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**The American University in Cairo**

**School of Global Affairs and Public Policy**

**NORMALIZE THIS! HUMAN RIGHTS, RESISTANCE AND HIP-HOP**

**A Thesis Submitted to the**

**Department of Law**

**in partial fulfilment of the requirements for the degree of  
Master of Arts in International Human Rights Law**

**By**

**Syeda Re'em Hussain**

**June 2013**

The American University in Cairo  
School of Global Affairs and Public Policy

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A Thesis Submitted by  
*Syeda Re'em Hussain*  
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Master of Arts in International Human Rights Law  
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## DEDICATION

“This is dedicated:-  
To every human being who lives in the dark  
To whoever is caged in a nightmare full of dreams  
To the outreached arm of a drowning person”<sup>1</sup>

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<sup>1</sup> DAM, *Ihda, on DEDICATION* (2007).

## ACKNOWLEDGMENTS

To God- thank you ☺

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The American University in Cairo  
School of Global Affairs and Public Policy  
Department of Law

NORMALIZE THIS! HUMAN RIGHTS, RESISTANCE AND HIP-HOP

Syeda Re'em Hussain

Supervised by Hani Sayed

ABSTRACT

Born in the United States as the Civil Rights Movement (CRM) was dying out; Hip-Hop as a language and social milieu presented itself as a voice from and to the street, at a time that the street needed a critical voice. As a construct of five elements- Emceeing, DJing, B-Boying, Graffiti and Knowledge; Hip-Hop provided the movement with a narrative that was both critical of itself as well as critical of the legal liberal method it employed. Concentrating on the CRM in the 1960s to date; the aim of this paper is to build upon an already existing voice within International Law (IL). That is both critical to the liberal rights discourse and wary of its dominance in resistance movements, in an effort to highlight places outside traditional IL discourse that both resists and uses a different language, and creates a different milieu for resistance.

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## I. INTRODUCTION

“I am those who are free and never fear  
I am the secrets that will never die  
I am the voice of those who would not give in  
I am the meaning amid the chaos

I am the right of the oppressed  
That is sold by these dogs  
Who rob the people of their daily bread  
And slam the door in the face of ideas  
[. . .]  
I am free and my word is free  
[. . .]  
Don't forget the price of bread  
And don't forget the cause of our misery  
And don't forget who betrayed us in our time of need  
[. . .]  
I am the secret of the red rose  
Whose color the years loved  
Whose scent the rivers buried  
And who sprouted as fire  
Calling those who are free

I am a star shining in the darkness  
I am a thorn in the throat of the oppressor  
I am a wind touched by fire  
I am the soul of those who are not forgotten  
I am the voice of those who have not died  
[. . .]  
I am all the free people of the world put together  
I am like a bullet”<sup>2</sup>

I write this paper from a place of frustration and hope. Frustration with a system I am a part of and committed to; and hopeful for a system that I can resist with. This paper is therefore merely a start to a bigger project in my search for a space and language to pursue the emancipation of the Third World. It then follows that the foundation of my paper is the concept of resistance; its forms, languages and spaces.

Throughout my studies one central theme has stood out for me. That, despite the popularity of human rights and human rights law amongst nations, states, and individuals;

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<sup>2</sup> EMEL MATHLOUTH, *Kelmti Horra*, on KELMTI HORRA (World Village 2012).

there is still wide spread oppression, injustice, violence and inequality. Yet, human rights today are the main language of resistance in International Law (IL).

The purpose of this paper is therefore to explore other languages of resistance that exist outside IL. I shall do this in three chapters. Chapter one; is a map of resistance in IL that highlights two places where resistance occurs. First; resistance against oppression in general, that of the colonized resisting the colonizers and a struggle that continues today. Second; resistance within IL, particularly the domination of the discourse by the 'First World' and the domination of resistance by human rights and hence the international legal order.

Here I propose that there exist an 'other' space and language of resistance that would be useful to both places of resistance. This language and milieu is Hip-Hop, as a manifestation of Street resistance. Hence, another central theme is the idea of the Street. As a space that is *public* and therefore integral to resistance. Further to that; I shall discuss the problematic with the conceptualization of the *public* as it exists in IL and compare it with the *public* on the Street.

Chapter two; is an introduction to Hip-Hop as a tool and milieu. I focus primarily on two elements of Hip-Hop; Emceeing and Graffiti. The purpose of this chapter is to highlight some arguments within the Hip-Hop nation (critiques and praises); as well as to clarify some misconceptions of the movement.

Chapter three, shall focus on the Civil Rights Movement (CRM) in the United States primarily due to its long standing connection with Hip-Hop and art in general; but also because it provides an important historic narrative in understanding the relationship between resistance and human rights as liberal legal discourse. The aim of this chapter is therefore to highlight through Hip-Hop, the value in being cautious of the promise of rights.

It is however not my intention to argue that Human Rights is or must be replaced. Conversely it is my intention to propose that the language of Human Rights which is associated with resistance is different from human rights as a discourse in IL. Hence, it is resistance against human rights (linked with institutions and the state) and not Human

Rights (as principles) which I assert is fundamental for the emancipation of the Third World.

## II. MAPPING RESISTANCE IN INTERNATIONAL LAW: I RESIST THEREFORE I EXIST

Our future like our past will be plagued by inequality.

Our future will be bleak.

There will be more humanity, more civilization and more universality.

Our future will resist.

But will not be 'legit'.

*The Wretched of the Earth!*

The scum of the Third world!

The uncivilized, criticized, victimized.

The freedom fighter,

Not history writer.

Our future will resist.

But will not be 'legit'.

*The Wretched of the Earth!*

The colonial scum of the First World!

The glorified, immortalized, universalized.

The history writer,

Not freedom fighter.

Your history is now our misery.

Colonialism for some is an uncomfortable word. A word that reminds them of a past that they should be ashamed of; a past that must be covered up; put in a dark corner of a museum or footnote in a history book. While for others the word is reality and a painful reminder of an oppressive and unjust history. A history that is shared by the majority of the world's people and requires them to continue resisting its legacy.

However, as a student of IL, colonialism is a historical fact, an unfortunate event that was brought to an end by ideas of humanity, justice, liberty and equality; all of which are enshrined in the, ever just; impartial and powerful international legal order. Therefore, it becomes easy as IL students to put the Third World's encounter with colonialism at the

periphery. Allowing us to ignore its remnants that have manifested themselves in our present; and which counter those very ideas of, humanity; justice; liberty and equality; which we as IL students hold dear to the discourse.

I therefore begin this mapping of IL and resistance with a brief insight into my own sensibility. To explain the perspective from which I assert that there exists 'other' spaces of resistance which exist outside the ivory towers of IL discourses; and which are integral to Third World resistance.

I am first; from the Third World and hence have always been aware that people in the Third World often share an affinity that unites them. What unites them is that they share a colonial past and a legacy left behind by it; that still permeates in their society even though it may manifest in different ways.

Second, as a student of IL interested in the interaction of Third World people with public international law; I am aware of its relationship with resistance; and the fact that Third World people are still resisting despite independence.

Third, and more important; I came to IL from a space outside the discourse. This space<sup>3</sup> which I now call the Street is a space where art, music, poetry and traditional forms of expression, articulated what I later discovered in IL and especially human rights law- freedom, equality, humanity, respect, dignity, socio-cultural awareness and identity<sup>4</sup>. These ideas, which are often only associated with the language of IL, were prominent in the music<sup>5</sup> that I listened too; the poets and literature that I read; and the art that inspired me.

The language and sensibility of the Street; its soundtrack, literature, dance and art. Is all grounded in the pursuit of the emancipation of its people; the discovery of their identity, and the urgency of their messages. Immersing myself in these discourses, I could

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<sup>3</sup> At the time I did not know what to call it.

<sup>4</sup> Looking back, the main reason I became immersed in the Street; was because I was searching for my identity. As a person who was born and grew up in a Third World country, and is genetically made up of several other Third World countries; that have been or still are under some sort of occupation. Uncovering who I am and hence what my sensibility should be in regards to international affairs and specifically the ideas I heard expressed in the Street has been the primary driving force behind my choice in university, degree and thesis topic.

<sup>5</sup> PR (Palestinian Rappers), DAM Palestine, Shadia Mansour, Lowkey, The Narcicyst, Omar Offendum and Akala.

not help but be overwhelmed by its passion and hence I began to question the new discourse I was part of (IL) and the space that it made me a part of (the international legal order); and the space that it isolated my ideas of the Street (public space).

Hence, I realized the importance of understanding the intricacies of the Third World and the psyche of not only former and current colonized or oppressed people; but the everyday person on the Street. In terms of the way they resist the ideas of IL, the post-colonial State, and public space. This chapter is thus a map of the efforts that have been made to address Third World resistance in IL and the Street.

### **A. Resistance in the Third World**

“This is for the thriving cultures that were. To the people that could’ve and eventually will.”<sup>6</sup>

The history of the Third World has been filled with moments of continuity and rupture. Where its people stood up and took back what was theirs. It is filled with inspiring figures of resistance; from Che Guevara, Malcom X, Martin Luther King, Leila Khaled, Mahatma Ghandi, Dedan Kimathi, Steve Biko and the list goes on. All these figures of resistance, once considered terrorists and threats to security by IL, are now revered as champions of its ideals. Their autobiographies have been published and read across the Third and First World. Their messages are sacrosanct to any academic work on resistance; but an understanding of the world that they come from remains at the periphery to discourses such as mainstream IL.

Hence, we turn to Frantz Fanon’s book *The Wretched of the Earth*; as a manifesto for Third World resistance and revolutions. Fanon describes the colonial world as “a world divided into two”<sup>7</sup>; that of the colonizer and the colonized<sup>8</sup>. Where he describes the

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<sup>6</sup> YASSIN AL SALMAN (THE NARCICYST), <http://www.iraqisthebomb.com/> (last visited May. 2, 2013)

<sup>7</sup> FRANTZ FANON, *THE WRETCHED OF THE EARTH* 3 (Richard Philcox trans., Grove Press 2005) (1961).

<sup>8</sup> The oppressor and the oppressed, the powerful and the weak. What is fascinating about Fanons view is its ability to be translated to today’s world; and therefore its ability to highlight the fact that while in some situations the oppressor and oppressed or the top and the bottom have merely switched roles. The injustice of the systems that lead to the ‘first’ uprisings and liberation movements have not changed or been eliminated.

colonist's sector as; "a sector built to last, all stone and steel. It's a sector of lights and paved roads, where the trash cans constantly overflow with strange and wonderful garbage, undreamed-of leftovers. The colonist's feet can never get close enough. They are protected by solid shoes in a sector where the streets are clean and smooth, without a pothole, without a stone. The colonist's sector is a sated, sluggish sector, its belly is permanently full of good things."<sup>9</sup>

While, "[t]he colonized's sector, or at least the "native" quarters, the shanty town, the Medina, the reservation; is a disreputable place inhabited by disreputable people. You are born anywhere, anyhow. You die anywhere, from anything. It's a world with no space, people are piled one on top of the other, the shacks squeezed tightly together. The colonized's sector is a famished sector, hungry for bread, meat, shoes, coal, and light. The colonized's sector is a sector that crouches and cowers, a sector on its knees, a sector that is prostate."<sup>10</sup>

The colonizer justifies his presence in the colonized world with a sense of humanized racism, where he says that he is bringing development to the natives because he is enlightened. "In the colonies the foreigner imposed himself using his cannons and machines."<sup>11</sup>

The colonizer therefore consistently asserts his authority over the colonized and colonial land by dividing the landscape in terms of race and entitlement. These worlds; that of the colonized and colonizer, however never meet and if ideologically put together; will never make a whole. This is because in reality these divisions do not naturally exist, but are formulated by the colonizers. They are maintained with a lot of effort by the barracks and the police stations.

The colonial regions therefore become an 'exceptional' world maintained by violence. There is "frequent, direct intervention by the police and the military [to] ensure the colonized are kept under close scrutiny, and contained by rifle butts and napalm. [. . .] The agent does not alleviate oppression or mask domination. He displays and

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<sup>9</sup> FRANTZ FANON, THE WRETCHED OF THE EARTH 4 (Richard Philcox trans., Grove Press 2005) (1961).

<sup>10</sup> *Id.* at 4-5.

<sup>11</sup> *Id.* at 5.

demonstrates them with the clear conscience of the law enforcer, and brings violence into the homes and minds of the colonized subject.”<sup>12</sup>

However Fanon is often criticized for advocating violence.<sup>13</sup> For only certain violence is deemed legitimate by the law<sup>14</sup> and only certain actors can legitimately carry it out. Yet, the importance of Fanon's work is not necessarily his stance on violence, but instead that, violence is more complicated and cannot be narrowed down or simply conceptualized solely as combat. This critical take on the way terms such as violence are constructed; what do they really mean and who decides what they mean; is an important contribution not only to resistance movements that followed the Algerian War; such as the Civil Rights movements in the United States and the Anti-Apartheid movement in South Africa. It is also important to critical projects<sup>15</sup> amongst international legal scholars, as it is these very terms that are used in ‘mainstream’ International Law discourses today.

Hence, Fanon emphasizes that the colonizers were violent through their laws and policies. They destroyed “the indigenous social fabric, and demolished unchecked the systems of reference of the country’s economy, lifestyles, and modes of dress”<sup>16</sup>; they stripped the natives of their land and essentially their livelihoods. Yet more importantly, it is the psychological effect of colonialism and its dehumanizing nature that is the ultimate violence; as its effects are felt long after the colonizers leave.

Fanon notes that “colonization, in its very essence, [. . .] is a systematized negation of the other, a frenzied determination to deny the other any attribute of

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<sup>12</sup> *Id.* at 4.

<sup>13</sup> See Barbara Harlow, *Narratives of Resistance*, 1 *NEW FORMATIONS* 131, (1987); see also DAVID MACEY, *FRANTZ FANON: A BIOGRAPHY* (New York Picador Martin’s Press 2000), (cited in) (Guy Martin, *Revisiting Fanon, From Theory to Practice: Democracy and Development in Africa*, 4 *THE JOURNAL OF PAN AFRICAN STUDIES* 24, (2011) where he asserts “The revolutionary violence of popular resistance which Fanon advocated in his representation of armed struggle [. . .] is now, twenty-five years later, stigmatized in current dominant rhetoric as 'terrorism'.” See *id.* at 30. “Fanon came to be seen as the apostle of violence, the prophet of a violent Third World revolution that posed an even greater threat to the West than communism. He was the horseman of a new apocalypse, the preacher of the gospel of the wretched of the earth [. . .] See *id.* at 30. Fanon [. . .] certainly had a talent for hate and he did advocate and justify a violence that I can no longer justify”.

<sup>14</sup> See BALAKRISHNAN RAJAGOPAL, *INTERNATIONAL LAW FROM BELOW: DEVELOPMENT, SOCIAL MOVEMENTS AND THIRD WORLD RESISTANCE* (Cambridge University Press 2003) for an explanation on the violence of IL discourses.

<sup>15</sup> One such project is the work of TWAIL (Third World Approaches to International Law).

<sup>16</sup> FRANTZ FANON, *THE WRETCHED OF THE EARTH* 5-6 (Richard Philcox trans., Grove Press 2005) (1961).



humanity, colonialism forces the colonized to constantly ask the question: ‘Who am I in reality?’<sup>17</sup> The construction of identity is thus a common and integral dynamic in the Third World; where its people have a special awareness of their identity as the ‘other’ and the consequences of being the ‘other’.

Out of this consciousness of being an ‘other’, a moment of rupture then arrives in the colonial world; the moment of revolution and the formulation of national consciousness for national liberation. Fanon asserts that unlike Marx who suggests that the revolutionary comes from the proletariat, it comes from the urban areas of the colonial world- from the lumpenproletariat<sup>18</sup>.

The lumpenproletariat; the masses; they live in shanty towns forced to abandon the countryside. They are considered the wretched of the earth by both the colonizers and the colonized elites. Therefore Fanons logic is that the proletariat (the colonized elite) which are part of the colonial system cannot adequately resist it<sup>19</sup>; the lumpenproletariat on the other hand; a “cohort of starving men, divorced from tribe and clan”<sup>20</sup>, outside the colonial system, disliked by both the colonizers, town dwellers and the national bourgeoisie become the; “the most spontaneously and radically revolutionary forces of a colonized people”<sup>21</sup>.

Fanon's next argument is one that is central for the Third World. Out of his sense of urgency for the resistance movement, he warns, that it must not lead to mimicking Europe or the West. He asserts; “[s]o comrades, let us not pay tribute to Europe by creating states, institutions, and societies that draw their inspiration from it. Humanity expects other things from us than this grotesque and generally obscene emulation.”<sup>22</sup>

Fanon appeared worried and these worries can easily be translated to new approaches in international legal studies and new social movements; that, if the revolution is lead by a Party of National Liberation, the ‘legal’ party of the bourgeoisie or

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<sup>17</sup> FRANTZ FANON, THE WRETCHED OF THE EARTH 181-182 (Richard Philcox trans., Grove Press 2005) (1961).

<sup>18</sup> FRANTZ FANON, THE WRETCHED OF THE EARTH (Richard Philcox trans., Grove Press 2005) (1961). Landless peasants.

<sup>19</sup> FRANTZ FANON, THE WRETCHED OF THE EARTH 67 (Richard Philcox trans., Grove Press 2005) (1961).

<sup>20</sup> *Id.* at 81.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at 239.

anyone that is part of or benefits from the system they are resisting, then the revolution risks failure by giving power to the same people it revolted against.

On the other hand, he argues that; if the revolution is to take hold, the masses in their numbers must work for a social consciousness that will replace a national consciousness; thus moving the revolution away from a merely vengeful stance to one where you remember the evils of the colonizers and therefore create a society completely different from that of the colony. Additionally, it should create a new sensibility, a new social conscious and ultimately a new society. He ends with a sense of hope similar to that of Third World states at independence; which stresses the importance of the Third World to the wider global order. “For Europe, for ourselves and for humanity, comrades, we must make a new start, develop a new way of thinking, and endeavor to create a new man.”<sup>23</sup>

## **B. “Born into law, Tempered to adhere”: TWAIL**

“We refuse to be, What you wanted us to be; We are what we are”<sup>24</sup>

Literature like Fanons *Wretched of the Earth*, discussing and highlighting the institution of colonialism in the Third World, is important because it emphasizes the need to develop a new way of thinking and a new society that is a true representation of the Third World.

