

Speech Acts and Unspeakable Raps

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ABSTRACT *Police censor drill rap music based on the claim that drill artists incite violence. In this article, I provide a framework for evaluating whether an instance of drill constitutes a speech act of incitement. I also introduce an alternative speech act that drillers may also be performing, drawn from sociological work on drill artists. I show that those who claim drill incites violence (such as the Metropolitan Police) must meet the explanatory and justificatory burden of showing that the speech act of incitement (rather than something else) has been performed, and that it may often be very challenging to meet that burden. Finally, I argue that where that burden is not met, police interventions in drill would constitute a form of illocutionary silencing and discursive injustice. Drill artists are owed careful consideration of the illocutionary acts they perform in their music – more careful than police assumptions about incitement have been.*

1. Introduction

There has been recent philosophical interest in how police and the courts treat rap music – specifically, drill rap music, a subgenre of hip hop that originated in Chicago during the early 2010s. Much recent work has focused on whether rap provides evidence of violence, arguing that if it does not, treating it as such would constitute some form of injustice.¹ Comparatively, much less attention has been paid to the claim that rap *incites* violence (the *incitement claim*). Yet this latter claim is used by the Metropolitan Police (hereafter, the Met or MPS) to justify interventions in rappers' freedoms.

In what follows, I will provide a framework for evaluating whether an instance of drill constitutes a speech act of incitement. I also introduce an alternative speech act that drillers may also be performing, drawn from sociological work on drillers. I show that those who claim drill incites violence (such as the Met) must meet the explanatory and justificatory burden of showing that the speech act of incitement (rather than something else) has been performed, and that it may often be very challenging to meet that burden. Finally, I argue that where that burden is not met, police interventions in drill would constitute a form of silencing, and be unjust.

Section 2 looks at how the Met advance the incitement claim, ascribing a plausible definition of incitement based on their use of the notion. Section 3 draws on empirical work on drill to introduce the notion of cross referencing – where challengers scrutinise or present information that contradicts their targets' online claims of violence. Section 4 introduces a speech act theoretic framework for evaluating whether an instance of drill constitutes a speech act of incitement or cross referencing. I cast doubt on whether (given the state of affairs at present) the police have been or will be able to show the speech act of incitement is being performed. Further, the challenge of showing that the speech act of incitement is being performed is intensified since a more convincing case can be made

that drillers are engaging in the speech act of cross referencing. Section 5 offers some concluding remarks, including a discussion about how the treatment of drill music by the Met constitutes a form of silencing and is unjust.

2. How Has the Incitement Claim Been Advanced and What Do the Police Mean by *Incitement*?

The Metropolitan Police advise streaming services and social media platforms to take down drill music that they claim incites violence. Examples of songs that have been removed from streaming services and social media include Zone 2's 'No Censor', Chinx OS's 'Secrets Not Safe' and Skengdo and AM's 'Attempted 1.0'.² 'No Censor', for instance, involved the naming of deceased rival gang members of Zone 2 in taunting ways.³ Zone 2 listed deceased rival gang members, referring to them as being 'put in a spliff' – which is a disrespectful boast referring to the smoking of a dead person's ashes.⁴ Zone 2's Kwengface, for example, raps, 'Rage is dead, SK's dead, all now none of us man been packed [killed]'.

Project Alpha – a unit of the Metropolitan Police patrolling the internet for 'gang-related content' – dissects the lyrics and videos of drill tracks to determine which tracks incite gang violence.⁵ They then tell social media sites – mostly YouTube – that this track incites violence and violates their own rules of harmful content, and in the overwhelming majority of cases, the video is taken down by the social media site. To date, at least 1,636 videos have been removed by Project Alpha.⁶

James Seager – the lead of Project Alpha – claims that where rappers taunt rivals or reference previous killings, 'the *intention* is to incite a response, which is often violent ... if we remove the content, it prevents an escalation'.⁷

In resonance with James Seager's claims, the Met responded as follows to an anonymous freedom of information request asking the police to provide information about how they decide what drill rap should be removed from online streaming services:

The MPS has been monitoring violent content online, including videos on YouTube, since September 2015 ... Material posted online by gangs will then reference these incidents of violence, belittle victims and seek to humiliate opposing gangs, *all with the intention of inciting a response* ... Where officers believe online content *will incite gang violence* based on a range of information available to the police we will refer that material to a social media company or streaming sites seeking its removal for breaching the company's community guidelines. The MPS continues to work to understand the reality of the links between online activity and 'real world' offline offending.⁸

The freedom of information request also asked the Met to define five terms as they relate to the alleged threat posed by drill music, including 'incite violence'. The Met responded that: 'The terms you have listed can be viewed in the context of preventing serious youth violence and understood through their everyday meaning or definition'.⁹

Under common law, a person would be liable for incitement if they incited another to commit an offence, with the intention or belief that the offence would be committed with the required fault element.¹⁰ Sections 44–46 of the Serious Crime Act 2007 replaced the common law offence of incitement with three offences of assisting and encouraging an

offence: (44) *Intentionally Encouraging or Assisting an Offence*; (45) *Encouraging or Assisting an Offence Believing it Will be Committed*; (46) *Encouraging or Assisting Offences Believing One or More Will be Committed*.¹¹

