

“Only God Can Judge Me”: Tupac Shakur, the Legal System, and Lyrical Subversion

By

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This article considers Tupac Shakur as a popular cultural figure and explores his role in reflecting and shaping Black perceptions of the American criminal justice system. First, the author addresses rap music as a powerful cultural force and identifies Tupac’s significance to the legal and popular cultural discourse. Second, the author investigates the social, political, and legal factors which framed Tupac’s portrayal of the criminal justice system. Tupac’s lyrics are then considered as a counterproductive force that engenders a violent survival ethic among Black youths and contributes to further racial disparity. Finally, the author explores the relevance of Tupac’s death to the popular cultural discourse, and negotiates a balance between the public harm and positive awareness inspired by his lyrics.

Keywords: aggression; rap music; hip-hop culture; media violence; criminal justice system

“Open Fire” (Introduction)

Few public figures have captivated and polarized popular opinion to the extent of the late rapper Tupac Shakur. While Tupac “was easily the most demonized black male of his generation,” he is revered by many as a gifted artist, sage intellectual, and dynamic political activist (Neal, 2003, p. 211). Even in his death, Tupac’s incisive, prophetic, and often abrasive lyrics continue to challenge dominant cultural ideologies and institutions. In particular, Tupac was an outspoken critic of the American criminal justice system which he vilified as a modern institution of slavery. A self-proclaimed “outlaw,” Tupac justified (and at times glorified) lawlessness as a necessary urban response to a racially-oppressive system.

As a popular cultural figure, Tupac Shakur is worthy of academic study and is particularly relevant to the popular cultural discourse. His artistic corpus not only reflects a grim social reality, but likely *perpetuates* it through the medial dissemination of ideas. Ultimately, it was this outlaw culture that cost Tupac his life—a legacy which straddles a subtle line between self-fulfilling victimization and prophetic vindication.

This paper will explore Tupac Shakur as a popular cultural icon and as a subversive legal critic. It will begin by framing Tupac’s cultural relevance as a prominent rap artist. It will then investigate the social, political, and legal factors which informed Tupac’s “reality,” as reflected in his critical portrayal of the criminal justice system. This analysis is necessary in order to address Tupac’s *response* to the American legal system, which may be described as “justified criminality.” Tupac’s lyrics will then be considered as a counterproductive force that engenders a negative survival ethic among Black youths and contributes to further racial disparity. Finally,

the paper will explore the relevance of Tupac's death to the legal and popular cultural discourse, and strive to negotiate a balance between the public harm and positive awareness inspired by his lyrics.

“The Rose That Grew from Concrete” (Tupac as Popular Cultural Icon)

In order to analyze Tupac Shakur as a popular cultural icon, it is first necessary to address rap music as a distinct cultural force. Rap music, or “hip-hop”¹ has grown at a staggering rate over the past three decades to become America's best-selling musical genre in the late 1990s (Toop, 2000, p. xii). From its humble origins in the South Bronx, New York,² hip-hop has evolved into a multi-billion dollar industry that has proliferated music, film, television, and fashion. As Reverend Al Sharpton (1998) writes, “America's culture is intertwined with hip-hop culture, from its language to its clothing to its music. You cannot turn on a television or watch a contemporary movie and not see the influence of hip-hop” (p. 249). Television stations such as MTV and Black Entertainment Television (BET) play hip-hop on heavy rotation; hip-hop album sales continue to skyrocket; corporations such as McDonalds and Reebok rely heavily upon hip-hop culture in their advertising; and the genre has been critically recognized as a legitimate musical form.³ No longer confined to the inner cities, hip-hop has had—and continues to have—a profound influence on popular music and popular culture in general.

Hip-hop is a particularly interesting field of study because, as Bernard-Donals (1994) indicates, it has become “main-stream” despite being marketed as something belonging to the “other” (p. 132). White, middle-class America is “fascinated and intrigued by rappers' depictions of inner-city life,” and is drawn to a “foreign” world of crime, drugs, and poverty (Wilson, 2005, p. 350). While hip-hop is increasingly commercialized, romanticized, and pandered to this White majority, the music remains an urban voice at its core. As Sampsell-Jones (2003) acknowledges, many inner-city residents are distrustful of mainstream institutions and “have to turn elsewhere for their education, their news, and their ‘knowledge’” (p. 144-5). Similarly, Mahiri (2000) theorizes hip-hop and rap as forming a kind of “pop-culture pedagogy” that has “extended, offered alternatives to, or challenged the pedagogy of schools” (p. 382, as cited in Mahiri & Conner, 2003, p. 124). Hip-hop has thus emerged as a powerful discourse that draws attention to the harsh realities of urban life while questioning and subverting prevailing cultural ideologies. It is no small wonder that hip-hop has been notoriously described as the “Black CNN.”⁵

Sitting atop the hip-hop pantheon is Tupac Amaru Shakur, who remains among the most popular, revolutionary, and influential hip-hop artists of all time. To date, Tupac has sold 73 million albums worldwide (including nearly 45 million in the US alone), with many of his sales coming in the form of posthumous releases (“Tupac Shakur Biography,” 2006; also see Hicks, 2006). Despite having his life cut short at the age of 25, he was voted “the greatest rapper of all time” by fans in a 2004 VIBE Magazine poll and “number one MC” by MTV viewers in 2003 (“Tupac Shakur Biography,” 2006). Even in his death, Tupac remains a popular cultural figure and the widespread conspiracy theories regarding his fatal 1996 shooting have turned him into an “Internet icon” (Forman, 2003, as cited in Neal, 2003, p. 209).

