

Institution: University of Manchester
Unit of Assessment: 29 (English Language and Literature)
Title of case study: Setting a legal precedent through research into gangsta rap
<p>1. Summary of the impact</p> <p>Research work on gangsta rap by Dr Eithne Quinn has had a significant impact on the legal interpretation of lyrics. Dr Quinn has acted as an expert witness in a number of criminal cases to demonstrate that violent rap lyrics written by defendants cannot be taken as autobiographical statements. She has developed a track record as the leading legal expert on violent rap lyrics in the UK, and in one 2010 case her testimony led to a judicial ruling that set a legal precedent. Rap is a highly relevant form of popular culture made by young people who are marginalized by race and class. It is often misunderstood, or even reviled, in mainstream debate. Dr Quinn’s research impacts on society by challenging social assumptions about this controversial music.</p>
<p>2. Underpinning research</p> <p>The impact is based on research completed by Dr Eithne Quinn at The University of Manchester from 2003 onwards. Her monograph <i>Nuthin’ but a ‘G’ Thang: The Culture and Commerce of Gangsta Rap</i> (Columbia University Press) was published in 2005. The aim of the research was to explain the emergence and meaning of the highly controversial and commercially successful form of gangsta rap, which was first created by black urban youth in late 1980s America. Dr Quinn developed interdisciplinary readings of the music, looking at its social significance, commercial relations, and formal properties. The research findings were that:</p> <ol style="list-style-type: none"> 1. Gangsta rap was deeply informed by the rising wealth and income gap in post-1970s America. Its themes of individualism and alienation were expressive of socio-economic marginalization and the turn to the free market [3.1,3.2]. 2. Rather than offering a simple ‘authentic’ voicing of marginalization, gangsta rappers were highly attuned to the commercial relations of their work. They astutely deployed themes of violence and crime that they knew to be very marketable. A central impetus and theme of the music is the desire to become a successful gangsta rapper to escape poverty [3.1,3.2]. 3. In an attempt to establish street credibility, gangsta rappers were often at pains to suggest that they lived the criminal lives they rapped about. They adopted outlandish first-person personas (the badman, the gangster, etc.) and stage names, drawing on narrative traditions of boasting in black folklore. Mainstream critics tended to take these characters at face value, conflating the rapper and his/her persona. However, the first-person voice in gangsta rap should not be read as autobiographical statement [3.1,3.2]. 4. Gangsta rap lyrics can constitute ‘injurious speech’: violent words can intimidate and, in some cases, may spur violent deeds. However, gangsta rap is an ambivalent and reflexive mode, offering social and commercial rationalizations of the ‘bad values’ espoused. In lyrics, rappers typically both deliver the tall stories about ghetto life and, at the same time, reflect on the social and market forces that drive such stories. The music itself thus points to the fact that the stories should not be taken literally [3.1,3.2].
<p>3. References to the research (AOR – Available on request)</p> <p>The research was published in the monograph <i>Nuthin’ but a ‘G’ Thang</i>, which is the only scholarly book devoted to gangsta rap and has sold 3,500 copies, with 109 citations on Google Scholar. It was favourably reviewed in leading journals including <i>American Quarterly</i> and the <i>Journal of American History</i> and is an adopted text on university courses in the US and UK. The research also appeared in scholarly journals including the <i>Journal of American Studies</i>.</p> <p>Key Publications:</p> <p>[3.1] Eithne Quinn, <i>Nuthin’ but a ‘G’ Thang: The Culture and Commerce of Gangsta Rap</i> (New York: Columbia University Press, 2005) (AOR)</p> <p>[3.2] Eithne Quinn, “‘It’s a Doggy-Dogg World’: Black Cultural Politics, Gangsta Rap, and the Post-Soul Man”, <i>Gender in the Civil Rights Movement</i>, eds Peter Ling and Sharon Monteith (New Brunswick NJ: Rutgers University Press, 2004), pp. 187–214 (AOR)</p>

4. Details of the impact

Context

When gangsta rap music emerged as a popular and controversial youth cultural form in the US (late 1980s) and the UK (early 2000s), society struggled to understand it. In 2003, then Home Secretary David Blunkett described the music as ‘appalling.’ Many politicians and commentators argued that the music glorified bad values, confirmed negative stereotypes about black youth, and lacked aesthetic merit. These arguments were reproduced in some of the early scholarly work on gangsta rap, which often paid little attention to the music’s complex social, commercial, and formal dimensions.

