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Art, Race, and the Carceral System: Perceptions of Criminality in Artful Expression

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Art, Race, and the Carceral System: Perceptions of Criminality in Artful Expression

A Thesis

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Abiodun Akinlade Akinseye

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Abstract

Prior research suggests that rap music is viewed as more “criminal” than other musical genres. Furthermore, juries are likely to attribute criminal stereotypes to rappers, in part due to assumptions of guilt and innocence based on race (Smiley, 2017; Smiley & Fakunle, 2016). Recently courts have used rap lyrics as a form of confessionary evidence against rappers in the courtroom (e.g., *McKinley Phipps v. Tim Wilkinson, 2001*), but this practice does not extend to other art forms, such as stand-up comedy. This interdisciplinary paper utilizes a mixed-methods approach to research, using both content analysis and experimental methods to develop an understanding of themes presented within creative endeavors such as music and comedy and assess how an audience interprets those themes. Using content analysis, Study 1 analyzed themes of criminality and deviance presented in rap and rock lyrics in the years with the highest and lowest crime rates. Results for Study 1 showed that the themes of “emotional vulnerability” and “emotional invincibility” offer some insight into opposing perceptions of rap and rock. Study 2 explored differences in the public’s perceptions of criminality in rap and compared it to perceptions of another creative endeavor, comedy. This experiment also examined the effects of performer race, art form, and crime stereotypicality on attributions and perceptions of guilt and innocence. Results showed that when compared to comedy, rap is viewed more negatively. The results of this study will be used to interrogate the rising trend in using rap lyrics as evidence of criminality and to question the relationship between this practice and First Amendment protections in the justice system.

Keywords: Criminality, music, comedy, racism, stereotyping

Art, Race, and the Carceral System: Perceptions of Criminality in Artful Expression

American society has witnessed rap music emerge from the underground scene and become a mainstream success associated with Black culture. Since its emergence in the 1980s, rap, like all other forms of music, has evolved in how it is presented, produced, and consumed (Dye, 2007). Rap has shifted from being primarily an exercise in self-expression that is appreciated by many, to a determining factor in incarceration for some songwriters. Rap has always had a contentious relationship with the criminal justice system (Dunbar et. al., 2016). Recently, researchers and activists, alike, have noted a trend in which rap lyrics are being used as evidence of wrong-doing and self-incrimination in criminal cases (Dunbar et al., 2016; Fried, 1996; Lutes et al., 2019). In criminal cases, some prosecutors have treated defendant-authored rap lyrics as an admission of guilt rather than a form of art or entertainment (Dunbar & Kubrin, 2018). Prosecutors have used rap lyrics against rappers on trial “as an autobiographical depiction of actual events,” using the lyrics as inculpatory statements or a confession (Dennis 2007, p.2; Laybourn, 2018).

The few hundred cases in which this has happened illustrates that the use of rap lyrics as evidence of criminality is an attack on individual creativity, expression, and freedom of speech. Many hip-hop songwriters find themselves in front of a jury, where their songs are used as evidence against them, especially when no other forms of evidence are present (e.g., *McKinley Phipps v. Tim Wilkinson*, 2001). Past researchers have explored this phenomenon and found that the use of rap lyrics in court is a racial issue that continues to persist in our justice system (Dunbar et al., 2016; Huff, 2018). Using two studies with qualitative and quantitative methods, this paper explores this trend by examining outsider perceptions of criminality in art, and by examining how those perceptions relate to stereotypes of groups associated with those art forms.

These studies empirically examine the underlying belief that music can be a gateway to, or indicator of, criminal activities. After developing an understanding of this trend, it becomes possible to analyze the association of particular music genres with a deviant image or lifestyle. This analysis allows us to see not only how people perceive songwriters, but also how people perceive a musical genre and come to associate that musical genre with criminality and the corruption of youth.

Perceptions of Hip-Hop and Rap

“Rap” is distinguished from “hip-hop” by its sole focus on spoken lyrics. Hip-hop initially comprised the artistic elements of (1) deejaying and turntablism, (2) the delivery and lyricism of rapping and emceeing, (3) break dancing and other forms of hip-hop dance, (4) graffiti art and writing, and (5) a system of knowledge that unites them all (Chang 2007; Price, 2006). Hip-hop knowledge refers to the aesthetic, social, intellectual, and political identities, beliefs, behaviors, and values produced and embraced by its members, who generally think of hip-hop as an identity, a worldview, and a way of life (Morgan & Bennett, 2011). Since rap is a product of hip-hop culture, and often the two terms are used interchangeably, this paper distinguishes between the two terms. For this paper, “rap” will mainly be used when referring specifically to lyrics and “hip-hop” will reference the music and culture as a whole.

Existing research has examined perceptions of hip-hop as a musical genre and a movement. It has compared those perceptions to other musical genres such as rock, country, and metal. These studies found that people have attached negative stereotypes to hip-hop and its songwriters, and they see rap lyrics that portray criminal behavior as more objectionable than other music genres that portray the same kind of content (Dunbar & Kubrin, 2018; Huff, 2018). Much of the existing research has compared the lyrics of similar subject matters to examine how the general public

perceives the nature of the songwriter. Some studies compared country music or rock lyrics that involved criminal activities to hip-hop songs on a similar subject (Dunbar & Kubrin, 2018; Fried, 1996). According to Dunbar and Kubrin (2018), participants perceived hip-hop (as a genre and form of entertainment) more negatively and criminally than country or rock, even if the subject of the lyrics were similar. Their findings indicated that listeners assumed the songwriter's negative character and criminal predisposition when listening to rap. This meant that listeners viewed a rap songwriter as more criminally inclined due to their associations with the musical genre. In addition, people have learned to associate certain art forms with particular crimes. According to Dunbar (2019), hip-hop is often associated with drug use, violence, and other severe criminal activities. Like previous research, this paper examines the assumed relationship between crime and rap, and how this stereotype leads to certain stigmatizing perceptions of the genre as a whole (Dunbar et al., 2016).

Attributions of Criminality. Previous studies also demonstrate a difference in racial perceptions with regard to how the general public views a musical genre or subculture. The general public's association of hip-hop and Black culture leads them to perceive the music genre more negatively than its counterparts (Anderson, 2016; Fried, 1996; Malachi, 2012). In other words, Black songwriters who specifically write rap songs (specifically, "rappers") are stigmatized with an assumption of criminality when compared to White songwriters of the same or different musical genres (Dunbar & Kubrin, 2018; Fischhoff, 1999). This is important in a judicial context because Black rappers are the majority of people losing their freedom based on the assumption that their lyrics carry evidentiary content (Mohammed-Akinyela, 2012). The lack of evidence, and the targeted use of an art form specific to a certain racial demographic means that the use of lyrics as evidence is another tool used by the criminal justice system as justification for the incarceration of

Black persons. A potential problem with prosecutors' use of rap lyrics is that they use the songwriters' creativity and imagination and rely on harmful racial stereotypes about the music genre to incarcerate people who might be innocent. In Fischhoff's (1999) experiment, jurors were more likely to view a Black defendant as guilty of a crime, like murder, when presented with rap lyrics about said crime, even if that defendant was innocent. In fact, results for Fischhoff's experiment showed that the writing of criminalizing rap lyrics with criminal narratives were more damning in terms of adjudged personality characteristics than being charged with a crime.

Social psychology research has examined how people attribute the causes of one's own and other people's behavior. The fundamental attribution error is the tendency for people to under-emphasize situational explanations for an individual's observed behavior while over-emphasizing dispositional and personality-based explanations for their behavior (e.g., Gilbert & Malone, 1995; Ross, 1977). This is the pervasive human habit of overstating the role of the person and underestimating the role of the situation in explaining people's behavior. If the fundamental attribution error is the mechanism behind rap lyrics' use as confessions in court, observers will look at rap lyrics as evidence of personality or disposition (e.g., criminality) rather than through the lens of self-expression or entertainment (Yamamoto & Maeder, 2017). Furthermore, the present study explores the fundamental attribution error by examining (1) outsider perceptions of criminality in art and (2) how those perceptions relate to stereotypes of groups associated with those art forms.

Rap versus Comedy. Rap music is not the only form of artistic expression that uses its platform to talk about deviant behaviors. Stand-up comedians also use their platform to talk about deviant acts. But, to our knowledge, there exists no such trend of comedy lines being used in court cases as confessionary evidence. Especially when many of these jokes or narratives involve the

comedian talking about criminal acts that usually involve allegations. One crime that a few comedians have been accused of is sexual assault, with a few of these comedians using their platform to talk about these allegations (e.g., Chris D’Elia, Louis C.K., and Clifford Joseph Harris Jr.). The argument that rap lyrics can serve as evidence because they are autobiographical (Dennis, 2007) does not extend to comedy, in which many comedians use their art form to speak on autobiographical events in their lives (Rappaport & Quilty-Dunn, 2020). Rappaport and Quilty-Dunn suggest that stand-up comedy is often viewed in two different ways, stating, “In one view, comedians are hailed as providing genuine social insight and telling truths; in the other, comedians are seen as merely trying to entertain and not to be taken seriously” (p. 477). Study 2 explores differences in criminal perceptions of rap and comedy by seeking to understand these contrary views.

The Current Studies

Although previous research has examined the stigmatization of Black rappers and the use of song lyrics as evidence, past research on this subject has focused on a particular moment in time and presumed that songs within the same genre provide similar messages. In other words, most contemporary research on the relationship among musical lyrics, genre, and deviance examines a small cross-section of time—specifically, music popular during one time period, but not across decades, where ideologies and musical content may have changed or evolved. Additionally, existing research tends to compare one song to another, assuming that one song is representative of the entire musical genre. Therefore, the conclusions drawn from previous research do not necessarily address the overall content of the music genres under study (Fried, 1999). My research seeks to address these limitations in order to add to the existing literature in this subject area.

This mixed-methods thesis uses a descriptive approach to research through qualitative content analysis, followed by an explanatory approach to research through an experiment. The first phase of this study was designed to compare emergent themes of criminality between two musical genres: hip-hop and rock. The second phase of this study was designed to examine how audiences associate criminality with particular art forms.

