

WHERE'S THE BEEF: THE USE OF MEDIATION TO RESOLVE DISPUTES BETWEEN RAPPERS

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I. INTRODUCTION

Notorious B.I.G. vs. Tupac Shakur. Jay Z vs. Nas. N.W.A. vs. Ice Cube. Drake vs. Pusha T.¹ No, these are not names of iconic cases which have generated jurisprudence taught in law schools throughout the country. Rather, they are foundational dramatic rap feuds, or beefs, which have set the current adversarial tone within the genre.

Rap music took on a notably hostile character beginning with the “diss tracks” of the early 1980s,² and has continued to be shaped by rivalry between artists to this day.³ Since the 1980s, feuds between rappers have resulted in public hostile exchanges, violence, and even death, all of which have caused immense and immeasurable harm both to the parties involved and the genre.⁴ While the feuds have served as inspiration behind many essential rap anthems such as “Who Shot Ya” and “Back to Back,”⁵ these quarrels have also caused great loss to the rap industry and have imputed a disagreeable and violent character into the art form. Whether related to the tragic and mysterious deaths of Biggie Small and Tupac Shakur, or the public fallout between Drake and Pusha T, disputes between rappers have substantial artistic costs, as they create major obstacles with respect to the creation of new music. When rappers die, refuse to work with each other, or focus their lyrics on attacking their peers, fans are deprived of innovation

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¹ Jeff Rosenthal, *The 10 Wildest Rap Beef of All Time*, ROLLING STONE (Aug. 15, 2013, 6:29 PM), <https://www.rollingstone.com/music/music-news/the-10-wildest-rap-beefs-of-all-time-233953/>.

² Jake Hall, *A Brief Hip-Hop History of Rap Battles*, HIGHSNOBIETY (Sept. 10, 2018), <https://www.highsnobiety.com/p/rap-battle-history/>.

³ Rosenthal, *supra* note 1.

⁴ *Id.*

⁵ *Id.*

and exciting collaboration which are important to the development of the genre. Further, the detrimental effects of rap feuds have transcended the music sphere and impacted the behavior and experiences of listeners; especially as rap began attracting a larger fan-base. Today, Hip Hop/R&B is the most popular music genre in the United States (accounting for 25.1% of all music consumption),⁶ and certain gangs use rap to intimidate and wage war on rivals.⁷

The issues posed by rap feuds persist and remain prominent in the music industry and the news.⁸ In fact, rap feuds have received major media coverage in recent months, prompting major public confrontations between some of music's biggest stars.⁹ Therefore, this Note will endeavor to better understand the history and evolution of the genre of rap, and the movements and specific events that shaped its current adversarial character. The Note will also examine certain aspects of rap feuds and the ways in which they are waged that would indicate a potential to use mediation as a means to bring about their resolution, and discuss past attempts within the rap community to resolve contentious disputes between rappers using informal methods of alternative dispute resolution. Finally, it will propose the creation of the Rap Feud Mediation Service; a dispute resolution service which specializes in mediating interpersonal disputes between rappers, and address some of the potential concerns that could arise with respect to this form of conflict resolution in this unique setting.

II. BACKGROUND

To better understand the features of rap beefs and the importance of reaching better resolutions thereof, it is useful to analyze the history of the genre of rap and examine a selection of some of

⁶ Hugh McIntyre, *Report: Hip-Hop/R&B Is The Dominant Genre In The U.S. For The First Time*, *FORBES* (July 17, 2017, 8:15 AM), <https://www.forbes.com/sites/hughmcintyre/2017/07/17/hip-hoprb-has-now-become-the-dominant-genre-in-the-u-s-for-the-first-time/#319e7dea538>.

⁷ Forrest Stuart, *Dispatches from the Rap Wars*, *CHI. MAG.* (Sept. 19, 2016), <http://www.chicagogmag.com/Chicago-Magazine/October-2016/Chicago-Gangs/>.