The Met, however, are not defining incitement with reference to a specific incitement or encouragement offence to justify restrictions they impose on drill artists; they are using the idea of incitement to support restrictions even if incitement in a legal sense has not been proved. Their ‘everyday’ usage seems to reflect the Oxford Languages definition: where ‘incite’ is defined as an action done to ‘encourage or stir up (violent or unlawful behaviour)’, specifically where this is done *intentionally*.¹²

Notably, the police assume that drillers are *doing something* with their words: inciting. Next, I introduce the idea of cross referencing, so we will then be in a position to evaluate which speech act – incitement or cross referencing – drillers are plausibly performing.¹³

I take it that if drillers are engaged in illocutions of cross referencing, they are not engaged in illocutions of incitement, so the two are rival hypotheses. They are rivals because while incitement involves intentional encouragement of violence, cross referencing involves an intention to avoid violence. Drillers’ cross referencing involves taking conscious steps to ensure challenges do not spill into the streets. Since incitement requires an intention to encourage offline retaliatory gang violence and cross referencing involves an intention not to encourage offline retaliatory gang violence, the two speech acts are inconsistent.

3. Cross Referencing

The Met claim that the taunting of rival gang members involved in drill rap music is incitement to violence. However, Forrest Stuart,¹⁴ a sociologist/ethnographer, has written extensively on how the potential for violence from calling out or taunting rival gangs on social media has been overexaggerated.¹⁵ Stuart gathered two years of ethnographic fieldwork data on the behaviour of five Southside Chicago gang factions, developing a relationship with gang-associated youth, particularly a gang-faction named CBE – Corner Boys Entertainment. Over the two-year span, Stuart spent almost every day with young men of CBE, who had relatively large social media followings and released drill music.

Stuart’s research develops a helpful picture of the role of social media – including posting music to sites like YouTube – in gang conflicts. He sees social media as a tool for building and validating drillers’ violent reputations conveyed in their music. Gang-associated youth often counter rivals’ social media uploads by publicising information that casts doubt on their enemies’ displays of violent dispositions. Stuart asserts that challengers primarily rely on the strategy of *cross referencing* to demonstrate such inauthenticity.

Stuart introduces the notion of cross referencing to capture what occurs when challengers scrutinise or present information contradicting their targets’ online claims of violence. Cross referencing exposes hypocrisy and fabrication of a target’s street persona without requiring physical contact with the intended target. During his time in Chicago, Stuart found that gangs were both challengers and targets of cross referencing. In particular, gang-associated youth often made memes poking fun at their rivals and the circumstances surrounding their death. For instance, although several years had passed since the death of Joseph ‘Lil JoJo’ Coleman, his rivals circulated memes ‘disrespecting him and undercutting his gang’s claims of toughness and supremacy’.¹⁶ Several of the most

popular memes mocked the fact that Lil JoJo was gunned down while apparently riding a children's bicycle, and this was met by memes and posts that would attempt to expose those who disrespected Lil JoJo.

In another occurrence of cross referencing, a member of Crown Town – a rival gang to CBE – found a Facebook picture of CBE member Will four years earlier dressed in an oversized tuxedo, preparing for a school dance. The Crown Town member uploaded this photo to Facebook positioned next to another photo of Will standing menacingly in a street, emphasising that Will is 'sweet' and not 'savage' in a caption.¹⁷ This caption invites audiences to recognise the contradiction between Will's claims of being a violent criminal and evidence suggesting he is conformist and sentimental. Stuart argues that, at a minimum, the upload calls on online audiences to treat Will's – and by extension, CBE's – violent claims with suspicion.

Cross referencing contradicts a rival's public persona and performance while boasting about their own. Those targeted in such online attacks make some effort to repair their reputations online. Stuart argues that responses to social media challenges depend primarily on the amount and depth of counterevidence necessary for targets to refute challengers' public charges of inauthenticity. He asserts that 'cross referencing requires relatively little counterevidence, which can be easily and, more importantly, peacefully procured and broadcasted'.¹⁸ Stuart found that in most cross-referencing cases, targets could quickly generate counterevidence refuting a challenger's claims.¹⁹ This is seen in the earlier example where Crown Town members targeted Will for looking 'sweet' in his formal wear. Will easily dismissed allegations of inauthenticity by uploading a picture of himself at a similar age holding a pistol and looking menacing, captioned 'born Savage'.²⁰ He placed the picture next to the picture of him in a tuxedo to provide evidence of his putative/supposed dedication to violence. Crown Town did not respond further. Will won the dispute with a simple social media upload completed from the safety of his home, and no offline violence ensued.

Stuart highlights two other strategies that occur in gangs' social media usage: calling bluffs – calling out rivals to validate their online violent personas by disclosing a location and daring them to enter rival territory; and catching lacking – catching rivals and confronting them in non-gang-related contexts such as work, school, or with family.²¹ These strategies are not applicable to the case of drill music. Catching lacking definitionally involves physical interaction, and drillers are clearly not involved in a literal physical confrontation when they taunt rivals musically. Moreover, although it is impossible to survey every drill song in existence, drill songs are unlikely to involve taunts daring rivals to meet them at a particular time and place, including the songs that were taken down – 'No Censor', 'Attempted 1.0', and 'Secrets Not Safe'.

