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HIP-HOP AND OTHER PROFESSOR'S PEDAGOGY

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Abstract

Hip-hop has been the music of a community oppressed by racism, poverty, over-incarceration, and police brutality. Through a culture of DJs, graffiti, break dancing and rap, in the late 1970s and early 1980s, this community created a voice of its own: a voice that has directly affected America through television, film, fashion, visual arts, and dance. This paper emphasizes the need to take advantage of hip-hop culture and its pervasiveness in our modern society to harness its unifying nature among our students and to better drive their ability to relate with educational lessons.

During the 1990s, hip-hop culture was introduced into the curriculum of many primary and secondary schools throughout the United States, ultimately resulting in higher retention rates and student achievement. Beyond the small

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amount of work produced by a handful of academics, often in the field of African-American studies, hardly any literature exists depicting how and with what tools one might bring hip-hop culture and media into a university setting.

This paper will show that hip-hop culture can be a teaching vehicle, particularly for legal studies, and provide professors a resource through which they can better engage and interact with their students. In the eyes of many, modern mainstream hip-hop has been typecast as fraught with violence, misogyny and materialism. This paper will show that hip-hop culture, included within a legal studies curriculum, can move beyond the obvious applications in criminal and tort law and into the broader scheme of legal studies. Particularly, the intersection where hip-hop convenes with big business provides the educator with countless opportunities to reveal dynamic American cultural views on ethics, social consciousness, and the law in a manner that supports discussion and reflection amongst Millennials.

Hip hop means the whole culture of the movement. . . when you talk about rap . . . Rap is part of the hip hop culture. . . . The emceeing . . . . The djaying is part of the hip hop culture. The dressing the languages are all part of the hip hop culture. The break dancing the b-boys, b-girls. . . how you act, walk, look, talk are all part of hip hop culture. . . and the music is colorless. Hip Hop music is made from Black, brown, yellow, red, white . . . whatever music that gives you that grunt . . . that funk, that groove or that beat. . . . It’s all part of hip hop.\(^1\)

–Afrika Bambaataa

During the mid-1970s, economically disadvantaged African-American, Latin, and Afro-Caribbean youths in the South Bronx of New York City began an aesthetic and sociopolitical rebellion against an oppression that had consumed their struggling community. Between the excessive policing practices in a population already diminished by over incarceration and the experience of genuine inequalities in access to proper housing and meaningful employment opportunities, this community needed a means for hope, change, and survival. They found hope through the development and embodiment of a voice—a self-expression. This lifestyle would become hip-hop.

The vulgarity, misogyny, violence, and materialism of modern mainstream hip-hop, is the result of decades of corporate influence commodifying the urban voice. “Cars . . . clothes . . . money and . . . hoes” simply sell more records and concert tickets than socially conscious content, resulting in a perpetual cycle of stereotypes fostered by corporations seeking higher sales. Since hip-hop was a response to a condition of oppression, it is considered best to discuss the individual

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elements as constituent parts of the development and formation of hip-hop. Through MCs (or “rappers”), DJs (or “disc jockies”), graffiti art, breaking or b-joying (or “break dancing”), street entrepreneurship, street language, street fashion, street knowledge, and beat boxing, hip-hop would become a world changing aesthetic. These were the outlets innovators provided their communities against poverty and isolation during troubled times; there was little focus on the more negative tenets of modern hip-hop. From their origin in the streets to the embracement of the major industry, these nine elements have grown to dramatically influence pop culture well beyond the New York City limits for over thirty years.

II. TO THE BLACK, TO THE WHITE, THE RED, AND THE BROWN, THE PURPLE AND YELLOW—WONDER MIKE

Fast-forward thirty plus years and the Goliath that is hip-hop barely resembles the David it once was. While its beginnings were humble, hip-hop’s current annual contribution to the U.S. economy is in the billions. Many successful record moguls, actors, and politicians began their careers as rappers and hip-hop artists. Hip-hop’s impact and reach has been unstoppable for decades, permeating globally throughout cultures and industries. Of the nine elements of hip-hop, we

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8 Id.
9 See Chang, supra note 4.
can see this influence particularly through rap music, DJs, graffiti art, and breakdancing.