Across two studies, I examined three research questions:

*R*¹: How are criminality and deviance portrayed in the most popular rap/hip-hop and rock songs during the years where the U.S. crime rate was highest and lowest?

*R*²: What are the effects of an artist's race and art form on perceptions of the literality of criminality of their content?

*R*³: Do people associate particular art forms with particular crimes, and how does the congruence or incongruence of those stereotypes influence attributions of criminality?

The first research question was explored through a qualitative content analysis of the most popular hip-hop/rap and rock songs in 1991 and 2014. The second research and third research questions were answered using experimental methods to examine hip-hop and stand-up comedy with regard to perceptions of racialized criminality. By answering these research questions, it became possible to theorize about whether the use of rap lyrics as evidence of wrongdoing in court cases is a First Amendment issue with racial implications, or a racial issue with First Amendment implications. In other words, is this a racially motivated practice that infringes on First Amendment protections, or is this practice allowed under the First Amendment (almost as a loophole) with the consequences being that it mainly affects people of color? If this is a racial issue with First Amendment implications, I theorize that people will more readily criminalize a Black artist's

expressive speech more than they will criminalize a White artist's expressive speech. If this is a First Amendment issue with racial implications, then any form of expressive speech (the crimes described) will be criminalized regardless of the race of the performer. My hypothesis is that participants who read lyrics about a crime from a Black songwriter would attribute this behavior to dispositional characteristics (i.e., that the Black songwriter is guilty of this crime), while participants who attributed these same lyrics to a White songwriter would make a situational attribution (i.e., that it is the white songwriter's job to write these lyrics). These theoretical questions will be further explored in the penultimate draft's discussion section.

Study 1

Method

It is essential to understand the origin of the perceived link between hip-hop and criminality. By using a content analysis, this study examined the themes of criminality and deviance presented in hip-hop and rock lyrics in the years with the highest and lowest crime rates in the U.S. during the time period in which hip-hop was part of mainstream culture. According to the Federal Bureau of Investigation's (FBI) database, the year with the highest crime rate during that period of time in which rap music was part of mainstream culture was 1991 and the year with the lowest crime rate was 2014. Once I had the years in which to gather our samples, I went on Billboard.com, a website that features an extensive array of searchable playable charts, breaking music news, artist interviews and exclusives, news, videos and more, to gather the most popular music genre of each year as a basis for comparison to hip-hop. I discovered that in 1991, grunge (a subgenre of rock) was the most popular music genre, and in 2014, hip-hop was the most popular music genre (Unterberger, 2014). The sample of hip-hop and rock songs were retrieved from the Billboard 100 charts in which I chose the highest-charting rock and hip-hop songs of each week

for 1991 and 2014. When songs repeated across five weeks, the next song in hierarchical order was selected. For example, the 2014 hip-hop song “Fancy” by Iggy Azalea was on the top 100 chart for over five weeks in a row, so after the fifth week, I went to the next hip-hop song on the list. This ultimately led us to a sample of 66 rock and hip-hop songs from the years 1991 and 2014. The lyrics for each song were gathered from the website AZlyrics.com and put in separate Microsoft Word documents. In order to interpret the content of the 66 songs’ lyrics, the songs were qualitatively coded in ATLAS.ti.

A content analysis is “any technique for making inferences by systematically and objectively identifying special characteristics of messages” (Holsti, 1968, p. 14). In other words, content analysis is the categorization, tagging, and thematic analysis of qualitative data (Medelyan, 2019). Since this study is dependent on understanding the content and deeply-rooted themes within song lyrics, I utilized a latent content analysis model. Latent content analysis is most often defined as interpreting what is hidden deep within the text. In this method, the role of the researcher is to discover the implied meaning in participants’ experiences (Graneheim & Lundman, 2004; Kleinheksel et. al., 2020; Kondracki et. al. 2002). This study justified the use of latent content analysis because it warranted the discovery of the implied meanings within each lyrical line and song and attempted to identify recurrent themes within those implied meanings. Latent content analysis also acknowledges that the researcher is intimately involved in the analytical process and that their role is to actively use mental schema, theories, and lenses to interpret and understand the data (Hsieh & Shannon, 2005; Kleinheksel et. al., 2020). Since I did all the coding for this study, my use of this approach as a way to analyze the content of the hip-hop and rock songs from 1991 and 2014 is justified.

Sample. In qualitative data analysis, *coding* is “how you define what the data you are analyzing is about” (Gibbs, 2007, p.38). The core operation of coding involves examining a coherent portion of your empirical material—a word, a paragraph, a page—and labeling it with a word or short phrase that summarizes its content (Linneberg & Korsgaard, 2019). Codes are important analytical tools that help classify different interpretations of each lyrical line and offer a structure of analysis since each code is defined to help accentuate the implied meanings within each lyrical line. Prior to coding, the sample songs ($N = 66$) were divided into eight different groups in order to analyze specific trends as they relate to each genre and year (see Appendix). The eight groups were 1991, 1991 Hip-hop, 1991 Rock, 2014, 2014 Hip-hop, 2014 Rock, Hip-hop, and Rock. A total of 42 songs comprise the 1991 group, with 19 identified as hip-hop and 23 as rock. From 2014, 24 songs were included in this analysis, with 12 in both the hip-hop and rock categories. Across both years (1991 and 2014), there were a total of 31 hip-hop songs and 35 rock songs. These genres and years constituted a framework of analysis known as document groups in ATLAS.ti. Document groups fulfill a special function as they can be regarded as quasi dichotomous variables (ATLAS.ti, 2021). For example, in the document groups, rock and rap are treated as quasi dichotomous variables alongside the two years, 1991 and 2014. Document groups can also be used as a filter to reduce other types of output like a frequency count for codes across a particular group of documents (ATLAS.ti, 2021). A frequency count is the number of codes in a particular document.

Procedure. Past research has analyzed how hip-hop is perceived differently from other genres (Anderson, 2016; Fried, 1996 & 1999; Malachi, 2012); however, for this study, I wanted to understand if the content of the rap lyrics could give us a possible explanation as to why hip-hop songs are perceived differently than rock. Although these studies have concluded that hip-hop

is viewed more negatively than its musical counterparts (Anderson, 2016; Dunbar & Kubrin, 2018; Huff, 2018), rarely have these studies examined the content of hip-hop to find possible explanations for this negative perception (Fried, 1999). By analyzing the 66 songs and coding each line of each song, I was able to analyze the different themes that came up within each song. For example, I compared trends in the content of the songs between 1991 and 2014, and between the genres of rock and rap across both years.

Each song was put in its appropriate document group as an attempt to isolate potential trends within each group. This way, I could notice specific trends within each genre regardless of year. Document groups fulfill a special function as they can be regarded as quasi dichotomous variables (ATLAS.ti, 2021). For example, in the document groups, rock and hip-hop are treated as quasi dichotomous variables alongside the two years, 1991 and 2014. Document groups can also be used as a filter to reduce other types of output like a frequency count for codes across a particular group of documents (ATLAS.ti, 2021). A frequency count is the number of codes in a particular document. For example, by looking at the 42 songs from 1991, I was able to compare trends in the content of the songs from that year to the content of songs from 2014. One finding when comparing the two years is that there were more mentions of drugs and drug use in 1991 (32) as compared to 2014 (21). When coding the songs and determining how to apply a certain code to a lyrical line I took two things into account; (1) the delivery or prosody of the message which I got by going on YouTube to listen to the song lyrics while coding, and (2) the literary devices and mechanisms used in the lyrics (e.g. what was explicitly or implicitly said, slang, metaphors, etc).

Results

References to drug use. When taken into the specific genres of those two years, hip-hop songs from 1991 had 26 mentions or references of drugs whereas hip-hop songs from 2014 had

only 15 mentions or references of drugs. The types of illicit drugs coded include crack, cocaine, codeine (i.e., lean), and heroine. This suggests that, within each year, hip-hop made up a majority of the (illicit) drug-related content between the two genres. As a whole, hip-hop songs (from 1991 and 2014) mentioned illicit drugs 42 times between the 31 songs, whereas rock mentioned drugs 15 times between the 35 songs. Illicit drugs, in this case, does not include marijuana because the overrepresentation and consumption of marijuana is nothing new to Hip-hop culture (Smiley, 2017). For the purposes of this study, marijuana, or weed, has been kept separate from the definition of illicit drugs and substances. Although, within the years 1991 and 2014, weed was an illicit substance that led to incarceration, this study involves a contemporary approach to understanding the content of hip-hop as a whole. Weed is not punished as severely in contemporary time. As of November 29, 2021, 18 states, two territories, and the District of Columbia have enacted legislation to regulate cannabis for nonmedical use (Garcia & Hanson, 2021) and this paper was written after the aforementioned date. Weed was mentioned or referenced five times in hip-hop as a whole across the two years, and three times in rock.

References to other crimes. Beyond drug use, hip-hop mentions other crimes such as sexual harassment, robbery, and homicide, whereas rock's criminal references do not extend beyond illicit drugs. Then a trend ensued. A number of themes emerged from this process of open, axial, and selective coding, perhaps none more important than "emotional vulnerability" and "emotional invincibility." For rock lyrics, regardless of year, there was a consistent trend of emotional vulnerability, and for rap lyrics, there was a consistent trend of emotional invincibility.

Emotional vulnerability and emotional invincibility. In the context of this study, I defined emotional vulnerability as "a willingness for one (namely the artist) to display their true feelings and emotions, whether those feelings are negative or positive." Negative emotions were

represented with individual codes such as sadness, disappointment, angst, and regret, whereas positive emotions were represented with codes such as love, consolation, euphoria, and pity. Emotional vulnerability was a constantly recurring theme in the rock lyrics, although most of the expressions of emotional vulnerability in rock lyrics involved negative emotions. Emotional vulnerability in rock comes with displays of regret, a sense of anxiety about the future, change or a feeling of uncertainty, and an increasing or decreasing sense of hope. For example, in “More Than Words” by Extreme, the songwriter says, “Hold me close. Don't ever let me go. More than words is all I ever needed you to show. Then you wouldn't have to say that you love me ‘cause I'd already know.” I applied the code of emotional vulnerability to this lyrical line because the songwriter is relaying an emotionally vulnerable message to a recipient (whoever he wrote this song about) since he is explicitly saying (and through prosody, showing) how he feels.