Instead, I argue that when drillers challenge their rivals in their lyrics and videos, these challenges are akin to what Stuart describes as cross referencing. By taunting rivals about the deaths of deceased gang members, for example, they aim to show how they are really violent, that it is not just a persona, and that the same is not true for their rivals. Remember how rivals would undercut Lil JoJo's gang's claims of toughness and violence by poking fun and uploading memes of Lil JoJo. This sort of taunting and trolling is what we see in raps that are characterised as inciting violence. When Zone 2's Kwengface raps, 'Rage is dead, SK's dead, all now none of us man been packed [killed]', he is presenting information that contradicts his rivals' – Moscow17 – claims of violence in their songs. By mentioning that Rage and SK – from collective Moscow17 – are deceased, and that none of

Zone 2 are deceased, Kwengface is claiming something to the effect of ‘If you’re the violent savages that defend your block that you say you are in your music, why have your members been killed whereas we are still alive?’

The question of why drillers cross reference is relevant to ascertaining what other intentions it may be reasonable to attribute to them. Stuart believes that participants in cross referencing know that being seen as the most violent rapper or collective attracts views and fans, and ultimately allows them to make more money. Gang-associated youth compete in the attention economy, and taunting rivals captures attention. Their goal is to undertake successful commerce by gaining attention. The means by which this is done is exposing rivals for not being as tough as they claim and boasting they are tougher – by cross referencing.

The attention received is not only a means – it is also a source of important validation: Stuart also highlights the social and emotional benefits gang-associated youth get from cross referencing. For young black boys, who have spent their lives being demonised and being told that they contribute negatively to society, they get attention from fans and corporations, which amounts to the effect of being told: ‘you are special, unique and worth being paid attention to’.²² This humanises these young men in ways that are often not expressed. While it is true that gang-associated youth engage in cross referencing for popularity, not accounting for how their sense of worth is bound up in the attention they get from their drill and online performance misses why popularity is so important to them.

The Met claim that drill music incites offline gang violence. In this section, I have presented the notion of cross referencing as an alternative analysis for what drillers are doing with their taunts. Next, I introduce a framework for evaluating whether taunts in drill constitute a speech act of incitement or cross referencing.

4. Cross Referencing Versus Incitement

How do we (or the police) determine whether drillers are engaging in speech acts of incitement (rather than cross referencing)? Drawing on the pioneering work of J.L. Austin’s speech act theory, and recent feminist use and interpretation of Austin’s work, we can characterise a locutionary act as the act of uttering words with particular content.²³ A perlocutionary act is the act of uttering words that have an effect. An illocutionary act is the act done in uttering the words. So, suppose Pep Guardiola wants to resign from being the manager of Manchester City football club and utters the words, ‘I resign from being manager of Manchester City’; his locutionary act would be his uttering the words meaning he resigns as manager of Manchester City. The utterance would have the perlocutionary effect of leaving Manchester City managerless. His illocutionary act would be that of resigning the role of manager of Manchester City.

Within this framework, the illocutionary force of an utterance depends on the satisfaction of certain felicity conditions:²⁴ first, whether the speaker has the relevant intentions attributed to them; second, whether the speaker achieves uptake, that is, whether the hearer recognises the intended illocution being performed; third, whether the speaker is authoritative in the relevant domain of the illocution. So, for Guardiola’s illocutionary act to succeed, his utterance must be intended to mean that he resigns from being the manager of Manchester City (rather than, say, an April Fool’s prank). His audience must

recognise Guardiola's utterance as an intention to resign (rather than the audience thinking he is joking). And he must be authoritative to do so (Guardiola is authoritative over this domain since he has the standing to resign on his behalf). For Guardiola to produce the illocutionary act of resigning, these conditions must be satisfied.

When the Met claim that drill music incites violence, we can understand them as meaning the speech acts involved in drill music are illocutionary acts of encouraging offline gang violence.²⁵ There is a burden of proof on the police to show that the speech act of incitement is being performed through making a good case that there is uptake for incitement, and drillers intend to incite violence. I will cast doubt on whether the police can make such a case. Moreover, the challenge of meeting this burden is intensified, since cross referencing is a plausible alternative speech act drillers perform, which more convincingly meets the above felicity conditions.

In the following, I assume for the sake of argument that drillers have the authority to perform illocutionary acts of inciting violence and illocutionary acts of cross referencing. This is a plausible assumption. The most interesting argumentative work focuses on whether the intention and uptake conditions are met.

4.1. Uptake

Before examining whether drillers recognise taunts as cross referencing or inciting offline violence, I will outline what I consider good evidence of uptake. First, in the absence of countervailing evidence or unusual circumstances, how other drillers *tell us* they understand the intentions of taunters is good evidence that they understand the intentions of taunters that way. Second, good evidence of uptake would have to speak to whether hearers can *recognise the illocutionary intentions* of utterers, and part of this will involve familiarity with the conventions of expression. Third, evidence of uptake involves an assessment of how other drillers *respond to* taunts. All such evidence is defeasible. Drillers might intend to cross reference, but be misunderstood, and responded to with offline violence (as if they had incited it). Or drillers may intend to incite, but not in fact incite any violence. So, the effects of a taunt will not be entirely determinative of the speech act intended. But, with that qualification in mind, how savvy audiences, who are familiar with the conventions of a genre, understand the speech acts of drillers might help us make an inference to the best explanation. I will evaluate both speech acts using these criteria.