However, Fanons work remains a historical account of Third World resistance which warns us that if we do not adequately get rid of colonial remnants we are doomed to repeat them. Yet, it does not tell us how to do it. How do we, the Third World resist and “develop a new way of thinking”<sup>25</sup>?

One of the ways this has begun to be done within the international legal order is through the work of TWAIL (Third World Approaches to International Law). TWAIL is a political project and analytical tool<sup>26</sup> comprised of scholarly works that started to

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<sup>23</sup> *Id. at 239.*

<sup>24</sup> BOB MARLEY & THE WAILERS, *Babylon System*, on SURVIVAL (Island/Tuff Gong 1979).

<sup>25</sup> FRANTZ FANON, *THE WRETCHED OF THE EARTH* 239 (Richard Philcox trans., Grove Press 2005) (1961).

<sup>26</sup> Antony Anghie, *TWAIL: Past and Future*, 10 Int'l Comm. L. Rev. 479, 480 (2008).

contest and resist mainstream IL by amending it so as to form a new way of thinking and a new sensibility that takes into consideration a Third World perspective.

It began with the recognition of colonialism as a significant historical fact in a similar way as Fanon. Where it amended the manner in which the history of IL is told, by highlighting the fact that IL legalized colonialism and has retained its imperialistic facets to allow the continued domination of some and the exclusion of the ‘other’ by proliferating ideas such as development.<sup>27</sup> Hence, TWAIL scholarship more importantly is unique because it in itself a form of resistance that is constantly concerned with the ‘others’ of IL, which have often found themselves at the periphery of its mainstream discourses.

TWAIL scholarship therefore introduces a flexibility to the discourse that allows scholars to remain open to different perspectives; while, maintaining its primary pursuit for justice.

### C. “Each letter is a fence”: Resistance outside International Law

“Born into Law, Tempered to adhere. . .”<sup>28</sup>

The world today is becoming increasingly legalized, with the proliferation of IL, its doctrines and discourses crossing not only state boundaries but the boundaries that once defined public and private space. Today a decision made at the United Nations has unprecedented effects in the lives of everyone. Whether it is the sanctioning of an invasion in one state, where there will be obvious ‘collateral damage’; or the economic effects on the states taking part in the invasion.

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<sup>27</sup> See, BALAKRISHNAN RAJAGOPAL, *INTERNATIONAL LAW FROM BELOW: DEVELOPMENT, SOCIAL MOVEMENTS AND THIRD WORLD RESISTANCE* (Cambridge University Press 2003), and Luis Eslava & Sundhya Pahuja, *Between Resistance and Reform: TWAIL and the Universality of International Law*, 3(1) *TRADE L. & DEV.* 106, 103 (2011).

<sup>28</sup> “Born into Law, Tempered to adhere, Mechanized rust marking time, Changing Toxic at Concrete, This poem in its cage, Each letter is a fence, Bleeding the sum of my conditioning, To the border of yours, A sun’s wealth in a fortress, The weight of excess rests on fragile clouds, Laughing at your Pitful Subway Fare, Glass Shatters, Descending shards pin skin to the bounty of dismantling. The city is ours.” ROBERTO MIGUEL, *BORN INTO LAW, ON GRAFFITI PAINTED BY GATS*, <http://endlesscanvas.com/?tag=born-into-law> (last visited April. 20, 2013).

The discourse of IL has morphed to the extent that it is used equally to call for war<sup>29</sup> as it is to call for development. The reason for this however, is not because society today is more driven by ideas of justice often associated to law. Rather, it is ILs ability to be ‘universal’<sup>30</sup> and ‘internationalise’ issues, as well as hide behind the promise of justice, that makes IL such a powerful discourse.

Fanon warns post-colonial societies that they should avoid “creating states, institutions, and societies that draw their inspiration”<sup>31</sup> from Europe. Antony Anghie a TWAIL scholar then demonstrates why Fanons concerns were legitimate. On several occasions he has noted, that the post-colonial state out of necessity and the self-interest of the “elites close to the West”<sup>32</sup>; in fact ended up adopting Western “models of development, progress and the nation-state”<sup>33</sup>.

In this regard TWAILs contributions to IL scholarship is its positioning of IL as an inherently biased and imperial discourse; from its colonial days where IL divided the world between the civilised States which were rightly sovereign and the colonised States, which were further divided into those that were semi-barbaric and the barbaric States.<sup>34</sup> Hence highlighting ILs obsession with the creation of categories framed in terms of what is ‘civilised, developed or modern’<sup>35</sup> in a project to consistently create an ‘other’ that needs to be changed and brought within the ambit of IL.<sup>36</sup>

It then follows that, before colonised States began to demand their independence and right to sovereignty, human rights were particular to the West and only became ‘universal’ and ‘international’ later on. However, making them universal was merely a way for the old regime to maintain some power in the post-colonial era. Thus, since

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<sup>29</sup> See DAVID KENNEDY, *LAWFARE AND WARFARE* 158 (in *The Cambridge Companion to International Law*, James Crawford and Marti Koskenniemi ed., Cambridge University Press).

<sup>30</sup> Luis Eslava & Sundhya Pahuja, *Between Resistance and Reform: TWAIL and the Universality of International Law*, 3(1) *TRADE L. & DEV.* 106, 103 (2011).

<sup>31</sup> FRANTZ FANON, *THE WRETCHED OF THE EARTH* 239 (Richard Philcox trans., Grove Press 2005) (1961).

<sup>32</sup> Antony Anghie, *TWAIL: Past and Future*, 10 *Int'l Comm. L. Rev.* 749, 480 (2008).

<sup>33</sup> *Id.*

<sup>34</sup> Antony Anghie, *Finding the Peripheries: Colonialism, Sovereignty and 19th Century International Law*, 40 *HARVARD INTERNATIONAL LAW JOURNAL* 1 (1999).

<sup>35</sup> See B.S. Chimini, *Capitalism, Imperialism, and International Law in the Twenty-First Century*, 14 *Oregon Review of International Law*, 17 (2012) on how development is an extension of imperialistic structures.

<sup>36</sup> Antony Anghie, *Finding the Peripheries: Colonialism, Sovereignty and 19th Century International Law*, 40 *Harvard International Law Journal* 1 (1999).

colonialism had such a defining effect on IL and particularly the conceptualization of sovereignty we can see a reproduction and continuity of its inequalities and ideas in international and national systems.<sup>37</sup>

Hence, as an IL student with a commitment to the Third World and the Street, I, like Fanon and TWAIL am faced with a methodological problem. While Fanon calls for revolution leading to something new; TWAIL although resistive in its content and goals; employs a different method that calls International Lawyers and scholars to understand the imperialistic nature of IL, contest it and then amend it.<sup>38</sup>

This choice of method is rooted in a wider predicament where International Lawyers and scholars doubt whether one is to pursue the emancipation of the Third World outside of the law, when the law dominates the public space and governs virtually everything?<sup>39</sup>

To shed some light on this dilemma from a TWAIL perspective, Luis Eslava and Sundhya Pahuja in *Between Resistance and Reform: TWAIL and the Universality of International Law*<sup>40</sup>; assert that the uniqueness of TWAIL scholarship is in its ability to be both reformist and revolutionary. They describe TWAIL scholarship as being categorised into generations that provided important moments of revolution<sup>41</sup> and reform to IL; each addressing the issue of the Third World person with the engagement with the law in slightly different ways.

Eslava and Pahuja explain that; The first generation which was retrospectively named TWAIL I was made up of “international lawyers who were institutionally close to the struggle for freedom from colonisation”<sup>42</sup> and “argued for a revolutionary re-reading

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<sup>37</sup> See Antony Anghie, *The Evolution of International Law: colonial and postcolonial realities*, 27 THIRD WORLD QUARTERLY, No. 5, 739 (2006).

<sup>38</sup> *Id.*

<sup>39</sup> See ANTONY ANGHIE, *IMPERIALISM, SOVEREIGNTY AND THE MAKING OF INTERNATIONAL LAW* (Cambridge, University Press 2005).

<sup>40</sup> Luis Eslava & Sundhya Pahuja, *Between Resistance and Reform: TWAIL and the Universality of International Law*, 3(1) TRADE L. & DEV. 115, 103 (2011). (hereinafter Eslava and Pahuja)

<sup>41</sup> One such moment of revolution in TWAIL literature is its critique of the development project (See ARTURO ESCOBAR, *ENCOUNTERING DEVELOPMENT: THE MAKING AND UNMAKING OF THE THIRD WORLD* (Princeton University Press 1994); B.S. Chimini, *Capitalism, Imperialism, and International Law in the Twenty-First Century*, 14 Oregon Review of International Law, 17 (2012)).

<sup>42</sup> Luis Eslava & Sundhya Pahuja, *Between Resistance and Reform: TWAIL and the Universality of International Law*, 3(1) TRADE L. & DEV. 103, 115 (2011).

of international law's history and tenets<sup>43</sup> that should come from within the system. However, they note that this project often left these scholars frustrated with ILs capacity to reform from within; leading to either a denial of the problem, cynicism about IL in general; or it would lead them to 'exit'.<sup>44</sup> This was "either in terms of engaging in an open revolutionary struggle," or "in form of rejecting international law as a site of struggle, or rejecting the project and/or the profession all together."<sup>45</sup>

Eslava and Pahuja however argue that TWAIL II on the other hand has been able to build from this previous point of departure, by combining ideas of hope and frustration<sup>46</sup>, revolution and reform under an umbrella of resistance aimed at the emancipation of the Third World. TWAILers now contest and resist mainstream IL.

Thus, TWAIL evolved from being a project that tried to use IL "to remedy the social and economic domination of the postcolonial world by the former imperial powers" to one "more about how colonialism and imperialism and their ways of knowing have been crucial to the formation and practice of international law as a discipline"<sup>47</sup>.

The above withstanding, there is always this hesitation as international lawyers and IL students to move beyond IL and its institutions and look at other places in society where resistance can be possible and where the struggle for Third World emancipation takes place every day. Eslava and Pahuja take note of this, stating that TWAIL scholars such as Chimni and Anghie have observed the unwillingness of practitioners "to exit the arena of international law, partly because of a fear that it would be dangerous to leave an undoubtedly powerful arena and look for another language in which to speak"<sup>48</sup>.

Hence, they propose an additional methodology for TWAIL. Founded in an observation that; IL, "through the creation or enclosure of spaces, administrative procedures and the use and constitution of particular bodies and objects, [. . .] acquires

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<sup>43</sup> *Id.* at 116.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.* at 117.

<sup>48</sup> *Id.* at 118..

(or attempts to acquire) an effective presence in our everyday life.”<sup>49</sup> This methodology they assert, “needs to expand its emphasis on materiality” so that IL is not only thought of as an ideological project with material consequences; but as a material project itself.<sup>50</sup>

Thus it would build on TWAILs commitment to “re-sensitising international legal scholarship to the place and production of international law’s ‘others’ ”<sup>51</sup>. By enabling IL scholarship to recognize “spaces, subjects and objects” that are often excluded from ‘mainstream’ IL and “identified as expressions of other normative orders, social spheres or simply innocuous technical or commercial things”<sup>52</sup>.

Hence; they assert that, it is in these places that are often “presented as ordinary and foreign to international law” that are “the key ‘legal’ sites which need to be studied and evaluated as potential sites of resistance”.<sup>53</sup>

### **1. “Bleeding the sum of my conditioning, To the border of yours...”<sup>54</sup>**

Literature on resistance, whether its TWAILs or Fanons writings; Malcom X’s autobiography; Bob Marleys music; a Public Enemy song or Banksys satirical street art; they are all written with a sense of urgency. This urgency is to find “ways and means to globalize the sources of critical knowledge and address the material and ethical concerns

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<sup>49</sup> “This invitation to delve into the everyday life of international law therefore challenges traditional manners and forms in which international law is represented: as law of exceptional, state-centric actions and relations and its position as normatively superior and foreign.” Luis Eslava & Sundhya Pahuja, *Between Resistance and Reform: TWAIL and the Universality of International Law*, 3(1) TRADE L. & DEV. 103, 123 (2011).

<sup>50</sup> *Id.*

<sup>51</sup> *Id.* at 108.

<sup>52</sup> See Luis Eslava & Sundhya Pahuja, *Between Resistance and Reform: TWAIL and the Universality of International Law*, 3(1) TRADE L. & DEV. 103 (2011).

<sup>53</sup> Luis Eslava & Sundhya Pahuja, *Between Resistance and Reform: TWAIL and the Universality of International Law*, 3(1) TRADE L. & DEV. 103, 109 (2011).

<sup>54</sup> ROBERTO MIGUEL, BORN INTO LAW, ON GRAFFITI PAINTED BY GATS, <http://endlesscanvas.com/?tag=born-into-law> (last visited April. 20, 2013).

of third world peoples”<sup>55</sup> - with the aim of “creating a world order based on social justice”<sup>56</sup>.

TWAIL scholarship on resistance recognises the interpretive and structural biases of IL surrounding resistance movements. Rajagopal Balakrishnans book *International Law from Below: Development, Social Movements and Third World Resistance*, is a key scholarly work in this regard; tracking the evolution of resistance in the Third World from its national liberation form, to today’s resistance against development and imperialistic IL practices.

In line with Eslavas and Pahuja’s proposal to look outside IL’s usual spaces of analysis, Balakrishnans thesis takes it further by challenging IL’s conceptualization of resistance. He asserts that the unwillingness of IL scholars and lawyers to look outside of the law, although understandable, has restricted its ability to understand and engage with other resistance movements that thrive outside the highly legalised elite discourse but which hold an important place in Third World resistance.

He therefore calls for a theory of resistance that promotes an understanding of social movements which do not fit into the usual tenets of the discourses; while being careful not to call for a rejection of the international legal order; but rather an expansion and reassessment of its understanding.

Balakrishnans thesis is therefore important because it recognizes and highlights, firstly; the bias of IL viz. Resistance, and secondly; the need to expand the language of resistance, arguing that human rights has dominated it for too long.

Thus far, the discussion as per resistance has been contained within the fabric of anti-colonial and anti-imperialistic movements, namely Third World national liberation movements. However, as Fanon and TWAIL scholars highlight, resistance does not stop at the moment of independence. On the contrary, resistance has been and remains to be an ever present feature in the Third World. The issue is then not whether resistance is a fact, but rather the form resistance takes and more importantly the language that it employs.

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<sup>55</sup> B.S.Chimni, *Third World Approaches to International Law: A Manifesto*, 8 Int’l Comm. L. Rev. 3, 4 (2006).

<sup>56</sup> *Id.*



Human rights as a language of ‘humanity’ with its philosophies of justice, equality, freedom and dignity have morphed into the sole legitimate language of resistance since the first national liberation movements.<sup>57</sup> It has done so to an extent that today, for a mass movement to be deemed legitimate and made visible to the international and ‘universal’, it must be framed within rights discourse. Thus, this “Age of Rights”<sup>58</sup> which national liberation movements had little choice to adopt and which IL is fenced in, is turning out to be part of the problem instead of a solution to it.<sup>59</sup>

A broad understanding of the word ‘right’; implies you are invoking the idea of a defined institutional framework for society that assumes the presence of law (domestic and international), States, legal procedures (courts, remedies), sovereignty, constitutions and the market (domestic and international). By asserting ‘your right to something’ you are making a statement that claims the existence of a legal relationship between the individuals or groups and the State; emphasizing the importance of the State- individual or group dynamic.

This very reliance on the state for the realization of human rights in the Third World is as noted by Balakrishnan, one of the most “discussed and less understood”<sup>60</sup> features of human rights based resistance. One of the “myths”<sup>61</sup> of human rights is therefore that its language and discourse is in itself ‘anti-state’. Meaning more individual rights, means less state.

However, it is human rights nature of expanding “the state and the spheres of governance”<sup>62</sup> that led Third World states to embrace it as the sole discourse to articulate their resistance against colonialism, western ideas of development, the proliferation of

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<sup>57</sup> BALAKRISHNAN RAJAGOPAL, INTERNATIONAL LAW FROM BELOW: DEVELOPMENT, SOCIAL MOVEMENTS AND THIRD WORLD RESISTANCE 171 (Cambridge University Press 2003)

<sup>58</sup> LOUIS HENKIN, THE AGE OF RIGHTS, (Columbia University Press 1990); (cited in) BALAKRISHNAN RAJAGOPAL, INTERNATIONAL LAW FROM BELOW: DEVELOPMENT, SOCIAL MOVEMENTS AND THIRD WORLD RESISTANCE 171 (Cambridge University Press 2003).

<sup>59</sup> See BALAKRISHNAN RAJAGOPAL, INTERNATIONAL LAW FROM BELOW: DEVELOPMENT, SOCIAL MOVEMENTS AND THIRD WORLD RESISTANCE (Cambridge University Press 2003); B.S.Chimni, *Third World Approaches to International Law: A Manifesto*, 8 Int'l Comm. L. Rev. 4, 3 (2006), for an explanation of the way development linked within human rights is perpetuating injustice in the Third World.

<sup>60</sup> BALAKRISHNAN RAJAGOPAL, INTERNATIONAL LAW FROM BELOW: DEVELOPMENT, SOCIAL MOVEMENTS AND THIRD WORLD RESISTANCE 189 (Cambridge University Press 2003).

<sup>61</sup> *Id.*

<sup>62</sup> *Id.* at 192.

international financial institutions and intellectual property rights. Hence, since Third World Human Rights organizations and activists, see human rights discourse as the sole legitimate language for resistance; there is this constant “etatization”<sup>63</sup> which as Balakrishnan argues would lead to the reproduction of the very structures that resistant movements oppose.<sup>64</sup>

One of the inherent problems is therefore the relationship between law, human rights and institutions. Where institutions are seen by human rights and IL as the legitimate mode and space in which voices of resistance can be delivered and heard. This goes back to Eslava and Pahuja's recognition of ILs unwillingness, inability or fear of moving out of its traditional frameworks.

While it is not my intention to suggest that the human rights discourse is invalid or that the work of its organizations and activists is futile or misguided. It is however my intention to emphasize that although we have been “born into law” and born into the “Age of Rights”<sup>65</sup> and indeed the Third World has been encouraged and often has had to be “tempered to adhere”, it is time to look outside of the law and outside mainstream understandings of it; as the only way to resist.