⁸ See, e.g., Matt Miller, *Eminem and Machine Gun Kelly Are Here with the Trashiest Rap Beef of 2018*, *ESQUIRE* (Sept. 4, 2018), <https://www.esquire.com/entertainment/music/a22986828/eminem-machine-gun-kelly-feud-explained/>; see also Lisa France, *Nicki Minaj Fires Back at Cardi B*, *CNN* (Sept. 12, 2018), <https://www.cnn.com/2018/09/11/entertainment/nicki-minaj-cardi-b-response/index.html>.

⁹ *Id.*

its defining moments. Part A of this section will provide a historical survey of the origins of rap and a discussion of its essential character. Part B will follow the historical progression of rap music and discuss the changes and major conflicts that occurred with the emergence of “gangsta rap” and the east coast-west coast rivalry. Finally, Part C will conclude the analysis of rap’s trajectory, and discuss some contemporary rap feuds that have dominated the headlines over the course of the past few months.¹⁰

A. *Rap’s Original Character*

Rap has a rich history within the African American community in the United States. Its origins can generally be traced to the South Bronx in New York City in the early 1970s.¹¹ Disc jockeys, or DJs, like Kool DJ Herc began developing new ways to play records which elongated a song’s beat, and allowed others to recite spontaneous rhymes over the original track.¹² While at first, the lyrics of the songs focused on the talent of the DJs themselves, the content of this new style of music developed rapidly and began to reflect more salient themes in black culture and the African American experience in New York City.¹³

Early rap music drew on early African American art forms to resist popular culture and create a sub-culture that reflected the unique experiences in the black community in the 1970s. Rappers of the time channeled verbal methods of slave resistance like “rhyming games,” which were used to pass messages between plantations, in writing their lyrics and forming their sound.¹⁴ This sound was modernized and combined with other popular African American music like reggae and jazz, creating a style of music that “took advantage of available tools—vinyl records and turntables—to invent a new form of music that both expressed and shaped the culture of black New York City youth in the 1970s.”¹⁵ Early rappers used the art form to shed light on life in neglected and improv-

¹⁰ The discussion of these disputes will be current as of Oct., 2018.

¹¹ Becky Blanchard, *The Social Significance of Rap & Hip-Hop Culture*, EDGE (July 26, 1999), https://web.stanford.edu/class/e297c/poverty_prejudice/mediarace/socialsignificance.htm.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

erished inner cities, and express the outlooks of those residing therein.¹⁶

Although rap music began as an artistic vehicle for cultural expression, the focus of the genre has shifted to focus on different subject matter from a different perspective. Fans and scholars alike have noted that “large paychecks and platinum records erase the historical, social, and economic contexts, out of which rap has emerged, from public consciousness.”¹⁷ Whether or not this change has been beneficial to the genre is a matter for fans to decide. However, it appears that instead of political and social issues, more recent rappers have used their music to boast about their financial success, and instead of focusing on themes with respect to the minority experience in America, newer rap music has been used as a means to attack against rappers’ critics and rivals. While nostalgic fans, like author Jimmie Briggs Jr., feel “that this music has significant merit as a means for tearing down the status quo, as a voice for the disenfranchised (i.e. blacks, Hispanics, gays, et al.), and as a portent of what should hopefully be the last phase of the civil rights movement,”¹⁸ it is critical to analyze the shift that has taken place within the genre to determine how to create a space for rappers interested in driving a return to its roots.

B. *History of Rap Feuding*

The rap music industry began to take on its notably different tone with the advent of so-called gangsta rap in the 1990s.¹⁹ This new style of rap focused its reflection on life in the inner cities, on violence, drug dealing/using, and misogyny,²⁰ and simultaneously lamented and romanticized the dangerous lives of blacks in inner cities. The unique feature of gangsta rap was its graphic depiction of gang-life: rappers on the east and west coasts were fully transparent about their experiences, and depicted their lives using some of the harshest and most blunt language they could.²¹ While using rap to describe life in inner cities is consistent with rap’s original

¹⁶ Jimmie L. Briggs Jr., *Where They’re Calling From: Cultural Roots of Rap*, 2 WM. & MARY BILL RTS. J. 151 (1993), <http://scholarship.law.wm.edu/wmboj/vol2/iss1/5>.