4.1.1 Do drillers recognise taunts as cross referencing?

Drillers' testimonies show us how they understand rivals' taunts. For instance, Ratlin explains that drill collective CGM often disses him in songs 'acting like they got a problem' with him, but he explains that these drillers are 'acting like they got a problem' to undertake successful commerce.²⁶ Ratlin states, 'most yutes act like they got a problem so that they can make money. I get that, innit. It's a business move'.²⁷ Here Ratlin clearly recognises the taunts in songs directed at him as a way of making money by facilitating a response in him to gain audience attention. Further testimonial support is provided by Yungeen Ace who gives force to the view that tauntees understand taunters as intending to gain clout from disrespect as opposed to encouraging offline gang violence. He claims, 'when I got shot, everybody [many rappers] wanted to claim they shot me [in diss tracks] ... So, everybody start beefing with me just cos I got on [just because they know he has

clout and are trying to steal it]’.²⁸ As Ace explains, they diss him so that Ace will diss them back, because they know it will give them views and clout: ‘It’s like anybody in my city, they all rap, they rap to diss me to get views, so I can respond [via a diss track]’.²⁹ Here Yungeen Ace provides support for the view that those most familiar with the conventions of the genre understand taunts as cross referencing.

Those familiar with the conventions of rap music know that the call and response structure of dissing and dissing back is an integral feature of the art form. Contextualising drill as a subgenre of rap helps us to understand why diss tracks responding to diss tracks are commonplace. The taunts and responses in drill can be located in the broader context of rap beef and battle rap. Rap beefs come from a long tradition of ‘playing the dozens’, in which participants attempt to get the better of each other through disrespectful jabs.³⁰ Rap beefs tend to involve rappers trading rhymes in an attempt to put their opponents down. They have been occurring since at least 1981, and are still occurring to raise the popularity of even the most popular artists.³¹ For instance, Kendrick Lamar and Drake’s beef in 2024 is said to have revived the genre and ‘brought attention back to the core values of hip hop’, with both releasing diss tracks that scored high on the charts.³² Kendrick Lamar’s ‘Not Like Us’, for instance, broke several streaming records, topping the US Billboard Hot 100. The popularity of ‘Not Like Us’ undoubtedly helped his career in many ways, including being chosen as the rap star to headline the 2025 Super Bowl half-time show.

The upshot is that while taunts in drill can be extreme, taunting rivals is far from a new phenomenon in rap. Drillers often know this history of hip hop and aim to release drill songs that ‘win the beef’. For instance, when 26AR and drill collective 41 started trading insults, 26AR explained that he was bewildered that his diss track was removed from YouTube. When asked about this, 26AR responded, ‘How would you feel? If somebody dissed you, you dissed back, your shit was better, your shit passed they shit, and your shit was magically gone by 4am in the morning’.³³ He goes on to say that his video being taken down is ‘disrespectful to hip hop itself’.³⁴ This suggests he understands his rivals’ taunts as an attempt to put him down and that he must respond with a diss track of his own to win the beef, which makes sense when we put cross referencing in drill into the broader context of rap beefs.

Stuart claims that cross referencing requires little counterevidence, which can be easily created and peacefully broadcasted. As such, violence is not an outcome that is sought by these taunts. In rap, rappers engage in cross referencing with their rivals in their lyrics and videos. This cross referencing will very likely not result in offline retaliation because little counterevidence is needed to shrug these challenges off. In fact, often, when rappers engage in cross referencing with their rivals in their songs, their rivals will release songs doing the same thing. This is evidenced in our paradigmatic case of Kwengface’s lyrics, where Moscow17 taunt Zone 2 by referencing their ‘fallen soldiers’. For instance, in ‘The Return’ Moscow17 make several references to ‘Abz’, a deceased member of Zone 2.³⁵ The best explanation for this response is that Moscow17 understood Zone 2’s taunts as intending to undermine their persona, so they responded in ways that would restore their reputation that were in accordance with the amount of counterevidence necessary, that is, a *diss track* of their own. The fact that online taunts overwhelmingly lead to online responses might allow us to make an inference to the best explanation: that the uptake sought is musical response (as well as appreciation, and attendant recognition and income), not offline violence.

4.1.2 *Do drillers recognise taunts as incitement?*

The Met believe that drillers recognise rivals' taunts as speech acts of incitement. However, as I have shown, the Met's claim is unreflective of drillers' testimonies. Moreover, as will become clear when we look at the section on intentions, the police are notoriously unfamiliar with the conventions of drill music.

Regarding inference to the best explanation, the police could make the case that drillers understand their rivals' taunts as intentionally encouraging violence because the police seem to believe the overwhelming response to drill music is to engage in offline violence. For instance, Michael Railton, ex-leader of the Met's Project Alpha unit, sees taunts in drill as triggering trauma and shame, which encourages tauntees to respond offline.³⁶ If they can show that the overwhelming response to taunts is to engage in offline violence, then they can infer from these responses that the taunts are understood by drillers as encouraging them to commit offline acts of violence. However, the belief that taunts in drill would result in offline violence is empirically unfounded.³⁷ As Stuart asserts, 'there exist no systematic data or definitive analyses to determine the precise causal relationship between social media [drill music] and offline violence'.³⁸ As I have argued, often the response that taunts in drill call for is not offline retaliatory violence but rather online musical responses.