When some young men were arrested as suspects in violent crimes in the US and UK, the gangsta rap lyrics they had written were seized on by police and prosecutors as literal evidence of violent misconduct, with no due regard for the formulaic and fictional dimensions of the lyrics. Indeed such lyrics have come to be ‘used with alarming regularity in courtrooms across the country [America] because prosecutors know they offer an easy path to conviction’ (*Huffington Post*, [5.1]). In public, legal, and scholarly fields, then, the meaning and influence of gangsta rap urgently needed further research-led explanation.

Pathways to impact

The publication of *Nuthin’ but a G Thang* generated press and public interest, including a *Financial Times* review (2007) and a BBC R4 *Thinking Allowed* interview with Laurie Taylor (2005), which became a Pick of the Week in *The Guardian*, and a Pick of the Day in *The Independent*, *Radio Times*, *Time Out London*, *Daily Mail* and *Daily Express*. This press interest indicates the topicality of Quinn’s research findings, and she was also invited to participate in public debates including at Index on Censorship UK on popular music and violence (2003); at the Hip-hop Archive at Stanford University (Hip-hop Scholars meet Hip-hop Journalists) (2005); and at the US Embassy in London on rap and education (2007).

From this platform as the established scholar on gangsta rap, Quinn was approached by two separate defence counsels in 2008 and called to act as expert witness in murder cases at the Central Criminal Court, London (Old Bailey). In *Regina v Callum* (Kaim Todner Solicitors), the prosecution claimed that the gangsta verses established ‘intent to kill’ [5.2]; and in *R v Palmer* (Needham Poulter Solicitors), rap lyrics written and posted by the victim were presented as the key motive for the murder. In 2009, with a developing track record, Quinn was approached to act as expert in the criminal trial, *R v Henry* (Kaim Todner), and again in the 2010 murder trial *R v Bucknor* (Lloyds PR Solicitors). In 2013, she acted as expert witness in the case *Haringey Council v Fari* (John Ford Solicitors) which concerned the promotion and performance of gangsta rap music as a breach of an injunction. As David Spens QC states: ‘No one else in this country has her expertise’ [5.6].

Reach and significance

Impact on criminal cases

Dr Quinn has had a substantial impact on how the justice system interprets violent rap lyrics written by defendants when they are presented by the Crown to adduce evidence of bad character and as ‘statement [of intent] to kill’ [5.5, 5.6]. She has acted as expert witness; persuaded a trial judge to exclude rap lyrics in a precedent-setting judicial ruling; and her evidence has been taken to a Court of Appeals hearing and submitted to the European Court of Human Rights [5.4]. As criminal barrister Khalid Missouri asserts, Dr Quinn’s research ‘has a hugely important role to play in the development of the law in this area’ [5.5].

Dr Quinn’s interventions in legal arguments were informed by insights derived from her research to do with verse form (particularly the persona device), subcultural language and naming, the motivation for writing violent rap lyrics, and the relationship between violent word and violent deed.