¹⁷ Blanchard, *supra* note 11.

¹⁸ Briggs Jr., *supra* note 16, at 151.

¹⁹ Greg Tate, *Gangsta Rap*, ENCYCLOPÆDIA BRITANNICA, <https://www.britannica.com/art/gangsta-rap> (last visited Oct. 14, 2018).

²⁰ *Id.*

²¹ *Id.*

character, and many of the songs and artists that rose to prominence during the emergence of gangsta rap are considered icons of the genre, the “[h]yperrealism was often conflated with myth and declarations of immortality.”²² This laid the groundwork for some of rap’s later disputes.

One rivalry that emerged out of the gangsta rap era and prompted the focus of rap lyrics to shift toward attacking one’s enemies was the east coast-west coast rivalry. Because the rivalry in many ways originated from the misunderstanding and mistrust between Tupac Shakur and notable east coast rap groups and record labels, it is necessary to explore the events leading up to and comprising that dispute. Tupac began his career in the rap industry in the early 1990s, and developed close relationships with up-and-coming rappers in New York at the time, including Notorious B.I.G. (Biggie), and record labels like Sean “Puffy” Combs’ Bad Boy Records.²³ Tupac and Biggie developed a close personal and professional relationship; Tupac often helped work on Biggie’s new music, and “Biggie slept on Tupac’s couch whenever he came back to California, and when Tupac was in New York, he came by Biggie’s neighborhood, picking him up in a white limousine and throwing dice with the locals.”²⁴ Tupac became embroiled in gang rape allegations in 1993, but maintained a high profile in the industry during the course of his criminal trial, as he had “begun to feel invincible.”²⁵ To fund his criminal defense, he “agreed to record a guest verse for a rapper named Little Shawn, who was close with Puffy and Biggie,”²⁶ and it was the events that took place at this recording session that altered the nature of the relationship between the rappers.

Tupac arrived at Quad Recording Studios in New York City on November 30, 1994 to record his verse, and Biggie and Sean Combs were awaiting him upstairs.²⁷ In the lobby, he encountered a group of men he did not know wearing a style of clothing that was popular in Biggie’s neighborhood, and as Shakur attempted to get onto the elevator, the men pulled out weapons and shot and robbed him.²⁸ While Biggie and Combs denied credit for the at-

²² *Id.*

²³ Ben Westhoff, *How Tupac and Biggie Went from Friends to Deadly Rivals*, VICE (Sept. 12, 2016, 12:25 PM), https://www.vice.com/en_us/article/gqkqz3/tupac-biggie-friends-to-foes.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

tack, Tupac's confusion turned to hostility after he was sentenced to prison for his rape charges, and he began to believe rumors that Biggie knew of the shooting in advance.²⁹ Tupac felt utterly betrayed, and he angrily insisted that "He [Biggie] owed me more than to turn his head and act like he didn't know n****s [guys] was about to blow my fucking head off."³⁰ As tensions grew between former friends and colleagues, Tupac reached out to rap moguls on the west coast, pleading for their assistance in his legal and professional struggles.³¹ Once California producers like Suge Knight came to his aid, Tupac began creating his most adversarial and controversial work, which brought the rivalry between rappers on America's coasts to the forefront of the industry.³²

After Tupac Shakur disaffiliated with rappers on the east coast and expanded his network in California, he began making music specifically demeaning and targeting the rappers on the east coast with whom he was once close friends, and whom he now believed had wronged him in the recording studio.³³ On the east coast, Biggie created new music attacking Shakur and his new west coast allies, calling Tupac out for being mistaken with respect to his beliefs regarding the assault, and threatening those who were not a part of his crew.³⁴ Arguably the two most violent and hostile examples of this new tone in rap music, are Biggie's track entitled "Who Shot Ya" and Tupac's song called "Hit Em Up." "Who Shot Ya" contains violent and combative language, and while Biggie does not take credit for the initial assault against Shakur in the song, it is extremely rude to and critical of Tupac.³⁵ Biggie proceeds to make some veiled and some completely transparent and violent threats against Shakur and his new crew.³⁶ In response, Tupac and Outlawz released an incredibly violent and vulgar song, making insults and violent threats against Biggie and Bad Boy affiliated artists. The song refers to Tupac and his crew "Bad Boy killers" and repeats the following refrain throughout the song: "See, grab your Glockes when you see 2Pac, Call the cops when you see 2Pac, oh

²⁹ Westhoff, *supra* note 23.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ See *Notorious B.I.G. – Who Shot Ya Lyrics*, METROLYRICS, <http://www.metrolyrics.com/who-shot-ya-lyrics-notorious-big.html> (last visited Oct. 14, 2018).