Even in the absence of evidence of a causal connection between drill taunts and offline violence, maybe we could use drillers' avoidance of certain areas where offline violence can occur as evidence that their rivals understand taunts as inciting violence (see next section). Ultimately, I think it would be naive to deny that at least sometimes taunts propel or fuel existing gang feuds, some of which would have died out without social media, or create new ones. However, there are two issues worth separating: (1) whether drill in fact fuels violence (relevant to the uptake issue), and (2) whether, given that it sometimes does, it is reasonable to infer that the incitement of violence is the intended speech act (where uptake is only one of the conditions to consider).³⁹ That on occasions taunts might fuel violence does not mean they are always intended as incitements. For example, they might do so if what is in fact intended is misunderstood.

Given what I outlined as good evidence of uptake, I have made the case that there is uptake for cross referencing as a convention of the genre. The recognition of cross referencing as drillers' intentions when they taunt their rivals is reflected in their testimonies. Also, based on drillers' responses to taunts in drill music – typically, taunts back – it is charitable to infer that they often understand taunts directed at them as cross referencing. Regarding incitement, it would be wrong to assume that drill taunts are never recognised as encouraging offline gang violence. However, while I think there may be evidence that violence is sometimes fuelled, whether this is evidence that violence is intentionally encouraged would require balancing both the evidence of certain understandings (uptake) in the audiences and other evidence to do with the intentions of drillers, to which I turn next.

4.2. *Intention*

Before examining whether drillers intend to cross reference or incite, it is important to outline some parameters that are going to be important in evaluating what a charitable attribution of intentions to drillers will involve. First, like good evidence of uptake, in the absence of countervailing evidence or unusual circumstances, we generally believe

what people tell us their intentions are. Second, when attributing intentions, we are guided by the assumption that the person we are attributing intentions to is rational.⁴⁰ That is, when we attribute intentions, the attributed intentions should be consistent with one another, conforming to principles of means/ends rationality – choosing good means to achieve desired ends.⁴¹ Third, again like good evidence of uptake, a charitable attribution of intentions to drillers will involve those imputing intentions to have expertise or familiarity with the conventions of drill. I will be guided by these three principles in my analysis of whether drillers intend to cross reference or incite.

4.2.1 *Do drillers intend to cross reference?*

Drillers' testimonies show that they intend to cross reference when taunting their rivals. Loosescrew and Screwloose of Moscow17, for instance, explain how their taunts in drill are aimed at undermining their rivals' boasts of violence while underlining their own.⁴² When asked about dissing the dead in their songs, Loosescrew explains, 'at the end of the day ... if man are gonna try and explain the story from their perspective, and what they think went down, then I'm gonna let you know about my story'.⁴³ Here, they explain that they cannot just sit back and listen to their rivals diss them on songs to undermine their violent personas, so they have got to let drill fans know that their rivals are not as violent as them by responding via taunts of their own, often dissing the dead. This evidences the view that they are cross referencing (or fact checking) in their music. They explain that taunts dissing the dead are a 'dark art' that is a 'part of the drill'.⁴⁴

The intention to undermine drillers' violent personas is also echoed by driller AbzSav, who released a series of songs titled 'Tables Turn' featuring extreme taunts towards his rivals.⁴⁵ He asserts, 'the same way they were tweaking on the mandem [dissing his gang] I'm just gonna tweak back on them [diss their gang]'.⁴⁶ When asked by Fumez whether he thinks he went overboard with the taunts, AbzSav claims that if you understand the conventions of drill, you would understand that his series of tracks were intended to respond to rivals in ways that undermined their dispositions of violence.⁴⁷ He exclaims that the taunts are 'what the drill fans want', and his ultimate intention is to blow (be rich and famous) in the music scene.⁴⁸ He also states that 'if you jump in the music scene and not have the intention to blow, then I don't know why you're doing music ... My personal [intention] is to get out the hood'.⁴⁹

Cross referencing and undertaking successful commerce are consistent intentions. That is, cross referencing is seen by drillers as a good means to achieve their ends. This makes it rational for drillers to pursue cross referencing as a way of gaining financial, emotional, and social benefits. Moreover, cross referencing is an established technique and form of communication used by drillers. Those who are familiar with the conventions of drill see cross referencing as a way to elevate in the attention economy.⁵⁰ Crucially, given that drillers often express their intentions to cross reference, that cross referencing is seen as a rational means through which they can undertake successful commerce, and that those with expertise in drill music also identify this practice as a means through which they can elevate in the attention economy, it is charitable to attribute to drillers an intention of cross referencing.

4.2.2 *Do drillers intend to incite violence?*

The Met are taking drillers' lyrics to have the aim of encouraging rival members to commit offline acts of violence. While drillers explicitly tell us their aims when making drill are to

tell their side of the story/fact check and blow in the music scene, it is hard to come by testimony from drillers expressing that their intention when making drill is to incite violence. Further, drillers often make explicit that their music is not aimed at inciting violence. For instance, Skengdo asserts, 'if I was seeing flowers and all that stuff when I look outside in the morning that's what I'd be rapping about ... when I speak I'm not trying to incite violence'.⁵¹ Here, Skengdo claims that he is simply describing what he encounters in his environment, not aiming to incite violence.

