts that are invoked for policing against them. Such clampdowns on Black music genres like grime, drill and *baile funk* combine the suspicion that is reserved for alternative modes of cultural production with the hostility displayed towards the makers and custodians of such (sub)culture(s). As a result, the cultural producers of such ‘dangerous’ music are imagined as outsiders, interlopers, or exploitative super-predators who deprive civil society of any standard of decency and threaten its demise into a cesspool of criminality, chaos and disorder.

However, contrary to mainstream public or penal opinion, much of what grime drill and *baile funk* MCs rap about is their ‘*reaction* to [a] grossly unequal distribution of wealth, power, and status’ and a ‘response to racial and class oppression’ (Stuart 2020, p. 205, emphasis in the original). Against a background of organised abandonment, managed decline, neglect and indifference (Fatsis 2019b, White 2020) that is displayed towards the most affected communities in the council estates of London, the favelas of Rio and further afield, rappers cry out in alarm against their marginalisation and social isolation. Grime MCs like Baseman x Snizzy (2017) liken their local area to a warzone; ‘why do you think they call this place Gaza?’ reminding the audience that ‘You’re not living how I’m living so how can you have the answers’. Drill MC M Huncho (2018) expresses his frustration with being continually asked why he and other drillers ‘mask up’ (i.e. wear balaclavas) without paying equal attention to what prompts them to cover their face in the first place: ‘They askin’ 'bout the mask face. I don’t like all the attention; I need calm days’. In a similar manner *baile funk* MC Dolores from the group Monobloco (2005) blames the *asfalto* (wealthy streets) for creating the favela and reminds listeners that ‘injustice wears a white collar’. This flickering snapshot of grime, drill and *baile funk* lyrics goes a long way towards attuning us to the social conditions that do not only produce such music genres, but also silence them as transgressive noise by processes of state regulation and social control.

Listening to the message of such forms of Black vernacular culture, however, does more than remind us of the importance they can play in sensitising us to their discriminatory suppression. Black music genres also present themselves as undermined resources for ‘thinking with’ (Back 2016) about the politics of criminalisation, (police) racism, and state violence. The following section of this chapter, therefore, attempts to save Black music genres from fading into scholarly oblivion by introducing them as powerful instruments for doing criminology in a different and more exciting register that pays close attention to how they are policed against as a source of deviant or transgressive behaviour, and how they are weaponised as a resource for political dominance and social control. Drawing on the main themes that have dominated this book chapter so far – namely the criminalisation of Black music subcultures like grime, drill and *baile funk* by the state and its criminal justice agents – this final section makes a case for taking music, culture and the senses seriously as modes of criminological knowledge.

‘Doing’ criminology *with* music

Accounting for the senses in matters of law-making and law-breaking might be accused of making no sense and even sounding frivolous, given the gravity and solemnity that usually informs responses to criminal infractions and social transgressions. Embracing the senses for understanding complex social phenomena like crime, however, takes on added resonance when we consider the power of their insight into the cultural nature of ‘crime’ as a lived, experiential phenomenon rather than a dry, wooden, lifeless legalistic category (Ferrell *et al.* 2008, Presdee 2000). Despite existing criminological scholarship on ‘crime’ as a cultural artefact and a sensory phenomenon (Brown and Carrabine 2017, 2019, West 2017, Cambre 2019, Herrity 2018, McClanahan and South 2019), the primary focus of such work concentrates on the visual rather than the aural realm (McClanahan and South 2019), notable exceptions notwithstanding (e.g. Peters 2019). Without intending to pit one part of the human sensorium against another, this concluding coda to the chapter nevertheless extends an invitation to stimulate sonically-informed and culturally-sensitive criminological scholarship, building on the work of Bramwell (2015, 2018), Dedman (2011), Ilan (2012, 2015, 2020), Dimou and Ilan (2018), Bakkali (2019), Pinkney and Robinson- Edwards (2018), Irwin-Rogers and Pinkney (2017), and Fatsis (2019a, 2019b). Curing mainstream criminology’s apparent tone-deafness aside, thinking about criminal justice matters with the aid of contemporary Black music rap subgenres alerts us to and puts a different spin on urgent, yet sometimes neglected, areas of criminological inquiry that include police and state racism, the racialisation of ‘crime’, the criminalisation of ‘race’, and the criminalisation of public and political culture. These issues will be taken up in turn and discussed at more length as heuristic explorations of what grime, drill and *baile funk* can teach us about ‘crime’ and ‘doing’ criminology differently.

