Volume 1

Volume 2
The Simpsons and Philosophy: The D'Oh! of Homer (2001)
Edited by William Irwin, Mark T. Conard, and Aeon J. Skoble

Volume 3

Volume 4
Buffy the Vampire Slayer and Philosophy: Fear and Trembling in Sunnydale (2003) Edited by James B. South

Volume 5

Volume 6
Baseball and Philosophy: Thinking Outside the Batter's Box (2004) Edited by Eric Bronson

Volume 7
The Sopranos and Philosophy: I Kill Therefore I Am (2004)
Edited by Richard Greene and Peter Verneze

Volume 8

Volume 9

Volume 10
Mel Gibson's Passion and Philosophy: The Cross, the Questions, the Controversy (2004)
Edited by Jorge J.E. Gracia

Volume 11
More Matrix and Philosophy: Revolutions and Reloaded Decoded (2005) Edited by William Irwin

Volume 12
Star Wars and Philosophy (2005)
Edited by Jason T. Eberl and Kevin S. Decker

Volume 13
Superheroes and Philosophy (2005)
Edited by Tom Morris and Matt Morris

Volume 14
The Atkins Diet and Philosophy: Chewing the Fat with Kant and Nietzsche (2005) Edited by Lisa Heldke, Kerri Monmer, and Cynthia Pineo

Volume 15
The Chronicles of Narnia and Philosophy: The Lion, the Witch, and the Worldview (2005)
Edited by Gregory Bassham and Jerry L. Walls

Volume 16
Hip Hop and Philosophy: Rhyme 2 Reason (2005) Edited by Derrick Darby and Tommie Shelby

In Preparation:
Bob Dylan and Philosophy (2006)
Edited by Carl Porter and Peter Verneze

Monty Python and Philosophy: Nudge Nudge, Think Think (2006) Edited by Gary L. Hardcastle and George A. Reisch
Volume 16 in the series, Popular Culture and Philosophy


To order books from Open Court, call toll-free 1-800-815-2280, or visit www.opencourtbooks.com.

Open Court Publishing Company is a division of Carus Publishing Company.

Copyright ©2005 by Carus Publishing Company

First printing 2005

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior written permission of the publisher, Open Court Publishing Company, a division of Carus Publishing Company, 315 Fifth Street, P.O. Box 300, Peru, Illinois, 61354.

Printed and bound in the United States of America.

Library of Congress Cataloging-in-Publication Data

Hip hop and philosophy : rhyme 2 reason / edited by Derrick Darby and Tommie Shelby.
   p. cm. — (Popular culture and philosophy ; v. 16)
   Includes bibliographical references and index.
   ML3918.R37H55 2005
   782.421649'01—dc22

2005019833
and outcomes in American life. So Chuck D. needn’t target him in rapping: “Yeah, he appear to be fair / The cracker over there / He try to keep it yesteryear / The good ol’ days / The same ol’ ways.” Rawls’s ideal theory of justice—unlike fake colorblind ideology—supports taking reasonable means necessary to bringing about justice, including racial justice, in a non-ideal world.

**Reality versus Revolution**

I’ve argued that political rap hasn’t been politically revolutionary. The amoral gangsta ethic favors individual self-interest or the collective interest of gang or crew. Afrocentric rap focuses on black group- and self-empowerment, not on a broader transformation of society. The few references to socialism Dead Prez drops are more about show than content. Radically liberal rap endorses the idea of society as a fair system of social cooperation but hardly questions whether this is ultimately compatible with capitalism. Accepting a kinder, gentler market-driven economy isn’t the stuff of political revolution.

I’m not saying that “niggers are scared of revolution,” as The Last Poets charged back in 1970. My point is that black politics, like hip hop, is going where we’re going. As the music writer Nelson George observes, hip hop’s central values—its materialism, anti-intellectualism, aggression, and spirit of rebellion—are very much by-products of the larger American culture. The revolution will not be televised for the simple reason that there’s no real desire among African Americans for political revolution. Black folk do have a real desire, however, for racial progress.