Further evidence that drillers do not intend to incite violence is that such speech acts would appear to counter their interests: elevating their socioeconomic status in society and gaining various social and emotional benefits. One might argue that inciting violence would aid drillers in achieving their aims, claiming they profit from violence occurring between their gangs and rivals since it gives them something to taunt rivals about. For instance, Zone 2 profits from taunting Moscow17 about SK's death, and they profit from the death of SK as a result. Along these lines, the police could claim that drillers profit from past deaths and encourage violence to profit from future deaths. But how exactly would this work? The Met do not make this clear. The suggestion might be that rappers are encouraging others to commit violence against themselves, or their friends, in order that they may retaliate. However, were this drillers' means, it would be inconsistent with their ends of financial, emotional, and social benefits. If encouraging gang violence means you run the risk of you and your friends being killed and/or seriously hurt, and then have to respond to this violence with further acts that can land you in prison, dead, and/or your friends seriously hurt, any financial, emotional, and social benefit is undercut. It therefore seems uncharitable to attribute such an intention to drillers.

The Met, however, could argue that drillers are encouraging others to try to commit violence against themselves or their friends in order to undertake successful commerce by showing fearlessness in the face of danger.⁵² I can see why calling bluffs (see Section 3) might boost drillers' clout in this way, since it usually involves advertising your location, daring a rival to enter your territory and attempt a drive-by shooting, thereby showing fearlessness in the face of (potentially immediate) danger. This response makes an intention to encourage violence rational for the driller – there is an intention to call for violence against yourself and incite enough violence against rival gangs to establish enough clout that the likelihood of violence against yourself becomes lower.

However, while bluff calling might involve an intention to encourage violence, it is not clear that drill music involves this intention. If drill cross references, then there is no show of fearlessness in the face of danger. Cross referencing is a form of 'fact checking', and can be done without showing fearlessness in the face of danger (via a YouTube upload from the safety of a driller's home). A critic trying to make the claim that violence is intended can only make these claims about shows of fearlessness if they have shown that drill music is not cross referencing. But that has not yet been shown, and, as I have argued, there are good reasons to think that cross referencing *is* what is intended and what gets uptake.

Finally, opponents might claim that encouragement to violence is intended because it is foreseen, as per English and Welsh criminal law.⁵³ They could point out that drillers foresee that violence will be encouraged since they often go out of their way to avoid places where offline violence can occur. However, this strategy of proving intention is difficult, as it would require showing that drillers believe it 'virtually certain' that violence would be encouraged, which is a very high epistemic standard. If we were to take the avoidance of certain areas where offline violence can occur as evidence that some drillers recognise

encouragement to offline violence as an outcome of drill, it is unclear whether they would see it as a virtual certainty, rather than, say, a possible (or even probable) outcome. Crucially, it would be difficult for the police to provide evidence that drillers believe it virtually certain that their taunts will encourage violence (and is therefore their intention).

Whether or not drillers *do* have the intention to incite violence, are the police well placed to ascertain this? Given the rival speech acts I have considered here, it becomes incumbent on law enforcement and the media to learn how to distinguish an intention to cross reference from an intention to incite. One requirement for being able to distinguish cross referencing from incitement to violence is familiarity with the conventions of drill, which is something the Met have repeatedly shown they do not have. Stuart notes that research on law enforcement has long shown that the police lack the cultural competencies and knowledge to understand the online and offline behaviour of urban youth.⁵⁴ Those unfamiliar with the conventions of cross referencing, such as the police, are unlikely to recognise when drillers are intending to cross reference. This is important because the police might impose *street illiterate* interpretations on drillers when they take all violent taunts in drill rap to involve illocutionary intentions to incite.⁵⁵

Street illiteracy is well demonstrated in Stuart's work with Junior – a member of the Corner Boys – who traded insults with rivals online as a way to avoid/de-escalate rather than incite violence, but this was taken by his probation officer as being evidence of his character and criminality. While Junior was on probation, he refrained from criminal and gang-related activities, including extricating himself from his gang network, re-enrolling in high school, and moving out of Corner Boys' territory. Given all of these efforts, Junior was excited about his probation hearing since he had avoided re-arrest, did not fail a drug test, and carried a letter from his English teacher showing his dedication to school. Despite all of this, Junior's probation officer recommended that his probation continue, given 'A series of Facebook and Instagram uploads where Junior exchanged aggressive, profanity-laden insults with several longstanding rivals'.⁵⁶ They thought that his social media content provided the clearest evidence of his character, even clearer than his clean record and support letter. Given that Stuart spent time with Junior on a near-daily basis, he asserts that the probation officer's reading of Junior's social media content was hugely inaccurate.⁵⁷ Despite his online statements, Junior was involved in no offline violence. He explains that his uploads were intended to avoid offline violence and opportunistic attacks that would jeopardise his commitment to a different life:

What he [the probation officer] want me to do? I ain't finna do sum' [be violent toward] these clowns. I'm tryna' get right [avoid criminal behavior]. But I also can't let these niggas talk shit without sayin' none. If I do that, I'm dead. I can't stay in my mama's house forever. I gotta go to work. I gotta go to school.⁵⁸

Stuart argues that the court actors not only overestimated the relationship between Junior's posts and his desire to be violent offline, but inverted this relationship.⁵⁹ This is an example of how the police misunderstand drillers' intentions. The same kind of misinterpretation of taunts as inciting rather than avoiding violence is arguably often made by the police.