The definition I used for “emotional invincibility” is closely related to Perloff's (1983) definition of the illusion of unique invulnerability. In the context of this study, emotional invincibility was defined as “the false belief that one is somehow safeguarded from the dangers and misfortunes that afflict other people” and this belief manifests itself through displays of remorselessness, individualistic ideologies, and a lack of empathy. For example, in many of the rap lyrics, the artist felt that they were unable to be heartbroken, or that they could simply “rub off” any and all emotional damage. In hip-hop songs, emotional invincibility comes with displays of mild narcissism, alienation, nonchalance, and self-absorption. Additionally, resilience was a code that was often found in many of the sample rap lyrics as an extension of emotional invincibility by displaying the artist's “toughness” and ability to overcome adversity. For example, in “The Ghetto” by Too \$hort, he says “Keep dealing with the hard times day after day. Might deal some dope but then crime don't pay” which I coded as resilience because his prosody implied the

seriousness of the message while the line was him explicitly saying he continuously deals with tough times but knows that a certain path is not for him. Too \$hort implies that he wants to overcome his adversities the correct way thus I coded the line as resilience. There is this idea, as best said by Anderson (1999), that artists who display this use of emotional invincibility are “learning by example the values of toughness and self-absorption: to be loud, boisterous, proudly crude, and uncouth—in short, street” (p. 47).

Summary.

The results of this content analysis suggest that rock may be perceived less negatively because of its expression of emotional vulnerability, whereas hip-hop may be perceived more negatively because of its expression of emotional invincibility. Upon conclusion of the first descriptive phase of research, explanatory research began. Study 2 included an experiment to test the fundamental attribution error in rap and comedy.

Study 2

For this second study, the experiment conforms to a 3-way between-subjects design: was conducted: a 2 (race of artist: Black vs. White) by 2 (art form: rap vs. stand-up comedy) by 2 (content of piece: the sale of drugs vs. sexual assault) between-subjects design.

Hypothesis

For this study, I had three main hypotheses. The first hypothesis examines our dependent variables of criminality, in which I predicted two main effects. First, I predicted a main effect of race such that the Black performer will yield greater perceptions of criminality than the White performer, regardless of the other conditions of the other independent variables. I also predicted a main effect of art form, such that rap will yield greater perceptions of criminality than comedy, again, regardless of other conditions of the other independent variables. Our second hypothesis

predicted a two-way interaction such that when rap and comedy are paired with their congruent crime stereotypes, that would yield greater perceptions of criminality than when they are paired with incongruent crime stereotypes. In our final hypothesis, I predicted a three-way interaction such that the Black performer rapping about selling drugs will yield the greatest criminality and dispositional perceptions than all other combinations of conditions.

Regarding the fundamental attribution error, I predicted that if I asked participants why they believe a Black songwriter wrote lyrics narrating a crime, they will most likely attribute it to dispositional characteristics: that the Black songwriter is actually a criminal. However, if I asked why a White person would do the same, they would make a situational attribution: that it is the White songwriters' job to write these lyrics.

Method

Participants. Participants were recruited from CloudResearch—an online participant recruitment site that allows researchers to collect data from a representative sample of the U.S. The goal was to recruit a representative sample of people who could hypothetically serve in a jury. Participants received a monetary incentive of \$1.50 for completing the survey and it took most people about ten minutes to complete the survey. Originally, 532 participants completed the survey. However, responses from 67 participants were removed from analysis because they failed our various manipulation and attention checks, resulting in a sample of 465 participants ($N = 465$). Overall, 57.4% identified as male ($n = 267$), 41.5% as female ($n = 193$), 0.67 % as non-binary or third gender ($n = 3$), and 0.43% as transgender ($n = 2$).

Participants on average were 39.1 years old ($SD = 11.5$) and 75.5% identified as White/Caucasian ($n = 351$), 8.3% as Black/African-American ($n = 39$), 5.3% as Hispanic/Latinx ($n = 24$), 10.3% as Asian/Pacific Islander ($n = 48$), and 0.6% as Other ($n = 3$). Additionally, 34.2%

of participants had high school diplomas ($n = 159$), 51.8% had bachelor's degrees ($n = 241$), 11.6% had masters degrees ($n = 54$), 0.6% had Ph.Ds ($n = 3$), and 1.8% had JD or other professional degrees ($n = 8$). This demographic data is reflective of actual jury demographics in the United States, with a majority of juries being majority (or all) White. The law requires that the proportion of Black people in a jury pool must match Black representation in the overall population, but courts routinely fail to enforce these requirements (e.g., *Duren v. Missouri*, 1979; *Taylor v. Louisiana*, 1975).

Materials. In order to analyze participant's perceptions of a rapper or comedian, I created a fictional character to perform as both a rapper and comedian, in order to limit participants' prior exposure to previous artists and content. Two images of a Black and White performer retrieved from unsplash.com, a website that grants free access to non-copyrighted images, served as the face of this fictional performer. In order to reduce confounding variables that may influence participant's perception of our fictional performer, the images were as identical as possible. These images were then edited using Photoshop to reduce as many physical differences as possible. This included uniformity across the performers' clothes, jewelry, stance, and background (see Appendix B). Once the fictional characters were created, a pilot test was conducted to ensure uniformity and to reduce potential confounds.

The performers were both provided a racially neutral name, Michael B. The name was chosen under the same criteria as the images, to minimize confounds. Lastly, the platform used to host this experiment was Qualtrics.

Procedure

Participants first read a description of Michael B., who was depicted as either a Black or White rapper or comedian. Then, they were presented with either lyrics of a rap song or an excerpt

from a stand-up comedy sketch. The material contained a first-person narrative about committing one of two types of crimes—either a crime stereotypically associated with rap (i.e., selling drugs) or one associated with stand-up comedy (i.e., sexual assault). Participants were randomly assigned to one of eight possible conditions (see Table 2).

After being exposed to one of the eight possible combinations of conditions, participants completed our dependent measures (see Appendix C). I administered the content as either text or audio to see if there would be differences in how participants perceived the entertainment value of the content and if this would influence participant responses. However, when I got the results I did not find that this made a difference in participant perception of the content, therefore I present the results collapsed across this variable.

Participants were asked these questions to examine if there were differences in how they perceived Michael B.'s content based on changes to his race, art form, and crime in his content. They recorded their level of agreement with the questions—responses ranged from 1-9 (1 = strongly disagree, 5 = neutral, 9 = strongly agree). The questions explored whether participants attribute the crime to a personal or situational attribution and whether race is associated with criminal behavior in the context of music and comedy. It took participants approximately ten minutes to complete the survey, after which they were compensated through CloudResearch.

Results

In the interest of space and comprehensibility, I presented only a subset of our results. The rest of our results will be posted on an open-access platform, like the Open Science Framework (OSF).

Criminality. To examine perceptions of criminality, I asked participants the extent to which they agreed with the statement that “Michael B. is a criminal.” Interestingly, most of the

following perceptions lie around the midpoint of our scale, indicating that participants mostly took a neutral stance regarding Michael B.'s criminality.

Main effects. Although the intent of the experiment was to test for racialized criminality, no main effect for race and criminality was substantiated, $F(1, 457) = 0.07, p = .79, \eta^2 < .001$. Participants did not distinguish between Black ($M = 4.49, SD = 2.44$) and White ($M = 4.56, SD = 2.26$) artists in terms of their perceived criminality. However, there was a significant main effect for art form, $F(1, 457) = 13.96, p < .001, \eta^2 = .028$. Participants who read the rap ($M = 4.96, SD = 2.33$) reported that Michael B. was more criminal than participants who read the stand-up comedy joke ($M = 4.11, SD = 2.29$). Regardless of actual content, rap yielded the stronger perception of criminality when compared to comedy. In other words, participants associated rap more than comedy with criminality. I found another main effect for crime type such that participants exposed to the content about sexual assault ($M = 4.30, SD = 2.46$) viewed Michael B. as more criminal than those exposed to the content about selling drugs ($M = 4.76, SD = 2.20$), $F(1, 457) = 4.44, p = .036, \eta^2 = .009$.

Interactions. In addition to our main effects of art and crime, I found two significant two-way interactions for our dependent variable of criminality. First, there was an interaction between race and art such that the Black rapper ($M = 5.19, SD = 2.40$) was seen as significantly more criminal than the Black comedian ($M = 3.93, SD = 2.33$), $F(1, 457) = 4.10, p = .044, \eta^2 = .008$. A Tukey post-hoc test showed that the difference between these two cells was significant, $t(457) = 4.08, p_{tukey} < .001$. There was no difference between art form for the White rapper ($M = 4.76, SD = 2.26$) and White comedian ($M = 4.32, SD = 2.24$). The Black comedian ($M = 3.93, SD = 2.33$) was also seen as less criminal than the White rapper ($M = 4.76, SD = 2.26$), $t(457) = 2.98, p_{tukey} = .016$.

We found a second two-way interaction for this variable between art form and crime type, $F(1, 457) = 17.97, p < .001, \eta^2 = .036$ (see Figure 1). When the crime described in the artist's content was the sale of drugs, participants did not see the rap ($M = 4.73, SD = 2.33$) or the comedy ($M = 4.79, SD = 2.07$) as differentially indicative of Michael B.'s criminality, $t(457) = 1.49, p_{\text{Tukey}} = .44$. However, when Michael B. rapped about sexual assault ($M = 5.18, SD = 2.32$), this combination yielded the strongest perceptions of criminality, and was significantly different from perceptions of criminality in the stand-up comedy joke about sexual assault ($M = 3.48, SD = 2.31$), $t(457) = 5.76, p_{\text{Tukey}} < .001$. The stand-up comedy joke about sexual assault yielded the lowest criminality ratings and was significantly different from all other cells (all $p_{\text{Tukey}} < .001$). None of the other cells differed significantly from each other (all $p_{\text{Tukey}} > .44$). Interestingly, and counter to our hypothesis, incongruent crime associations (sexual assault and rap, sale of drugs and comedy) yielded the strongest perceptions of criminality.