Political rap is the soundtrack to the hip-hop generation’s disaffection over being left out of the American dream. Not all African Americans dig the soundtrack. Still, most would look forward to the day they had a truly equal opportunity for the kinder, gentler, and fairer version of the dream to pay off.

---

24 “By the Time I Get to Arizona.”
27 In transcribing many of the lyrics quoted, I have consulted *The Original Hip-Hop Lyrics Archive*, http://www.ohhla.com.

---

15

**Criminal-Justice Minded: Retribution, Punishment, and Authority**

**ERIN I. KELLY**

The payback attitude heard in gangsta rap sounds like a call for retribution. As 50 cent puts it, “Nigga you play around, I lay you down / That’s how it’s goin’ down.” Justice as retribution echoes the feeling that vengeance is sweet, redeeming those who’ve suffered the humiliation of being wronged. This appeals to many people. It fact, it seems to express the attitude many law-abiding citizens would direct at gangstas themselves. Yet the desire for retribution that some rappers express isn’t proposed as a legitimate basis for a system of punishment. To begin with, the situations they portray are sometimes way outside of the law, as Nas depicts in “Every Ghetto”: “Circle the block where the beef’s at / And park in front of my enemy’s eyes / They see that it’s war we life-stealers, hollow-tip lead busters.”

Behind rappers’ desire to settle the score often lies a firm belief that the law does not, and doesn’t aim to, protect them. If the law doesn’t protect you and won’t deliver justice, you may have to protect your own honor and reputation by seeking vengeance against your enemies. In Dr. Dre’s words, “And if motherfuckers come at me wrong / I straight put my .44 Desert Eagle to his motherfuckin’ dome / and show him why they call me the notorious one.”

---

Many rappers are skeptical about justice in America and alarmed by our system of punishment. They suggest that racial bias in our criminal justice institutions—police, courts, and prisons—undermines the notion that criminals are getting their “just deserts.” Rappers also call into question whether the massive effort to incarcerate black men serves the purpose of public safety. The rhetoric of both retribution and the public good seem to them to be a front for unjust forms of social control that help to maintain a system of racial privilege for whites. I will discuss “retributivist” and “consequentialist” philosophies of punishment and how rap music aims to snatch the disguise from the ugly face of the system.

Punishment as Retribution

Retribution as a justification for the state-sanctioned, legal practice of punishment has become popular. Punishment as retribution is based on the idea that criminal wrongdoing calls for punishment—quite apart from the consequences of punishment, such as incapacitating or deterring offenders. The demand for retribution would be considered justified even at substantial economic and social cost. The point is that justice is done only when wrongdoers suffer. This punishment is imposed through the formal procedures of the law, where punishment takes place well after the crime and for reasons other than self-defense.

In lawless circumstances, by contrast, the line between retribution and self-defense gets blurred. Retaliation and even preemptive action might seem necessary to defend person and property. “Ready to rhyme / Standin’ my ground / Never back down,” says OutKast, “Willin’ to rob, steal, and kill any thang that threatens mine.” But advocates of retribution (a.k.a. retributivists) are not interested in retaliation as a means to personal safety or as a reaction to a threat. They advocate retaliation for wrongdoing as a matter of justice. This has led famous retributivists, the philosophers Immanuel Kant (1724–1804) and, in our time, Robert Nozick (1938–2002), to stress differences between vengeance and retribution. Vengeance is emotional, personal, reckless, and often disproportionate to the wrong. Retribution is impartially applied by a dispassionate and legitimate authority, and carefully calculated to fit the crime. In a civilized society, these philosophers claim, retribution should replace vengeance. This does not mean that retribution will be less violent or brutal. The death penalty and maximum-security prisons are hardly gentler alternatives to vigilante vengeance—as the French philosopher Michel Foucault (1926–1984) emphasizes in *Discipline and Punish: The Birth of the Prison* (1975).

Yet the ideal of retribution carries with it more than a trace of vengeance. Indeed, some recent books, such as Peter French’s *The Virtues of Vengeance* and Jeffrie Murphy’s *Getting Even*, urge us to embrace the emotional, personal, and expressive value of punishment as retribution. These philosophers accept continuity between vengeance and the justification of punishment. French offers four conditions that vengeance must meet if it’s to count as justice:

1. **Communication.** The penalty must effectively communicate that what the offender did was wrong.
2. **Desert.** The penalty must be deserved.
3. **Proportionality.** The penalty must fit the crime.
4. **Authority.** Someone with legitimate authority must administer the penalty.