Perhaps more than any other hip-hop artist, Tupac embodies the “oppositional culture,” or “culture of resistance” which typifies African American culture (Gardner, 2004; Martinez, 2004). As Gardner (2004) explains, this culture “constitutes a bold and calculated rejection of destructive mainstream values that have perpetuated social inequalities and power imbalances,” including traditional attitudes towards the legal system (p. 141). The son of two Black Panthers (and the godson of high-ranking Panther officer Geronimo Pratt), Tupac was born into a culture that was imbued with a deep sense of injustice. Further, he was formed in an activist mold. As a result, Tupac emerged as a vocal figure of political resistance, his powerful lyrics both reflecting and shaping the attitudes of the young Black underclass. Tupac’s messages have gained such widespread favor among that demographic that Kevin Powell (2004) identified Tupac as more relevant as a dead man to poor young Black people than either Jesse Jackson or Al Sharpton alive (p. 7, as cited in Rutherford, 2004-2005, p. 306). While that may be a frightening proposition to some, it is very likely the case.

Tupac continues to wield enormous clout as a popular cultural icon, both as a mainstream recording artist and as a subversive political critic. It was this very power that prompted scholars to conduct a Harvard University symposium entitled *All Eyez on Me: Tupac Shakur and the Search for a Modern Folk Hero* in 2003. As Neal (2003) indicates, the symposium not only proved that Tupac was a “legitimate public intellectual” (p. 212), but that “[Tupac] and hip-hop as a whole remain vital guideposts to black culture in the post-Civil Rights era” (p. 209). As this paper will demonstrate, Tupac’s significance as a cultural figure is particularly manifest in his portrayal of the American legal system and its relationship with the poor Black minority.

“Liberty Needs Glasses” (Tupac’s Lyrics as a Reflection of the Justice System)

A core theme in hip-hop’s critique of major societal institutions has been the legitimacy (or rather, the illegitimacy) of the American criminal justice system, and this figures prominently in the rap lyrics of Tupac Shakur.⁴ Drawing on the breadth of his personal and community experiences, Tupac’s lyrics bring to bear a number of legal and social issues which include, but are not limited to: Black incarceration, police brutality, racial profiling, the “War on Drugs,” and American “three strikes” laws.⁶ Tupac regarded the criminal justice system as racist and oppressive, and his lyrical message reflects the great suspicion held by many Blacks toward the American legal system (Sampsell-Jones, 2003, p. 147).

Tupac was highly critical of a justice system which, according to Rutherford (2004-2005), “stands at the ready to punish Black offenders swiftly and indifferently” (p. 311). Regarding himself as having been “born an inmate” (“Black Jezuz,” 1999),⁷ Tupac brought attention to a culture of incarceration that threatens to destroy urban Black communities. This theme permeates much of Tupac’s work.⁸ In “God Bless the Dead” (1998), for example, Tupac defiantly raps: “See I’m old enough to know that ain’t no justice / Fuck the police and all the courts same way they fucked us / And why the hell am I locked in jail / They let them white boys free, we be shocked as hell.” Here Tupac speaks of the unjust, racially-motivated, and punitive aspect of the American criminal justice system. While often graphic and emotionally charged, Tupac’s lyrics reflect a bleak social reality.

The United States has the second-highest incarceration rate in the world, and Black males have undeniably borne the brunt of this regime (Butler, 2004, p. 998). Based on current rates of first incarceration, it is projected that an estimated 32% of American Black males will be imprisoned in their lifetime (United States Department of Justice, 2006; also see Mauer & Huling, 1995, for a detailed report on Black incarceration). While this is a staggering statistic in itself, it is but a sign of things to come. When one also considers that the college-to-imprisonment ratio for Black men aged 18-24 was recently reported at 2.6 to one (versus 28 to one for White males of the same age) it becomes apparent that the future for American Black males is equally unpromising (Hocker, 2002). As Lassiter (1995) states, “it is no exaggeration to suggest that an entire generation of young black men—those in the impoverished inner cities, in particular—are in danger of being lost” (p. 6). This reality is echoed in Tupac’s songs “Still Ballin” (2002) and “Staring Through My Rearview” (1997), where he raps: “Now ever since a nigga was a seed / Only thing promised to me was the penitentiary” and “Caught a nigga so they send me to these overpacked jails / In the cell, countin’ days in this livin’ black Hell.” Similarly, in “16 On Death Row” (1997) he rhymes: “I never got to be a man, must be part of some big plan / To keep a nigga in the state pen.” In these songs Tupac portrays the criminal justice system (and penal system in particular) as systemically *unjust*, ushering “niggas” toward an inevitable life of imprisonment under its “massive punishment regime” (Butler, 2004, p. 999). His lyrics express an acute sense of institutional injustice that is widely reflective of urban Black sentiment.