It is important to note that rap is not hip-hop. Although rap is perhaps the most pervasive form of the culture, it is but a piece of that culture. Unlike the spoken word, rap is performed in time with a beat and takes into consideration factors such as “content,” “flow” (rhythm and rhyme), and “delivery.” In the United States, hip-hop acts have been traditionally composed of male African-Americans, which makes it surprising that the largest population of rap music purchasers is suburban white youth. However, over the years, female and white artists have had record-breaking sales. Internationally, notable MCs hail worldwide, from the favelas of Brazil to Palestine and East Africa. Given the 2.5 million self-ascribed hip-hop acts on Myspace (compared to the 1.8 million rock acts), one can imagine the endless permutations and transformations hip-hop has embodied when including the variable factors of ethnicity, gender, socio-economic disposition, and even sexual orientation that have been touched and influenced by hip-hop.

Beyond the MC, there is the DJ. DJs, who often accompany one or more MCs, use turntables on which they can either mix several audio tracks into a continuous performance or create a distinctively new work. Early DJs considered themselves scientists tweaking, repurposing, and reinventing the use of turntables to produce unique sounds and experiences. This took skill and ingenuity to accomplish; whereas today,

16 Asante, supra note 3, at 2.
producers can replicate the entire experience via digital technology in seconds. In recent years, DJs from around the globe have not only taken the art of mixing hip-hop with countless other genres, but have repurposed the tools to create whole new musical experiences, thusly, replacing the United States as the former dominating figure behind the “remix.”

As for hip-hop’s impact on graffiti, much of today’s graffiti is no longer limited by the social stigma of vandalism as artists and entrepreneurs have been able to muster a commercially viable business of “street art.” Aside from the legality of the practice, the distinction between vandalism and street art often lies in the skill or intricacy used to tag the property. It may be fair to say that all art on the street that is not graffiti is street art, but aside from markers and spray paint, street art often includes the use of stencils, posting stickers or posters, installations, etc. Such ingenuity and art has been considered worthy of preservation in museums, display in galleries, and distributing in mass; in fact, the embodiment of street art has even drawn comparisons to the work of a modern day Andy Warhol. This is not to say that graffiti has lost the gruff that it once had, but rather, much like one can juxtapose gangster rap against more socially conscious rap music, so can one distinguish the genres of graffiti.

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20 Top 100 DJs, available at http://www.djmag.com/top100.
24 Exit Through the Gift Shop, supra note 21.
variety of graffiti, beyond the quality of the work, distinctions can be made worldwide between national and even regional styles and identities.26

Much like the other elements of hip-hop, b-Boying—breaking or the colloquial “breakdancing”—has spanned the globe and evolved much in style and as a genre.27 As much a sight to see as the Statue of Liberty, New York b-Boys entertain tourists in the streets, parks, metro, and even in the subway cars for tips. Beyond urban dance battles held in community centers and the schoolyard, b-Boying has launched worldwide. Since 2004, Red Bull, the beverage company, has sponsored an annual World Breakdancing Championship, along with qualifying competitions.28 Outside of the United States, the championships have been held in South Africa, France, Germany, Russia, Switzerland, Tokyo, and Brazil, and boasts competitors and champions with a dozen more nationalities.29 Competitions—aside from television, music videos, and film—have promulgated the hip-hop aesthetic to celebrate elite dance troupes and performers for their creativity and grandiose spectacles of physical strength and dexterity.30

Regardless of its form, we see hip-hop exhibiting an ever-present influence over popular culture, most particularly with adolescent and young adults in the United States.31