As stated at the beginning of the section, when attributing intentions to people, we rely on principles such as believing what people tell us their intentions are, assuming they are rational, and assuming that those attributing intentions will have familiarity with the conventions of drill. I have argued that a charitable default assumption of intention, satisfying

these parameters, is that drillers intend to cross reference as a way of gaining various financial, social, and emotional benefits. Further, there is good reason to question whether drillers intend to incite violence, given the difficulty in determining whether we can construe incitement as a plausible intention, that the intention to incite is unreflective of drillers' testimony, and that the police lack the required expertise to impute intention. Crucially, the onus is on the police to present a stronger case for drillers having the intention of inciting violence every time they taunt their rivals in songs.

This section has provided a framework for evaluating whether there is incitement, and argued there has not been a proper engagement with the conditions for illocutionary acts of incitement – uptake and intention – from the police. Moreover, I have argued that there is typically better evidence that the speech act of cross referencing more convincingly meets these conditions.

5. Illocutionary Silencing and Discursive Injustice

I have argued that it would be difficult for the police to show the felicity conditions for the speech act of incitement are met, and they would have to show that it is more plausible that drillers are performing the speech act of incitement rather than the speech act of cross referencing. Moreover, so long as drillers are at least sometimes engaged in the illocution of cross referencing, it is problematic that the police take a general policy position that all instances of violent taunts in rap are illocutions of incitement to violence. This is significant, because if my arguments are right, then a case could be made that drillers themselves may well be silenced or suffer a kind of discursive injustice when they are misinterpreted in the ways I have described. I will conclude by sketching the kind of case that could be made here.

5.1. Illocutionary Silencing

Understood in broadly intentionalist terms, recognition of a speaker's intention – or uptake – is necessary for the performance of illocutionary acts. For instance, in an example adopted from Rae Langton, Ella may utter the words 'not now' with the intention of refusing Craig's sexual advances but because Craig is in the grip of stereotypes or rape myths about women – that they play 'hard to get' – he fails to recognise Ella's intention.⁶⁰ So, Ella is prevented from performing the illocutionary act of refusal, and is therefore silenced. Silencing occurs when an audience fails to recognise the intentions of the speakers or prevents speakers from performing the speech acts at all.

Similarly, when the police assume, on the basis of insufficient evidence, that the intentions of drillers who taunt are to encourage gang violence, they illocutionarily disable drillers. When drillers taunt in their songs, I have argued that it is plausible to see their goal as gaining financial, social, and emotional benefits through engaging in cross referencing. The police, however, fail to recognise this intention when they take all taunts to be intentions to incite violence – perhaps because they are in the grip of stereotypes about the criminality of black men. For instance, Stuart notes that seeing taunts in drill as encouraging violence are common among not only the police but a public that imagines urban streets overrun by hypercriminal and hypersensitive black men, who retaliate violently against the slightest social media insult.⁶¹

A complication here is that the police, unlike Craig, are not the intended audience of drillers' taunts. I have made the case that drillers often do cross reference with their rivals, but they are unable to do so to the police. It is therefore worth separating out these two types of problematic silencing: (1) illocutionary disablement because intentions are not recognised, and instead incitement is imputed; and (2) further disablement and silencing, when the music is censored and freedom of expression is restricted. The presence of two audiences (police and other drillers) makes this a more complex case than Langton's, but illocutionary disablement by those with the power to censor and intervene in freedoms is still significant harm.

5.2. *Discursive Injustice*

Quill Kukla (writing as Rebecca Kukla) has refined and developed this notion of silencing into what they call 'discursive injustice':

When members of any disadvantaged group face a systematic inability to produce certain kinds of speech acts that they ought, but for their social identity, to be able to produce – and in particular when their attempts result in their actually producing a different kind of speech act that further weakens or problematizes their social position – then we can say they suffer a discursive injustice.⁶²

Discursive injustice may be committed if, in the eyes of the police, young black male drillers are not able to produce the speech act of cross referencing. Instead, the police take them to be producing an entirely different speech act – one of incitement to offline violence. It is plausible to suggest this distortion occurs on the basis of the social identity of the drillers, especially when we consider how young black men are subject to stereotypes which portray them as criminal, involved in gangs, unable to be involved in complex ritualised and artistic performances (such as cross referencing), violent, and lacking in emotional regulation, leading them to respond to insults in rap music with violence⁶³.

The young black male driller occupies a subordinated position in society, and the claim that rap incites violence might be disguised as a concern about public safety. However, we might question whether the police highlighting rap's violent effects are really just concerned about black men 'who already loom as a threatening stereotype in the minds of society'.⁶⁴ This further problematises the social position of drillers, by perpetuating racist stereotypes and unjustly restricting their freedoms. Drillers often make drill music to gain material, social, and emotional benefits otherwise unavailable to them due to their social position. However, the police's restrictions on their freedoms and censorship pose further obstacles to securing these benefits, and impose additional burdens in the form of police interventions and interactions with the criminal justice system.

Kukla makes the strong claim that when discursive injustice happens, the speaker fails in producing the speech act they intended to produce. I argue that drill artists do often succeed in getting uptake from the intended audience (that is, other drillers), but there is another audience that also matters, namely the police, who take them to be producing a different kind of speech act. There is a discursive injustice even though the intended audience often succeeds in giving uptake, since the police – who matter very much to the freedoms and capacities of drillers – do not uptake cross referencing correctly. So, while this case differs structurally from the one Kukla presents, I do think the police's

misunderstanding is important because of their power to restrict based on their illocutionary distortions – giving rise to a distinctive further discursive injustice.