There was no significant interaction between race and crime, $F(1, 457) = 1.01, p = .32, \eta^2 = .002$ and there was no significant three-way interaction, $F(1, 457) = 1.12, p = .29, \eta^2 = .002$.

Criminal capability. In addition to criminality, I also asked participants to what extent they agreed with the statement, "Michael B. is capable of doing the acts described in this piece" on an increasing scale from 1-9 (1 = strongly disagree, 5 = neutral, 9 = strongly agree). I ran a 2 x 2 x 2 ANOVA on this dependent variable.

Main effects. Similar to our results for criminality, I found no main effect for race, $F(1, 457) = 0.73, p = .39, \eta^2 = .002$; but there was a main effect for art form, $F(1, 457) = 4.77, p = .029, \eta^2 = .010$, and one for crime type, $F(1, 457) = 6.82, p = .009, \eta^2 = .014$. Participants did not see White Michael B. ($M = 6.34, SD = 2.03$) as any more or less capable of committing the acts in the content piece as Black Michael B. ($M = 6.49, SD = 1.99$), but they saw him as more capable if he

was rapping ($M = 6.62, SD = 1.98$) rather than telling jokes ($M = 6.22, SD = 2.03$), and if his piece was about selling drugs ($M = 6.67, SD = 1.94$) rather than sexual assault ($M = 6.18, SD = 2.06$).

Interactions. There was one two-way interaction between art and crime, $F(1, 457) = 8.80, p = .003, \eta^2 = .018$ (Figure 2). The sale of drugs paired with comedy ($M = 4.79, SD = 2.07$) yielded the strongest perception of capability, while sexual assault paired with comedy yielded the weakest perceptions of capability ($M = 3.48, SD = 2.31$). As before, the comedy about sexual assault was significantly different from all other cells (all $p_{tukey} < .004$). None of the other cells were significantly different from each other (all $p_{tukey} > .95$). Like with criminality, *incongruent* crime associations yielded the strongest perception of capability. However, both crime types yielded similar perceptions of capability when paired with rap (sale of drugs $M = 4.73, SD = 2.33$; sexual assault $M = 5.18, SD = 2.32$). This is interesting because participants perceive the rapper as equally capable of committing either crime, regardless of his race.

There was no significant two-way interaction between race and art, $F(1, 457) = 1.94, p = .164, \eta^2 = .004$ or race and crime, $F(1, 457) = 0.47, p = .493, \eta^2 = .001$. There was also no significant three-way interaction, $F(1, 457) = 1.16, p = .28, \eta^2 = .002$.

Evidence of crime. Participants were asked if they thought that Michael B.'s content was evidence of him committing a crime. Overall, responses were generally below the midpoint, revealing that participants mostly disagreed with the statement. However, I did find significant effects of our independent variables on this measure, specifically an interaction between art and crime.

Main effects. There were no significant main effects for the evidence variable. I saw no significant effect of race for Black ($M = 3.30, SD = 2.52$) vs. White ($M = 3.37, SD = 2.26$) Michael B., $F(1, 457) = 0.24, p = .62, \eta^2 = .001$. There is no difference between rap ($M = 3.52, SD = 2.46$)

and comedy ($M = 3.15$, $SD = 2.32$), $F(1, 457) = 1.98$, $p = .16$, $\eta^2 = .004$. There is no difference in perceptions between selling drugs ($M = 3.47$, $SD = 2.34$) and sexual assault ($M = 3.21$, $SD = 2.45$), $F(1, 457) = 1.20$, $p = .28$, $\eta^2 = .003$.

Interactions. Results showed that there is a two-way interaction between art-form and crime such that the stand-up comedy joke about sexual assault was perceived as the least likely of all the combinations of factors to be considered evidence of a crime, $F(1, 457) = 12.30$, $p < .001$, $\eta^2 = .026$. This cell was significantly different from the rap about sexual assault ($t[457] = 3.55$, $p_{tukey} = .002$) and the stand-up comedy joke about selling drugs ($t[457] = 3.28$, $p_{tukey} = .006$). None of the other cells were significantly different from each other (all $p_{tukey} > .28$).

As is shown by the marginal means, scores for this dependent variable fall significantly below the midline, meaning that participants were disagreeing with this statement and did not actually think the content was evidence that Michael B committed a crime (Figure 3).

There were no other significant two-way interactions between race and art, $F(1, 457) = .94$, $p = .333$, $\eta^2 = .002$ or race and crime, $F(1, 457) = 0.72$, $p = .40$, $\eta^2 = .002$. There was no significant three-way interaction, $F(1, 457) = 0.86$, $p = .35$, $\eta^2 = .002$.

Evidence in Court. Since there is a trend of using rap lyrics as confessional evidence in criminal proceedings, it was imperative to assess whether participants agreed with this practice. I asked participants how much they agreed with the statement, “This piece could be used as evidence in court against Michael B.” Though most participants tended to disagree with this statement, results were consistent with the notion that this statement is endorsed differentially depending on the art form and crime type.

Main effects. There was no main effect for race, $F(1, 456) = 1.51$, $p = .220$, $\eta^2 = .003$: participants did not endorse or reject this statement differentially based on whether Michael B. was

Black ($M = 3.32, SD = 2.57$) or White ($M = 3.60, SD = 2.40$). However, there were main effects for the other independent variables of art, $F(1, 456) = 5.12, p = .024, \eta^2 = .011$ and crime type, $F(1, 456) = 7.90, p = .005, \eta^2 = .016$. Specifically, participants indicated that the stand-up comedy joke ($M = 3.20, SD = 2.38$) was less likely to be used as evidence in court, compared to the rap ($M = 3.74, SD = 2.56$), and that content about selling drugs ($M = 3.13, SD = 2.29$) was less likely to be used as evidence in court, compared to content about sexual assault ($M = 3.78, SD = 2.62$).

Interactions. Consistent with the findings of the main effects, participants who read a rap about sexual assault were the most unsure about whether this could be used as evidence in court, compared to participants who were randomly assigned to other combinations of factors, $F(1, 456) = 4.68, p = .031, \eta^2 = .010$. This cell was significantly different from all the other cells (all $p_{Tukey} < .008$). For the comedy skit, both crimes (i.e., drugs and sexual assault) were equally assessed as evidence to be used in court, $t(456) = 0.46, p_{Tukey} = .97$. Figure 4 shows that the scores fall below the midline, meaning participants were disagreeing with this statement and did not think any of the content should be used in court. However, this is precisely what occurs in actual courtrooms in the U.S.

There was no significant race x art interaction, $F(1, 456) = 3.63, p = .058, \eta^2 = .008$, or race x crime interaction, $F(1, 456) = 0.02, p = .88, \eta^2 < .001$. There was also no significant three-way interaction, $F(1, 456) < .001, p = .96, \eta^2 < .001$.

Harmfulness to Society. Toward the end of the questionnaire, participants were presented with the statement, “The content of Michael B.’s piece is harmful to society” and were asked to indicate the extent to which they agreed with it. I found two main effects and one three-way interaction.

Main effects. There was no main effect for race: participants did not endorse or reject this notion of harm differentially depending on Michael B.'s race, $F(1, 455) = 0.07, p = .79, \eta^2 < .001$. However, I did find a significant main effect of art form, such that the rap ($M = 5.90, SD = 2.59$) was seen as significantly more harmful than the comedy ($M = 4.15, SD = 2.75$), $F(1, 455) = 53.8, p < .001, \eta^2 = .095$. Regarding content, the piece about sexual assault ($M = 5.79, SD = 2.82$) was seen as significantly more harmful to society than the piece about selling drugs ($M = 4.21, SD = 2.56$), $F(1, 455) = 48.20, p < .001, \eta^2 = .085$.

Interactions. Unlike our other dependent variables, there were no significant two-way interaction: the race x art interaction, $F(1, 455) = 0.06, p = .804, \eta^2 = .001$, the race x crime interaction, $F(1, 455) = 0.06, p = .801, \eta^2 < .001$, nor the art x crime interaction, $F(1, 455) = 0.37, p = .54, \eta^2 = .001$, were statistically significant. However, I did find a significant three-way interaction between all of our factors, $F(1, 455) = 6.27, p = .013, \eta^2 = .011$, see Table 3 for descriptive statistics. The rap about sexual assault ($M = 3.40, SD = 2.31$) was seen as the most harmful to society, regardless of whether it was Black or White Michael B. rapping, $t(455) = 1.13, p_{tukey} = .95$. The difference in perceptions of the rap about selling drugs and the rap about sexual assault was significant for the Black rapper, $t(455) = 4.65, p_{tukey} < .001$, but not for the White rapper, $t(455) = 2.77, p_{tukey} = .11$. This means that a rap about sexual assault from a Black rapper was seen as significantly more harmful to society than a rap about selling drugs from a Black rapper. However, the White rapper rapping about either crime was seen as equally harmful to society. I found the opposite trend for the stand-up comedy joke. The Black comedian telling jokes about selling drugs vs. sexual assault is seen as equally harmful to society, $t(455) = 1.91, p_{tukey} = .55$. But the White comedian telling jokes about sexual assault was seen as significantly more harmful than a White comedian telling jokes about selling drugs, $t(455) = 4.35, p_{tukey} < .001$.

Summary

Existing literature concluded that rap was viewed as more criminal than other musical genres. Findings from the current study demonstrate that rap is seen as more criminal when compared to another self-expressive art form, comedy. Participants' biases were the most obvious in how they perceived the capability of the rapper. The results for capability also confirmed the results of Fischhoff's (1999) study, which suggested that jurors perceive a rapper as more capable of committing a crime he raps about. While sexual assault was seen as a more heinous crime than selling drugs, people believed the rapper was equally capable of committing either crime.