29 Id.
III. “HIP HOP IS THE DOMINANT LANGUAGE OF YOUTH CULTURE, AND THOSE OF US WHO WORK WITH YOUNG PEOPLE NEED TO SPEAK THEIR LANGUAGE.”—AYA DE LEON

There were two main reasons for writing this article. First, we, as fans of the aesthetic, cannot recall a time where there was not hip-hop, and secondly, neither can our students. The culture in which we live is a result of a series of generations fueled by an amalgam of ethnicities, technology, and globalization. For those of us coming into our own as hip-hop scholars, we can provide for our students an intergenerational, cultural bridge between new content and application. It is a well-known fact that educators in general struggle to connect with their students despite any racial or cultural affinity. In many places in the United States, educators are pervasively unfamiliar with popular youth culture. Rather than “keep in the closet” what can easily be considered one of our greatest assets—our life experiences—and quash the “cultural capital” we have developed, we ought to embrace how hip-hop culture has affected our means of life and use it to better connect with and engage our students.

One out of two students report boredom and lack of relevance of lessons to their lives as major factors for not

32 DE LEON, supra note 10, at 1–2.
35 Id.
37 MARCELLA RUNELL HALL, EDUC. IN A HIP-HOP NATION: OUR IDENTITY, POLITICS & PEDAGOGY 8, 54 (University of Massachusetts Amherst 2011).
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attending class. Since the inception of hip-hop, we have seen three generations of urban students enter and leave high schools, either by graduating or dropping out. In 2008, 71 percent of all students who attended high school graduated. Once we factor in race, class, gender, sexual orientation, and population density, these numbers become far more difficult to swallow. Although African-Americans and Latinos embody 41 percent of students in kindergarten through 12th grade, their graduation rates are at a startling 55 percent and 58 percent, respectively. At the collegiate level, graduation rates for Black students in 2009 was 39.1 percent and for Hispanic students 46.4 percent. These percentages represent generations of students who are either fighting through or losing to the education system with little in their studies that they can identify with their actual lives.

Educators can increase overall attendance and their students’ motivation and engagement for learning by bring aspects of hip-hop into the classroom because of hip-hop’s broad appeal and the increased diversity of classrooms. Furthermore, students often perpetuate the lessons learned into active dialogues and even provide more content previously

38SAM SEIDEL, HIP HOP GENIUS: REMIXING HIGH SCHOOL EDUC. 100 (R&L Education 2011).
39Denise Taliaferro Baszille, Deal with It We Must: Education, Social Justice, and the Curriculum of Hip Hop Culture, 42 EQUITY & EXCELLENCE IN EDUC. 6, 2 (2009).
41HALL, supra note 37, at 13; School to College, supra note 40.
42LAURA HORN, PLACING COLLEGE GRADUATION RATES IN CONTEXT: HOW 4-YEAR COLLEGE GRADUATION RATES VARY WITH SELECTIVITY AND THE SIZE OF LOW-INCOME ENROLLMENT 30 (National Center for Education Statistics 2006).
43Ernest Morrell & Jeffrey M. R. Duncan-Andrade, Promoting Academic Literacy with Urban Youth Through Engaging Hip-Hop Culture, 91 ENGLISH J. 88, 88 (2002); HALL, supra note 37, at 50–52.
unavailable to the educator simply by reflecting on their culture and life experiences.  

The solution to inspiring students to appreciate and absorb content is not by solely becoming “hip” to the times, but by making an educational classroom connection with our students’ lives. Without this understanding, as educators, we lose the opportunity to connect with our students and to teach important skill-sets such as media literacy, critical thinking, and cultural studies. Critics that harp on the value of hip-hop typically point to the vulgarity, misogyny, violence, and materialism of modern mainstream hip-hop. They fail to recognize the opportunity for teaching moments particularly when the obvious proof is sitting in front of them. From the way our students dress to even the way they speak, it should be clear that hip-hop already has a significant presence in our classrooms.