In the 2010 *R v Bucknor* murder trial, the Crown claimed that the defendant’s violent lyrics related directly to the crime, alleging that the reference to ‘drivebys’ (‘Do drivebys in the blacked out cab’)

bore relation to the actual incident which was a shooting on a moped. Dr Quinn explained that: 'The context of the line is important here. This short verse is an extended scenario based on the first conditional clause: "Cos if you come to Baghdad." All the violence that ensues in the verse is hypothetical and set in Baghdad. Therefore, the actions in this verse draw attention to their own status as fantasy including the reference to "drivebys" [5.3]. Dr Quinn also commented on the motivation for writing such lyrics and cited eight tracks with 'drive by' in their titles, all released by successful rappers none of whom had criminal convictions. This evidence at the pre-trial legal argument resulted in Judge Gerald Gordon ruling that the lyrics were inadmissible as evidence. As the defence counsel's QC explains: 'Dr Quinn persuaded the trial judge the evidence was more prejudicial than probative. This was because she established the lyrics were formulaic, their writing and content fitting within the gangster culture, and therefore were not evidence of participation in a violent attack' [5.6]. In his ruling, the judge stated that 'At first blush [the rap lyrics] might be thought to have at least a general relevance to their author's attitudes, but as authorities have shown, evidence of this nature requires a more careful consideration' [5.7].

The increasing use of rap lyrics in US and UK courtrooms is controversial, with University of Georgia law professor Andrea Dennis stating that 'they allow the government to obtain a stranglehold on the case' (*Columbia Journal of Law*, 2007). Therefore, much of the focus for defence counsels has been on trying to get prejudicial rap lyrics excluded pre-trial. Within this context, the judicial ruling to exclude the violent rap lyrics in the case of *R v. Bucknor* is of broader significance and stands as an authority for future cases. This means that defence counsels can cite this decision as a precedent in their legal arguments, as in the case *Haringey v Fari* (2013). As David Spens QC explains: 'HHJ Gordon's ruling is capable of being persuasive in other such cases' [5.6]. According to Erik Nielsen, who has written two press articles on the use of rap lyrics in criminal trials: 'In most cases, prosecutors are able to persuade judges to allow these lyrics to be presented to a jury, despite their clear (and empirically demonstrated) prejudicial effect. Sadly, a significant number of young men, almost always of color, have been sent to prison as a result. However, in *R v. Bucknor*, Dr. Quinn's pre-trial testimony helped persuade the judge to exclude the lyrics entirely – a rare outcome to be sure – ensuring a fair trial for the defendant' [5.1].

Prior to the *R v Bucknor* ruling, in the 2008 *R v Callum* trial, the lyrics found on the defendant's mobile phone were admitted as evidence, with the Crown claiming that they were a blueprint for the murder [5.2]. Quinn was the 'principal witness' for the defence, in the words of Judge Worsley QC [5.2]. The prosecution tried to attribute great significance to the lyrics, highlighting the phrase 'Ready 2 ride on a mission' because in the actual incident the assailant had ridden to the scene on a bicycle. This claim was rebutted by Dr Quinn who explained that this stock phrase was popularized by *Grand Theft Auto* and gangsta culture and related to cars (and motor bikes) not bicycles [5.2]. The prosecution also placed significance on the defendant's rap nickname 'Killa Krusty' – under cross examination Quinn explained that the 'Killa' moniker should not be taken literally, as it was quite typical of aspiring and actual gangsta rappers (citing the names of leading rappers Ghostface Killah and Bounty Killer). According to barrister, Khalid Missouri, the defense team were of the 'unequivocal view that without Dr Quinn's evidence in this case our client could not have had a fair trial' [5.5]. Callum, 17 years old at the time of the incident and with no priors, was found guilty and given a life sentence. This conviction went to the Court of Appeal in 2010 when Dr Quinn's evidence was put before Lord Justice Pitchford [5.4]. This appeal was lost 'by the narrowest of margins' and Quinn's evidence was part of a further appeal to the European Court of Human Rights (which was denied), and recently to the Criminal Cases Review Commission to again review the decision to allow the rap lyrics to go before the jury [5.5].

The significance of her impact in this case is evinced on the homepage of David Spens QC, former Chair of the Criminal Bar Association, who, under the sub-head 'Murder: Notable Cases', states: '*R v J Callum* [2010]: An unusual aspect of this case was the calling by the Defence of the one expert in the field of "gangsta" rap, Dr Eithne Quinn of Manchester University, to contest the prosecution's contention that lyrics found in the draft messages in JC's phone were a statement of intent to kill.' Of the 'over 250 cases of murder' that Spens has litigated, Quinn is the only Expert mentioned on his homepage [5.8]. Quinn's research-led interventions in legal cases are ongoing, including the recent case *Haringey v Fari* in 2013.