Human rights, I hold, exist in two forms. The first is the form that IL uses and Balakrishnan is wary about. This form of human rights is founded and proliferated around the idea of the state and therefore poses several problems for resistance movements. According to Balakrishnan, this is primarily that human rights understood in this first instance, is ingrained with contradictions rooted from its relationship with colonialism and imperialism. Contradictions which have been perpetuated by what he terms ‘cultural politics’, the ‘etatization’ of IL discourses which human rights has not been excluded from; and the creation of human rights as the sole ‘universal’ language of resistance.

My thesis although complementary to a great extent to Balakrishnan's; differs as I propose that the ‘other’ social movements to which he refers, are invisible to IL not

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<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> LOUIS HENKIN, THE AGE OF RIGHTS, (Columbia University Press 1990); (cited in) BALAKRISHNAN RAJAGOPAL, INTERNATIONAL LAW FROM BELOW: DEVELOPMENT, SOCIAL MOVEMENTS AND THIRD WORLD RESISTANCE 171 (Cambridge University Press 2003).

because they do not use the language of rights; but alternatively they are invisible to IL because they use a different language of rights. Hence, the second form of human rights, which I henceforth will refer to as Human Rights (capital 'H', capital 'R') differ primarily because they are not marred with the contradictions Balakirshnan refers to in the first instance.

It is however outside this thesis to suggest that these Rights should replace those rights visible to IL. Rather it is the purpose of this thesis to demonstrate that in fact another language of Rights exist and are already being used by resistance movements in the Third World. Hence those fluent in this 'other' language are useful to the project (the emancipation of the Third World) because they are able to offer something different, something new; a new strategy or a new way to resist.

## 2. "Glass Shatters [. . .] The city is ours."<sup>66</sup>-Reclaiming the public

"We live in an era when ideals of human rights have moved center-stage both politically and ethically. A lot of political energy is put into promoting, protecting, and articulating their significance in the construction of a better world. [. . .] We live in a world [. . .] where the rights of private property and the profit rate trump all other notions of rights one can think of."<sup>67</sup>

Yet we also live in an era where mass demonstrations on the street are more frequent, an era where people are reclaiming spaces<sup>68</sup> and demanding the right to the city.

Literature from different legal fields such as critical geography and socio-legal studies often acknowledge the existence of spaces (either material or virtual)<sup>69</sup> where

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<sup>66</sup> ROBERTO MIGUEL, BORN INTO LAW, *on* GRAFFITI PAINTED BY GATS, <http://endlesscanvas.com/?tag=born-into-law> (last visited April. 20, 2013).

<sup>67</sup> DAVID HARVEY, REBEL CITIES FROM THE RIGHT TO THE CITY TO THE URBAN REVOLUTION 3 (Verso 2012).

<sup>68</sup> Judith Butler, *Bodies in Alliance and the Politics of the Street*, EUROPEAN INSTITUTE FOR PROGRESSIVE CULTURAL POLICIES (9,2012), <http://www.eipcp.net/transversal/1011/butler/en>.

<sup>69</sup> Without listing articles and scholars which I draw this conclusion from; it is clearer to note that since the popularity of critical legal studies as well as specific disciplines such as critical geography. There is a large amount of literature on the relationship between law and space (its creation and function in society). These bodies of work highlight in specific the idea of *public space* as both a material and virtual space. See Daithí Mac Síthigh, *Virtual walls? The law of pseudo-public spaces*, 8 International Journal of Law in Context 3 (2012). available at

different actors interact as part of society. One such space which is central to this paper and any discussion on resistance- is the idea of a *public space*.

However, the word *public* invokes different meanings within IL and outside it. Within IL discourses, *public* is a space that is created and constrained by the state through laws; where what happens in the *public* must be approved and regulated by the state. Hence, you are free but only to the extent that the law allows you to be free. For example, Freedom of expression is a fundamental right for any resistance movement. Freedom of expression as outlined in the Article 19(2) of the International Covenant on Civil and Political Rights (ICCPR) states that;

“Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice.”

Despite the clear assertion of this right; IL permits limited restrictions to it in a ‘three part test’. The first part requires restrictions to be prescribed by law, the second; to serve a legitimate purpose; and the third, to be “necessary in a democratic society”.<sup>70</sup>

Hence it is becoming increasingly evident; that there is a growing tendency for the *public* to become more restricted, less public and hence less democratic.<sup>71</sup> Susan A. Phillips<sup>72</sup> is quoted in *Bomb It*<sup>73</sup>; noting that; “people believe they live in a kinda neutral public space. [However] [w]hat they don’t realize is that what’s neutral to them [ . . . ] may actually be excluding a lot of people.” The fact that through these restrictions the state in

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[http://www.law.ed.ac.uk/file\\_download/publications/0\\_1739\\_virtualwallsthelawofpseudopublicspaces.pdf](http://www.law.ed.ac.uk/file_download/publications/0_1739_virtualwallsthelawofpseudopublicspaces.pdf).

<sup>70</sup> For a detailed explanation on the limitations to this right; see Toby Mendel, *Restricting Freedom of Expression: Standards and Principles Background Paper for Meetings Hosted by the UN Special Rapporteur on Freedom of Opinion and Expression*, CENTRE FOR LAW AND DEMOCRACY <http://www.law-democracy.org/wp-content/uploads/2010/07/10.03.Paper-on-Restrictions-on-FOE.pdf>.

<sup>71</sup> Daithí Mac Síthigh, *Virtual walls? The law of pseudo-public spaces*, 8 International Journal of Law in Context 3 (2012). available at

[http://www.law.ed.ac.uk/file\\_download/publications/0\\_1739\\_virtualwallsthelawofpseudopublicspaces.pdf](http://www.law.ed.ac.uk/file_download/publications/0_1739_virtualwallsthelawofpseudopublicspaces.pdf).

<sup>72</sup> Pitzer College author of *WALLBANGIN’: GRAFFITI AND GANGS IN L.A.* (University of Chicago Press 1999).

<sup>73</sup> See *BOMB IT*, (Directed by: Jon Reiss, April 27, 2007) A documentary movie which explores graffiti as a worldwide street art movement and its interaction with “Quality of life laws” and the fight to reclaim public space.

effect is excluding people; is an important point that she raises for wider questions concerning, what kind of space are we resisting; what kind of space do we want and what kind of people do we want to be in that space?<sup>74</sup>

To begin to answer these questions we turn to another space that falls outside IL discourses and its understanding of the *public*. In then follows that; what is striking is that, while IL acknowledges the existence and importance of public space as conceptualized outside IL<sup>75</sup>, they fail to acknowledge the existence of another space- the Street; whose existence challenges the restrictive reality of public space<sup>76</sup>. Instead they leave the Street under a broader category- public space; only referring to the Street as a means or tool to challenge these restrictions.<sup>77</sup>

However, it would be misleading to suggest that the Street has gone completely unnoticed. The recent revolutions in North Africa and the Middle East, as well as the Occupy Movements have introduced this idea of the Street to the activist academic; but not the IL academic<sup>78</sup>. Further; the Street with its art and culture remains to a large extent at the periphery of discussions in IL relating to resistance. Only as a tool of the

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<sup>74</sup> These questions will be answered in Part 4.

<sup>75</sup> Outside the discourse of IL the word public invokes ideas of a space where citizens can share and express themselves; where they can speak about anything- when they want and how they want. It is a space that exists outside state control, its bureaucracy, laws and violence; a space where resistance is heightened, natural and integral. See BOMB IT, (Directed by: Jon Reiss, April 27, 2007). This documentary highlights the way graffiti artists see public space as a space where it is “people with the greatest access to funds that get the most amount of space”. See also Judith Butler, *Bodies in Alliance and the Politics of the Street*, EUROPEAN INSTITUTE FOR PROGRESSIVE CULTURAL POLICIES (9,2012), <http://www.eipcp.net/transversal/1011/butler/en>.

<sup>76</sup> DAVID HARVEY IN REBEL CITIES FROM THE RIGHT TO THE CITY TO THE URBAN REVOLUTION (Verso 2012); elaborates on the way the city is restricted due to the prominence of private property, neoliberal market logic and capitalism. See also iamOther, *The Voice of Art series Street Art vs. Illegal Billboards*, YOUTUBE (May. 30, 2012), <http://www.youtube.com/watch?v=lkqqt2o9pC0>; iamOther, *Graffiti Against the System*, YOUTUBE (Aug. 31, 2012), <http://www.youtube.com/watch?v=e6I4i-9JZ8>, for examples of the way street art challenge the idea of what is public.

<sup>77</sup> See Judith Butler, *Bodies in Alliance and the Politics of the Street*, EUROPEAN INSTITUTE FOR PROGRESSIVE CULTURAL POLICIES (9,2012), <http://www.eipcp.net/transversal/1011/butler/en>.

<sup>78</sup> One example of post-revolution literature that discuss the recent revolutions and the Street is, Judith Butler, *Bodies in Alliance and the Politics of the Street*, EUROPEAN INSTITUTE FOR PROGRESSIVE CULTURAL POLICIES (9,2012), <http://www.eipcp.net/transversal/1011/butler/en>. While she comes close to noting that the Street is a space on its own outside the traditional idea of public space. She maintains the usual rhetoric describing it as a geographical space of pavement and square as opposed to a space that embodies the freedoms public space is purported to hold.

revolution; rather than the space it originated from and from which it challenges the *public*<sup>79</sup>.

Whereas if one merely glances at articles, interviews or listens to music by street artists, graffiti artists, musicians, street actors or the ‘lumpenproletariat’; they distinguish ‘the Street’ from ‘public space’.<sup>80</sup> The Street is therefore no longer merely a geographical construct made up of pavements and squares that form part of ‘public space’. The Street is now a more grass root formation<sup>81</sup>, whose existence is outside direct state influence but is still influenced by the existence of the state and therefore works to counter state injustice, suppression and institutionalized violence.<sup>82</sup>

In effect, the Street is now the space for the voiceless to be heard and a space where people can talk about everything. It is a space where “[w]hat happens under darkness/shall come to light”; a space where despite restrictions by laws such as anti-graffiti laws and censorship laws that limit freedoms and avenues to resist, the sentiment of the Street, is and has always been<sup>83</sup> that, “Come what may we will survive/ you can try to avoid us but it’s pointless/ you can never avoid the/ voices of the voiceless.”<sup>84</sup>

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<sup>79</sup> Hip-Hop is particularly unique especially graffiti because it functions by its nature on the street and its walls rather than on the internet and social movements.

<sup>80</sup> Graffitimundo, *White Walls Say Nothing Documentary-Official Trailer*, YOUTUBE (Oct. 2, 2012), [youtube.com/watch?v=FLOOXgwZw38](http://youtube.com/watch?v=FLOOXgwZw38); see also iamOther, *The Voice of Art series Street Art vs. Illegal Billboards*, YOUTUBE (May. 30, 2012), <http://www.youtube.com/watch?v=lkpqt2o9pC0>; iamOther, *Graffiti Against the System*, YOUTUBE (Aug. 31, 2012), [http://www.youtube.com/watch?v=e6l4i-\\_9JZ8](http://www.youtube.com/watch?v=e6l4i-_9JZ8); Serena Moodie, *Street Art and the Commodification of the Subversive* (Sotheby's Institute of Art - New York, ProQuest, UMI Dissertations Publishing 2012).

<sup>81</sup> Deriving its legitimacy from the people in the Street and not the state or IL; see CHERYL L. KEYES, *RAP MUSIC AND STREET CONSCIOUSNESS* 157 (University of Illinois Press 2004) (2002).

<sup>82</sup> AlJazeeraEnglish, *Al Jazeera World- Walls That Speak*, YOUTUBE (Apr. 3, 2013), [http://www.youtube.com/watch?v=\\_wnoAcN2b2o](http://www.youtube.com/watch?v=_wnoAcN2b2o).

<sup>83</sup> It is logical that role of the Street as a space for resistance which exists outside the conventional legal way of understanding public space has existed as long as resistance has existed, because resistance and revolution needs a truly free space in from which it can organize and carry out its goals.

<sup>84</sup> Mario Killuminati, *LOWKEY (ft. IMMORTAL TECHNIQUE) - VOICES OF THE VOICELESS (OFFICIAL VERSION)*, YOUTUBE (Sept. 21, 2009), <http://www.youtube.com/watch?v=Xi5ZUVP62lw>. Kareem Dennis, better known by his stage name Lowkey is a musician and political activist of English and Iraqi descent. Most famous for his hard hitting lyrics on Palestine, the Obama administration and weapons industry. His music provides a soundtrack to the Street and its struggle as well as presents its self as a body of literature on the various social, economic and political realities of this world. He is most famous for his hard hitting lyrics on Palestine, the Obama administration and weapons industry.

Therefore, in the words of *Niggaz with Attitude* (NWA) “[y]ou are now about to witness the strength of street knowledge”<sup>85</sup>.

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<sup>85</sup> NWA (NIGGAZ WITH ATTITUDE), STRAIGHT OUTTA COMPTON (Priority, Ruthless 1988).

### III. UNDERSTANDING HIP-HOP: “I SAID A HIP-HOP THE HIPPIE THE HIPPIE TO THE HIP HIP-HOP, WE DON’T STOP”<sup>86</sup>

“Many people when they say Hip-Hop, they don’t know exactly what is Hip-Hop. They automatically think when you talk about Hip-Hop, you’re just talking about rap. But when you talk about Hip-Hop we’re talking about the whole movement. The B-boys, the B-girls, the DJs, the MCs, the aerosol writers and the fifth element; that holds it all together, which is the knowledge.”<sup>87</sup>

At a very basic level, there are two main discussion points when it comes to the etymology of the word Hip-Hop. The first explains how the term hip-hop began to be used. It was coined by Keith ‘Cowboy’ Wiggins, a member of the Furious Five in 1978 while teasing a friend that was going to the army. He was therefore the first Emcee that used the term by singing “hip/hop/hip/hop” in a way that mimicked the rhythmic beat of marching soldiers; thus incorporating it into his performances. After that as Melle Mel, another member of the Furious Five, and hip-hop music pioneer in his own right says; “it just took on a life of its own”<sup>88</sup>. With other artists like Afrika Bambaata helping popularize it.

The second discusses the word in its literal meaning while not taking away from the authenticity of the first explanation. Rather it offers a different perspective into analyzing the culture that has been named ‘hip-hop’; by providing a broader understanding of the culture as a social milieu through critically looking at the term itself. This explanation cites that, the root of the word ‘hip’ is from the Wolof dialect meaning ‘to open ones eyes’. While ‘hop’ comes from English, meaning movement; therefore as KRS-One states;

“Hip means to know  
It's a form of intelligence

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<sup>86</sup> RAPPER’S DELIGHT, *The Sugarhill Gang* ON THE SUGAR HILL GANG (Sugar Hill 1979).

<sup>87</sup> Afrika Bambaata *in* THE ART OF RAP: SOMETHING FROM NOTHING (Kaleidoscope Film 2012).

<sup>88</sup> JAYQUAN, REMEMBERING KEITH COWBOY

<http://web.archive.org/web/20060317071002/http://www.furious5.net/cowboy.htm> (last visited May. 12, 2013).



To be hip is to be up-date and relevant  
Hop is a form of movement  
You can't just observe a hop  
You got to hop up and do it  
Hip and Hop is more than music  
Hip is the knowledge  
Hop is the movement  
Hip and Hop is intelligent movement  
Or relevant movement”<sup>89</sup>

Aisha Fukushima, founder of ‘raptivism’, a project that explores the global effect of Hip-Hop as a contributor “to universal efforts for freedom and justice by challenging apathy with awareness, ignorance with intelligence and oppression with expression”<sup>90</sup>, states that it is; “about questioning the status quo, questioning what we are told to believe and thinking for ourselves.”<sup>91</sup> ‘Hip’ she adds, “has a critical edge.”<sup>92</sup>

However, Hip-Hop on a more conceptual basis means different things to different people. To The Narcicyst, “Hip-hop music stands for, highly intellectual people-hovering over politics”<sup>93</sup> where the “hyphen between the ‘hip’ and the ‘hop’ is the land we walk on.”<sup>94</sup> “It is the most direct way of sharing your experience without being censored”<sup>95</sup>, it is a diverse form of media and “it doesn’t necessarily have an over-riding intention, or someone standing over them saying, this is the vision”<sup>96</sup>. It is a media, “where everybody can put in their two sense”<sup>97</sup>.

For DJ Premier, Hip-Hop is “just like a language”<sup>98</sup>. Stating that, “[y]ou have to know how to listen to it. If you don’t listen to it the right way, all it sounds like is just a

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<sup>89</sup> KRS-ONE, *Hip-Hop Lives*, on KRS-ONE AND MARLEY MARL HIP HOP LIVES (Koch Records 2007).

<sup>90</sup> RAPTIVISM, <http://raptivism.org/> (last visited May. 2, 2013).

<sup>91</sup> TEDxTalks, *Hip Hop Lives--Raptivism Around the World: Aisha Fukushima at TEDxSitka*, YOUTUBE (Aug. 18, 2012), [http://www.youtube.com/watch?v=A2dXNtpV6\\_0](http://www.youtube.com/watch?v=A2dXNtpV6_0).

<sup>92</sup> *Id.*

<sup>93</sup> TEDxTalks, *TEDx Dubai 2010, The Narcicyst, Who We Are, When We Were- Identity In Flux*, YOUTUBE (Feb. 12, 2011),

[http://www.youtube.com/watch?v=Libf3KYeCZ8&playnext=1&list=PL7CADBE5F703FC753&feature=result\\_s\\_video](http://www.youtube.com/watch?v=Libf3KYeCZ8&playnext=1&list=PL7CADBE5F703FC753&feature=result_s_video).

<sup>94</sup> *Id.*

<sup>95</sup> Muftah.org, *Lara Doston- Renta Interviews Arab-American Hip-Hop Artist, the Narcicyst, about His Work, Hip-Hop, & the Arab Spring*, VIMEO (Tuesday, Apr. 3, 2012), <http://vimeo.com/39743913#>.

<sup>96</sup> *Id.*

<sup>97</sup> *Id.*

<sup>98</sup> DJ Premier, in *THE ART OF RAP: SOMETHING FROM NOTHING* (Kaleidoscope Film 2012).

whole bunch of noise with a lot of loud ass beats banging. If you don't know how to listen to it, it doesn't make sense"<sup>99</sup> and you do not understand the street.