When these conditions are met, vengeance guides us to justice, or so it is claimed.

**Doubts about the Justice of Retribution**

Rappers tell a cautionary tale—the retributivist’s conditions for justice aren’t met. Here is Public Enemy’s angle on political authority:

> I got a letter from the government
> The other day
> I opened and read it
> It said they were suckers
> They wanted me for their army or whatever
> Picture me givin’ a damn—I said never
> Here is a land that never gave a damn

---

About a brother like me and myself
Because they never did
I wasn’t wit’ it, but just that very minute . . .
It occurred to me
The suckers had authority.5

PE’s Chuck D implies that the authority of a government that
doesn’t care about some of its people can’t be legitimate. A legiti-
mate government serves the interests of all of its people, includ-
ing minority groups. A government that fails to do this exercises
only power, not legitimate authority—might, not right.

The most basic rights associated with our criminal justice sys-
tem, guaranteed by the U.S. Constitution, are these: people
should not be subjected to unreasonable searches and seizures
(Fourth Amendment); people are innocent until proven guilty
through due process of the law (Fifth Amendment); people
should not be subjected to cruel or unusual punishment (Eighth
Amendment); people should be equally protected by the law
(Thirteenth Amendment). Many rap artists point to violations of
these basic constitutional rights—police and prosecutorial mis-
conduct, lack of access to legal counsel, unfair sentencing pol-
icy, and inhumane prison conditions. These are well-
documented problems that disproportionately affect African
Americans and Latinos.

Consider, for example, racial profiling. As Mos Def describes
it, “The po-po stop him and show no respect / ‘Is there a prob-
lem offcer?’ / Damn straight, it’s called race.”6 Racial profiling
is a policing strategy that is strongly correlated with the exces-
sive use of force and with disproportionate incarceration of
minorities.7 Problems such as these threaten not only U.S.
Constitutional rights but also internationally recognized human
rights. They give us reason to doubt whether many punish-
ments have been justly imposed.

But grounds for doubt about punishment as retribution may
extend beyond worries about racial bias in its application. How
could we know whether the desert condition or the propor-
tional-ity condition for justice as retribution has been satisfied? Consider
this discussion about fitting the punishment to the crime:

Tailoring the fit appears to depend on the moral sensitivity or
intuitions of the punisher(s). When is the fit “just right?” When
does a suit of clothes fit? When it feels right? Yes, but also when
it looks right to the wearer and to others . . . Morality is an art,
not a science.8

Statements such as this should worry if not alarm us. The lack of
a cohesive moral community and a shared basis for moral judg-
ment in multicultural, multiethnic, multireligious America dooms
this justification of punishment. We simply don’t agree about
who deserves what. The haphazard nature of desert judgments
cannot justify the high-stakes social policy of criminal punish-
ment. Our system of punishment costs us almost 60 billion dol-
ars per year;9 it disrupts families and communities; and it
deprives offenders of their most basic liberty, sometimes for a
very long time. Metaphorical and biblical references to cosmic
balance, the scales of justice, “an eye for an eye,” or the art of
morality are inadequate as rational and public justifications for a
system of punishment. We must look elsewhere for a more plau-
sible rationale.

Punishment as Social Control

The main alternative rationale for punishment is about social
control, not desert. Many rappers know this all too well through
personal experience. The standard philosophical theories of
punishment as social control come from a tradition influenced
by the work of Jeremy Bentham (1748–1832). Bentham and
other “consequentialist” philosophers have argued that punish-
ment can only be justified when it has good consequences for
society. In particular, punishment can be justified by considera-
tions of deterrence, rehabilitation, or incapacitation.