Having already traced the ideological, historical and political contours of how grime, drill and *baile funk* became branded, stigmatised and policed against as ‘criminal’, the processes which render young Black people ‘suspicious’ and ‘dangerous’— because of the music they listen to — have also been exposed. This is of utmost significance for understanding how the criminal justice system ‘impute[s] crime to colour’, as the 19th-century African-American abolitionist and intellectual Frederick Douglass (1999, p. 674) put it in a manner that still resonates strongly today. Understanding the criminalisation of Black musical culture therefore requires an understanding of how ‘race’ is seen as an active ingredient of crime and how ‘crime’ is seen as an intrinsic feature of ‘race’. This process of seeing ‘race’ as a signifier of criminality and criminality a signifier of ‘race’ turns the consequences of racism (‘race’) into causes of crime, while also using the ‘tragic results of racial segregation as an argument for the continuation of it’ as Martin Luther King (2019) incisively put it in a recently unearthed speech on civil rights, segregation and apartheid South Africa. This is not to suggest any equivalence between Jim Crow America, apartheid South Africa and contemporary Britain or Brazil, but to stress that the logic of racism remains unchanged as a ‘social practice’, ‘an action’, and a ‘rationale for action’ which ‘transforms *racism*, something an aggressor does, into race, something the target *is*’ (Fields and Fields 2012, p. 17, emphasis in the original). Obvious though such an observation should be, it can easily be obscured if we do not pay attention to how law enforcement agencies and the social order they enforce is shot through with structures of racial inequality.

This brings us to policing itself which the criminalisation of grime, drill and *baile funk* make visible as an order maintenance institution rather than a crime-fighting tool. Seen this way, mythological portrayals of the police as ‘crime fighters’ fade when confronted by empirical evidence (Bayley 1994, p.3, 10; Brodeur 2010, p.158-9; Loader 2020, p. 7, 10-11) and

historically sound scholarship that reintroduces the police as the state's 'means of coercion' (Tilly 1992, p. 14) or as a political tool for enforcing an unequal social order (Fassin 2013). (Re)thinking the police as a political agent in 'the fabrication of social order' (Neocleous 2000) – rather than a neutral, benevolent state institution for public safety – allows us to ponder over what is so 'dangerous' about Black music other than the threat it poses to an unequal, racial social order that the police serve and protect. Such a political 'take' on the mission of policing is useful in reminding us what policing *is*, what it *does*, *to whom* and *for whom*, but it also reintroduces the target of policing ('crime') not just as a problem but a problematic term which acquires its meaning from its political use(s). This realisation makes it impossible to 'separat[e] the study of crime from the workings and theory of the state' (Matza 1969, p. 143). Given that 'crime' has 'no ontological reality' (Hulsman, 1986, p. 71), especially when it is wrenched from its socio-political context, understanding it involves recognising it as what W.E.B. Du Bois (1987, p. 17) describes as 'a phenomenon of organized social life' which 'stands not alone, but rather as a symptom of countless wrong social conditions' (Du Bois 1987, p. 22). Rooted in politics as an 'open rebellion of an individual against [their] social environment' (Du Bois 1987, p. 17), 'crime' emerges not as an 'intrinsic characteristic' of human behaviour but as 'a product of perception and political process' (Reiner 2016, p. 6) which 'deems a certain "occurrence" or "situation" as undesirable [and] attributes that undesirable occurrence to an individual' (Hulsman 1986, p. 71).

Such a reorientation of our thinking about the politics of crime and criminal justice in the light of the policing against grime, drill and *baile funk*, prompts us to refocus our intellectual energies on otherwise unnoticed features of social control that tie aesthetics, culture, criminal justice policy and politics together in a unique way that helps us see the connections between them. Black music does not become 'detestable noise' (Hegel 1988, p. 45) independently of the cultural and racial prejudices which single it out for police attention. Rather, it is transformed into a crime because it is processed as such by the criminal justice system. However, critical investigations into the policing of grime, drill and *baile funk* also lead us to draw on different sources and modes of knowledge in our effort to understand the problem we are researching. This motivates criminologists to bust our imaginations open by decolonising not just our mind (Thiong'o 1986) through drawing on Black Atlantic intellectual traditions, but also our 'ear' (Denning 2015, p. 135-167). In educating ourselves *into* Black Atlantic culture through listening to grime, drill and *baile funk*, we also educate ourselves *out of* what W.E.B Du Bois (1917, p. 437) described as the 'deliberately educated ignorance of white schools' that is embedded in the education and scholarship that we learn, teach and (re)produce as students, teachers and writers of criminology. The policing against grime, drill and *baile funk*, therefore, prompts us to give up our 'street illiteracy', 'inaccurate' portrayals and 'counterproductive' (Ilan 2020) responses to the violence in rap lyrics, in exchange for a more nuanced understanding of the violence that writes itself into such lyrics. As African-American poet, scholar and activist June Jordan (1995, p. 180) pithily put it, '[i]f you make and keep my life horrible, then when I can tell the truth, it will be a horrible truth; it will not sound good or look good, or God willing, feel good to you, either'. Instead of criminalising rap by assuming that it explains *why* violence happens, we should perhaps listen more carefully to discover that rap music is the cultural space *where* violence takes place as a sometimes fictive, sometimes real, yet always complex observation point or 'periscope' into (Lynes *et al.* 2020), not a cause of, urban violence.