Cheryl Keyes in her book *Rap Music and Street Consciousness*, defines Hip-Hop as "a youth arts mass movement"<sup>100</sup> that is characterized by four elements; DJing, MCing, Breakdance and Graffiti. Where rap music is a musical form "predicated on the combined styles of delivery of the DJ and the rhythmic MC"<sup>101</sup>. It "makes use of rhyme, rhythmic speech, and street vernacular, which is recited or loosely chanted over a musical soundtrack."<sup>102</sup>

While artists like, Yasiin a popular 'conscious' Emcee, (formerly known as Mos Def) refutes arguments that Hip-Hop is popular culture because; as he notes, "it didn't start out as a popular culture movement, it didn't even have pop culture ambitions."<sup>103</sup> Rather, "it's a folk art, folk music, tribal experience."<sup>104</sup>

Ice Cube, on the other hand; asserts that, Hip-Hop is "street knowledge"<sup>105</sup> and its purpose is to let "the streets know what the politicians are doing to them and letting the politicians know what the streets think of them; if they listen."<sup>106</sup> Additionally, Tricia Rosa states that Hip-Hop is a "resistance culture"<sup>107</sup>.

Hence, it is this; Hip-Hop's ability to accommodate different meanings that are capable of accurately defining the social space it exists in while being able to translate across cultural walls and state boundaries; that enable it to present itself as a unique perspective in the study of human rights. Thus, this chapter seeks to provide an introductory understanding of Hip-Hop by answering these questions, how and why did Hip-Hop start; and what are the roots of this culture?

## A. Hip-Hop 101

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<sup>99</sup> DJ Premier, in *THE ART OF RAP: SOMETHING FROM NOTHING* (Kaleidoscope Film 2012).

<sup>100</sup> CHERYL L. KEYES, *RAP MUSIC AND STREET CONSCIOUSNESS 1* (University of Illinois Press 2004) (2002).

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> Yasiin, in *THE ART OF RAP: SOMETHING FROM NOTHING* (Kaleidoscope Film 2012).

<sup>104</sup> *Id.*

<sup>105</sup> Ice Cube, in *THE ART OF RAP: SOMETHING FROM NOTHING* (Kaleidoscope Film 2012).

<sup>106</sup> *Id.*

<sup>107</sup> Tricia Rose in, *versusdebates, Versus Hip Hop on Trial Debate*, YOUTUBE (June. 27. 2012), <http://www.youtube.com/watch?v=r3-7Y0xG89Q>.

To begin with; when I will be referring to Hip-Hop- capital 'Hs', I am talking about the culture as a whole, consisting of all the elements; but hip-hop- lower case 'hs' will refer to specific elements in the culture.

Usually, the story of Hip-Hop is told like this. Hip-Hop culture as popular culture started in early 1970s South Bronx, with the block parties of the young Kool DJ Herc who was of Jamaican descent. At the time most of its participants were members of street gangs that had exploded onto the street of New York as early as the '50s and '60s. Therefore, as Jim Fricke and Charlie Ahearn explain in *Yes Yes Y'all. Oral History of Hip-Hop's First Decade*; "[h]ip-hop culture rose out of the gang-dominated street culture, [hence] aspects of the gangs are still defining features of Hip-Hop- particularly territorialism and the tradition of battling."<sup>108</sup>

As Hip-Hop grew in the street, DJs battled for territory and supremacy under the protection of 'crews' that were street gangs or affiliated to gangs. The other elements of Hip-Hop; dance and art also played a role in street gang culture; with gang members 'tagging' their territory to identify them and tagging rival territories to provoke them.<sup>109</sup> The culture of tagging was later taken up by 'writers' that used this form of art as an expression of life on the street. Some of the most notable murals were those on New York subway cars. While battle dances began to act as an alternative to violence, though as noted in *Yes Yes Ya'll*, "they were sometimes only a prelude to it"<sup>110</sup>, the art of Hip-Hops culture was being used as a means to disseminate knowledge and an outlet for the frustrations of being part of the forgotten third world of 1970s New York.

Hence, as Hip-Hop grew as a street culture; areas such as the Bronx began to transform because people were putting down their weapons to partake in this new form of expression. DJs, Breakdancers and their crews as well as graffiti artists became celebrities; and like today, their opinions mattered and everyone wanted to be one. Thus

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<sup>108</sup>JIM FRICKE & CHARLIE AHEARN, THE EXPERIENCE MUSIC PROJECT. ORAL HISTORY OF HIP-HOP'S FIRST DECADE. YES YES YA'LL 3 ( Experience Project 2002) (2008).

<sup>109</sup> *Id.*

<sup>110</sup> *Id.*

the content of their art acted as a ‘voice from the street’, often depicting police brutality and the harsh life on the streets.

As the 70s wore on the focus drastically shifted to the rapper and Hip-Hop became a commercial industry. For some this meant the end of Hip-Hop but for others it offered a way out of the poverty, oppression and violence that plagued the street.

Finally in the 1980s, a sub-genre of Hip-Hop music emerged, often referred to as political or conscious Hip-Hop. Political or conscious graffiti developed in the late 1960s where it was used by political activists as well as gangs such as, La Familia and Savage Skulls. Since then, the politicization of Hip-Hop or political Hip-Hop has been at the center of debates and discussion regarding its effects on society- is Hip-Hop degrading society or is it educating and liberating society?

While the above explanation of the genesis of Hip-Hop is not false; it starts too early and stops short at explaining the evolution of its elements (the art of Emceeing, Break-dancing and Graffiti). Therefore, the story of Hip-Hop as being made up of four main art forms does not accurately start in the Americas, but in Africa, Latin America and other ‘third world’ nations<sup>111</sup>.

Thus, to get a broader understanding of what Hip-Hop is, we must re-tell the story of the evolution of its elements. This paper shall focus on three of Hip-Hops elements; Emceeing (the spoken word), Graffiti (the written word) and Knowledge.

### **1. Re-telling the history of Emceeing**

Kingslee ‘Akala’ Daley<sup>112</sup>, London based Emcee, label-owner and educator is one of many artists that uses ‘edutainment’ to re-tell the story of Emceeing.

“We claim we loving this Hip-Hop,  
But are we ready to understand it,  
In its fullest cultural sense,  
Beyond its useless branding.  
Beyond the stories that keep feeding us the common myth,  
That people started rapping in the 70s,

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<sup>111</sup> The ‘ghetto’ of New York was a melting pot of immigrant societies from the third world. Therefore, the arts of hip-hop were influenced by those various cultures as evident in the different beats of hip-hop music and styles of the early graffiti artists.

<sup>112</sup> AKALA OFFICIAL WEBSITE, <http://www.akalamusic.com/> (last visited May. 16, 2013).

What a bunch of shit.  
 Done with the talk,  
 Loving New York,  
 For impact on my heart.  
 But lets not pretend there was no foundation to this art,  
 Because, KRS One and Bam will be the first ones to say;  
 The birth of Hip-Hop runs far deeper within our veins.  
 Before Kool Herc came to New York pumping a hundred watts,  
 Before the watts profits,  
 Last Poets and Gill Scott.  
 Before there was jazz  
 Before there was blues,  
 Before there was Cab Calloway.  
 Before the whips and ships,  
 And all the tragedy,  
 Before you stripped of knowledge of your cultural anatomy. [. . .]  
 Before there were slaves.  
 Forget the nonsense about slave music.  
 It must have had a cultural base to even produce it.  
 The schools of Timbuktu, they already knew.  
 The cycle of the planet and the motions of the moon,  
 About 150 years before Galileo- Check it.  
 And medieval Benin's in the Guinness book of records.  
 And all of them cultures there that had a Griot speaker.  
 A story-teller, musician, poet and history keeper.  
 Who had to memorize a couple thousand oral epics.  
 The tradition still exists today but it can get neglected.  
 And Hip-Hop needs to be understood in its fullest context  
 Not just as the product of the hood.  
 'Coz Miles Davis was rich and still played with that same feeling.  
 It's that cultural memories go and ask Stevie.  
 Ella Fitzgerald; that is basically rapping.  
 When you know we lost our language as you know what has happened.  
 So when you hear somebody rapping,  
 The base of it is African.  
 It 'aint about schooling no one it's just accurate coz;  
 Look around Hip-Hops become this global voice.  
 But we must understand it so we can have a choice.  
 How we should use it what we should do with it.  
 How to teach your students.  
 Coz Viacom is not our cultural institution  
 But it will use this culture for its prostitution and our destruction.  
 Anything but the solution. [. . .] Knowledge is Power.”<sup>113</sup>

<sup>113</sup> TEDxTalks, *The Evolution of the Emcee: Akala and TedxSalford*, YouTube (Jan. 8, 2012), <http://www.youtube.com/watch?v=rgM-WXr-OgM>.

The reason why re-telling the story of hip-hop is essential to the movement, is because by re-telling it so as to acknowledge its influence from different cultures and histories, **one** is able to understand why Hip-hop has the capacity to be experienced and translated into different social spaces and experienced in a way that breaks down borders, classes and worlds.

The above withstanding; it is not my intention to depict Hip-Hop as a unifying phenomenon without its own flaws. Neither is it my intention to present Hip-Hop as a viable and potential replacement for human rights as a unifying culture or discourse that promotes human harmony.

It is however my intention to present hip-hop as a construct of social expression and a critical tool of society and for society.

## **2. The Evolution of Graffiti<sup>114</sup>**

Graffiti! One of the five elements of Hip-Hop; the written voice of the people; art or vandalism; an ancient form of expression; all these are ways that one can talk about graffiti. From a historical perspective, graffiti is talked about in two ways. The first is the origin of graffiti as the practice of ‘writing’<sup>115</sup> on walls, and the second is the artistic style of graffiti.

Graffiti as the practice of ‘writing’ on walls can be dated back to archaeological drawings such as; the El Castillo cave paintings in Cantabria Spain, the Egyptian Hieroglyphics and Roman ‘graffiti’. Therefore as new discoveries are made it becomes clearer that throughout history this practice has been synonymous with all civilizations and hence “[a]s long as people have something to say, the walls will be there to help them.”<sup>116</sup>

Graffiti as an artistic style like Emceeing, distorts the rules of language and in particular its construction of letters. It uses bold and distorted lettering to convey either

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<sup>114</sup> Pamela Dennant, *Urban Expression Urban Assault Urban Wildstyle New York City Graffiti*, HIP-HOP NETWORK, (last visited May. 16, 2013) <http://www.hiphop-network.com/articles/graffitiarticles/emergenceofnycitygraffiti.asp>.

<sup>115</sup> ‘Writing’ is the verb used to describe what graffiti artists do.

<sup>116</sup> Graffitimundo, *White Walls Say Nothing Documentary-Official Trailer*, YOUTUBE (Oct. 2, 2012), [youtube.com/watch?v=FLOOXgwZw38](http://youtube.com/watch?v=FLOOXgwZw38).

socially conscious messages or as a way of claiming territory<sup>117</sup>. The style, which is rooted in ‘bombing’ and ‘tagging’ originated as an underground art movement. It began in the mid 1960s in a Philadelphia youth development center with the writer Cornbread who, with fellow writer Cool Earl wrote their names all over the city; hence gaining attention from the local community.

Graffiti then moved to New York where it was adopted and used by political activists to make statements, raise awareness and gain support for important social issues. It was additionally adopted by gangs who recognized the communicative power of graffiti and began using it to mark their territory or memorialize dead members.<sup>118</sup>

It was hence in 1970s New York that graffiti was revolutionized. As the social environment in ‘third world’ New York became worse and graffiti gained popularity; ‘tags’ and ‘throw ups’ began to cover the New York subway lines. It is interesting to note that graffiti was way ahead of its time in terms of “moving messages”. Today, commercials advertise perfumes, clothing or food on the side of subways or buses; while the messages being advertised in the 70s by writers were either the social conditions experienced by the urban poor or just the existence of a writer.<sup>119</sup>

In 1971 the New York Times published an article on a writer named, Taki 183 whose name, a combination of his nickname and the number of the street he lived on, caught the attention of the public. Everyone within and outside the Hip-Hop community where asking who Taki 183 is. While he was not the first writer, he was the first to be recognized by those outside the movement, acting as an indication that their messages were being seen.<sup>120</sup>

Meanwhile in Brooklyn, writers were using the subway system as their canvas. The subway was the most effective way of linking all the boroughs and therefore it essentially served as a line of communication between disconnected New York communities that were all experiencing the same social problems. Therefore writing began to move from the streets to the subway.

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<sup>117</sup> Motivated by fame or to stop feeling invisible.

<sup>118</sup> See Wildstyle (Rhino 1983); Infamy (2005).

<sup>119</sup> See figure 1.

<sup>120</sup> See figure 2.

As graffiti gained popularity more writers came up and needed to find new ways of gaining fame or making an impact. The easiest way to do this was to make your tag unique; and therefore different styles were developed.

‘Wild style’ was possibly the most popular style to be developed but also the hardest style to be mastered<sup>121</sup>. It is a font that further distorts and twists the alphabet, forming “[a] complicated construction of interlocking letters”<sup>122</sup> with “lots of arrows and connections”<sup>123</sup>. Wild style is additionally not only a style that countered the state in terms of where it was put but it also challenged and revolutionized the rules of writing.<sup>124</sup>

Art galleries additionally began to take notice the aesthetic worth of graffiti; and started holding exhibitions where writers painted on canvas- moving graffiti into the inner sanctity of the art world. For some, moving indoors and away from the street meant that the art lost what made it graffiti. This is because graffiti is a reflection “of the place where it is installed”<sup>125</sup>. This is best put by Serena Moodie in *Street Art And The Commodification Of The Subversive*; where she notes that the street is a medium that is “intrinsic to the message he or she [the writer or artist] strove to disseminate”<sup>126</sup>. Hence, the street and the illegality of graffiti itself are a “mark of autonomy from an imposed social order”<sup>127</sup> which makes graffiti different from other art forms. Thus by moving into the gallery those writers were ‘selling out’ to a social order that did not recognize them and often neglected them. The purpose of Hip-Hop was resistance. Resistance against the conditions they were living in and resistance against the institutions that created or allowed those conditions.

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<sup>121</sup> The Words: A Graffiti Glossary, <http://www.graffiti.org/faq/graffiti.glossary.html> (last visited May. 16, 2013).

<sup>122</sup> *Id.*

<sup>123</sup> *Id.* a

<sup>124</sup> See figure 3.

<sup>125</sup> Serena Moodie, *Street Art and the Commodification of the Subversive* (Sotheby's Institute of Art - New York, ProQuest, UMI Dissertations Publishing 2012); see also CEDAR LEWISOHN, *STREET ART: THE GRAFFITI REVOLUTION* 63 (Tate Publishing 2009).

<sup>126</sup> Serena Moodie, *Street Art and the Commodification of the Subversive* 15 (Sotheby's Institute of Art - New York, ProQuest, UMI Dissertations Publishing 2012).

<sup>127</sup> JANICE RAHN: PAINTING WITHOUT PERMISSION: HIP-HOP GRAFFITI SUBCULTURE ; in Serena Moodie, *Street Art and the Commodification of the Subversive* 17 (Sotheby's Institute of Art - New York, ProQuest, UMI Dissertations Publishing 2012).



Meanwhile, as graffiti was getting noticed by different segments of the community, the government was faced with the question of what to do with the youth that were ‘vandalizing’ the subway. Hence in the late 70s the New York Transit Authority made the elimination of graffiti a priority.<sup>128</sup>

Having previously made it a criminal offense they employed a new strategy based in the belief that writers were driven by the pursuit of fame. Therefore if you stop their work from being seen then they would stop. Hence, they reacted by stopping trains from running if they had graffiti on them. While this initially stopped writers from using the subway cars as their canvas, it did not stop them from writing.

Writers instead, moved their gallery from the subway back to the streets and began targeting walls, lamp posts, street signs and mail boxes. Graffiti was reclaiming public space and thus, making “the mere use of the street, [a] message of defiance”<sup>129</sup>.

Graffiti was not only confined to the United States. However there is no widely accepted explanation as to how or why it has spread across the world. Some theories are that it spread through the globalization of Hip-Hop and it spread primarily because it is an “aesthetic and physical manifestation of revolt”<sup>130</sup>. Whatever the case may be; graffiti has become an art movement that is now used by the street- as the written form of the voice from the street and to the street; and by cooperation’s and governments- as a voice to the street.

## **B. The Ugly in Hip-Hop: Self-criticism**

It would be misleading and inaccurate to portray Hip-Hop as flawless. Hence, in order to accurately use elements of Hip-Hop to critique Human Rights Law and today’s society; we must understand and come to terms with the flaws that exist within Hip-Hop.

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<sup>128</sup> They did this through a city wide educational campaign called “Don’t do it” (*See mtainfo, Don’t Do it (1988)*, YOUTUBE (Jan. 9, 2012), [http://www.youtube.com/watch?feature=player\\_embedded&v=L4gq\\_wnEsmI](http://www.youtube.com/watch?feature=player_embedded&v=L4gq_wnEsmI). They also began washing the subway cars with acid, fixing the holes in the fences of the subway yards or putting up higher fences; *see also* Wildstyle (Rhino 1983).

<sup>129</sup> Serena Moodie, *Street Art and the Commodification of the Subversive* 17 (Sotheby’s Institute of Art - New York, ProQuest, UMI Dissertations Publishing 2012).

<sup>130</sup> *Id.* at 2.

Critics of Hip-Hop often decry Hip-Hop for degrading society by promoting violence, misogyny, drugs, crime and homophobia. While I neither fully agree nor disagree with those voices, it is an important discussion to have because there is a lot of ‘ugly’ in Hip-Hop, especially commercial-mainstream Hip-Hop. However, there is also a lot of good.

Nonetheless, when Hip-Hop is being critiqued it is often being referred to as one element- hip-hop music. Therefore, the usual critique is often, not a critique of Hip-Hop as the entire “youth art *mass* movement”<sup>131</sup> which has spread to different countries. Rather, it is a critique of one element and one section of its community (commercial-mainstream Hip-Hop) and Hip-Hop in America and the West.