Similarly, Tupac’s lyrics reflect a deep resentment of law enforcement and portray police officers as corrupt, oppressive, and racist. Racial profiling and police brutality are recurrent themes in Tupac’s music (and in hip-hop generally), and this reveals a regrettable social reality within ethnic urban centers. As Martinez (2004) indicates, racial profiling is “a common complaint in racial/ethnic communities” (p. 946). Furthermore, Lassiter (1995) acknowledges that “police lawlessness against young Black males occurs to a devastatingly discordant degree” (p. 2). Hip-hop is thus an important medial force as it exposes the problematic relationship between Black men and law enforcement and makes it part of the social, legal, and political agendas (Berry & Looney, 1996, p. 276).

Tupac’s music purposefully brings issues such as racial profiling and police lawlessness to the public’s consciousness. In the song “Trapped” (1991), Tupac describes a bleak, claustrophobic urban environment marked by invasive police surveillance and rampant racial profiling. He rhymes: “They got me trapped / Can barely walk tha city streets / Without a cop harassing me, searching me / Then asking my identity / Hands up, throw me up against tha wall / Didn’t do a thing at all.” Tupac identifies himself as “trapped” within an inescapable system of urban poverty and police tyranny, and he depicts police discrimination as an enveloping feature of Black America. Tupac also uses oppressive, predatory imagery to portray police officers— “[They] [s]weated me, hunted me / Trapped in my own community”—which reflects a palpable fear that is held by many individuals in Black urban neighborhoods.⁹ As Tupac’s lyrics reveal, racial profiling and discriminatory police practices play a profound role in the lives of young Black Americans.

Tupac was also critical of America’s drug laws as an agent of Black subjugation. As

Steiner and Argothy (2001) assert, “America’s contemporary War on Drugs is a government-sponsored insurgency targeted against historically and contemporarily underprivileged Americans in general, and African and Latino/a Americans in particular” (p. 443). Tupac rails against the American War on Drugs in much of his music,¹⁰ and he forcefully denounces the policy in “Words of Wisdom” (1991). Tupac rhymes: “The war on drugs is a war on you and me / And yet they say this is the home of the free / But if you ask me its all about hypocrisy / The Constitution, yo, it don’t apply to me.” The song is a derisive condemnation of the historical subjugation of Blacks in America, and in it Tupac aligns the War on Drugs with other racially-suppressive initiatives such as slavery and Black ghettoization.

Beyond its targeting and subordination on of the urban Black minority, the American War on Drugs has profound sociological and criminological effects. Particularly, as Steiner and Argothy (2001) attest, the political and judicial treatment of drug offences “promulgates a profoundly racist illusion that represents White illicit drug abuse as a private health problem and black illicit drug abuse as a public ‘criminal’ activity” (p. 444). While figures indicate that there is little difference between the various races in terms of drug use (Jonas, 1999),¹¹ this disparity in treatment between Whites and ethnic minorities leads to increased community violence, police embroilment, and incarceration rates among minority groups. Tupac reflects this condition in “Changes” (1998), where he acknowledges that although “both black and white is smokin’ crack tonight,” the truth remains that “Cops give a damn about a negro / Pull the trigger kill a nigga he’s a hero.” He also accuses the American political and legal systems of misguided priorities, stating: “Instead of war on poverty / They got a war on drugs so the police can bother me.” Rather than focusing its attention on the greater social issues that cripple urban communities, as Tupac indicates, the American government is resolved to fight a hapless war against its own citizens. As such, the marginalized ethnic communities are targeted by the judicial system and are thrust into deeper levels of poverty, criminality, and despair.

All of the aforementioned factors inform and engender a great distrust of the American justice system among the Black minority. As Sampsell-Jones (2003) states, “[t]o people in the ghetto, laws passed and enforced by the unrepresentative ruling government are... tainted with illegitimacy” (p. 147). Reflecting this hostility and suspicion towards mainstream institutions, Tupac confronted the legal system as an instrument of “racial subordination” and portrayed lawlessness as a justifiable urban recourse in an illegitimate state (Butler, 2004, p. 1015).

Recounting his troubled life as a young Black male, Tupac justified criminal behavior in a society where he “couldn’t find a trace of equality” (“Trapped,” 1991). While critics may be quick to denounce Tupac as a callous proponent of criminality, he was no such monster. Rather, his lyrics often reflect the despairing futility of being a socially, economically, and legally oppressed minority. For example, in “My Block” (2002) Tupac poignantly depicts lawlessness as a desperate if not necessary means of operating within an oppressive legal system: “Teardrops and closed caskets, the three strikes law is drastic / And certain death for us ghetto bastards / What can we do when we’re arrested, but open fire? / Life in the pen ain’t for me, cause I’d rather die.” While Tupac appears to advocate “cop killing” in this song,¹² this passage reveals that there are many social factors at play in his consciousness. For example, he censures the “three strikes” laws¹³ as a harbinger of “certain death” for Black males.¹⁴ Tupac acknowledges the hopeless reality of Black incarceration and he validates violence as a necessary bulwark

against deadening and oppressive institutionalization (“What can we do when we’re arrested, *but* open fire?”). Having no faith in the legal system, he even presents *death* as an attractive—if not necessary—alternative to imprisonment.