IV. THE MESSAGE

Universities do teach hip-hop as its own subject area and law schools are beginning to realize the value behind hip-hop in the curriculum. Currently, there is not a body of literature that suffices to fill an entire syllabus for a university or graduate level legal studies course beyond a lecture series. This being said, it is the responsibility of scholars attuned to hip-hop to flush out the assignments and opportunities to integrate Hip-hop into the curriculum and create a canon from which educators can pull from.

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44 HALL, supra note 37, at 22–23.
45 DE LEON, supra note 10, at 1–2.
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My colleagues and I have spent two years tinkering with opportunities to make the law tangible to undergraduate students entering our business program. Using hip-hop as a vehicle for legal content has been successful. Undoubtedly, the argument will arise that our target demographic, a historically African-American campus, has been a major factor behind our success. We would like to stress that the positive reception of the legal curriculum has little to do with our students’ skin color, but rather their age and the culture in which they live. Due to the scope of hip-hop as a worldwide phenomenon and students’ access to that culture, this point should be clear.

While we do see the value and appreciate the level of commitment from the educator who is required to perhaps play music before class or quote lyrics to draw the attention of students into today’s lecture, this is not the purpose of this paper. Hip-hop should be the vehicle through which students learn substantive law.

V. HIP-HOP HOORAY—NAUGHTY BY NATURE

Where we will share some direction, it is ultimately the educator’s responsibility to formulate lessons and strategies. Of the nine elements of hip-hop—MCs, DJs, graffiti art, breaking, street entrepreneurship, street language, street fashion, street knowledge, and beat boxing—some have been easier to implement than others; however, due to the inherent illegality surrounding much of hip-hop’s history, it makes a prime choice to deliver legal content.

With a tool rampant with questionable material, a line should be drawn in the sand. It is recommended that if an instructor decides to cross the line and introduce, for instance, profanity into the course, we stress that the professor should show no more than what is needed to make the point that is trying to be conveyed understandable to the students. This would apply to any area deemed questionable. We actively chose not to include any content promoting hateful speech or
violence. Granted, there is little relevance for either in business law, but where the opportunity exists, we have chosen not to use these aspects of hip-hop as the tool in which we teach our students.

VI. THE BLUEPRINT

Rather than proceed as a definitive method of application, we would rather approach the inclusion of the elements of hip-hop into your legal curriculum as a brainstorm session, identifying potential areas from which one may wish to start.

One particular scenario an instructor may wish to use—along with all the relevant legal applications tied to the example—is the following:

a) THE SCENE: LATE 1970s. MID-SUMMER. THE BRONX.
YOU ARE POOR AND A MINORITY.

i) MCING AND DJING

In reality, all you might need to spur your first block party are two turntables, a microphone, and some speakers. Considering the cost for equipment, potentially several hundred dollars, one might not want to incur the burden. How might you get your party started? You can always borrow equipment (Bailments) rather than purchase (U.C.C.) or perhaps arrange for another performer (Agency and Contracts). Given the heat and the size of your apartment, it is unlikely you will be able to host the crowd you have envisioned due to crowd control issues (Negligence) so you decide that an outside location might be best (Property). Will it be in the park (Public Property and Public Administration), a friend’s yard (Licenses, Easements, Covenants, Trespassing) or in the street (Reasonably Prudent Person Standard). Due to cost and troubles with the location, powering the equipment begins to be a problem; traditionally, this was resolved by dismantling the
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covers at the bases of streetlights and plugging the equipment directly into the grid (Theft of Services).48

Prior to arranging for the event, it might be prudent to practice and hone your skills as a performer. MCs and DJs typically are required to abide by certain norms of the trade. First, performers generally choose for themselves a hip-hop name different from their given name (Trademarks) and the name is often a derivative of MC X or DJ Y (Likelihood of Confusion), but they do not necessarily need to take such an action.