Some of these results supported our hypothesis while others did not. Regarding our first hypothesis, I did not find a main effect for race, however, I found a main effect for art form. For our second hypothesis, I found that incongruent crime associations yielded stronger perceptions of criminality than congruent crime associations. Results did not support our last hypothesis, and the three-way interaction revealed that the White performer rapping about a sexual assault crime yielded the greatest criminality perception of all other combination of conditions, $F(1, 455) = 6.27$, $p = .013$, $\eta^2 = .011$. Overall, in every category, participants perceived rap, or its content, more negatively than comedy.

General Discussion

This paper used content analysis and experimental methods to examine the question of why rap and hip-hop are perceived as criminal, more so than other art forms. In Study 1, the emotional vulnerability and emotional invincibility code groups provided an interesting framework for theorizing about the purpose of including criminal behavior, such as drug use, within each genre. When examining criminal behavior described in lyrics across time, there were more mentions of drugs and drug use in 1991 ($n = 32$) as compared to 2014 ($n = 21$). When analyzing specific genres

across years, hip-hop songs from 1991 included 26 mentions or references of drugs whereas hip-hop songs from 2014 had only 15 mentions or references of drugs. This suggests that, within each year, hip-hop made up a majority of the illicit drug-related content between the two genres. A similar result was found in Herd's (2008) study which revealed that rap songs included more drug content than songs of other genres. Herd concluded that the majority of rap (68%) and gangsta rap (80%) songs contained at least one reference to illicit drugs. As a whole, hip-hop songs from 1991 and 2014 mentioned illicit drugs 41 times within these 31 songs, whereas rock mentioned drugs 12 times between the 35 songs. Beyond drug use, hip-hop mentioned other crimes such as sexual harassment, robbery, and homicide, while criminal references in rock music never extended beyond illicit drugs.

For rock, drugs were mentioned because they served as a coping mechanism for the artist's emotional unrest. In other words, due to the artist being emotionally vulnerable, they use drugs to cope with whatever is causing them emotional pain. This is most notably seen in Nirvana's (1991) "Smells Like Teen Spirit" and "Habits" (2014) by Tove Lo. For hip-hop, drugs, within the context of emotional invincibility, are used for fun, recreation, and for monetary gain. In other words, the codes suggest that hip-hop artists may use drugs because they want to or as a mechanism of gain (e.g., respect or money), whereas rock artists may use drugs because they feel they have to in order to ease an emotional burden.

The idea of an artists' use of drugs relates to the fundamental attribution error because it is easier to explain a rock artists' use of drugs through situational attributions while it is easier to explain hip-hop artists' use of drugs through dispositional attributions. For example, a rock artist's mention or use of drugs may be explained as "they use drugs because of the situation they are in," whereas a hip-hop artist's use of drugs may be explained as "they use drugs because they want to

get high.” The personal attribution of drug use within a song, taken with the context of emotional invincibility, may allow for easier perceptions of criminality toward hip-hop artists. It is important to note that not every hip-hop song mentioned drugs or drug use, but a majority of them did. This paragraph speaks in terms of the majority, or average, more than each individual song.

Although there was some overlap between the genres and within individual songs, most rap songs exclusively portrayed this sense of emotional invincibility and most rock songs exclusively portrayed emotional vulnerability—although every rock song had at least one mention of emotional vulnerability (see Table 1). When rap artists discussed their own experiences, they were seemingly free to express vulnerability. However, emotional vulnerability was a constant theme in rock, even if the artist was talking about other people. Emotional vulnerability in rock appeared to come with a sense of relief, and there was less hesitation to place oneself with that vulnerability (i.e., through the use of "I" or "my"). When hip-hop songs displayed emotional vulnerability to release an emotion or tell a story, artists relied less on personal nouns or identifiers. Rap artists used emotional vulnerability as a storytelling mechanism to paint the bigger picture or avoid perceived challenges to authenticity or power.

While most songs exclusively aligned with either emotional vulnerability or emotional invincibility, some included both. The biggest overlap of emotional vulnerability in rap came from women artists. Artists like Beyoncé (2014, “Drunk in Love”), Nicki Minaj (2014, “Anaconda”), and Iggy Azalea (2014, “99 Problems” and “Black Widow”) shifted more frequently between emotional vulnerability and emotional invincibility. For example, in “Black Widow,” Rita Ora shifts between the emotionally vulnerable line, “I’m gonna love you, until you hate me. And I’m gonna show you what’s really crazy” by following it with an emotionally invincible line, “You should’ve known better than to mess with me harder”. I coded this as emotional invincibility

because Rita Ora's prosody during the delivery of the line implied a threatening tone to match the threatening line, implying she wants vengeance while not displaying her true emotions. However, these artists still employed emotional vulnerability as a storytelling mechanism, like their male counterparts. With male rap artists, there were more occurrences of emotional invincibility than emotional vulnerability. Regardless of the artist's sex, in cases where these code groups co-occurred, emotional invincibility directly followed emotional vulnerability, which suggests that emotional invincibility may be a way to counter their emotional vulnerability. For example, in "I Don't Fuck With You" by Big Sean, he counters his emotionally vulnerable line of "It seems like nowadays everybody breakin' up. That shit can break you down if you lose a good girl" by following it with the emotionally invincible line of "I guess you need a bad bitch to come around and make it up."

The theme of emotional invincibility is important to understand because of the associations of criminality with remorselessness. The theme of emotional invincibility, synonymous with emotionlessness, was most notably and consistently found in the rap lyrics. Billson and Majors (1992) note that many Black men maintain a tough and emotionless exterior that assists them in retaining their sanity and "manhood" within a culture that attempts to strip them of it (p. 27-28). Hip-hop also attempts to maintain this exterior of toughness by relying on masculine tropes, which are also used by women and non-Black hip-hop artists (e.g., Nicki Minaj, Gerardo, Eminem, and Iggy Azalea). For example, a masculine trope used by Gerardo—an Ecuadorian rapper—uses machismo themes in his songs "Rico Suave" and "We Want the Funk" to maintain the masculine tropes that are widely used in hip-hop. Therefore, the construct of resilience (which was a recurring code in many of the hip-hop songs) is additionally relevant because the use of protective factors may in turn be what manifests in Black men, and hip-hop culture as a whole, as this outward

appearance of a tough exterior (Mu'min, 2010). When taken together, the association of hip-hop and criminality, and the themes that are present in the genre as a whole, mixed with the negative associations with hip-hop and Blackness, make these rap lyrics an easy target for the criminal justice system.

These code groups offered an understanding of prominent themes presented in hip-hop that may contribute to its negative perception and criminal associations. However, it is important to contextualize these themes in order to better understand what they may suggest. In criminal proceedings, empirical studies have shown that remorse plays an important role in observers' judgments of defendants. When a person is identified as remorseful, their character is judged more favorably (Gold & Weiner, 2000; Zhong et. al., 2014). This, however, is a conundrum for hip-hop because, as with Black culture, it is often associated with remorselessness and a lack of empathy. These preliminary findings showed that both rock and hip-hop increased usage of emotional invincibility across time. In 1991, emotional invincibility was primarily used in rap lyrics; however, by 2014, rap and rock were nearly identical in their use of emotional invincibility. When taken at face value, this trend does not seem concerning. However, there has been an increase in the use of emotional invincibility in rap songs and this increase coincides with the increase of the use of said lyrics in criminal proceedings.

Finally, the inclusion and use of drugs within each genre in Study 1 relates to the fundamental attribution error. It may be more logical to explain a rock artist's use of drugs through situational attributions, while it is easier to explain hip-hop artists' use of drugs through dispositional attributions. For example, a rock artist's mention or use of drugs may be explained as "they use drugs because of the situation they are in," whereas a hip-hop artist's use of drugs may be explained as "they use drugs because they want to get high." The personal attribution of

drug use within a song, taken with the context of emotional invincibility, may make it easier for the general public to attribute criminality toward hip-hop artists.

Authenticity is often associated with, within, and beyond rap, with rappers expected to be authentic within their lyrics while listeners expect authenticity from the rapper. However, where does this expectation of authenticity come from, especially from the listener? Yet, this expectation of authenticity does not seem to exist for comedy. Comedians are either hailed for their social insight and authenticity in their story telling or viewed as entertainers whose stories and comedic lines should not be taken seriously (Rappaport & Quilty-Dunn, 2020). Regarding the fundamental attribution error, the general population are more likely to view stand-up comedy in the latter perspective rather than former, while viewing rap in the former perspective rather than the latter. In other words, comedians are not believed about the things they talk about on stage, with their words attributed to entertainment, however, rappers are taken literally with their words attributed to authenticity.

Although it is unlikely that rap lyrics will be deemed as inadmissible evidence in the court of law (Dennis, 2007; Dunbar et. al., 2016), with this trend increasing alongside hip-hop's popularity, it is important to develop progressive solutions that combat the biases associated with hip-hop. Criminal cases that use and present rap lyrics as evidence seem to rely on racial stereotypes and these racial stereotypes translate into real world behavior with serious implications (Eberhart, et. al., 2006). For example, Eberhart et. al. (2006) study found that in cases involving a White victim, the more stereotypically Black a defendant is perceived to be, the more likely that person is to be sentenced to death. One common racial stereotype in court cases is the association of Blackness and crime, with the general population and juries associating criminality more with Black people than any other racial group (e.g., Oliver, 2003). This association can have serious

implications and can potentially lead people to behave differently around Black people, such as anticipating deviant behavior or expecting deviance in Black expression. For example, Eberhart et. al., (2004) study found that “Black faces and Black bodies can trigger thoughts of crime, while thinking of crime can trigger thoughts of Black” (p. 876). In other words, “the mere presence of a Black man can trigger thoughts that he is violent and criminal” (p. 876).

The association between Blackness and crime may influence how people perceive content produced by, or even for, Black people. Study 2 shows that the rapper is seen as more criminal and more capable of committing a crime (Dixon & Azocar, 2007), and this may be caused by the inherent association between Blackness and crime (Dixon & Azocar, 2007; Eberhart et. al., 2004). This is important because hip-hop and Blackness are so intertwined that hip-hop is seen amongst African-Americans as a form of cultural capital (Clay, 2003).