As Butler (2004) states, “hip-hop culture discounts responsibility when criminal conduct has been shaped by a substandard environment” (p. 1005). Tupac’s lyrics are reflective of an American culture that has systemically persecuted and subordinated its Black minority into a doomed cycle of poverty. In “Me Against The World” (1995) Tupac raps: “Don’t wanna make excuses, cause this is how it is / What’s the use unless we’re shootin’ no one notices the youth,” and he echoes this despairing futility in “R U Still Down” (1997) when he exclaims: “I seen the future and it’s hopeless!” Thus, Tupac’s rationalization of criminality must be understood within this larger context of oppression and desperation; and he does not so much glorify lawlessness as present it as the *only available option* in a racist state. His lyrics range from honest justification of criminality in “Changes” (1998) (“I ain’t never did a crime I ain’t have to do”) to unabashed defiance of the law in “Nothing To Lose” (1997): “Ain’t no stoppin’ at the red lights I’m sideways / Thug Life muthafucka crime pays / Let the cops put they lights on / Chase me nigga / Zig-zaggin’ through the freeway / Race me nigga / In a high speed chase with the law / the realest muthafucka that you ever saw.” However, even where Tupac appears to encourage such lawlessness his message remains rooted in a deeper societal issue. For example, in that very song “Nothing To Lose” (1997), Tupac presents criminality as the inevitable effect of abject poverty (“Am I wrong for wishing I was somewhere else / At 13 can’t feed myself”) and nihilism (“If you could walk a mile in my shoes you’d be crazy too / With nothing to lose”). Thus, for all his criminal posturing, Tupac repeatedly presents criminality as symptomatic of a hopeless Black existence.

On the whole, Tupac sought to communicate the futile reality of Black inner-city life under an oppressive legal regime, and his lyrics demonstrate that, without a doubt, “Lady Liberty needs glasses” (“Liberty Needs Glasses,” 1999). His scathing critique of the criminal justice system reflects a harsh social reality, while his justification of lawlessness offers a bleak but crucial means of surviving within (or rather, outside) that very system.

“Life of an Outlaw” (Pop Culture and the Perpetuation of Racial Disparity)

While Tupac’s lyrics are significant in bringing important social issues to the public’s awareness, they may have unintended and wide-reaching effects. As discussed above, Tupac’s lyrics defend lawlessness and violence as necessary responses to a racially-oppressive criminal justice system. This message is reflective of the hopelessness that permeates Black communities, as well as the prevailing opinion that the legal system lacks legitimacy. As a popular cultural force, however, Tupac’s songs not only reflect the realities of Black urban life but they may *perpetuate* racial inequality before and under the law by justifying (if not endorsing) an “outlaw” lifestyle.

Though Tupac publicly protested that he was not trying to “recruit” America’s children (Iverem, 1993, p. F12), his political intention of raising public awareness is belied, paradoxically, by his most powerful tool: his popularity as a recording artist. Through album sales, radio airplay, Internet music downloading, and televised music videos, Tupac’s subversive

message is widely disseminated to an impressionable young audience. According to Dr. Susan Buttross, “[m]ost children between the ages of 2 and 18 spend upwards of seven hours a day ingesting some sort of media... [and with] any type of repeated media exposure, a desensitization can occur that makes these behaviors seem normal” (as cited in Kirchheimer, 2003).¹⁵ As such, Tupac’s violent messages may normalize and influence criminal behavior among his audience.

Research has shown that exposure to media violence has a “real, causal, and significant effect” on aggressive behavior in both immediate and long-term contexts (Anderson et al., 2003a, p. 82).¹⁶ However, the bulk of experimental studies have focused on violent television and film. While a number of correlational studies suggest a nexus between music preference and aggression (see, for example, Took & Weiss, 1994; Rubin, West, & Mitchell, 2001), there is a dearth of empirical research investigating the relationship between violent music lyrics and aggressive thoughts and behavior. Nevertheless, there remains a real concern that rap music may affect individuals’ attitudes and behavior regarding the use of violence.¹⁷

It should be noted from the outset that there are important differences between violent visual media, such as television and movies, and non-visual media, such as popular music. Specifically, Anderson, Carnagey, and Eubanks (2003b) acknowledge that the lack of a visual component, difficulties in listener comprehension, and listener attention deficiencies may render the effect of violent music lyrics to be “attenuated,” relative to video-based media, “simply because the lyrics are not processed by the listeners” (p. 960). In fact, early studies in the field typically produced unclear (Barongan & Hall, 1995), mixed (Wester, Crown, Quatman, & Heesacker, 1997), or no results (Wanamaker & Reznikoff, 1989; St. Lawrence & Joyner, 1991; Ballard & Coates, 1995), which likely resulted from methodological problems such as confounds with general arousal or indecipherable lyrics (Anderson et al., 2003b, p. 961).

While research on the effects of violent music remains in its infantile stages, recent experimental studies reveal that a relationship does exist between violent music content and aggressive thoughts and behavior. In what was perhaps the first empirical study of the effects of violent rap music, Johnson, Jackson, and Gatto (1995) found that young African American males (aged 11 – 16 years) who had been randomly assigned to view violent rap music videos were significantly influenced in their attitudes towards the use of violence ($N = 46$). Subjects were exposed to either violent rap music videos (violent condition), nonviolent rap music videos (nonviolent condition), or no music videos (no-exposure controls). The subjects then read two vignettes and answered questions designed to test, among other things, their thoughts and attitudes regarding violence. Results indicated that when compared to subjects in the nonviolent exposure and control conditions, subjects in the violent conditions expressed greater acceptance of the use of violence. Further, subjects in the violent condition reported a higher probability that they would engage in violence than subjects in the control condition.