And if we listen really carefully we might discover more about how and why the metropolitan 'officer who patrols the nation' is the modern reincarnation of the colonial 'overseer who rode in the plantation', as the legendary rapper KRS-One (1993) rhymed in a lyric that speaks

volumes for the current limits and future possibilities of the criminological imagination. Cultural criminology has already made admirable strides towards the study of deviance and transgression as a lived experience that transcends criminal law. For a richer understanding of how and why ‘the law’ orders lived experience hierarchically, by and through social exclusion, more scholarship on the criminalisation of public (sub)culture(s) is needed as a counterpoint to discriminatory and illiberal policing against (Black) people and their music. Rappers’ tales of legal(ised) injustice do their bit. Will criminologists follow?

Notes

¹ Throughout this chapter I use the term ‘Black’ to refer to styles of music that are rooted in, evolve from and establish a dialogue with cultural traditions of the African diaspora. Although the term ‘Black’ has come to include ‘African, African-Caribbean, Asian and other visible minority ethnic communities who are oppressed by racism’ (Maylor 2009, p. 373), it is used here to exclusively refer to ‘African Diasporic Blackness’ (Andrews 2016, p. 2063-4). This is not meant to deny the term its coalitional meaning or potential in global anti-racist movements, but to apply it more narrowly to the specific Afrodiasporic cultures that are discussed here. This definition of blackness as political – rather than biological, anthropological or demographic – is therefore intended to promote identification with empowering sentiments that arise from forms of political association in a common struggle against structural racism, rather than accepting forms of racial classification on the basis on physiological or cultural characteristics. To usher in Ambalavaner Sivanandan’s (2008, p. xviii) memorable distinction, ‘Black’ is used here to describe ‘the colour of [people’s] politics and not the colour of [their] skins’. For an extremely insightful discussion of the ‘Black’ in Black (popular) culture, see Hall (1993, 1975).

² Hip-hop and rap are interrelated but they are often mistaken for or reduced to each other, despite subtle differences that set them apart. Hip-hop describes a music genre that involves heavy, ‘fat’/‘phat’ rhythms/beats that are taken/sampled from chunks of pre-recorded music tracks which are blended with other sampled bits of sound, be it vocals, horns, or spoken word. Rap usually refers to the practice of rhyming over beats/pre-recorded tracks and could be described as the lyrical component of hip-hop.

³ For indicative examples of UK grime, UK drill and Brazilian *baile funk*, see: <https://open.spotify.com/playlist/47sLsg6evDQ5KkQ32PipFI> (grime), https://www.youtube.com/watch?v=-FtqBBOiJ1k&feature=emb_title (drill) and <https://www.mrbongo.com/products/slum-dunk-presents-funk-carioca> (*baile funk*).

⁴ Willie Horton was an African-American prisoner in Massachusetts who, while released on a furlough program, raped a white woman from Maryland and stabbed her boyfriend. This case became a *cause célèbre*, but it was also cynically exploited by President George Bush in his 1988 presidential election campaign to generate support for a law-and-order agenda that reproduced racist stereotypes of ‘blackness’ as a synonym of violence, aggression, and criminality.

⁵ In hip-hop culture, the term ‘MC’ stands for Master of Ceremonies, Microphone Chanter and other similar variations.

⁶ Indicative examples include Skengdo and AM and Rico Jacks who have been issued with court orders that forbid them from rapping certain words that are thought to incite violence. These include mentioning rival rap crews, rappers in those crews or the postcodes where rival rappers reside.

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