Though our shorthand schemas of people may be helpful in some situations, they also can lead to discriminatory behaviors if we are not careful (Kang, 2009). Given the critical importance of exercising fairness and equality in the court system, lawyers, judges, jurors, and staff should be particularly concerned about identifying such possibilities (Casey et al., 2013; Kang, 2009). Jurors can reduce the negative impact of their implicit biases by becoming aware of them and taking steps to alter behavioral responses and override them. Additionally, these results can be used by the general public to stay informed about their biases against rap music. This can potentially help mitigate any stereotypes and biases present in juries during cases in which rap lyrics are used as evidence. I implore jurors and the general public to be cognizant of these court cases and acknowledge that rappers have, and continue to, lose their freedom due to the biases we as a society hold against the art form they choose to use as a form of self-expression.

Limitations

For Study 1, the sample songs for the content analysis may not be the best representation of their respective genres. This content analysis qualitatively examined the relationship between crime and musical genre. This study analyzed the quality of the content (the deep analysis of individual songs) and it is possible that quantity (amount of exposure to particular types of content, lyrics, or songs) may play a larger role in the correlation of rap and crime.

For Study 2, our pilot test showed sexual assault and the sale of drugs as equally associated with rap. This means the associations between sexual assault and comedy are not as strongly correlated as initially anticipated, especially when compared to rap's association with the sale of drugs. This is not to say the association does not exist, it just means they are not as strongly associated as rap and the sale of drugs. Additionally, the pilot test also showed that people perceived the severity of each crime differently, with sexual assault seen as a more severe crime than selling drugs. Although it is not possible to determine from these results, it is reasonable to consider that participants associate sexual assault with a victim, whereas the sale of drugs may be interpreted as a victimless crime. Future research may consider comparing sexual assault to a crime of relatable or equal severity.

At the end of our survey, participants were able to leave comments. One of the questions, specifically question 1, which asked if participants thought the events described [in the piece] actually happened, revealed that some participants thought the question asked if they believed that the artist's performance (i.e., skit or song) was real, rather than whether the crime described in the content (i.e., sexual assault or drug sale) was real. Fortunately, this question was corrected by adding "in this piece" before the other 500 plus participants took the survey.

Since the survey was administered online, it was not possible to control what participants did while taking the survey, whether they looked up Michael B. or the lyrics, which could

potentially affect participants' perceived validity of the survey. Although I implemented controls for confounds within the instrument, it was not possible to control for any potential confounds on participants' end.

Future Directions

In contemporary research, it can be difficult to ask people questions about race while avoiding the social desirability bias. This is the tendency to underreport socially undesirable attitudes and behaviors and to over report more desirable attributes (Latkin et. al. 2017, 2). Hip-hop's relationship with Black populations is well documented (e.g. Rose, 1994), so by asking questions relating to rap, I was, in many ways, also asking about race. The biases against rap are not simple biases against the musical genre, but also implicit biases against the people associated with the genre.

Although the criminal justice system is idealized as impartial, results from this study suggest that agents within the criminal justice system allow rap lyrics to be used knowing that jurors associate rap with Black Americans and crime. If the criminal justice system persists in using these lyrics as a form of evidence, then how legitimate are its claims of impartiality? As such, future research should explore the implicit association between Black Americans, crime, and hip-hop. In light of Levinson and Young's (2010) study, future research could also explore if changes in skin tone would make jurors perceive certain content as commentary or self-expression while another as harmful.

Implicit bias research has uncovered widespread and deep-seated tendencies among Whites—including criminal justice practitioners—to associate Blacks and Latinos with criminality (Ghandnoosh, 2014). Implicit racial biases also permeate the work of criminal justice professionals and influence the deliberation of jurors. When researchers administered the IAT to judges

(Ghandnoosh, 2014; Rachlinski et. al., 2009) and capital defense lawyers (Eisenberg & Johnson, 2004), they found that the majority of White and a minority of Black judges and counsel exhibited bias favoring White defendants over African Americans.

Scholars have also explored the potential impact of implicit bias on the work of prosecutors (Ghandnoosh, 2014; Smith & Levinson, 2012) and defense attorneys (Ghandnoosh, 2014; Lyon, 2012; Richardson & Goff, 2013). Studies of case outcomes—including bail determinations, prosecutorial charging, and sentencing—also reveal that the work of criminal justice professionals is affected by a defendant’s race even after other relevant factors are controlled. Finally, studies of mock jurors have found that a defendant’s race has some impact on verdicts and sentencing, showing a small but statistically significant impact of race on the determination of guilt and sentencing (Mitchell et. al., 2005; Sommers & Ellsworth, 2003). Mock jurors in one recent study even exhibited skin-color bias in how they evaluated evidence: they were more likely to view ambiguous evidence as indication of guilt for darker skinned suspects than for those who were lighter skinned (Levinson & Young, 2010). With this, one could explore if changes in skin tone would make jurors perceive certain content as commentary or self-expression while another as harmful.

This study does not examine speed, so, just like the IAT future research could look at response speed and how that may correlate to certain perceptions, especially incongruent associations. When it comes to an incongruent crime association, are people quicker to say it’s more evidence of criminality and capability than congruent associations?

Future research can also explore the perceptions of authenticity within rap that may lead to its negative perception. More specifically, can authenticity be distinguished from truth? With self-expression, can one be authentic to their experiences while not being truthful? In gangsta rap

especially, there seems to be a push towards authenticity in that a rapper cannot be taken seriously if they do not rap about real life experiences. A further study could explore the implication of authenticity on rap's perception, especially since this need for authenticity does not seem to exist within other art forms and music genres.

Finally, future research could look at the extent to which we view rap so negatively. One suggestion on how to do this is through a meta-analysis that compares the crimes spoken about in rap to the most common crimes of the particular year that the rap song was released. Similarly, with hip-hop's association with Blackness, future research can explore this double standard by examining the extent to which hip-hop's relationship with Blackness affects perceptions of hip-hop.

Conclusion

Rap music is a Black cultural and artistic expression that prioritizes Black voices from the margins of urban America (Rose, 1994). Artistic expression is protected as free speech under the First Amendment. The United States Court of Appeals for the Second Circuit holds, "paintings, photographs, prints, and sculptures...always communicate some idea or concept to those who view it, and as such are entitled to First Amendment protection" (Placik, 2018, p. 1). Interestingly, however, this distinction does not include music. Some art forms are seen differently by many courts (Sykes & Rafei, 2020). Rap is unfairly seen in the courts, not as an art form, but as inherently incriminating evidence (Dennis, 2007; Laybourn, 2018; Thacher, 2021). The use of rap lyrics as criminal evidence reiterates the criminal perceptions that are associated with Black people in the criminal justice system. The association of Black men with danger and criminality is clearly a reflection of a host of variables and a long history of oppression and stereotyping (Oliver, 2003). The media plays an important role in the stereotyping of Black people as violent and dangerous

which has an effect on how people in society and in our criminal justice system perceive Black people. The inclination that Black populations are dangerous is furthered by how much the criminal justice system seems to target these populations through various means.

Our results show that rap is perceived more negatively than comedy. There are many avenues in which this research can explore, and many implications associated with people's negative perceptions of rap. As a society we have a negative bias against rap that makes the use of rap lyrics in criminal proceedings problematic. We must be more cognizant of our biases against rap because rap is now another mechanism that the criminal justice system uses in order to justify the incarceration of people associated with this art form. People could and *have* lost their freedom because of the biases we, as a society—in various levels, especially at the judicial level—hold against the art-form they choose to use as a form of self-expression.

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Tables

Table 1: (a) *Number of mentions of each code in each genre*

	Hip-Hop	Rock	Total
Emotional Invincibility	76	7	83
Emotional Vulnerability	29	97	126
Total	105	104	209

Table 1: (b) *Percentage of mentions of each code in each genre*

	Hip-Hop	Rock
Emotional Invincibility	83.9%	8.6%
Emotional Vulnerability	58.1%	100%

Table 2: *Study 2 Independent Variables and Possible Cells*

Black, rap, sale of drugs	White, comedy, sexual assault	Black, rap, sexual assault	White, comedy, sale of drugs
White, rap, sexual assault	Black, comedy, sale of drugs	White, rap, sale of drugs	Black, comedy, sexual assault

Table 3: Means and standard deviations for each cell for harmfulness to society variable

Race	Art	Crime	Mean	Standard deviation
Black	Rap	Sale of drugs	4.69	2.78
		Sexual assault	7.03	2.44
Black	Comedy	Sale of drugs	3.62	2.32
		Sexual assault	4.48	3.02
White	Rap	Sale of drugs	5.23	2.40
		Sexual assault	6.50	2.17
White	Comedy	Sale of drugs	3.09	2.28
		Sexual assault	5.26	2.85