These findings reveal that exposure to violent rap music videos has a significant effect on the attitudes and perceptions of young African-American males. However, the study is of limited importance to the effects of rap music generally. Aside from the limitations acknowledged by the authors themselves,¹⁸ the study was not longitudinal in nature and thus suggests little about the long-term effects of violent music on maladaptive thoughts or behavior.

Furthermore, the study provides insufficient guidance as to the effect of violent music lyrics independently of violent visual imagery. As music videos have a significant visual component, the medium is more analogous to television and film than it is to lyrical music.¹⁹ It is unsurprising then that the results in this experiment were similar to those of violent television and film studies. Despite these limitations, however, the study is important because it suggests that the violent motifs that typify rap music videos (and, by necessary implication, rap music) can affect adolescents in their aggressive thinking and attitudes.

In an attempt to avoid the methodological problems encountered in earlier lyric studies, Anderson et al. (2003b) conducted a series of five experiments on the effects of music lyrics on aggression in university students. Across studies, a total of seven violent songs by seven different artists and eight nonviolent songs by seven artists were used to ensure that the results were not influenced by a particular artist, song, or musical genre. Additionally, the studies controlled for arousal effects through song selection and by measuring perceived arousal. Depending on the experiment, each subject listened to one or more songs. The subjects then filled questionnaires and word completion exercises that were designed to measure, among other things, state hostility and accessibility of aggressive thoughts. The experiments consistently demonstrated that songs with violent lyrics increase aggression-related attitudes, cognitions, and affects. Specifically, the authors found that exposure to violent lyrics led to more aggressive interpretations of ambiguously aggressive words by the subjects, increased the relative speed in which subjects read aggressive words, and increased the proportion of aggressive word completions by the subjects.

While these experiments are important to the study of violent music lyrics and aggression, the authors intentionally focused on “precursors to aggression” rather than aggressive behavior itself (Anderson et al., 2003b, p. 969).²⁰ Accordingly, the results provide no clear evidence of the long-term effects of violent music consumption (although the authors did suggest that repeated exposure to violent music may have long-term consequences on aggression).²¹ Furthermore, the results are of qualified significance to this paper as the subjects were not terribly representative of rap listeners and the study did not focus on rap music specifically. Nevertheless, the study clearly indicates that violent lyrical content increases aggressive thoughts and feelings, at least in the short term.

Most recently, Fischer and Greitemeyer (2006) conducted three experiments which examined the impact of sexually-aggressive song lyrics on aggressive thoughts, emotions, and behavior toward the same and opposite sex. In the first experiment, the adult subjects listened to misogynous or neutral song lyrics ($N = 161$). The subjects were then asked to add hot chili sauce (a behavioral measure of aggression) to a sandwich prepared for either a male or female colleague. The authors found that male subjects who listened to misogynous lyrics reacted more aggressively towards female targets than they did to male targets. Similarly, male subjects who were exposed to misogynous lyrics administered more hot sauce to females than did male subjects who listened to neutral music. In the second experiment, misogynous song lyrics increased male subjects’ negative attitudes and feelings of vengeance (an aggression-related emotion) toward women relative to men-hating or neutral lyrics ($N = 152$). In the third experiment, men who listened to misogynous song lyrics assigned longer times of ice water treatment to female target persons than did male subjects who listened to neutral or men-hating lyrics ($N = 107$). This study may also be of limited use to this paper as the experiments did not

focus on rap music and the effects were short lived. Additionally, the subjects were German and poorly representative of inner-city African Americans. However, the results are important as they indicate a significant causal relationship between lyrical content and aggressive behavior in male subjects.

While the aforementioned studies provide useful data, there do not appear to be any published longitudinal studies on the effects of violent music lyrics on aggression (Anderson et al., 2003a). Further research in the field is certainly required. Still, the better controlled experiments do suggest that violent music lyrics can increase aggressive thinking and affect (p. 90). Based on the extant literature, including research on other forms of media, there is a plausible argument that the lawless messages in Tupac's music—and in hip-hop generally—could contribute to Black poverty, violence, and incarceration by causing aggressive and antisocial behavior.

In the very least, there is a strong argument that violent rap music reflects, justifies, and normalizes a violent “street identity” among its listeners (see Kubrin, 2005). Rutherford (2004-2005) notes that the constant barrage of explicit violent images channeled through the media coupled with the violent reality of inner-city life creates “an insurmountable reinforcing, enabling and legitimizing effect” (p. 320). He further comments that this relationship between lyricized violence and “real life” violence is at the root of the harmful, self-perpetuating cycle of the criminal Black male (p. 320). Similarly, Kubrin (2005) argues that rap helps to “organize and construct violent social identity and account for violent behavior” by synthesizing and extending the purview of the existing street code (p. 361). Thus, the recurrent violent imagery in Tupac's music may account for lawlessness by providing a blueprint for criminal behavior. Aggressive messages like “Set trip, empty out my clip, never stop to aim” (“Hail Mary,” 1998) and “Ridin’ down the block lickin’ shots at the punk-ass cops” (“Definition of a Thug Nigga,” 1997) make it exceedingly difficult to reestablish law and order in the lives of urban youths. Consequently, these individuals may be increasingly ready to engage the justice system in negative and potentially violent ways.