Impact on the image of rap in media

Dr Quinn has generated media coverage in the UK and the US for her legal impact, raising public awareness about the controversial legal use of rap lyrics. Her testimony in *R v Callum* was quoted in the *Daily Mail* (2008) and *South London Reporter* (2008). Her legal work has also given rise to press articles in the US, demonstrating the international reach of her impact. As Erik Nielson explains: 'It was her work on rap lyrics in trials in the UK that prompted me to investigate their role here in North America. Since then, I have written two pieces on the subject, for *The Huffington Post* and for *The Root* (owned by *The Washington Post*)' [5.1].

Dr Quinn acted as an advisor for the London Gangs series on the premiere news programme *Today*, BBC R4 (average audience of 6.94 million) in April-May 2012. Senior reporter from *Today* programme approached Quinn because 'Rap seems so important in this context that I think it's impossible to do the story justice without looking at its use and impact on gang culture' [5.9]. Afterwards, he wrote that Quinn's 'interview was terrific' [5.9].

Dr Quinn acted as the rap consultant for ITV-1's primetime talent show *Born To Shine* in 2011 (estimated audience of 7 million viewers), whittling down the shortlist of eight young rappers to the final two. As the researcher explained when he first contacted Dr Quinn: 'My producers are interested in having a rapper on the show and it has been slightly tricky for us to gauge a good rapper from an average one', indicating the paucity of mainstream cultural knowledge about rap, which Quinn can provide [5.10]. The programme went on to raise £2 million for the charity Save the Children.

Dr Quinn conducted interviews for FM radio stations Century, Smooth, and Real/Rock following the English riots of 2011, assessing the much-posed relationship between gangsta rap and youth rioting.

Impact on public understanding

Dr Quinn has enhanced the public understanding about rap through continuing public engagement events. Quinn:

- teaches classes at her local school, Chorlton High in Manchester, using rap music to develop literacy and personal/social development skills for Year 10/11 pupils (2010-13). Some classes target lower attainment pupils, engaging them in learning by looking at the themes (such as consumerism and inequality) and verse form of gangsta rap. She was awarded a Beacon Certificate for Public Engagement (2011) for this work;
- delivered a research-informed Black History Month event (October 2011) on Hip-hop for Manchester's British and Minority Ethnic (BME) forum.

5. Sources to corroborate the impact

All claims referenced in the text.

- [5.1] Eric Nielson, 'Prosecuting Rap Music', *Huffington Post*, 26 March 2013. Retrieved from www.huffingtonpost.com/erik-nielson (01/15/13); Erik Nielson, testimonial letter (13/06/13)
- [5.2] Dr Quinn's expert witness report, *R v Callum* for Kaim Todner (26/06/08); and Judge Worsley, Summing Up transcript, *R v Callum* (10/07/08)
- [5.3] Dr Quinn's expert witness report, *R v Bucknor*, for Lloyds PR Solicitors (17/11/10)
- [5.4] *Callum v Regina*, Court of Appeal -- Criminal Division, transcript (16/06/10)
- [5.5] Khalid Missouri, criminal defence barrister and partner, LLM Solicitors, corroboration letter
- [5.6] David Spens QC, Garden Court Chambers, corroboration letter (26-06-13)
- [5.7] Judge Gordon, Judicial Ruling transcript, Old Bailey, *R v Bucknor* (23/11/10)
- [5.8] Homepage of David Spens QC (archived 8/1/13; available on request)
- [5.9] Emails from senior reporter, *Today Radio 4*, Re: Today programme (29/2/12 and 8/3/12)
- [5.10] Email from researcher, *Born To Shine* ITV-1, Re: Rapper Assistance (23/05/11)