---

5 Public Enemy, “Black Steel in the Hour of Chaos,” It Takes a Nation of
Millions to Hold Us Back (Def Jam, 1988).
6 Mos Def, “Mr. Nigga,” Black on Both Sides (Rawkus, 1999).
7 See Amnesty International’s report, Threat and Humiliation: Racial Profiling,
Domestic Security, and Human Rights in the United States (New York:
Amnesty International USA, 2004).
8 Peter French, The Virtues of Vengeance (Lawrence: University Press of
9 Unless otherwise specified, the statistics in this essay come from the Bureau
of Justice Statistics, United States Government.
Deterrence is achieved when, by punishing offenders, criminals or potential criminals are effectively discouraged from committing crimes. Rehabilitation is achieved when an offender's desire to re-offend is extinguished and replaced by respect for the law. Incapacitation is achieved when the guilty are rendered incapable of re-offending because they're locked up. Rappers express skepticism about whether anything but incapacitation is achieved by punishment.

We have seen that the moral authority of the criminal justice system is precarious when the rights of members of minority groups are not protected. This makes it hard to secure respect for the law, which dims the prospects for rehabilitating criminals. A deterrence rationale is also on unsteady ground, since deterrence is ineffective when the conditions outside prison are like the "jungle" that Melle Mel describes in "The Message":

Broken glass everywhere
People pissin' on the stairs
You know they just don't care
I can't take the smell, can't take the noise
Got no money to move out, I guess I got no choice
Rats in the front room, roaches in the back
Junkies in the alley with a baseball bat
I tried to get away but I couldn't get far
'Cause a man with a tow truck repossessed my car.10

When people are poor, unemployed, without hope, and subject to street violence and police abuse, prison may seem a lot less like something to fear, as Dead Prez makes clear in "Behind Enemy Lines":

You ain't gotta be locked up to be in prison
Look how we livin'
30,000 niggas a day, up in the bing, standin' routine
They put us in a box, just like our life on the block.11

Of course, prison is in many ways worse than "life on the block." The point is that people in difficult social circumstances are more willing to take risks, especially when they're angry or desperate. This fact, which might be called "the ghetto factor," substantially weakens the effectiveness of punishment as a deterrent.

We're left with incapacitation, and herein lies a deeper story. It begins with an agonizing recognition of the prospects facing many people who get caught up in the system: "They're scared of us, rather beware than dare to trust / Always in jail, million dollar bail, left there to rust." Incapacitation could be a legitimate rationale for punishment only if the aim is public safety. But rappers charge that the long sentences that many African Americans face often serve interests that reach beyond the safety of the public.

For instance, federal sentences for cocaine possession and distribution are much harsher for the drug in crack form as compared to powder form. Possession of five grams of crack triggers a five-year mandatory minimum sentence, whereas it takes five hundred grams of powder cocaine to trigger the same sentence. Although evidence indicates there are far more white crack users and dealers than black ones, 84 percent of crack defendants are African American.12 By contrast, only 31 percent of powder cocaine defendants are African American. The racial disparity may be explained by a concentration of drug law enforcement in urban, minority communities in which crack, the cheaper form of cocaine, is more prevalent than powder cocaine. The media also hyped the "evils" of crack as the government launched its "war on drugs" in the 1980s. The result is what Human Rights Watch has described as "an indefensible sentencing differential [that] becomes unconscionable in light of its racial impact."14

The idea that our criminal justice system punishes not only crime but also race comes up time and again in rap tracks. In the words of Ice Cube: "I think back to when I was robbin' my own kind / The police didn't pay it no mind / But when I start

robbin' the white folks / Now I'm in the pen wit' the soap-on-a-rope."^{15}

**Prison/Ghetto**

Let's further probe the relationship between prison and ghetto. Here's Goodie Mob's "Cell Therapy": "Loc up folks they in the hood, got an eye on every move / I make open your face to info you ain't know / 'Cause it's kept low how the new world plan / Reeks the planet without the black man."^{16} The ambiguity of the line, "Loc up folks they in the hood, got an eye on every move," implies that both prison and ghetto serve to control and to segregate African Americans, especially young men.