A possible reason for this is that, hip-hop music is a big part of commercial-mainstream Hip-Hop which is in the West; and therefore, it is the most visible element. However; James Peterson, Professor at Leigh University and founder of Hip-Hop Scholars LLC; points out that by falling into this usual format of the critique of Hip-Hop, one leaves out a fundamental element to the culture, which is “knowledge”<sup>132</sup>. Additionally, it leaves out another world of Hip-Hop which is Hip-Hop as resistance culture in Africa, Asia, the Middle East and Latin America.

Further, he states that knowledge is an important element of Hip-Hop; because “[. . .] the constituents of Hip-Hop are directly concerned with the formulation and creation of knowledge.”<sup>133</sup> Therefore, by bringing the issue of knowledge into the debate and asking ourselves; what the message of Hip-Hop is; we are able to discuss the ‘power’ of Hip-Hop which is a far more relevant question for this paper.

The above withstanding, it is important to point out a few reflections and critiques of Hip-Hop. Firstly, does hip-hop degrade society, and secondly, how does Hip-Hop address its ‘ugly’ side?

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<sup>131</sup> CHERYL L. KEYES, *RAP MUSIC AND STREET CONSCIOUSNESS* 157 (University of Illinois Press 2004) (2002).

<sup>132</sup> versusdebates, *Versus Hip Hop on Trial Debate*, YOUTUBE (June. 27. 2012), <http://www.youtube.com/watch?v=r3-7Y0xG89Q>.

<sup>133</sup> *Id.*

As a side note; Hip-Hop is, as Michael Eric Dyson pointed out in the same debate, *Hip-Hop on Trial*; Hip-Hop is “already critical about itself”<sup>134</sup> and “already encourages self reflection”<sup>135</sup>. Hence, everything I say in this section is not new. Several artists and scholars have already pointed out that there is an ‘ugly’ side to Hip-Hop and there are, efforts within Hip-Hop to address them.

One of the most notable Emcees in the UK is Akala, as mentioned before; he is an artists who through edutainment speaks up against gang culture which he notes is popularized by commercial-mainstream hip-hop music.<sup>136</sup> While other members of the Hip-Hop community like Michael Eric Dyson, importantly highlight that; Hip-Hop or hip-hop music is not the reason for misogyny, violence, drugs or crime.<sup>137</sup> Alternatively, he states that “Hip-Hop only highlights them by either speaking for or against them”<sup>138</sup>. Eamon Courtenay an Advocate that spoke for the motion that, Hip-Hop degrades society; described the world of Hip-Hop as a parallel universe which he called “Hip-Hop-sphere”. He argued that, ‘Hip-Hop-sphere’ is a universe “where bad is good; where wrong is right; where crude is cool; where ‘arses’ are more valuable than brains- a place where the thugs are the Kings and a place where Bitches and Hoes take pride of the phrase.”<sup>139</sup> Finally concluding that; “something is wrong with Hip-Hop-sphere”<sup>140</sup>.

Undeniably, the majority of commercial-mainstream hip-hop music paints this picture. It is misogynistic and violent. It is rhetoric that, as critiqued by Afrika Bambaata, is centered on,

“which rappers are better, east coast v west coast, Miami bass hip-hop is bullshit, British Rappers sound funny rapping, electro funk, techno rappers are soft, I like hardcore rap and beats, this one group is like that, old school vs new school, Rap wouldn`t be rap if it wasn`t for the battles, I`m the quickest, baddest rapper, deejay around [ . . . ] I dis you, you dis me, my crew will take you out or kick your ass, fuck this or that, Nigger, Bitch,

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<sup>134</sup> *Id.*

<sup>135</sup> *Id.*

<sup>136</sup> *Id.*

<sup>137</sup> *Id.*

<sup>138</sup> *Id.*

<sup>139</sup> *Id.*

<sup>140</sup> *Id.*

Nigguz, Nigguh, Hoe, Hooker, Bitches with Problems, Hoes with Attitudes.”<sup>141</sup>

Certainly this is true; one only has to look at the lyrics or music videos of commercial-mainstream American hip-hop; but Hip-Hop is not ignorant to it and often itself criticizes itself for it. Torie Rose DeGhett in her article entitled, *Hip-Hop-Academia: Omar Offendum and Arab Disapora Rap*; notes that “[t]he slick and sanitized Top 40 sounds of the mainstream do lack the aesthetically radical vibe and socially conscious rhythms that made up the vertebrae of some of earlier hip-hop’s rhyme and reason”<sup>142</sup>.

However, is the issue with Hip-Hop; that it appears to have moved away from its “innovative and revolutionary origins”<sup>143</sup> because the music is no longer political, promotes social awareness or street consciousness? Or is the real issue; not hip-hop’s perceived move from conscious music to party- sexist- violent music; but rather, its role in degrading society? Does Hip-Hop degrade society by promoting crime, drugs, misogyny, homophobia and violence?

To a certain extent; yes, it does; in the same way that the entertainment industry and other sectors of society promote the degradation of society through; crime, drugs, misogyny, homophobia and violence. However, while Hip-Hop may be part of the problem, it is also part of the solution because it promotes self-criticism and reflection. Michael Eric Dyson notes that “[t]hose [. . .] who love and embrace hip-hop understand that we must be critical of it because ultimately it is one of the most valuable vehicles to articulate the humanity of oppressed people that we have ever seen.” Therefore it is important to recognize that there are members of Hip-Hop and not elements of Hip-Hop “that glamorize violence, elevates misogyny and sexism”<sup>144</sup>.

By doing this we can direct the question to dealing with the actual problem; which is that society is already violent, misogynistic and homophobic. Hip-Hop did not create these things. Hence, misogyny, violence, crime, drugs and homophobia are not only

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<sup>141</sup> *Id.*

<sup>142</sup> Torrie Rose DeGhett, *Hip-Hop-Academia: Omar Offendum and Arab Diaspora Rap* (September 16th 2012) <http://lareviewofbooks.org/article.php?id=930&fulltext=1>.

<sup>143</sup> *Id.*

<sup>144</sup> versusdebates, *Versus Hip Hop on Trial Debate*, YouTube (June. 27. 2012), <http://www.youtube.com/watch?v=r3-7Y0xG89Q>.

problems of Hip-Hop created and promoted only by Hip-Hop, but they are problems of society. Thus, like society, and Hip-Hop being an important feature in society; it must find ways to address these issues.

Dream Hampton; American Hip-Hop journalist, cultural critic and film maker, stated that; “[e]ven as we [society] are faced with misogyny we create spaces, [and] women in Hip-Hop have created spaces to be confrontational about that sexism and misogyny.”<sup>145</sup>

“Instinct leads me to another flow  
Everytime I hear a brother call a girl a bitch or a hoe  
Trying to make a sister feel low  
You know all of that gots to go  
[. . .]  
That's why I'm talking, [. . .]  
"Who you calling a bitch?"  
[. . .]  
Bad days at work, give you an attitude then you were rough  
And take it out on me but that's about enough  
You put your hands on me again, I'll put your ass in handcuffs  
[. . .]  
A man don't really love you if he hits ya  
This is my notice to the door, I'm not taking it no more  
[. . .]  
What's going on in your mind is what I ask ya?  
[. . .]  
Who you calling a bitch?”<sup>146</sup>

Hence Hip-Hop is a resistance culture that responds to social issues by allowing the creation of space to either speak for or against them. Rev. Jesse Jackson adds that, the reason why Hip-Hop as resistance culture is perceived to have the power to elevate, empower, liberate and change society is because of its ability to expose contradictions by its use of language.<sup>147</sup> The language of Hip-Hop is uncensored and is the ultimate example of the practice of freedom of expression.

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<sup>145</sup> *Id.*

<sup>146</sup> QUEEN LATIFAH ,U.N.I.T.Y (Motown Records 1993).

<sup>147</sup> versusdebates, *Versus Hip Hop on Trial Debate*, YouTube (June. 27. 2012), <http://www.youtube.com/watch?v=r3-7Y0xG89Q>.

Hip-Hop is also unique because within its debates and critiques it is able to exist as a political tool, a manifestation of economic structures and rebellion. El Deeb, Egyptian Emcee proclaims that “Rap is genius poetry reflecting a bad reality [. . .] what rap [does] is it translates reality [. . .] we don’t make things up.”<sup>148</sup>

Thus, this paper is concerned with how, why and what is it about Hip-Hop that makes it so fundamental to society that makes us capable of perceiving it as having the power to change a society, and then to take it further by saying it can be used as a critique of society.

### C. ‘Hip-Hop academia’ not just ‘hip-hop academia’

“Part of the problem with the so-called ‘intelligencia’ is this kind of elitist anti-people way in which things can be presented.”<sup>149</sup>

“The emergence of academically oriented approaches to hip-hop culture” as Murray Forman notes in *That’s the Joint! The Hip-Hop Studies Reader*; started out as examination of the cultural contexts of its evolution. Today, hip-hop academics is a growing industry, evolving “as a significant-and lucrative- facet of the entertainment industry, emerging as a profoundly influential commercial and cultural force, it has been taken up as a topic of academic inquiry with greater enthusiasm”<sup>150</sup>.

The above withstanding; it is important to bear in mind as Murray Forman reminds us; “Hip-hop scholarship, [. . .] is not simply an uninvested or benign study of cultural formations and social practices; it cannot be excluded from the commercial corporate systems through which hip-hop has been constructed, projected, or amplified on the local, regional, national, or global scale”<sup>151</sup>.

Thus hip-hop has invaded ‘the academy’, with many scholars such as; Cheryl L. Keyes in *Rap Music and Street Consciousness* and Murray Forman in *The ‘Hood Comes*

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<sup>148</sup> versusdebates, *Versus Hip Hop on Trial Debate*, YouTube (June. 27. 2012), <http://www.youtube.com/watch?v=r3-7Y0xG89Q>.

<sup>149</sup> AKALA, THE CEASEFIRE INTERVIEW ON RACE, HIP-HOP AND REVOLUTION, YouTube ( May 30, 2012, available at <http://www.youtube.com/watch?v=acZSqeVc2Pw>;

<sup>150</sup> MURRAY FORMAN & MARK ANTHONY NEAL, *THAT’S THE JOINT! THE HIP-HOP STUDIES READER 4* (Routledge 2004).

<sup>151</sup> *Id.*

*First: Race, Space, and Place in Rap and Hip-Hop*; linking the study of hip-hop to other academic fields such as sociology.

Additionally, there seems to be a proliferation of accredited academic hip-hop courses and projects as stated by Halifu Osumare in her, *The Africanist Aesthetic in Global Hip-hop*; that touch on “the poetics of rap [. . .] cultural studies subculture analyses, and [. . .] sexism and misogyny in rap lyrics to the economics of the rap music business.”<sup>152</sup> Moreover, it is not just aspects of Hip-Hop that can fit within ‘classical academia’ that have emerged; “[t]urndabbling is now taught as a regular course at the Berkeley School of Music in Boston, and hip-hop-focused classes have been taught at Stanford, San Francisco State University, UCLA, NYU, and Bowling Green State University, and others.”<sup>153</sup>

However, as Murray Forman notes; the proliferation of Hip-Hop academia is still challenged within the academy; but it is also met with skepticism by “the self-appointed guardians of hip-hop”<sup>154</sup>, who critique scholars for exploiting the culture in order to identify with something ‘cool’ and ‘exciting’. Scholars are therefore critiqued by “young constituents of the ‘hip-hop nation’” as being “most interested in translating hip-hop’s cultural forms and practices into abstract theoretical jargon.”<sup>155</sup> While, I do not agree with the ‘protective Hip-Hop is only for hip-hop heads’ approach, I recognize their skepticism given that it was only until the late 1990s that hip-hop academics was recognized as “academically relevant”<sup>156</sup>.

The above discussion withstanding, hip-hop academics is still; in the periphery-unable to breach the ‘ivory towers’ of some academic fields. Thus, it is here that I begin my critique of Human Rights Law but also Hip-Hop academia.

In reference to Human Rights Law; to be discussed in greater detail in following chapters; the central debate is that one of the problems<sup>157</sup> with ‘international law

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<sup>152</sup> HALIFU OSUMARE, *THE AFRICANIST AESTHETIC IN GLOBAL HIP-HOP: POWER MOVES 6* (2007).

<sup>153</sup> *Id.*

<sup>154</sup> MURRAY FORMAN & MARK ANTHONY NEAL, *THAT’S THE JOINT! THE HIP-HOP STUDIES READER 4* (Routledge 2004).

<sup>155</sup> *Id.*

<sup>156</sup> HALIFU OSUMARE, *THE AFRICANIST AESTHETIC IN GLOBAL HIP-HOP: POWER MOVES 6* (Palgrave Macmillan 2008) (2007).

<sup>157</sup> There are indeed several problems with the field but this paper will only deal with those in relation to the street and hip-hop.

academia' today, is that it has failed to include Hip-Hop academics. Therefore the aim of this paper is not to focus on an argument which begins by trying to validate Hip-Hop through the lens of International Law and Human Rights discourses. Rather, its aim is to say that Hip-Hop is already 'real'; offers a valuable critique of International Law and Human Rights Law, but; their failure to engage with it means the discourse has neglected an important part of society- 'the street'. Hence, this in turn limits the evolution of International Law and Human Rights Law.

In reference to Hip-Hop academia; it is my main contention and one that is fundamental for this paper; that the 'hip-hop academia' that is being taught in schools and universities is not 'Hip-Hop academia' per se. This is because it is missing the 'street knowledge and Hip-Hop knowledge' element in the process of making it relevant to 'usual' academic courses. For example, Hip-Hop is being perceived as distinct elements; so Emceeing and its lyrical content is referred to as poetry and literature. Rather than that poetry and literature being studied in reference to the message and knowledge it is contributing to academia and society.

Hence for this paper, it is Hip-Hop as knowledge and a voice of people on the street that is important, and not just the recognition of Hip-Hop (Emceeing, Graffiti, DJing and Breakdancing) as a legitimate movement.



#### IV. THE STREET AND RESISTANCE

“Be quiet, it is the turn of the streets  
The streets are like a wrestler  
It doesn’t fight to get the golden medal  
But to get a living that is rare like gold  
[. . .]  
Each word is a goal in the wasted time  
I am in an important a mission  
To deliver my words that will  
Charge you so you move forward  
I am the controller of the street languish  
I look at the reality and edit its images  
I focus on its alleys; search the underground  
Collect the whole stories  
Anyway, I came from the hood  
To sell you the simple truth  
Anyway, I came from the hood  
My fingerprint will be marked like the fire marks”<sup>158</sup>

We live in a world of State centrism, where power is the name and oppression is the game- a world that recognizes “the inherent dignity and . . . the equal and inalienable rights of all members of the human family [as] the foundation of freedom, justice and peace in the world”<sup>159</sup>. Yet people are still in a constant struggle for their basic rights.

Centuries of oppression and State institutionalized violence, have forced people to come up with different tools of expressing outrage, and search for new avenues to gain public support for their struggle. Thus, the history books are filled with extraordinary moments of resistance and revolution; where people have risen up and revolted against oppressive regimes, demanding the very Rights they hold as fundamental and inalienable. Moreover, it was in these moments that different languages and avenues of expressing these demands surfaced; and “cultures of resistance”<sup>160</sup> were formed around art, music, dance and poetry.

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<sup>158</sup> DAM, *Street Poetry, on Dabke on The Moon* (2012)

<sup>159</sup> Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948).

<sup>160</sup> CULTURES OF RESISTANCE (Caipirinha Productions 2010) is a film by Lara Lee, which explores art as form of resistance.

Herbert Marcuse sums up this phenomenon best when he wrote in *Aesthetic Dimensions*, that, “[. . .] a work of art can be revolutionary if, by virtue of the aesthetic transformation, it represents, in the exemplary fate of individuals, the prevailing unfreedom and the rebelling forces, thus breaking through the mystified (and petrified) social reality, and opening the horizon of change (liberation).”<sup>161</sup> Building on Marcuse’s statement, it is the aim of this chapter to look at the place of Hip-Hop in the Street, for two reasons.

First, that it is necessary for us committed to the emancipation of the Third World, to look to languages of resistance that exist outside IL discourses, as places of resistance against oppression and injustice. Second; as IL students we must recognize and study places of resistance that exist outside the state and the ‘international’; as places to critique IL.

However, it must be noted that, although this paper specifically looks at Hip-Hop, there are various other languages and cultural practices which have equal resistive power, and, which all employ artistic techniques to garner support, spread and develop knowledge and ultimately resist.

### **A. Hip-Hop and Resistance**

In Chapter one I explored ILs and specifically human rights relationship with resistance- resistance to IL as a discourse, and resistance to oppression and injustice. I additionally highlighted that although IL is resistive and revolutionary to the extent that it advocates for a change in the biases of the international legal order, it is less revolutionary in that; thus far, it has focused primarily on contestation and in specific a language and method of resistance which remains within the ambit of the international legal order. I further looked at the place of human rights as the primary language and mode of resistance for IL; and how its domination over resistance movements both within IL and outside IL has proved to be problematic.<sup>162</sup> This leads to the need for IL to begin

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<sup>161</sup> HERBERT MARCUSE, *THE AESTHETIC DIMENSIONS* (Beacon Press, 1978), in A. SHAHID STOVER, *HIP-HOP INTELLECTUAL RESISTANCE* pxi (Xlibris Corporation 2009).

<sup>162</sup> See, Balakrishnan Rajagopal.

to recognize the existence of other spaces and languages of resistance that fall outside its discourse; but which are still able to contest and resist- oppression, poverty and inequality (just to name a few). I therefore point to Hip-Hop as street resistance, and a resistance movement that is able to articulate in its language and narratives, Third World peoples struggle for liberation.