As it already stands, many urban youths are engaging the criminal justice system as a necessary means of survival. Recognizing this bleak situation, various scholars (Smith, 1994-1995; Falk, 1996; Turk, 1997; Liggins, 1999) have urged the legal community to carefully consider “Urban Survival Syndrome” (USS) as a legitimate criminal defense, whereby an individual's culpability for a crime may be mitigated by various socio-cultural factors (Rutherford, 2004-2005, p. 312).²² USS refers to a “kill or be killed” mentality resulting from the heightened fear of being trapped in an oppressive and violent community (Turk, 1997, p. 917). As a result, such persons “commit criminal acts that would seem irrational to the ordinary person” (Liggins, 1999, p. 217). Although not a medically-recognized syndrome, USS has been pleaded in a number of American cases.²³ Still, it remains to be seen whether the defense garners judicial legitimacy.

Regardless of whether USS is accepted as a criminal defense in the United States,²⁴ it is evident that hip-hop functions as a modern “survival script” for African American youths (Fagan, 1999; Nuruddin, 2004; Rutherford, 2004-2005). Tupac's music, through its honest representation of urban hopelessness and outspoken validation of criminal necessity,

undoubtedly presents a strong code of survival. However, as Nuruddin (2004) states, these criminally-minded messages have eclipsed positive scripts that are based in education, religion, and business enterprise (p. 276). As the foregoing illustrates, the antagonistic messages embodied in Tupac's music—and hip-hop generally—threaten to overwhelm healthy survival ethics by justifying, validating, and, quite possibly, perpetuating criminal activity. In so doing, Tupac's violent lyrics may not only reflect but *effect* racial disparity under the law.

“If I Die 2Nite” (The Significance of Tupac's Death to the Popular Cultural Discourse)

The tension in Tupac's music between honestly reflecting injustice and subversively validating criminality came to a tragic head on September 7, 1996, when Tupac was shot and killed in a drive-by shooting in Las Vegas.²⁵ Tupac's murder strikes a precarious balance between the “thug life” perpetuated by his violent lyrics and validation of his political message. On one hand, Tupac was “caught up in the brutal culture promoted by [his own] music,” (Fields, 2004, p. 613) and his lyrics appeared “a blueprint of his own violent life” (“Tupac Shakur Dead,” 1996). Thus, Tupac's death presents revealing evidence of the destructive consequences of his message. On the other, however, Tupac's death represents the ultimate confirmation of his scathing critique of the criminal justice system. Tupac's lyrical condemnation of the legal system as corrupt, illegitimate, and unjust is boldly corroborated by his *unsolved* murder.²⁶ Chris Rock (2004), in one of his comedy specials, ranted that “Tupac was shot on the Las Vegas strip on a fight night. More people saw Tupac get shot than the last episode of Seinfeld and they ain't got no clues!” He finished by adding, cynically: “If you want to kill someone and get away with it, shoot them in the head and put a book of rhymes in his pocket!” While Tupac's death tragically reveals the violent culture endorsed by his music, the greater tragedy is that there still “ain't no justice” for the American Black male.

“Last Wordz” (Conclusion):

Even in his death, Tupac Shakur remains a provocative, relevant, and influential cultural icon. While he is a fascinating figure in and of himself, he is also a telling emblem of the media's immense power to reflect and shape reality. For all his negative criticism, one thing is certain: Tupac Shakur refused to lead a life of quiet desperation. By poignantly revealing the injustices of the American legal system, Tupac has laid crucial groundwork for its present and continual address. That being said, the violent implications of his message suggest that hip-hop must take further strides in order to be a culturally-constructive force. Hip-hop must seize its profound influence over Black culture—and American culture in general—and continue in Tupac's quest to expose the injustices plaguing Black communities. Yet in doing so, artists must consciously offer alternatives to criminally-minded survival scripts and perpetuate *healthier* responses to an *unhealthy* system. Perhaps Tupac was thinking of this very possibility when he famously professed: “I'm not sayin' I'm gonna change the world, but I guarantee I will spark the brain that will change the world” (Toffler & Lazin, 2003). One can only hope that his words again ring true.

Notes

* The author would like to thank Professor Mysty Clapton and Jodi Block for their help and support in preparing this paper. Additionally, he would like to thank the JCJPC reviewers for their insightful comments.

¹ Which refers to a wider cultural phenomenon that is centered on rap music, but also extends to graffiti, dance, fashion, and slang.

² It is generally agreed that rap music originated in 1974, in the South Bronx. “Rapping” evolved out of a Jamaican art form known as “toasting,” whereby the speaker would rhythmically deliver words (often rhymed) over previously-recorded music (Wilson, 2005, p. 347).

³ In 1999, Lauryn Hill’s *The Miseducation of Lauryn Hill* won five Grammy Awards, including Best Album. In 2003, Eminem won a “Best Original Song” Oscar for his song “Lose Yourself” (recorded for the film *8 Mile*).

⁴ Of which numerous verses have been reprinted throughout this paper. While it would be misleading to uniformly singularize Tupac’s music as a vehicle for social and political activism (as his songs touch on a range of subjects), the American criminal justice system is a recurrent and prominent theme in his music. Correspondingly, this paper cites numerous examples that reflect this agenda.