Figures

Figure 1. Perceived Criminality by Art Form

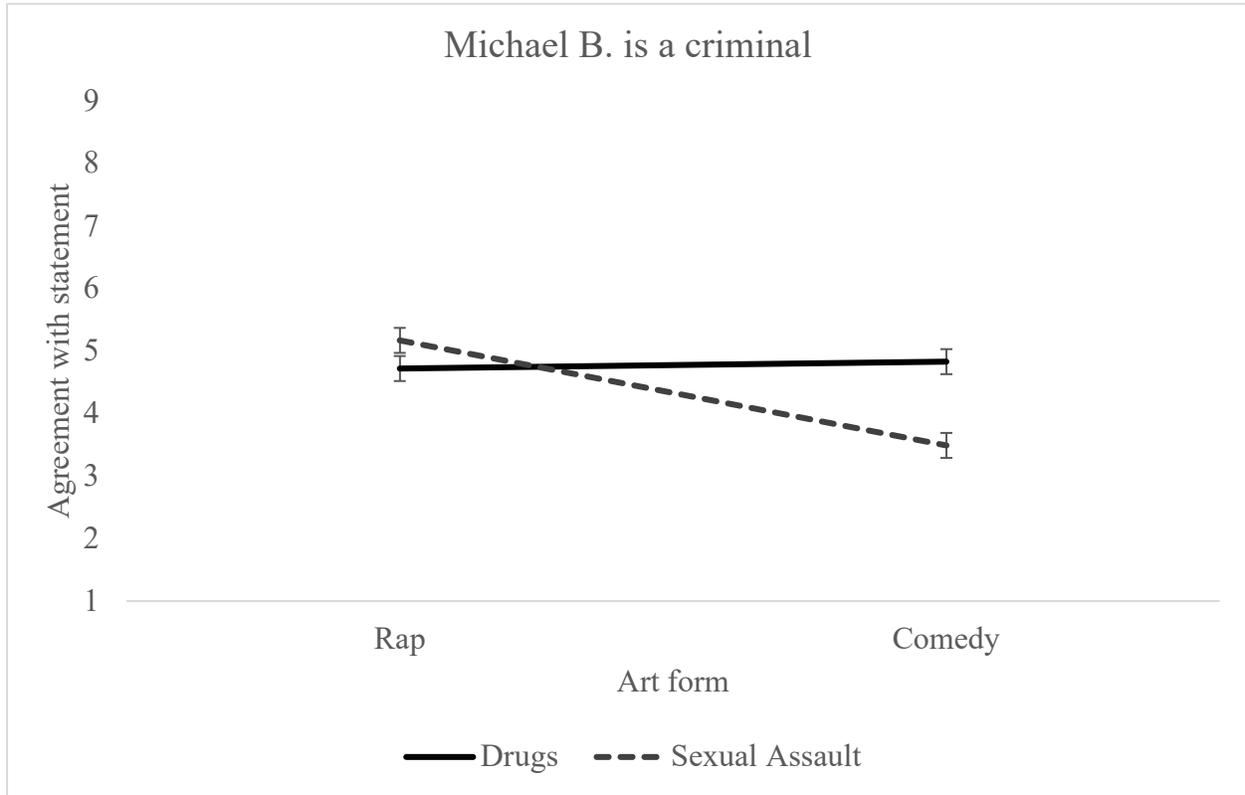


Figure 2. Perceptions of criminal capability by artistic form

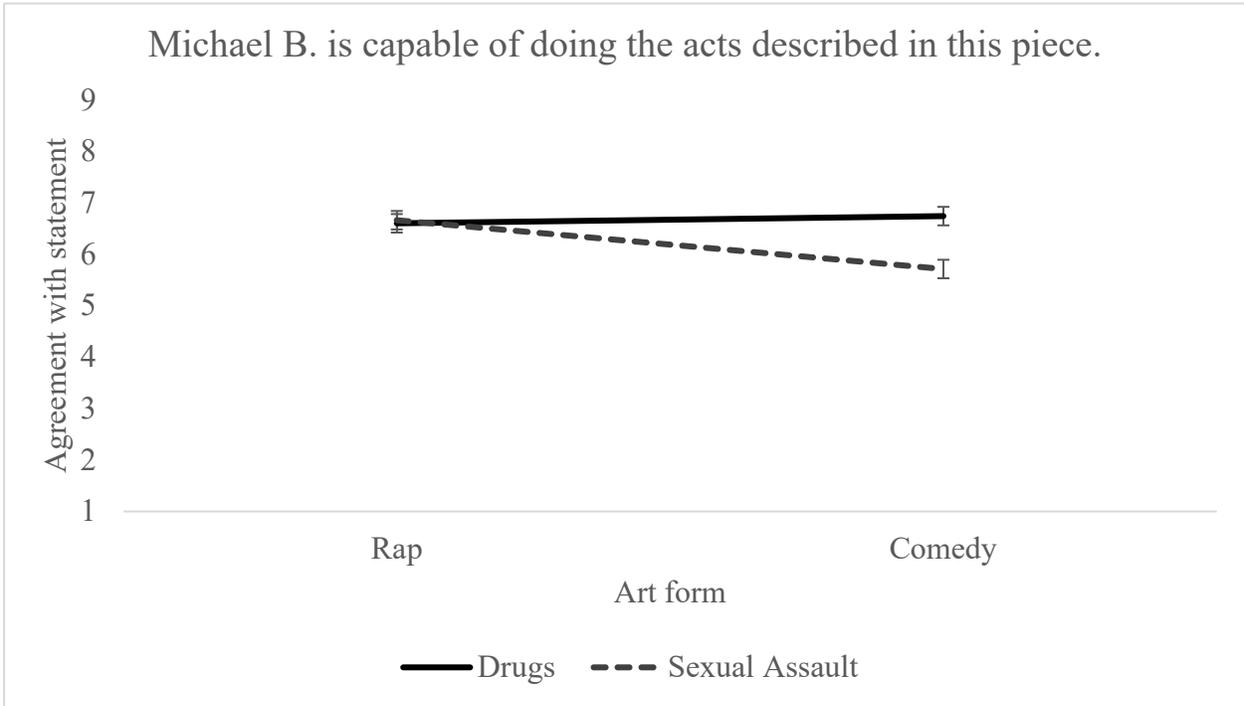


Figure 3. Perceptions of artistic content as evidence of crime

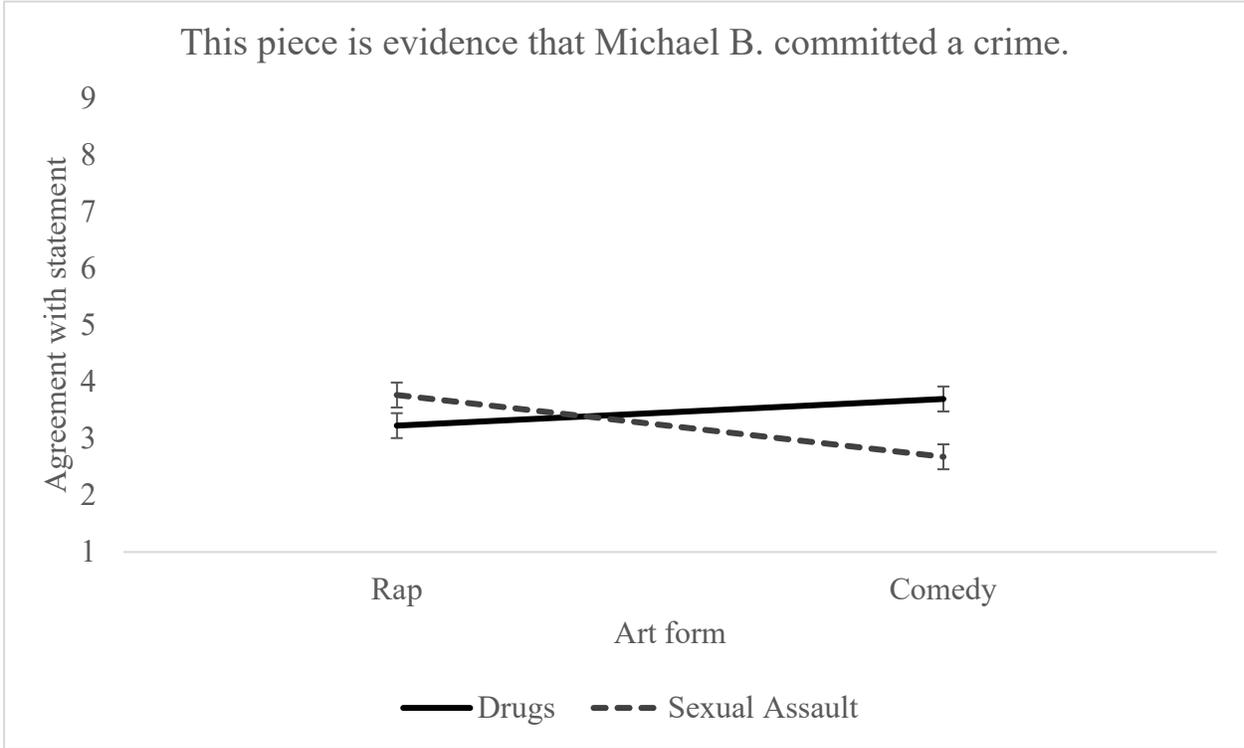


Figure 4. Assessments of artistic content as evidence in criminal proceedings

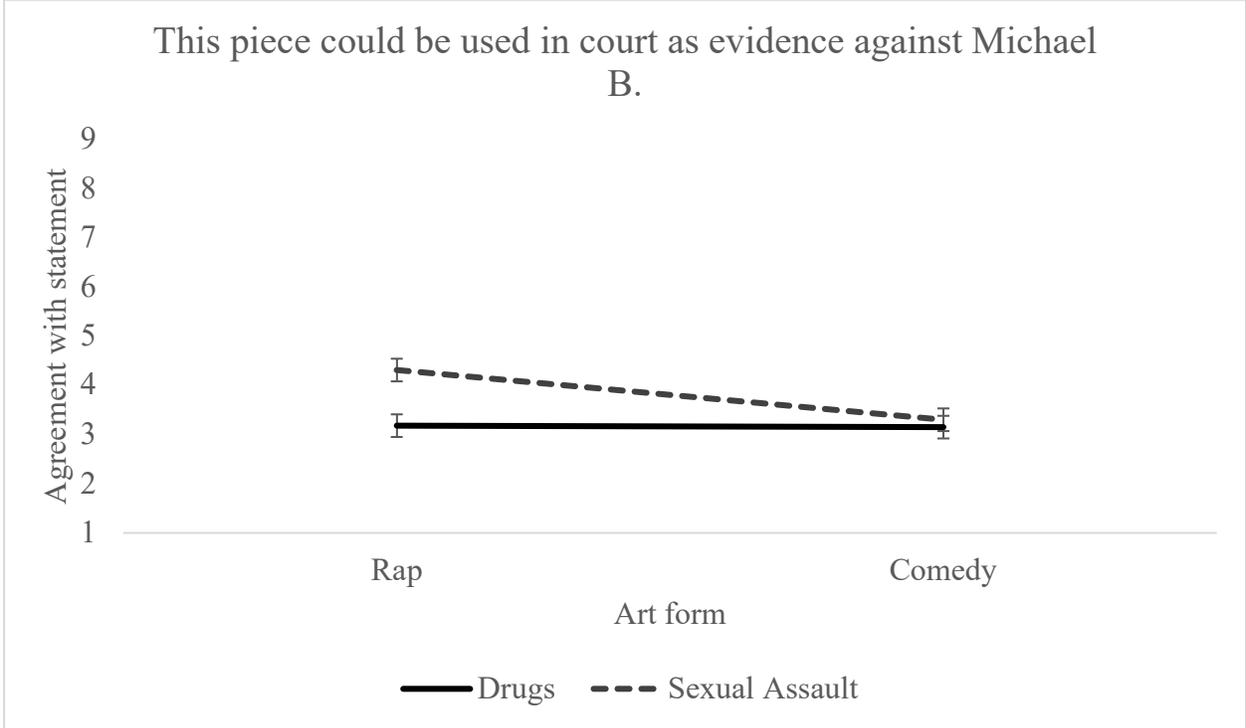
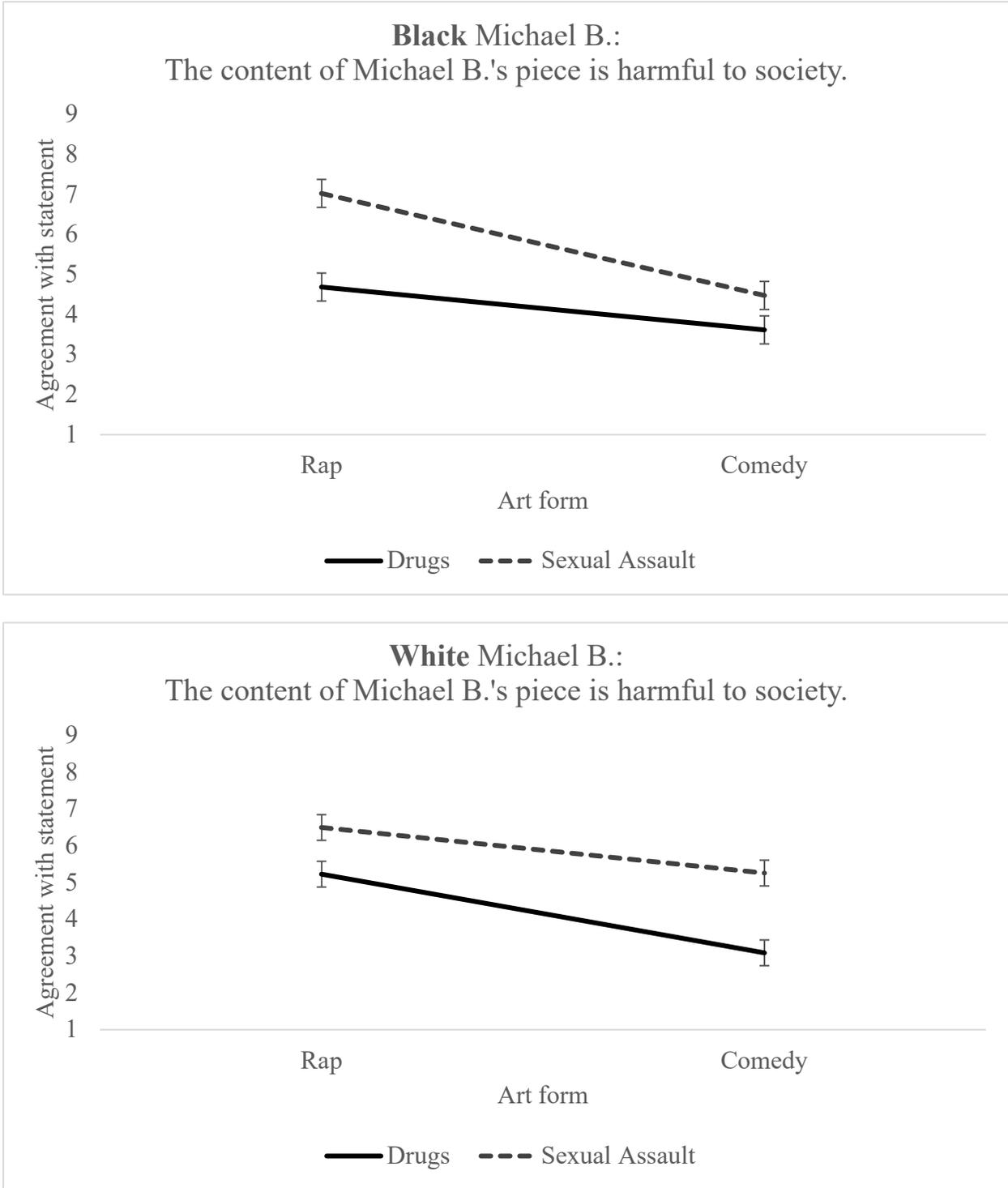


Figure 5. Harmfulness of crime by performer's race and art form



Appendix A: Study 1 Materials

Sample Songs

<p>1991 Rap Songs</p> <ol style="list-style-type: none"> 1. 2 Legit 2 Quit - (MC Hammer) 2. Around the Way Girl - (LL Cool J) 3. Elevate my Mind - (Stereo MCs) 4. Good Vibrations - (Marky Mark and the Funky Bunch) 5. I Love You - (Vanilla Ice) 6. Iesha - (Another Bad Creation) 7. Mama Said Knock You Down - (LL Cool J) 8. Melt in your Mouth - (Candyman) 9. New Jack Hustler - (Ice T) 10. O.P.P. - (Naughty by Nature) 11. Play that Funky Music - (Vanilla Ice) 12. Playground - (Another Bad Creation) 13. Rico Suave - (Gerardo) 14. Set Adrift on Memory Bliss - (PM Dawn) 15. Strike it Up - (Black Box) 16. Summertime - (DJ Jazzy Jeff) 17. The Ghetto - (Too \$hort) 18. We Want the Funk - (Gerardo) 19. Wildside - (Marky Mark and the Funky Bunch) 	<p>1991 Rock Songs</p> <ol style="list-style-type: none"> 1. All This Time - (Sting) 2. Disappear - (INXS) 3. Don't Cry - (Guns N Roses) 4. High Enough - (Damn Yankees) 5. Hole Hearted - (Extreme) 6. I Saw Red - (Warrant) 7. I Touch Myself - (Divinlys) 8. I'll Be There - (The Escape Club) 9. Joyride - (Roxette) 10. Losing My Religion - (REM) 11. Love of a Lifetime - (Firehouse) 12. Moneytalks - (AC/DC) 13. More Than Words - (Extreme) 14. No Son of Mine - (Genesis) 15. Real Real Real - (Jesus Jones) 16. Right Here - (Jesus Jones) 17. Shiny Happy People - (REM) 18. Show me the Way - (Styx) 19. Signs (Tesla) 20. Smells Like Teen Spirit - (Nirvana) 21. Unbelievable - (EMF) 22. Waiting for Love - (Alias) 23. Wind of Change - (Scorpions)
<p>2014 Rap Songs</p> <ol style="list-style-type: none"> 1. Anaconda - (Nicki Minaj) 2. Black Widow - (Iggy Azalea feat. Rita Ora) 3. Drunk in Love - (Beyonce feat. Jay Z) 4. Fancy - (Iggy Azalea) 5. Hot N***a - (Bobby Shmurda) 6. I Don't Fuck With You - (Big Sean) 7. Loyal - (Chris Brown) 8. Problem - (Ariana Grande feat. Iggy Azalea) 9. The Man - (Aloe Blacc) 10. The Monster - (Eminem feat. Rihanna) 11. Uptown Funk - (Mark Ronson feat. Bruno Mars) 12. Wiggle - (Jason Derulo) 	<p>2014 Rock Songs</p> <ol style="list-style-type: none"> 1. A Sky Full of Stars - (Coldplay) 2. Ain't it Fun - (Paramore) 3. Animals - (Maroon 5) 4. Cool Kids - (Echosmith) 5. Counting Stars - (OneRepublic) 6. Demons - Imagine Dragons 7. Habits - (Tove Lo) 8. Maps - (Maroon 5) 9. Me and My Broken Heart - (Rixton) 10. Pompeii - (Bastille) 11. Rude - (Magic!) 12. We Might be Dead Tomorrow - (Soko)