The MC or the rapper’s duties are to control the crowd and to “spit rhymes” in conjunction with the music. As every culture builds upon its past, so does hip-hop; often an MC will want to pay homage to another rapper through the direct use of the other’s lyrics (Copyright). Where there can be the respectful copying of work, there also is the malicious where MCs will claim the lyrics as their own, also known as “biting” (The Importance of Legal Citation and Copyright). In the modern era of hip-hop, it has been popular to attack, in lyrical form, performers who bite (Defamation).49

The DJ, beyond practice, needs equipment and records (U.C.C.). As mentioned earlier, the first DJs would tweak and customize their turntables from their intended use to get the effects they needed (Product Liability), specifically the ability to mix together different records live for others (Licensing and Copyright).

MCs and DJs were relatively unknown during this time and the new burgeoning sound of hip-hop could be found nowhere other than the parties themselves, unless you were given or purchased a mix tape or recording of a performance (U.C.C., Licensing, and Copyright).50 Given the musical style being far different than what your parents were raised listening

48 See generally Fundamentals of Hip Hop, supra note 7.
49 Kim D. Chanbonpin, Legal Writing, the Remix: Plagiarism and Hip Hop Ethics, 63 MERCER L. REV. ___ (forthcoming 2012).
50 See generally Fundamentals of Hip Hop, supra note 7.
to, you may have wanted to conceal the work from them as they may not be happy with the content (Sale of Harmful Materials to a Minor).

**ii) Graffiti**

Of the nine elements, graffiti stands out as the most inherently illegal and has been a thorn in the side of property owners and municipalities for decades (Legislative Interpretation and Development of Laws). In many jurisdictions, the sale of spray paint to minors or being a minor in possession of spray paint is illegal (Negligence and Strict Liability).\(^{51}\) The notoriety behind graffiti within the culture proves difficult for communities as each individual artist is driven by the want to be recognized, i.e., “known all over town.” This want drives artists not only to be prolific but to also be grandiose when possible, completing work in hard to reach places therefore making the graffiti more difficult to remove (Trespass to Chattels, Conversion, Trespass to Land, Intrusion, Licensees, Attendees, Invitees).

Many communities and business owners, to combat the problem of vandalism, have turned to commissioning graffiti art to support local artists and give graffiti artists an appropriate canvas (Service Contracts, Trademark, and Copyright).

**iii) Entrepreneurship**

When we speak of street entrepreneurship, we are not talking about selling cocaine on a street corner (Agency), although it may be included. Street entrepreneurship is better described as turning what little you have into a commodity or service that has value (Business Structures). If the owner of a 1981 Ford Escort fell into dire financial straits, he would embody the element of street entrepreneurship if he started a

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business driving people around in his car called “The Escort Service” (Trademark). Survival entrepreneurship may be a better term.

Having students develop hypothetical gray economies, or underground economies, and develop them into legitimate businesses, challenges them to be creative and resourceful, while developing their understanding behind many legal protections (Ethics, Negligence, Labor Law, Employment Discrimination, Piercing the Corporate Veil, Tax Law).

iv) OF THE REMAINING ELEMENTS . . .

Where the previously mentioned elements have proven fruitful with opportunities for analogy and distinction, the remaining elements of hip-hop have shown less promise in our experience only for our lack of creativity and need to be further developed. Breakdancing in terms of its role in street performing has fit nicely within the constructs mentioned in street entrepreneurship and with the particular skillset required has also spawned conversations in worker’s compensation. Street fashion conjures opportunities for trademarks and copyright, particularly useful articles. Street language and knowledge have entertained discussions regarding contemporary moral standards and the reasonable prudent person, but ultimately are the most difficult to discuss seriously, as a professor, amongst undergraduate students.

VII. CONCLUSION

Since its inception thirty years ago, hip-hop has changed the world. Through media access and technology, hip-hop has touched generations well beyond U.S. borders. In an ever-diversifying world, educator’s need new tools to engage and retain students. Using hip-hop as a vehicle for content, particularly legal studies, allows education to be accessible and
of interest. If the new traditional student cannot experience a world without hip-hop, how can we, as educators, not as well?