⁵ As coined by Chuck D of the rap group Public Enemy.

⁶ As reported by Schiraldi, Colburn, and Lotke (2004), these laws had been implemented in 23 states by 2004. Generally, the three strikes laws impose mandatory minimum sentences for individuals convicted of a felony on three (or more) separate occasions. While the exact application of the laws varies from state to state (see Schiraldi, Colburn, & Lotke, 2004, pp. 13-16), many states require that all three strikes fall under enumerated violent felonies and impose a mandatory life sentence upon “striking out.” The exceptional impact of these laws is in California, where *any* felony offense can trigger a three strikes sentence so long as the two prior felony convictions were “strikeable” offenses (such offences including murder, rape, arson, any felony where a firearm is used, and other listed violent or serious crimes) (Schiraldi, Colburn, & Lotke, 2004, p. 13). Further, under California law, multiple strikes can be charged from a single crime or incident (Brown & Jolivet, 2005, p. 14).

⁷ Tupac’s mother, Afeni Shakur, was serving a jail sentence on bombing charges while she was pregnant with Tupac. Acting as her own attorney, she successfully defeated the charges one month prior to Tupac’s birth.

⁸ See, for example, “Changes” (1998) (where Tupac concisely rhymes: “It ain’t a secret don’t conceal the fact / The penitentiary’s packed, and it’s filled with blacks”); “Trapped” (1991) (“Too many brothers daily heading for the big pen / Niggas comin’ out worse off than when they went in”); “Fuck the World” (1995) (“You devils, are so two faceted / Wanna see me locked in

chains, dropped in shame / and gettin' stalked by these crooked cops again / Fuckin' with the young black male / ... / stay away from the packed jails"); "Hail Mary" (1998) ("Institutionalized I live my life a product / Made to crumble, / Much to hardened for a smile"); and "When Thugz Cry" (2001) ("Ain't shed a tear since the old school years of elementary / Niggaz I used to love, enclosed in penitentiaries / But still homey keep it real, how does it feel / to lose your life, over somethin' that you did as a kid?").

⁹ And especially in light of high-profile incidents such as the Rodney King beating in Los Angeles and the shooting of Amadou Diallo by the NYPD. Tupac himself filed a \$10 million lawsuit against the Oakland Police Department in 1991, alleging that he was choked and beaten by two officers in an altercation arising from jaywalking. The matter was eventually settled for \$42,000 (Toffler & Lazin, 2003).

¹⁰ See, for example, "Letter to the President" (1999) ("We tired of bein' scapegoats for this capitalistic drug dealin' / How hypocritical is Liberty? / That blind bitch ain't never did shit for me"); "Panther Power" (2003) ("Couldn't survive in this capitalistic government / Cause it was meant to hold us back with ignorance / Drugs and sneak attacks in my community / They killed our unity / But when I charged them they cried immunity"); and "Military Mindz" (2002) ("Suppress the revolution of premeditated scheme / Introduce a drug called crack / To us ghetto teens").

¹¹ Jonas (1999) cited a 1995 study by Mauer and Huling which reveals that although Blacks comprised only 15% of illicit drug users in the United States at that time, they represented 74% of drug offenders in federal prisons.

¹² In fact, Tupac has been said to promote "cop killing" in a number of his songs. See, for example: "Soulja's Story" (1991) (where Tupac raps at length about killing police officers: "Keep my shit cocked, cause the cops got a glock too / What the fuck would you do—drop them or let 'em drop you? / I chose droppin the cop"); "Souljah's Revenge" (1993) ("Motherfuckin' punk police / They think they run tha streets (I hear ya) / There's more niggas than there's police..."); and "When I Get Free" (1997) ("Guess who's back, and ready to knock off a cop or two"). Specifically, "Soulja's Story" was rebuked as a depraved endorsement of cop killing. However, a close reading of the song reveals that—even where Tupac appears to promote such violence—he continually operates within the frame of a hopelessly oppressed minority (rather than a senseless, thuggish advocate of lawlessness). For example, the song opens with Tupac saying: "They cuttin' off welfare... / They think crime is risin' now / You got whites killin' blacks, / Cops killin' blacks, and blacks killin' blacks / Shit just gon' get worse / They just gon' become souljas / Straight souljas." Thus, the violence described in "Soulja's Story," while reprehensible, is framed as a reactionary product of escalating violence and despair within poor Black communities. While the song ostensibly promotes young Black males to become "souljas" (outlaw soldiers), it ultimately propounds that many individuals have little choice in the matter.

¹³ This is no more evident than in Tupac's state of California, where the African-American incarceration rate for third strikes was 12 times higher than the third strike incarceration rate for Whites, as of September 2003 (Ehlers, Schiraldi, & Ziedenberg, 2004, p. 11). As Blacks are

increasingly funneled into prison for longer and longer terms (and mostly for nonviolent crimes) (“Three Strikes Law,” 2004), these laws represent a further agent of racial subjugation that threatens to destroy Black communities.