Appendix B: Study 2 Materials

Rap Lyrics—Rap-Sale of Drugs:

Always run the city, gotta keep my boys with me.
Always selling dope so you know I stay busy.
Keep the fiends happy, happiness comes in white.
Dollar bills, White lines, I'm Santa I bring delight.
I gotta get paid, I only care 'bout dollar signs.
Selling grams 'til eight, want some? Get in line.

Rap Lyrics—Comedy-Sexual Assault:

Call it assault cause the way I hit I like to have fun.
Said I was down for the cause but now she tells me she's done.
Told her I wanted more, so I got her back on the floor.
She screaming and crying, tryna bang on my door.
She asked for it first, now she telling me no?
Guess I'm just breaking a tool the way I'm fuckin' this hoe.

Comedy Skit - Rap-Sale of Drugs:

I always grew up selling drugs before I became a comedian. People don't understand that being a drug-dealing comedian is great. I make money through coke and jokes. I also get to see three white lines: the one at my shows, the one I sell my "customers", and the one at the police station.

Comedy Skit—Comedy-Sexual Assault:

Lately sex with me has been a lot like getting a wisdom tooth taken out. When I have sex with women, they're usually asleep for half of it. When they wake up, they don't know what's happening. Once they figure out what's happening, they start crying, screaming, and begging for their mom.

Images of Michael B.



Appendix C: Dependent Variables

**=manipulation check

1. The events that this piece described actually happened.	2. Michael B. is capable of doing the acts described in this piece.
3. Michael B. is a criminal.	4. This piece is evidence that Michael B. committed a crime.
5. The content of this piece probably does not reflect Michael B.'s real life.	6. This piece could be used in court as evidence against Michael B.
7. Most of the time, the content of entertainers' work is fictional.	8. Please select the option 5-neutral for this question.**
9. Most of the time, the content of entertainers' work is based on their actual lives.	10. The main job of an entertainer is to tell the truth.
11. The main job of an entertainer is to provide content that people like, regardless of whether it's true or not.	12. The content of Michael B.'s piece was offensive to me.
13. The content of Michael B.'s piece is harmful to society.	14. Michael B.'s piece was entertaining.