6. Conclusion

Police censor based on the claim that drillers incite violence. I have argued that at least as good an explanation of what they are doing is cross referencing, and have shown that the evidential burden of demonstrating that drillers engage in the speech act of incitement is often not met, and indeed is in general very hard to meet. Assuming that drillers do incite, without meeting that evidential burden, and censoring on that basis, is a form of silencing and is unjust. Drillers are owed careful consideration of the illocutionary acts they perform in their music – more careful than police assumptions about incitement have been.

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NOTES

- 1 Jalloh, “Does the Critical Scrutiny”; Nowak, “Poetic Injustice”; Magnus and Malone, “Popular Music.”
- 2 SXZ Drill, “Zone 2”; Chinx OS, “Secrets Not Safe”; AM, 410, “Attempted 1.0.”
- 3 SXZ Drill, “Zone 2.”
- 4 Ibid.
- 5 Economist, “British Police Unit.”
- 6 Pritchard, “Police.”
- 7 Economist, “British Police Unit.”
- 8 Metropolitan Police, “Definitions,” my italics. I did not make the request. The webpage is publicly accessible via Google search: FOI reference number: 01.FOI.22.023585.
- 9 Ibid.
- 10 *R v Claydon* [2006] 1 Cr App R 20.
- 11 Herring, *Criminal Law*, 771.
- 12 Oxford Languages. This understanding also coheres with free speech scholars’ uses of incitement (Bishop, “Back to School,” 569), and it is consistent with (the use of the term in) common law.
- 13 In my discussion of what is meant by incitement, I am interested in incitement to offline violence, as this is what the police seem to be concerned with – online taunts inciting offline gang violence.
- 14 Stuart, *Battle*; Stuart, “Code.”
- 15 Although Stuart’s research is on gangs in the US, I take it that his findings are applicable to gangs in the UK. In particular, I am taking the framework of cross referencing to be a plausible rival for the police’s claims regarding what drillers are doing with their words.
- 16 Stuart, *Battle*, 136.

- 17 Stuart, "Code," 198.
- 18 Ibid., 200.
- 19 Stuart, *Battle*; Stuart, "Code."
- 20 Stuart, "Code," 200.
- 21 Stuart, *Battle*; Stuart, "Code."
- 22 Stuart, as cited in Vanecko, "Underpinnings."
- 23 Austin, *How to Do Things*; Langton, "Speech Acts"; Saul, "Speech Acts"; Mikkola, "Fixing"; McGowan, "Oppressive Speech"; Kukla, "Performative Force."
- 24 Austin, "How to do things with words"; Langton, "Speech Acts"; Mikkola, "Fixing."
- 25 I am taking incitement to be an illocutionary act rather than a perlocutionary act. In support, see Kurzon, "Speech Act Status"; Fyfe, "Tracking."
- 26 Members Only Network, "Ratlin," 43:32.
- 27 Ibid., 43:32–43:38.
- 28 djvlad, "Yungeen Ace," 22:08–22:28.
- 29 Ibid., 21:54–22:03.
- 30 Westhoff, "Diss Means War."
- 31 Ibid.
- 32 Subasinghe, "Rakim."
- 33 TrillMarty, "Saying 41's Lyrics," 2:01–2:16.
- 34 Ibid., 3:07–3:09.
- 35 Moscow17, "The Return."
- 36 Pritchard, "Police."
- 37 See Fatsis *et al.*, "Missing the Point"; Klienbergen and McFarlane, "Violent Music."
- 38 Stuart and Moore, "Gang Research," 311.
- 39 I am using an Austinian (ratifying) notion of uptake, where the speaker has control over what speech act is performed (McDonald, "Your Word"). However, Kukla's notion of uptake is more constitutive, where the hearer can determine the speech act being performed. So, according to Kukla, if drillers intend to cross reference, but their rivals take taunts as encouraging violence, the illocution being performed is incitement. Even if one were to use Kukla's notion of uptake, as long as there is sometimes uptake for cross referencing, it is unjust that the police assume all violent taunts in drill are speech acts of incitement.
- 40 Broome, *Rationality*.
- 41 Nozick, *Nature*.
- 42 Members Only Network, "LooseScrew."
- 43 Ibid., 4:15–4:22.
- 44 Ibid., 6:30–6:35.
- 45 AbzSav, "Tables Turn"; AbzSav, "Tables Turn 2.0"; AbzSav, "Tables Turn 3.0."
- 46 Pressplay Media, "AbzSav," 1:19–1:22.
- 47 Ibid.
- 48 Ibid., 4:43.
- 49 Ibid., 0:17–0:21.
- 50 Ilan, "Digital Street Culture"; Fatsis, "Policing"; Jalloh, "Does the Critical Scrutiny"; Owusu-Bempah, "Prosecuting."
- 51 Skengdo × AM, "#410."
- 52 I am here drawing on a suggestion from an anonymous reviewer of this journal.
- 53 R v Woollin [1999] AC 82.
- 54 Stuart, *Battle*, 150.
- 55 Ilan, "Digital Street Culture."
- 56 Stuart, "Code," 204.
- 57 Ibid.
- 58 Ibid.
- 59 Ibid.
- 60 Langton, "Speech Acts."
- 61 Stuart, *Battle*. 2020.
- 62 Kukla, "Performative Force," 441.
- 63 Curry "The Man-Not" and Khan "A Guilty"
- 64 Nielson, cited in Dunbar, "Rap Music."

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