### 1. Underground Hip-Hop

“Hip Hop culture [is] important because hip-hop at its best advocates the belief that we must do away with the inhibiting, even paralyzing, social and political practices that have been passed on to us from outside our culture- and sometimes from within. [ . . . ] It has also raised the question of whether political engagement through traditional political actors in conventional costume, so to speak, is the only means to affect social change.”<sup>163</sup>

Two worlds exist in Hip-Hop- the mainstream and the underground<sup>164</sup>. The mainstream is commercial; capitalist; dominated by ‘party-pop’ music, and fashion. While the underground is “authentic”<sup>165</sup>, “responds less to the marketplace and are more concerned with tradition, self-determination and in many cases, self-chastisement”<sup>166</sup>. It is the authenticity ‘check’ and critical voice of the movement, which derives its legitimacy from the fact that it is ‘real’ and ‘speaks truth to power’.<sup>167</sup>

It then follows that resistance is an intrinsic part of Hip-Hop, in its form, history and principles. A. Shahid Stover in *Hip Hop Intellectual Resistance*, points to this by noting that; “Hip Hop culture as manifest in B-Boying (breakdancing), graffiti writing, DJing and eMCeeing-reflects an artistic commitment to seize freedom from oppressive social conditions”<sup>168</sup>. Hence Hip-Hop in its innermost core- its elements; is in itself an embodiment of resistance, because; “[e]ach cultural manifestation [ . . . ] in Hip Hop

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<sup>163</sup> MICHAEL ERIC DYSON, KNOW WHAT I MEAN?: REFLECTIONS ON HIP HOP 33 (Basic Civitas Books 2007).

<sup>164</sup> The primary focus of this paper is underground Hip-Hop.

<sup>165</sup> CARLTON A. USHER, A RHYME IS A TERRIBLE THING TO WASTE. HIP HOP AND THE CREATION OF A POLITICAL PHILOSOPHY 13 (Africa World Press 2005).

<sup>166</sup> *Id.*

<sup>167</sup> *Id.*

<sup>168</sup> A. SHAHID STOVER, HIP-HOP INTELLECTUAL RESISTANCE 23 (Xlibris Corporation 2009).

comes about through rebellion against established socially sanctioned norms of modern artistic expression”<sup>169</sup>.

Hip-Hops history has also had a close relationship with resistance; originally being “born out of the creative impulse and cultural improvisation of the oppressed African American, Afro-Caribbean and Latino American communities of New York City”<sup>170</sup>. Hip-Hops principles additionally are rooted in a philosophy of ‘keepin it real’ and ‘speakin truth to power’; and it is therefore an expression of resistance in the sense that it emphasizes “unlimited innovative originality over formulaic imitation,”<sup>171</sup> and prioritizes “that which is rugged or unfixed over that which is smooth or polished and exalt qualities which don’t seek to filter truth but reveal the real in as raw a form as possible”<sup>172</sup>.

Human rights however equally stand against oppression, injustice and inequality, as well as being driven by the desire to ‘speak truth to power’. It is therefore an expression of resistance in similar ways as Hip-Hop. But, in contrast, it puts more emphasis on that which is smooth or polished and seeks to filter truth so as to create a narrative that fits into its world view<sup>173</sup>.

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<sup>169</sup> A. SHAHID STOVER, HIP-HOP INTELLECTUAL RESISTANCE 23 (Xlibris Corporation 2009). “The B-Boy pushes the limits of rhythmic motion and redefines the relationship between the human body and gravity in ways which have no parallel in modern forms of dance. The graffiti artist or ‘writer’ explodes antiquated notions of acceptable locations for artistic placement, as the urban landscape itself becomes the ultimate canvas for postmodern hieroglyphics brought to life with imagination, daring and aerosol spray paint. The DJ transforms the ‘turntable’ from technology designed to play recorded music into an instrument fundamentally responsible for musical creation. In the studio, the DJ/producer creates a type of music which rejects formal notions of harmonious melody, notes and chords in favour of an unyielding re-composition of intense rhythmic fragments which serve as the sonic foundation for the lyrical expressions of the eMCee. The eMCee, resurrects the relevance of poetic expression in the streets by mastering the art of word and language usage in a manner which weds intellect to rhythm in giving birth to an incredible and unprecedented lyrically driven musical phenomenon.”

<sup>170</sup> A. SHAHID STOVER, HIP-HOP INTELLECTUAL RESISTANCE 23 (Xlibris Corporation 2009).

<sup>171</sup> *Id.* at 24.

<sup>172</sup> *Id.*

<sup>173</sup> See BALAKRISHNAN RAJAGOPAL, INTERNATIONAL LAW FROM BELOW: DEVELOPMENT, SOCIAL MOVEMENTS AND THIRD WORLD RESISTANCE (Cambridge University Press 2003), on the way human rights has become the sole discourse of resistance in the Third World and particularly his reference to the tendency of the human rights discourse to promote its idea of modernity through what he calls ‘etatization’.

However, with the ‘commercialization of Hip-Hop’<sup>174</sup> into a multi-billion dollar industry<sup>175</sup> that has spread throughout the world, cultural enthusiasts have often declared that the role of Hip-Hop as social commentary, resistance, or a political, social art movement, is dead. This critique of Hip-Hop as well as the idea that it has the power to speak to and for the street; I believe, is one that has grown out of two main assumptions. The first, is from Hip-Hop enthusiast that over romanticize the power of Hip-Hop and ‘historical Hip-Hop’, expecting and nostalgic for a Hip-Hop nation that has as much politically conscious rap and graffiti as there was in the 1970s, today. Second, this critique is from people that are not necessarily part of the Hip-Hop movement and merely consume the art from the outside because they are only exposed to ‘mainstream Hip-Hop’. Both however, originate from the assumption that Hip-Hop if it was to be social or political commentary; should speak more about injustice, poverty and violence; and not sex, drugs and money.

However, as Akala a popular British rapper stated in an interview<sup>176</sup>; street art and Hip-Hop has not stopped delivering a political message. What has changed is the political message which was questioning the dominant agenda. Today mainstream Hip-Hop and street art in general is equally political as it was in the past, but it is just pushing a

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<sup>174</sup> The term the ‘commercialization of Hip-Hop’ (which forms mainstream Hip-Hop) refers to the co-option of Hip-Hops elements by consumer culture, the record label and pop-culture. Where, as in IMANI PERRY, *PROPHETS OF THE HOOD* 192 (Duke University Press Books 2004) (hereinafter Perry) notes; mainstream Hip-Hop is viewed by people in the underground as a watered-down version of its sensibility. Hip-Hop has therefore moved from being a social and political voice that ‘speaks truth to power’ and inspires resistance; to ‘party-pop’ music whose purpose is to fill the night clubs and sell records. As a result most of the people within and who consider themselves as part of the ‘underground’ often dismiss mainstream Hip-Hop on the basis of the degree of its popularity. However, as Perry asserts, “hip hop cannot be defined by that which fails to achieve commercial success.” After all “[e]ven those who stay true to the underground want to become popular.”

<sup>175</sup> Hip-Hop has been writing cheques since 1979 with the release of “Rappers Delight” by the Sugar Hill Gang. However it wasn’t until 1986 when Run-D.M.C. signed a million dollar endorsement deal with Adidas that we see the co-option of Hip-Hop as an arts movement by corporations outside the music industry. Today Hip-Hop “generates over \$10 billion per year and has moved beyond its musical roots, transforming into a dominant and increasingly lucrative lifestyle.” See Julie Watson, *Rapper’s delight: A billion-dollar industry Investors finally see lucrative market in hip hop culture*, FORBES (Feb. 18, 2004, 2:03 PM), [http://www.nbcnews.com/id/4304261/ns/business-forbes\\_com/t/rappers-delight-billion-dollar-industry/#.UZCoekJy9l](http://www.nbcnews.com/id/4304261/ns/business-forbes_com/t/rappers-delight-billion-dollar-industry/#.UZCoekJy9l); Kitwana, Bakari, *The State of the Hip-Hop Generation: How Hip-Hop’s Cultural Movement is Evolving into Political Power*, 51 *Diogenes* 115 (2004)

<sup>176</sup> A view I completely agree with. See THEALYONASHOW, Akala: Music and Politics, YOUTUBE (June. 3, 2011), <http://www.youtube.com/watch?v=cg43FD0zFoY&feature=related>.

dominant agenda and not questioning it. He therefore cites as an example, and speaking to the British street, that; the political agenda art and Hip-Hop is pushing today is for young African American or African Caribbean males (in Britain) to go to jail in a society where prison is private business, hence restating that music (and I additionally assert graffiti) is still political, but what has changed is that the agenda we are hearing from the mainstream is just increasingly capitalist, sexist, misogynistic and increasingly racist. He therefore concludes that the politics and social commentary of Hip-Hop is still there; and there is still Hip-Hop that questions the agenda; it is just not as much in the mainstream as it was in the 70s and 80s.<sup>177</sup>

Thus, mainstream as well as underground Hip-Hop in a large way complements each other. Where, each world provides a point where we as IL students and scholars, can learn; not only different ways to resist but also, about the ‘public’ that we assume we are protecting through our doctrines, narratives and principles.

Hip-Hop has therefore expanded and been adopted by youth all over the world regardless of race, nationality, religion, culture or language; as a means to frame their struggles. Iara Lee, activist and producer of the documentary *Cultures of Resistance*, best sums up the proliferation of Hip-Hop by stating that, “[a]lthough hip-hop in America has become largely dominated by consumer culture, the roots of the form remain strong and have spread abroad, from ghetto to ghetto, as a common tool of resistance and cultural affirmation.”<sup>178</sup> However, she notes that, while it alone may not “save Palestine, end the war in Iraq, and end colonialism once and for all”<sup>179</sup>, it has however presented itself as a tool to remind the “western world”<sup>180</sup> that “they are still here, and that they will not be silenced.”<sup>181</sup>

## B. A Hipstory of Resistance

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<sup>177</sup> THEALYONASHOW, Akala: Music and Politics, YOUTUBE (June. 3, 2011), <http://www.youtube.com/watch?v=cg43FD0zFoY&feature=related>.

<sup>178</sup> Iara Lee, *Hip Hop as Global Resistance*, HUFF POST WORLD (July. 27, 2010, 10:52 AM), [http://www.huffingtonpost.com/iara-lee/hip-hop-as-global-resista\\_b\\_660608.html](http://www.huffingtonpost.com/iara-lee/hip-hop-as-global-resista_b_660608.html).

<sup>179</sup> *Id.*

<sup>180</sup> *Id.*

<sup>181</sup> *Id.*

“Progressive art can assist people to learn not only about the objective forces at work in the society in which they live, but also about the intensely social character of their interior lives. Ultimately, it can propel people toward social emancipation. While not all progressive art need be concerned with explicitly political problems – indeed, a love song can be progressive if it incorporates a sensitivity toward the lives of working-class women and men”.

The first time I paid attention to Hip-Hop was when I heard an Israeli hip-hop track called *Peace in the Middle East*<sup>182</sup>; its lyrics in English, Hebrew and French were hard hitting and spoke of an Israeli narrative I had not heard before.

“Someone please explain to me  
How heaven turned into hell  
How "shalom" is just the name of a highway interchange  
I bear my hands high to the God above  
The reality here turned into a night terror  
The tears are still dropping and we're moving on,  
Wars between people that can't see a future,  
[ . . . ]  
It's only one square meter, the world's bellybutton  
The three largest religions in the world come from here  
And instead of turning it into an earthly paradise,  
We turn it into a constant battlefield  
Stop! Enough shooting, let's start listening  
And transfer the right message to the youth  
The solution is hidden in one simple world-  
Salaam, Peace, Shalom!”

In addition to discovering other narratives to the Israeli-Palestinian conflict, my introduction into the Israeli Hip-Hop scene was significant because it quickly led me to discover an emerging Palestinian Hip-Hop scene and in specific, a group called DAM<sup>183</sup>. DAM’s lyrics were the uncensored and unedited narrative, from and by Palestinians, which challenged the dominant narrative of Palestinians as ‘stone throwers’, against

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<sup>182</sup> It is by two Israeli hip-hop artists; Subliminal and Shi 360. TACT All-Stars (2004).

<sup>183</sup> DAM, a three member hip-hop group made up of Tamer Nafar, Suheil Nafar and Mahmoud Jrere are revered to be the first Palestinian hip-hop group. Tamer Nafars collaboration with subliminal and news of their falling out over politics is what prompted my move to Palestinian hip-hop which spoke more to political and social sensibility at the time.

Israeli tanks. Fighting for the right to their land (which was a common narrative during the height of the Second Intifada)<sup>184</sup>; but they additionally told the story of the Palestinian people resisting social and economic injustice and oppression.

Yet, Hip-Hop only became relevant to my academic interests<sup>185</sup> when I; like many Palestinian Hip-Hop artists<sup>186</sup> discovered the similarities between Third World struggles-where Hip-Hop formed the aesthetics and soundtrack of the resistance movement. This chapter is about the story of resistance as told through Hip-Hop, and the lessons we learn as people committed to the emancipation of Third World people.

Resistance movements are generally conceptualized as events where oppressed people come out and demand either a complete change in the system, or certain ideologies; by targeting the nature of the state and in turn its monopolization of power and violence. Traditionally, international human rights law<sup>187</sup> and its movement has been thought of as a discourse that ‘speaks truth to power’; and certainly to an extent it does. A major contribution of the movement is in its work to monitor; research; and report violations.

Additionally, practitioners and activists would assert that they play a vital role because they are tasked with advising governments; and hence are in a position to ‘strongly recommend’ them “to humanize *their* work”<sup>188</sup> or by issuing a statement that ‘condemns’ them when they commit violations. However, the movement is often reluctant to ‘keep it real’ within themselves as a discourse and movement<sup>189</sup>. David Kennedy notes that;

“[a]s human rights activists, we know our profession can induce ethical deformations of various kinds. As we learn we can touch the barbaric and

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<sup>184</sup> Jon Elmer, *Remembering the Second Intifada*, AL JAZEERA [http://www.aljazeera.com/photo\\_galleries/middleeast/2010103132115872256.html](http://www.aljazeera.com/photo_galleries/middleeast/2010103132115872256.html) (last visited May. 16, 2013).

<sup>185</sup> The emancipation of the Third World.

<sup>186</sup> DAM and other Palestinian hip-hop artists speak about these similarities in *SLINGSHOT HIP-HOP* (2008); noting that they were inspired by American Hip-Hop because they could relate to the social and economic conditions of the people on the ‘Hood’.

<sup>187</sup> As part of the liberal legal discourse which I will discuss in the preceding section about the CRM.

<sup>188</sup> David Kennedy, *The International Human Rights Movement: Part of the Problem?*, 15 *HARVARD HUMAN RIGHTS JOURNAL* 99 (2001).

<sup>189</sup> *Id.*



return unscathed, we discover there can be something voyeuristic in our gaze. We are often troubled when we acknowledge the suffering of others without abandoning our commitment to the system that produces it. We do worry that human rights so often legitimates and excuses government behaviour- setting standards below which mischief seems legitimate. We know it can be easy to sign a treaty- and then do what you want. But even compliance may do more harm than good. [. . .] I have repeatedly been surprised by the difficulty human rights lawyers have in acknowledging that there is law on the other side. When we invoke human rights against state power, we are pounding not only on the door of politics, but also on sovereign privilege and constitutional rights.”<sup>190</sup>

Therefore, the human rights movements in effect fail to ‘speak truth to power’ as it traditionally promises. However, even when they do acknowledge the dark side of the discourse, “[t]hey are careful to separate their public piety and their private cynicism”<sup>191</sup>; hence, permitting “knowledge of the darker side to remain as readily denied as admitted”<sup>192</sup>.

On the other hand, it is interesting to note that Hip-Hop; through its aim to ‘keep it real’ and not shy away from ‘speaking truth to power’ (because its’ primary actor is the people and not the state), is able to recognize, and boldly assert what is happening in the Street, as well as make links that the human rights movements cannot or will not make.

It then follows that; one cannot tell the story of resistance in Hip-Hop without mentioning the Civil Rights Movement (CRM). First, because “Hip-Hop emerged from the social, economic, and political experiences of black youth”<sup>193</sup> living in the ‘hood’<sup>194</sup>. Second, because the history of the CRM and its art demonstrates the increasing skepticism of a people with human rights movements and the liberal legal discourse.

## **1. Disenchantment: Resistance, The Civil Rights Movement (CRM) and Hip-Hop**

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<sup>190</sup> *Id.*

<sup>191</sup> *Id.*

<sup>192</sup> *Id.*

<sup>193</sup> Derrick P. Alridge, *From Civil Rights to Hip Hop: Towards a Nexus of Ideas*, 90 THE JOURNAL OF AFRICAN AMERICAN HISTORY 226 (2005.)

<sup>194</sup> Street vernacular to reference the ghetto and inner cities.

The CRM was a resistance movement in the United States against state institutionalized oppression, inequality and violence of its African-American population. Hence there are several interesting facets of the CRM that are worthy of discussing in any paper on resistance and especially resistance in the Third World. However, this section will focus on the manner in which the demands of the movement were framed within the 'legal liberal rights discourse'; the outcomes of their demands and the role that Hip-Hop played in post-CRM America.

I start this narrative in the 1950s-1960s just before the emergence of Hip-Hop, and as the CRM was coming of age. By this time the movement had seen several legal wins such as the famous *Brown v. Board of Education*<sup>195</sup> case; which declared segregation in public schools unconstitutional; hence paving the way for large scale desegregation. The *Brown v. Board II*<sup>196</sup> case in which the Supreme Court held that; "school systems must abolish their racially dual systems, but could do so 'with all deliberate speed'."<sup>197</sup> The 1956 Supreme Court ruling which affirmed a lower court's ruling<sup>198</sup>, following the Montgomery Bus Boycott; that further declared segregation on buses illegal. As well as the signing of the Civil Rights Act by President Johnson in 1964<sup>199</sup> which prohibited discrimination of all kinds based on colour, religion or national origin.

However, despite the CRMs efforts to constantly push for laws and policies that promoted equality and which used the language of the Declaration of Independence<sup>200</sup>

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<sup>195</sup> *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954).

<sup>196</sup> *Brown v. Board of Education (Brown II)*, 349 U.S. 294, 297 (1955).

<sup>197</sup> The language of this ruling is often critiqued to have allowed some schools to take their time in setting in place desegregated systems.

<sup>198</sup> *Browder v. Gayle*, 352 U.S. 903 (1956).

<sup>199</sup> It is interesting to note that although it was this Act that presumably prohibited discrimination of all kinds. There were cases such as; *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409 (1968), where "the Court held that the Civil Rights Act of 1866 bans racial discrimination in housing by private, as well as governmental, housing providers." Hence, in fact anti-discrimination laws and principles (Declaration of Independence and the Constitution) were already present throughout the CRM. KEY SUPREME COURT CASES FOR CIVIL RIGHTS, <http://www.civilrights.org/judiciary/supreme-court/key-cases.html> (last visited May. 16, 2013).