Similarities between prison and ghetto have caught the attention of sociologists. The ghetto is a physical space that segregates, stigmatizes, coerces, and makes people vulnerable to economic exploitation.\(^\text{17}\) Ghettoes have worked this way, in apartheid South Africa, the Jim Crow American South, Chicago, and New York City. The racial profile of the U.S. prison population—65 percent of the prison population is non-white—suggests that prison too contributes to racial segregation. No doubt it also stigmatizes. And further, private companies are making big money marketing products and services. Telephone companies, for instance, are reaping hundreds of millions of dollars on unregulated phone rates for calls from prisons, some as high as $2.20 per minute.\(^\text{18}\)

Greater racial integration in American society achieved by the civil rights movement of the 1960s has been followed by a massive increase in the incarceration rate. The total U.S. prison population has shot up, incredibly, from less than 200,000 to almost 1.4 million today—about seven times. In addition, close to 700,000 people are held in local jails. This brings us to a grand total of 2.1 million people behind bars in America today.

At the current rate, about 1 in 3 black men will do time at some point in their lives. Sociologist Loïc Wacquant remarks on the post-civil rights era: "As the walls of the ghetto shook and threatened to crumble, the walls of the prison were correspondingly extended, enlarged and fortified, and 'confinement of differentiation,' aimed at keeping a group apart..., gained primacy over 'confinement of safety'".\(^\text{19}\) Wacquant draws a contrast here between incarceration as a way to make society safer and incarceration as a way to stigmatize and ostracize a despised group. His point is that our prison system has increasingly functioned to stigmatize and to ostracize African Americans; the advancement of public safety cannot plausibly be characterized as its primary aim. Some rappers, like Nas, seem to be making the same point:

> My country shitted on me (My country)
> She wants to get rid of me (Naw, never)
> 'Cause the things I seen (We know too much)
> 'Cause the things I seen (We seen too much).\(^\text{20}\)

Rappers challenge us to be more aware and critical of the systematic abuse, exclusion, and marginalization of the black urban poor. They protest the endless cycling of black men between ghetto and prison. Their strategy is aggressively provocative—by being provocatively aggressive. Ice-T's "Cop Killer" is an early example that prompted a censorship debate in the 1990s. The lines I quoted from OutKast are more subtle. We don't know whether "standin' my ground, never back down" is a matter of rhyming or something more threatening. We often find rappers playing on words, or signifying, in order to drive home a deeper message. Think of KRS-One's play on the similarity between the words "officer" and "overseer" to draw a parallel between the control and violence that people in each role have exercised over the lives of African Americans.\(^\text{22}\) An aim in the music here, as elsewhere, is to destabilize our perceptions of state legitimacy and criminal justice.


\(^{16}\) Goodie Mob, "Cell Therapy," *Soul Food* (La Face, 1995).


\(^{19}\) Wacquant, "From Slavery to Mass Incarceration," p. 52.


Criminal “justice” in an unjust society is suspect. The burden on those who shoulder it is heavy. Despite the materialistic, consumerist values frequently found in rap tracks, sometimes a simpler, deeper, and more soulful plea can be heard, as in Dead Prez’s cry for freedom:

Yo, this world is oh so cold, I think about my ancestors
Being sold, and it make me wanna break the mold . . .

I don’t wanna be no movie star
I don’t wanna drive no fancy car
I just wanna be free, to live my life, to live my own life.22

The slave trade and its progeny of racial injustice are excellent examples of far-reaching, unresolved, and massive injustices. Although the U.S. didn’t, much of the global community acknowledged these injustices in 2001 following the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance (WCAR), held in Durban, South Africa. The participants acknowledged that “slavery and the slave trade are a crime against humanity . . . and are among the major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance, and that Africa and people of African descent, Asians and people of Asian descent, and indigenous peoples were victims of these acts and continue to be victims of their consequences.” Moreover, it was strongly reaffirmed that “as a pressing requirement of justice, the victims of human rights violations” such as these, be assured “the right to seek just and adequate reparation.”

The importance of these issues to hip hop is reflected in the words of Chuck D. Performing “Down to Now” with The Li’ti Poets (Time Has Come), he describes how we came from Africa in ships, with most of us dying along the way. He asks what that tax would be on the horrors of the Middle Passage, and what