¹⁴ Tupac’s criticism of American three strikes laws is apparent throughout much of his music. See, for example, “To Live and Die in L.A.” (1996) (“So many niggas gettin’ three strikes, tossed in jail”); “Military Mindz” (2002) (“Got a law for raw niggas now / Playa what it be like? / When will niggas see they got us bleeding with 3 strikes”); Killuminati (1999) (“Visions of over-packed prisons, fiends and niggas thug livin’ / Pressures and three strikes, I hope they don’t test us”); “The Realist Killaz” (2003) (“Young black male, crack sales got me three strikes / Livin’ in jail, this is hell, enemies die / Wonder when we all pass is anybody listenin’?”); and “4 tha Hustlers” : “I ain’t lyin’ niggas are dyin’ / Three strikes have you motherfuckers flyin’ / In the penitentiary or in the cemetery”).

¹⁵ As research indicates, this is *especially* the case with Black adolescents. According to Rutherford (2004-2005), Black children are much more likely to be raised in single-parent household and, as a result, are more susceptible to external influences (such as the media). He testifies that “[t]he relationship between family structure and crime is [incredibly] strong” (p. 321). This is supported by Karst (2003), who observed that over 50% of African American children live in single-parent households (p. 1016, as cited in Rutherford, 2004-2005, p. 321).

¹⁶ See, for example, the *Joint Statement on the Impact of Entertainment Violence on Children* issued by the American Academy of Pediatrics et al. (2000) at a Congressional Public Health Summit. The statement notes that “entertainment violence can lead to increases in aggressive attitudes, values, and behavior, particularly in children,” and it concludes that the research (of well over 1000 studies that have investigated this relationship) points “overwhelmingly to a causal connection between media violence and aggressive behavior in some children” (p. 1). For detailed reviews of research on media violence and aggression see Villani (2001) and Anderson et al. (2003a).

¹⁷ In the 1990s, a campaign to “silence” gangsta rap was spearheaded by various sects, including scholars, politicians, churches, police forces, and special interest groups such as the National Political Coalition of Black Women (Johnson, 1993-1994, p. 26-7, and throughout for an extensive discussion of the movement to silence gangsta rap). Critics of violent rap music have argued that it constitutes hate speech, incites violence, and provokes and sustains gang wars in urban communities (p. 26). Tupac’s album *2Pacalypse Now* was itself the subject of a civil lawsuit in *Davidson v. Time Warner, Inc.* The case arose out of the shooting of a Texas highway patrol officer by Ronald Ray Howard, a young African American, during a routine traffic stop (although it was later revealed that the car was stolen). Howard had been listening to Tupac’s violence-laden *2Pacalypse Now* immediately before the shooting, and Howard’s attorney submitted at trial (*Howard v. State*) that the violent message portrayed in Tupac’s music had caused Howard to shoot the officer (p. 165). Howard was convicted of murder, and the slain officer’s widow subsequently filed a \$100 million lawsuit against Tupac, Atlantic Records (the record company), and Time Warner (the parent company) in negligence and products liability claims (p. 164). The plaintiff alleged, among other things, that the “music contained on the tape was directed to inciting young black males, including Ronald Howard, to kill policemen”

(Moreno, 1993, at 1A). While the court expressed its disgust with the content of Tupac's music, the case was dismissed on the basis of negligence principles and Tupac's First Amendment rights (for a detailed discussion of the court's reasoning, see Linneman, 2000, p. 166-174).

¹⁸ Such as the small sample size, the length of subjects' exposure to violent content, and the failure to assess actual behavioral implications.

¹⁹ For further studies on the effects of music videos, see Peterson & Pfof (1989), Hansen & Hansen (1990), and Johnson, Adams, Ashburn & Reed (1995).

²⁰ This study was based on the General Aggression Model (GAM), which focuses on aggressive cognitions and affect.

²¹ Relying on GAM, Anderson et al. (2003b) contended that "violent lyrics most likely operate through both affect and cognition routes, influencing appraisals of the situation and emotional state and (eventually) the behavioral decision" (p. 969).

²² Various scholars have sought to analogize USS to Battered Wife Syndrome (BWS). However, critics recognize three fundamental differences between the syndromes: (1) in BWS, the woman typically has one target (her partner) whereas in USS the defendant may have any number of targets (this is because the reaction is "environmental," or "cultural," and not confined to any particular relationship); (2) the factors contributing to each syndrome vary considerably (BWS being relational and USS environmental/cultural); and (3) the number of people likely to raise each defense varies greatly—whereas BWS is likely to be raised by a woman in a relationship (marital or otherwise), in theory *anyone* who is subject to a violent inner-city life could be vulnerable to USS (see Turk, 1995, p. 915-17; and Owens, 1995, p. 819-20).

²³ For detailed discussions of USS being raised as a criminal defense, see Rutherford (2004-2005) and Falk (1996).

²⁴ Some critics such as Mosteller (1996) quickly dispose of USS on both evidentiary and scientific grounds. Additionally, many scholars question the social, racial, and legal implications of broadly allowing such a defense on public policy grounds (for a discussion of these concerns, see Owens, 1995, p. 820-1; Turk, 1997, p. 919-20; and Liggins, 1999, p. 226-7).

²⁵ He was pronounced dead six days later on September 13.

²⁶ Which has, incidentally, catapulted Tupac into meteoric status as a pop culture figure. The Internet is rife with conspiracy theories regarding Tupac's death and he has emerged as a 21st century "Black Elvis" (of note, many of these theories point to Tupac's lyrics as evidence that he staged his death and that he remains alive). The Las Vegas Police Department has also endured heavy criticism for failing to garner any substantial evidence relating to his killer(s).

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