<sup>200</sup> "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new

and Constitution<sup>201</sup> to demand the abolition of segregation and the elimination of racial profiling<sup>202</sup>. The African-American community was still subjected to discrimination, injustice and violence, both on the street and in the courts.

On June 21, 1964, three civil rights workers (21 year-old black Mississippian, James Chaney, and two white New Yorkers, Andrew Goodman, 20 and Michael Schwerner, 24) were murdered in Nashoba County, Mississippi. They were arrested by the police, imprisoned for several hours and then released to the Klu Klux Klan, who beat and killed them. In October of 1964, the FBI arrested eighteen men in connection with the killings, but later released them on claims of lack of evidence. The Federal Government then stepped in after pressure by the CRM and seven men were convicted and given a 3-10 year sentence. However none served more than six. No one was tried on the charge of murder and it was not until January 2005 that Edgar Ray Killen was charged with three counts of murder but he was later convicted in June on three counts of manslaughter (a lesser charge).<sup>203</sup>

Incidents like this as well as continued social and economic inequalities in different states (such as California which despite the Civil Rights Act created Proposition 14<sup>204</sup> to block the fair housing section of the Act); led to growing frustration and tension in the inner city. African-American communities were constantly subjected to racism, social and economic inequality and police harassment. This growing frustration and

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Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security." U.S. CONST. amend. XIV, § 2.

<sup>201</sup> 'Liberal legal' language.

<sup>202</sup> Ariela J. Gross, *From the Streets to the Courts: Doing Grassroots Legal History of the Civil Rights Era*, 90 TEXAS LAW REVIEW 1233 (2012).

<sup>203</sup> *United States v. Cecil Price, et al.* 383 U.S. 787 (1966); see THE UNITED STATES DEPARTMENT OF JUSTICE, <http://www.justice.gov/crt/foia/readingroom/mississippi/> (last visited May. 16, 2013).

<sup>204</sup> Proposition 14 was an initiative by the California Real Estate Association which sought to counter the effects of the Rumford Act (1963) which was an anti-discriminatory legislation prohibiting the refusal of sale or rent of property to African Americans. See THE CALIFORNIA FAIR HOUSING ACT\THE RUMFORD ACT (1963-1968), <http://www.blackpast.org/?q=aaw/california-fair-housing-act-rumford-act-1963-1968> (last visited May. 16, 2013).

feeling by the community, that their concerns were going largely unheard by the major civil rights organizations; resulted in their eruption and some of the most famous and violent riots of that period.<sup>205</sup>

The Watts Riot, as one of the first riots; was a five day revolt which involved about 30,000 people from the Los Angeles ghetto (Watts) after an incident involving a Highway Patrol Officer and Marquette Frye (a black Watts resident) and his brother. While, the riot which resulted in 1,032 injuries, nearly 4,000 arrests and \$50 million dollars in property damage was sprouted by that incident; it was a result of years of discrimination in housing policy, overcrowding and under development.<sup>206</sup> Hence, several riots followed Watts in the summers of 1966 and 1967; demonstrating the rage of black Americans “for whom the early civil rights movement had little effect, except, perhaps, to raise their expectations”<sup>207</sup>; thus sparking a new more militant and skeptical era of the ‘legal liberal’ nature of the CRM.<sup>208</sup>

“Friends and enemies [. . .] The new generation of black people that have grown up in this country during recent years are already forming the opinion, and it’s just opinion, that if there is to be bleeding, it should be reciprocal-bleeding on both sides. . . .

So, today, when the black man starts reaching out for what America says are his rights, the black man feels that he is within his rights-when he becomes the victim of brutality by those who are depriving him of his rights-to do whatever necessary to protect himself. . . .

There are 22,000,000 African-Americans who are ready to fight for independence right here. When I say fight for independence right here. I don’t mean any non-violent fight, or turn-the-other-cheek fight. Those days are gone. Those days are over.

[. . .] Our people are becoming more politically mature. . . . The Negro can see that he holds the balance of power in this country politically. It is he who puts in office the one who gets in office. Yet when the Negro helps that person get in office the Negro gets nothing in return. . . .[. . .] but a few handouts in the form of appointments that are only used as window-dressing to make it appear that the problem is being solved. [. . .]

No, something is wrong. And when these black people wake up and find out for real the trickery and the treachery that has been heaped upon us

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<sup>205</sup> PETER B. LEVY, LET FREEDOM RING 173 (Praeger 1922).

<sup>206</sup> JANET L. ABU-LUGHOD, RACE, SPACE, AND RIOTS IN CHICAGO (Oxford University Press 2007).

<sup>207</sup> PETER B. LEVY, LET FREEDOM RING 173 (Praeger 1922).

<sup>208</sup> *Id.*

you are going to have revolution. And when I say revolution I don't mean that stuff they were talking about last year about "We Shall Overcome," [ . . . ]

So you have a people today who not only know what they want, but also know what they are supposed to have. And they themselves are clearing the way for another generation that is coming up that not only will know what it wants and know what it should have, but also will be ready and willing to do whatever is necessary to see what they should have materializes immediately.<sup>209</sup>

The United States government's response to the growing militancy of the movement and the frequency of riots was the creation of a commission established by President Johnson after the 1967 Newark and Detroit riots to find out "[w]hat happened? Why did it happen? [and] What can be done to prevent it from happening again?"<sup>210</sup> Below is an excerpt from the report;

"We have visited the riot cities; we have heard many witnesses; we have sought counsel of experts across the country.

This is our basic conclusion: *Our nation is moving toward two societies, one black, one white- separate and unequal.* [ . . . ]

Discrimination and segregation have long permeated much of American life; they now threaten the future of every American. [ . . . ]<sup>211</sup>

To pursue the present course will involve the continuing polarization of the American community and, ultimately, the destruction of basic democratic values. The alternative is not blind repression or capitulation to lawlessness. It is the realization of common opportunities for all within a single society. [ . . . ]

Violence cannot build a better society. Disruption and disorder nourish repression, not justice. They strike at the freedom of every citizen. The community cannot—it will not—tolerate coercion and mob rule.

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<sup>209</sup> PETER B. LEVY, *LET FREEDOM RING 174-177* (Praeger 1922). Malcom X, "Address to a Meeting in New York, 1964." Malcom X is a pivotal figure for both this period of the movement as it grew more frustrated and later for Hip-Hop in the United States and Hip-Hop as it became a global movement. This is primarily because of Malcom X's willingness unlike Martin Luther King, "to upset [ . . . ] to say what he wanted without regard to whether it met liberal standards of approval." However, Malcom X is by no means the only voice of the CRM that spoke up against the idea of liberal rights and standards.

<sup>210</sup> *Id.* at 191.

<sup>211</sup> Another example of the discriminatory laws amended by Supreme Court rulings was the *Loving v. Virginia*, 388 U.S. 1, 12 (1967) case, which declared that; the prohibition of interracial marriage is unconstitutional. Following this ruling, sixteen states whose laws banned interracial marriage were forced to change them.

Violence and destruction must be ended—in the streets of the ghetto and in the lives of the people.

Segregation and poverty have created in the racial ghetto a destructive environment totally unknown to most white Americans.

What white Americans have never fully understood—but what the Negro can never forget—is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it, and white society condones it.

It is time to make good the promises of American democracy to all citizens—urban and rural, white and black, Spanish-surname, American Indian, and every minority group. . .”<sup>212</sup>

Although the tone of the report was alarmist and pointed to the urgency of the situation; Peter B. Levy notes that; President Johnson, did not follow its recommendations; apart from passing the Fair Housing Law as part of the Civil Rights Act of 1968<sup>213</sup>.

It is further important to note the huge policy and legal campaign of both the Johnson and later Reagan administrations, towards desegregation as an answer to inequality and injustice experienced by Third World 1950s-1970s America. It then follows that, although desegregation policies and laws, were important, they did not solve inequality and injustice in the most impoverished parts of America-the ‘hood’.<sup>214</sup>

The Student Nonviolent Coordinating Committee (SNCC) was hence a pivotal organization from 1960-1966<sup>215</sup>; and one which demonstrates an overall change within the CRM; from a mainly nonviolent movement to a militant movement, but, it also demonstrates the disenchantment of the SNCC and other organizations with the

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<sup>212</sup> Kerner Commission, Report of the National Advisory Commission on Civil Disorders (Washington, D.C.: U.S. Government Printing Office, 1968).

<sup>213</sup> This act, a follow up to the 1964 version, expanded previous provisions to prohibit discrimination adding to the previous list, “the sale, rental and financing of housing based on race, religion, national origin, sex (and as amended) handicap and family status.” U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. HISTORY OF FAIR HOUSING. [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/aboutfheo/history](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/aboutfheo/history) (last visited May. 13, 2013).

<sup>214</sup> See ROBERT, WEISBROT, FREEDOM BOUND: A HISTORY OF AMERICA’S CIVIL RIGHTS (Norton & Company 1990); Ariela J. Gross, *From the Streets to the Courts: Doing Grassroots Legal History of the Civil Rights Era*, 90 TEXAS LAW REVIEW 1233 (2012).

<sup>215</sup> Since a large portion of desegregation policies and laws centred on the education system; it led to campaigns not only pushing for desegregation in schools in general, but in the lunch halls and buses. See *Swann v. Charlotte-Mecklenburg Bd. of Ed.*, ISCOTUSnow, [http://now.iscotus.org/cases/1970-1979/1970/1970\\_281](http://now.iscotus.org/cases/1970-1979/1970/1970_281) (last visited May. 16, 2013); in which the Court held that the bus system is a legitimate means to achieve integration in public schools.)

mainstream CRM (of Martin Luther King) and the liberal organizations (the National Association for the Advancement of Colored People (NAACP<sup>216</sup>)) that supported it.<sup>217</sup>

However, though the SNCC challenged the “liberal legal” litigation strategy<sup>218</sup> of the CRM. It did not abandon it completely. Rather, it proposed a “new approach to civil rights lawyering in which the lawyer would be an adjunct to the direct-action movement, providing ground support to the protestors and deferring to their decision making and Methods”.<sup>219</sup> Yet, even with this new approach the socio-economic condition of African-Americans in the ‘hood’ did not improve.

Following the urban riots and general unrest of late 1960s early 1970s America; the socio-economic conditions of the inner cities<sup>220</sup> were declining. The crime rates soared. With everything from burglary, forcible rape, aggravated assault to murders drastically increasing.<sup>221</sup> However, the South Bronx was perhaps the hardest hit. Marginalized and ignored by the state; the living conditions in the city deteriorated, gangs controlled the streets and there were drugs on every street corner.<sup>222</sup>

It was in this period where the work of the liberal legal lawyers had brought about formal equality and more rights for the African-American community; but had not been able to change the structural inequalities and injustice in the system. Hip-Hop then emerged in this time as a new voice from the street (now not only made up of the

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<sup>216</sup> NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLOURED PEOPLE, <http://www.naacp.org/> (last visited May. 16, 2013).

<sup>217</sup> Ariela J. Gross, *From the Streets to the Courts: Doing Grassroots Legal History of the Civil Rights Era*, 90 TEXAS LAW REVIEW 1233 (2012).

<sup>218</sup> Refers to the tendency of the CRM to focus on national actors like the NAACP and their campaigns to convince the Supreme Court to prohibit segregation and hence disconnecting the movement from the protestors. See Kenneth W. Mack, *Rethinking Civil Rights Lawyering and Politics in the Era Before Brown*, 115 THE YALE JOURNAL (2005)

<sup>219</sup> Ariela J. Gross, *From the Streets to the Courts: Doing Grassroots Legal History of the Civil Rights Era* Texas Law Review [Vol. 90:1233] page 1243

<sup>220</sup> Where most African-Americans and immigrants lived and from which a large white population had left to the suburbs because of desegregation policies.

<sup>221</sup> UNITED STATES CRIME RATES 1960 – 2011, <http://www.disastercenter.com/crime/uscrime.htm> (last visited May. 16, 2013).

<sup>222</sup> WILD STYLE (Rhino 1983) . The film chronicles the early years of Hip-Hop and its relationship with the plight of the South Bronx and other American inner cities.

African-American community; but the African-Caribbean and Latin-American immigrants who were all ‘redlined’<sup>223</sup> in the ghettos and ‘hood’).

“Callin' out around the world, are you ready for a brand new beat?  
Summer's here and the time is right for dancin' in the street.  
Dancin' in Chicago [. . .]  
Down in New Orleans [. . .]  
In New York City  
[. . .]  
Oh it doesn't matter what you wear, just as long as you are there.  
So come on every guy, grab a girl,  
Everywhere, around the world  
There'll be dancin', they're dancin' in the street.  
This is an invitation, across the nation,  
A chance for folks to meet.  
[. . .]  
Philadelphia P.A., Baltimore and D.C now,  
Can't forget the motor city,  
[. . .]  
Way down in L.A., every day they're dancin' in the street  
Lets form a big strong line, and get in time”<sup>224</sup>

Art and music have had a long standing relationship with the CRM, with music genres like soul, blues and jazz providing the soundtrack to the struggle. Its lyrical content told a story of resistance and persistence against discrimination and socio-economic inequality and violence. From artists such as Harriet Tubman, Martha & The Vandellas, Gill Scott Heron , Curtis Mayfield, James Brown, Bruce Springsteen and Harry Belafonte. Each artist provided a different narrative to the movement and an aesthetic that made the CRM unique and relatable to struggles all over the Third World.

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<sup>223</sup> Redlining is the practice of denying or charging more for services, often racially determined. See Sarah A. Kass, *Demand for Affordable Housing Helps Slow Redlining*, (November 13, 1988) <http://www.nytimes.com/1988/11/13/realestate/demand-for-affordable-housing-helps-slow-redlining.html?pagewanted=all&src=pm>; New York Commission on Human Rights Neighborhood Stabilization Program, *Redlining in the Bronx: An analysis of mortgage lending activity by the dollar savings bank March 1978*, [http://www.nyc.gov/html/cchr/pdf/redlining\\_in\\_the\\_bronx.pdf](http://www.nyc.gov/html/cchr/pdf/redlining_in_the_bronx.pdf) (last visited May. 16, 2013).

<sup>224</sup> MARTHA AND THE VANDELLAS, *Dancing In The Street, on DANCE PARTY* (Gordy 1964); this song was one of many that were played as the soundtrack to the inner city riots. Like many artists at the time Martha and The Vandellas used word play and double entendres.



Hence, Hip-Hop came into a culture that already had political and social conscious art. However at this time the CRM was dying, the new African-American generation in the 'hood' did not know of the prominent figures such as Malcom X, Marcus Garvey, or Frantz Fanon. They felt disconnected from the CRM, its ideas and ideology. Hip-Hop was therefore a reminder and a means to re-educate the street; but first the artists had to re-educate themselves.

Hip-Hop is not its elements. It is more than that. It is the attitude and consciousness that produces the elements. It finds its character, content and aesthetics in the times that it is produced.<sup>225</sup> It draws upon and creates links with the history of its people and their struggle through imaging<sup>226</sup>, sampling<sup>227</sup> and scratching<sup>228</sup>; in a way that allows its audience to see “the organic, metaphorical, symbolic, and concrete connections between Hip Hop and the CRM”<sup>229</sup>.

Mark Anthony Neal notes in his chapter *The Message: Rap, Politics, and Resistance*, that a lot of the civil rights music at the time, from Nina Simone to the Temptations reached the mainstream and traversed racial and economic divides. One prominent song was ‘Ball of Confusion’ by the Temptations<sup>230</sup> which highlighted the poverty, injustice, inequality and confusion in American society during the Reagan era.

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<sup>225</sup> Tipman2000, *KRS One speaks about philosophy and the origins of Hip-Hop*, YouTube (Sept. 17, 2011), <http://www.youtube.com/watch?v=SBrIvOmxU6g>.

<sup>226</sup> Imaging is a technique which was used by several artists during the 1970s. It utilized images of civil rights figures or events in music videos or graffiti to demonstrate their link or recognize the importance of the CRM and its ideologies. See Derrick P. Alridge, *From Civil Rights to Hip Hop: Towards a Nexus of Ideas*, 90 THE JOURNAL OF AFRICAN AMERICAN HISTORY 226 (2005.); CHERYL L. KEYES, *RAP MUSIC AND STREET CONSCIOUSNESS* (University of Illinois Press 2004) (2002).

<sup>227</sup> Is a technique which “digitally replicate[s] sounds or voices into a song, performance, or video.” Kool DJ Herc used to sample James Brown records over his beats and Malcom X’s voice has graced several tracks till today. See Derrick P. Alridge, *From Civil Rights to Hip Hop: Towards a Nexus of Ideas*, 90 THE JOURNAL OF AFRICAN AMERICAN HISTORY 226, 299 (2005).

<sup>228</sup> “Scratching is another type of imaging that complements sampling. Using two or more turntables, DJs employ this technique by sliding the needles on their turntables back and forth across the surfaces of records as a means of lifting snippets of songs and sounds and transporting them to another source.” Derrick P. Alridge, *From Civil Rights to Hip Hop: Towards a Nexus of Ideas*, 90 THE JOURNAL OF AFRICAN AMERICAN HISTORY 226, 299 (2005).

<sup>229</sup> Derrick P. Alridge, *From Civil Rights to Hip Hop: Towards a Nexus of Ideas*, 90 THE JOURNAL OF AFRICAN AMERICAN HISTORY 226 (2005).

<sup>230</sup> There were two types of protest or civil rights songs. There were the ones that were obviously political and obviously civil rights songs; and there were those like MARTHA AND THE VANDELLAS, *Dancing In The*

“Segregation, determination, demonstration,  
 Integration, aggravation,  
 Humiliation, obligation to our nation  
 [. . .]  
 The sale of pills are at an all time high  
 Young folks walk around with  
 Their heads in the sky  
 Cities aflame in the summer time  
 And, the beat goes on  
 Air pollution, revolution, gun control,  
 [. . .]  
 Politicians say more taxes will  
 Solve everything  
 [. . .]  
 So round 'n' round 'n' round we go  
 Where the world's headed, nobody knows  
 Just a Ball of Confusion  
 [. . .]  
 Fear in the air, tension everywhere  
 Unemployment rising fast,  
 [. . .]  
 And the only safe place to live is on an Indian reservation  
 And the band played on  
 Eve of destruction, tax deduction  
 City inspectors, bill collectors  
 Mod clothes in demand,  
 Population out of hand  
 Suicide, too many bills, hippies movin' to the hills  
 People all over the world, are shoutin'  
 End the war  
 And the band played on.”  
 (Ball of Confusion, The Temptations)

Underground artists at the time also existed and still had a “popular following among young black, white, and Hispanic audiences.”<sup>231</sup> Artists such as Gil Scott-Heron and The Last Poets who are generally seen as the pioneers of the ‘conscious’ hip-hop movement used spoken-word poetry and West African drum rhythms to deliver a message to the

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*Street, on DANCE PARTY* (Gordy 1964), which made use of double entendres to produce ‘message music’. Double entendres were later also used in Hip-Hop.

<sup>231</sup> MURRAY FORMAN & MARK ANTHONY NEAL, THAT’S THE JOINT! THE HIP-HOP STUDIES READER 307 (Routledge 2004).

“most disaffected of black youth”<sup>232</sup>; constantly reminding them of the importance to be politically conscious and the need to advocate for change.

“You will not be able to stay home, brother.  
You will not be able to plug in, turn on and cop out.  
You will not be able to lose yourself on skag,  
And skip out for beer during commercials,  
Because the revolution will not be televised.”  
(The Revolution Will Not Be Televised, Gil Scott-Heron)

Angela Davis in *Art on the Frontline: Mandate for a People’s Culture* notes that; in particular Gil Scott-Heron’s song “B-Movie” released after Reagan was elected to his first-term. Raised anti-Reagan sentiment among African-American youth as well as exposing the propaganda of his campaign after he declared that “he had received a “mandate” from the people”<sup>233</sup>.

“The first thin I want to say is "mandate" my ass  
Because it seems as though we've been convinced  
That 26% of the registered voters  
No[t] even 26% of the American people  
Form a mandate or a landslide...  
But, oh yeah, I remember...  
I remember what I said about Reagan  
Acted like an actor/Hollyweird  
Acted like a liberal  
Acted like General Franco  
When he acted like governor of California  
Then he acted like a Republican  
Then he acted like somebody was going to vote for him for president  
And now he acts like 26% of the registered voters  
Is actually a mandate  
We're all actors in this, actually”<sup>234</sup>

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<sup>232</sup> *Id.* at 308.

<sup>233</sup> Angela Davis, *Art on the Frontline: Mandate for a People’s Culture*, POLITICAL AFFAIRS (Jun. 14, 2010), <http://www.politicalaffairs.net/art-on-the-frontline-mandate-for-a-people-s-culture/>.

<sup>234</sup> Gil Scott-Heron (cited in) Angela Davis, *Art on the Frontline: Mandate for a People’s Culture*, POLITICAL AFFAIRS (Jun. 14, 2010), <http://www.politicalaffairs.net/art-on-the-frontline-mandate-for-a-people-s-culture/>.

Hence, the art in this period ‘spoke truth to power’ and promoted the narrative of the people who were frustrated with the inequality and hypocrisy of the Reagan era<sup>235</sup>. They spoke to their people and encouraged them to go out to the streets and speak up against the administration; as well as educating them and highlighting issues they should be aware of.

Thus, when Grandmaster Flash and the Furious Five emerged on the scene with their track *The Message*, it spoke to the street about the political, social and economic conditions of the ‘hood’ and the ideas of the CRM in a way that articulated “the post-civil rights generation’s ideas and responses to poverty, drugs, police brutality, and other racial and class inequalities of postindustrial U.S. society.”<sup>236</sup>

One of the more prominent groups at the time was Public Enemy. As noted in *The Anthology of Rap*; Public Enemy “focused largely on public matters of political import. In doing so they injected hip-hop with a prophetic strain of politics reminiscent in content of the spoken-word tradition of artists such as Gil Scott-Heron and the Last Poets.”<sup>237</sup>

“As the rhythm’s designed to bounce, what counts is that the rhyme’s  
Designed to fill your mind. Now that you  
Realize the pride’s arrived  
We got to pump the stuff that makes ya tough  
From the heart, it’s a start, a work of art to revolutionize  
Make a change, nothin’s strange  
[ . . . ]  
To make everybody see, in order to  
Fight the powers that be”  
(Fight The Power, Public Enemy)

Conversely, the remaining remnants of the CRM maintained their liberal legal methods; pursuing the emancipation of their people through the courts system which eventually

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<sup>235</sup> “In the 1980s, the Reagan administration reduced the budget of the Equal Opportunity Commission, tried to disband the U.S. Commission on Civil Rights, reduced the number of civil rights attorneys in the Justice Department, and urged the Supreme Court to end affirmative action.” Library of Congress, *NAACP A century in the fight for freedom 1909-2009*, <http://myloc.gov/exhibitions/naacp/pages/themes.aspx> (last visited May. 16, 2013).

<sup>236</sup> Derrick P. Alridge, From Civil Rights to Hip Hop Towards A Nexus of Ideas 226 *The Journal of African American History*

<sup>237</sup> *THE ANTHOLOGY OF RAP* 248 (Adam Bradley & Andre Du Bois ed., Yale University Press 2011) (2010).

almost left them bankrupt. This, as well as their growing disconnect from the frustration and anger on the street; called their relevancy to the movement to question in addition to their methods.<sup>238</sup> A gap therefore began to grow within the CRM; between the older generation that had largely focused on a liberal legal method of resistance (taking their grievances to courts and demanding a change in legislation); and a newer “post-civil rights generation”<sup>239</sup> which shared the same grievances as their older generation; but not in terms of the magnitude or how obvious it was<sup>240</sup>.

Hip-Hop therefore emerged as a way to bridge this gap; and a voice that was missing (one of frustration, anger an urgency to get African-Americans on the streets once again to demand that which is inalienably theirs- the right to the public and their rights in general).

Fast forward to present day America, and the African-American community is still faced with the same grievances. The CRM is therefore as relevant today as it was in the 1960s and 1970s when Hip-Hop emerged. Hence, Hip-Hop by no means brings about emancipation. African-Americans did not stop facing police brutality after NWA released *Fuck the Police* in 1988.

“Right about now, N.W.A. court is in full effect  
Judge Dre presiding  
In the case of N.W.A. vs. the Police Department;  
prosecuting attorneys are: MC Ren, Ice Cube,  
and Eazy-motherfuckin-E  
[Dr. Dre as The Judge]  
Order, order, order  
Ice Cube, take the motherfuckin stand  
Do you swear to tell the truth, the whole truth  
and nothin but the truth so help your black ass?  
[Ice Cube as Witness]

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<sup>238</sup> Robert, Weisbrot, *Freedom Bound: A history of America’s Civil Rigths* (Norton & Company 1990); Peter B. Levy, *Let Freedom Ring* 173

<sup>239</sup> Derrick P. Alridge, *From Civil Rights to Hip Hop: Towards a Nexus of Ideas*, 90 THE JOURNAL OF AFRICAN AMERICAN HISTORY 226 (2005).

<sup>240</sup> While discrimination and marginalization was still present in American society, it was not as blatant as it was in the 1960s. The laws were clear that discrimination was prohibited, all citizens had a right to vote; but African-Americans were still faced with police brutality, poverty, drugs and “other racial and class inequities”. See Derrick P. Alridge, *From Civil Rights to Hip Hop: Towards a Nexus of Ideas*, 90 THE JOURNAL OF AFRICAN AMERICAN HISTORY 226 (2005).

You god damn right!  
[Dr. Dre]  
Well won't you tell everybody what the fuck you gotta say?  
[Ice Cube]  
Fuck the police comin straight from the underground  
A young nigga got it bad cause I'm brown  
And not the other color so police think  
they have the authority to kill a minority  
Fuck that shit, cause I ain't the one  
for a punk motherfucker with a badge and a gun  
to be beatin on, and thrown in jail  
We can go toe to toe in the middle of a cell  
Fuckin with me cause I'm a teenager  
with a little bit of gold and a pager  
Searchin my car, lookin for the product  
Thinkin every nigga is sellin narcotics  
You'd rather see, me in the pen  
than me and Lorenzo rollin in a Benz-o  
Beat a police out of shape  
and when I'm finished, bring the yellow tape  
To tape off the scene of the slaughter  
Still gettin swoll off bread and water  
I don't know if they fags or what  
Search a nigga down, and grabbin his nuts  
And on the other hand, without a gun they can't get none  
But don't let it be a black and a white one  
Cause they'll slam ya down to the street top  
Black police showin out for the white cop  
Ice Cube will swarm  
on ANY motherfucker in a blue uniform  
Just cause I'm from, the CPT  
[. . .]  
[Dr. Dre]  
MC Ren, will you please give your testimony  
to the jury about this fucked up incident?  
[MC Ren]  
Fuck the police and Ren said it with authority  
because the niggaz on the street is a majority  
A gang, is with whoever I'm steppin  
and the motherfuckin weapon is kept in  
a stash box, for the so-called law  
Wishin Ren was a nigga that they never saw  
Lights start flashin behind me  
But they're scared of a nigga so they mace me to blind me  
But that shit don't work, I just laugh

because it gives em a hint, not to step in my path  
 For police, I'm sayin, "Fuck you punk!"  
 Readin my rights and shit, it's all junk  
 Pullin out a silly club, so you stand  
 with a fake-assed badge and a gun in your hand  
 [. . .]  
 The verdict  
 [Dre] The jury has found you guilty of bein a redneck,  
 white bread, chickenshit motherfucker  
 [Cop] But wait, that's a lie! That's a god damn lie!  
 [Dre] Get him out of here!  
 [Cop] I want justice!  
 [Dre] Get him the fuck out my face!  
 [Cop] I want justice!  
 [Dre] Out, RIGHT NOW!  
 [Cop] FUCK YOU, YOU BLACK MOTHER-  
 FUCKERRRRRRRRRRRRS!  
 Fuck the police!"

Nor did it stop police brutality when Dead Prez released *Police State* in 2000.

[Sample of Chairman Omali Yeshitela<sup>241</sup>:]  
*You have the emergence in human society of this thing that's called  
 The State. What is the State? The State is this organized bureaucracy.  
 It is the police department. It is the Army the Navy. It is the prison  
 System the courts and what have you. This is the State it is a repressive  
 Organization. But the state and gee well you know you've got to have the  
 Police because if there were no police, look at what you'd be doing to  
 Yourselves -- you'd be killing each other if there were no police! But the  
 Reality is the police become necessary in human society only at that  
 junction  
 In human society where it is split between those who have and those who  
 ain't got.*

I throw a Molotov cocktail at the precinct  
 You know how we think:  
 Organize the hood under I Ching banners,  
 Red, Black and Green instead of gang bandannas  
 FBI spying on us through the radio antennas  
 And them hidden cameras in the streetlight watching society  
 With no respect for the people's right to privacy  
 I'll take a slug for the cause like Huey P<sup>242</sup>.

<sup>241</sup> Founder of the Uhuru movement in St. Petersburg, Florida.

<sup>242</sup> Huey Percy Newton was an African-American political activist and co-founder of the Black Panther Party. Arrested in 1967 for allegedly killing an Oakland Police officer during a traffic stop; he was

[. . .]

Bring the power back to the street where the people live  
I'm sick of working for crumbs and filling up the prisons  
Dying over money and relying on religion  
For help. We do for self like ants in a colony  
Organize the wealth into a socialist economy  
A way of life based off the common need  
And all my comrades are ready  
We just spreading the seed

(Chorus:)

The average Black male  
Live a third of his life in a jail cell  
Cause the world is controlled by the white male  
And the people don' never get justice  
And the women don' never get respected  
And the problems don' never get solved  
And the jobs don' never pay enough  
So the rent always be late.

Can you relate?

We living in a police state  
No more bondage, no more political monsters  
No more secret space launchers  
Government departments started it in the projects  
Material objects, thousands up in the closets  
Could've been invested in a future for my comrades  
Battle contacts, primitive weapons out in combat  
Many never come back

[. . .]

[Fred Hampton<sup>243</sup>]

*I am...a revolutionary. And you're gonna have to keep on sayin  
that...You're gonna have to say that I am the people, I'm not the pig.*

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convicted for voluntary manslaughter but public pressure (this is when 'FREE HUEY' became a popular slogan representing police brutality and inequality in America) led to the case being dismissed. See HUEY P. NEWTON TRIAL: 1968 - GRAND JURY BECOMES ISSUE, SURPRISE WITNESS SURFACES, JURY DISAPPOINTS ALL, TWO MORE TRIALS, THEN A DISMISSAL, <http://law.jrank.org/pages/3178/Huey-P-Newton-Trial-1968.html> (last visited May. 16, 2013).

<sup>243</sup> Was an African-American activist and deputy chairman on the Illinois Chapter of the Black Panther Party. He was assassinated in 1969 by Chicago Police. See Susan Rutberg, *Nothing but a Northern Lynching: The Death of Fred Hampton* (April. 12, 2009) [http://www.huffingtonpost.com/susan-rutberg/nothing-but-a-northern-ly\\_b\\_355670.html](http://www.huffingtonpost.com/susan-rutberg/nothing-but-a-northern-ly_b_355670.html)).



## V. CONCLUSION: “NO I DON’T WANT TO NORMALIZE WITH YOU”

In conclusion, Hip-Hop in all its forms transcends borders and generations to get a message across. One might not have to agree with it; but because of the space it occupies one cannot ignore it or escape it. It is on the radios, in the streets and on the walls. Hence, as Hip-Hop gets more media attention; its popularity among the youth grows as the tool of choice for the Street and to resist.

Further, Hip-Hop warns us about liberal legality and the promise of human rights. However, Hip-Hop does not discard Human Rights or seeks to replace the pursuit of justice through courts. Rather, it warns us- who are easily swayed into accepting the promise of law and order as the final step for the emancipation of the Third World. That in fact we might not get the results we expected or as fast as we expect. So ultimately the lesson of Hip-Hop is that, just in the same way that art will not bring justice; human rights or law and order might not either. What remains is the pursuit of a society that does not shy away from expressing different narratives and ideologies in any form, anywhere and at anytime.

“No, I don’t want to normalize with you  
I don’t want to hug, have coffee, talk it out  
break bread, sit around the campfire, eat S’mores  
and gush about how we are all the same  
I don’t want to share the stage  
co-write a poem, submit to your anthology  
talk about how art, instead of justice  
can forge a better path  
I don’t want to indulge your amnesia  
about a glorious past  
have a therapy session  
[. . .]  
I will not fight for your privilege  
nor will I seek to normalize it  
[. . .]  
I am not the bad guy  
you are defending the bad system  
your words and actions have consequences  
you are either with oppression or against it  
I didn’t write history  
and didn’t choose for you

to stand on the wrong side of it  
your system of oppression is coming to an end  
and whether you recognize it or not yet  
it will be liberating for you too<sup>244</sup>

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<sup>244</sup> Remi Kanazi, *Normalize This! (Video and Poem)* (Nov. 11, 2012)  
[http://poeticinjustice.net/blogremi.aspx?title=Normalize+This!+\(Video+and+Poem\)#.UXaGSqKjxkc](http://poeticinjustice.net/blogremi.aspx?title=Normalize+This!+(Video+and+Poem)#.UXaGSqKjxkc).

Figure 1<sup>245</sup>

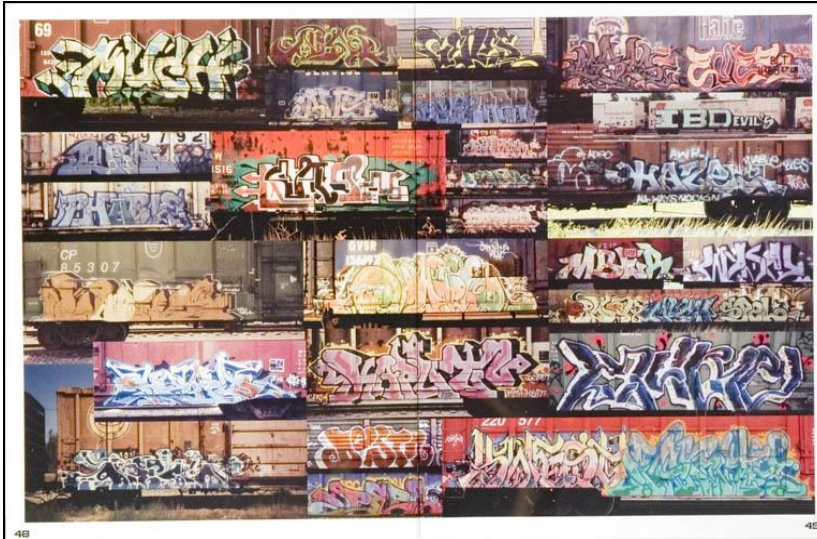
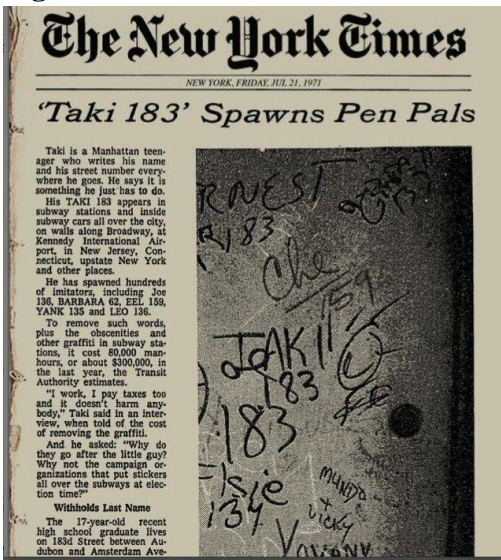


Figure 2<sup>246</sup>



<sup>245</sup> Designing Magazines, *Playing Tag*, available at [http://www.designingmagazines.com/wp-content/uploads/2007/09/clout\\_lo.jpg](http://www.designingmagazines.com/wp-content/uploads/2007/09/clout_lo.jpg) (last visited May. 16, 2013).

<sup>246</sup> Wooster Collective, *NEW YORK TIMES*, 1971: "TAKI 183 SPANS PEN PALS" (May. 15, 2009) <http://www.woostercollective.com/takitimes.jpg>.

Figure 3<sup>247</sup>



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<sup>247</sup> Flickr, *Wild Style Car by DONDI 1981*, available at <http://www.flickr.com/photos/charlieahearn/3291225282/in/photostream> (last visited May. 16, 2013).