³⁵ See *id.*

³⁶ See, e.g., *id.* ("Fuckin with B.I.G. it ain't safe;" "Can't talk with a gun in your mouth huh?;" "Feel a thousand deaths when I drop ya.").

Who shot me, but your punks didn't finish Now you about to feel the wrath of a menace."³⁷ The song makes personal insults, and contains references to the deadly weapons Shakur threatens to use against Biggie.³⁸ This "war of words"³⁹ influenced the genre throughout the rest of the decade, and culminated in the mysterious deaths of both rappers.⁴⁰ Although the deaths prompted the release of an emotional and introspective mourning song, and it has been said that "mid-90s hip-hop had a sentimental streak,"⁴¹ tensions and beef in the industry did not disappear with the deaths of Tupac and Biggie.

C. Contemporary Rap Feuds

While many of today's feuds may not be rooted in the above rivalry, the tactics and verbiage used by Tupac, Biggie and their allies are still prevalent in today's adversarial rap music. What follows in this section is a brief discussion of two contemporary public disputes, that have utilized insult-lyricism and been the subject of widespread media coverage.⁴²

1. Drake and Pusha T

The feud between Drake and Pusha T began in May, 2018, and since then, both artists have put out songs disrespecting each other's talent and hurling personal insults.⁴³ Pusha T first accused Drake of having ghost writers and lacking his own talent, and

³⁷ 2Pac Lyrics "Hit 'Em Up", AZLYRICS, <https://www.azlyrics.com/lyrics/2pac/hitemup.html> (last visited Oct. 14, 2018).

³⁸ See, e.g., *id.* ("Now I'm back to set the record straight; With my AK, I'm still the thug that you love to hate.").

³⁹ Ester Iverem, *East vs. West: 'Gangsta' Rap's War of Words*, THE WASHINGTON POST (Mar. 10, 1997), https://www.washingtonpost.com/archive/politics/1997/03/10/east-vs-west-gangsta-raps-war-of-words/22dba1b4-71bb-478d-b9db-274e765b33c7/?noredirect=con&utm_term=.9537e95d7ac9.

⁴⁰ Dorian Lynskey, *Tupac and Biggie Die as a Result of East/West Coast Beef*, THE GUARDIAN (Jun. 12, 2011, 7:16 PM), <https://www.theguardian.com/music/2011/jun/13/tupac-biggie-deaths>.

⁴¹ *Id.*

⁴² See Corinne Heller, *Recapping the Biggest Rap Feuds of 2018: Cardi B vs. Nicki Minaj and More*, ENNEWS (Sept. 14, 2018, 11:36 AM), <https://www.eonline.com/news/968465/recapping-the-biggest-rap-feuds-of-2018-cardi-b-vs-nicki-minaj-and-more#photo-938554>.

⁴³ Hannah Giorgis et al., *Pusha T, Drake, and the Limits of Rap Beef*, THE ATLANTIC (May 30, 2018), <https://www.theatlantic.com/entertainment/archive/2018/05/pusha-t-drake-and-the-limits-of-rap-beef/561560/>.

Drake responded in kind through a track accusing his new adversary of the same thing.⁴⁴ Drake escalated the dispute by posting a picture of an invoice “billing G.O.O.D. Music, Pusha and West’s label, for ‘promotional assistance and career reviving.’”⁴⁵ In response, Pusha T put out a song entitled “The Story of Adidon” containing personal attacks exposing Drake for having a love child, calling him a deadbeat father, and insulting a chronic medical condition from which a member of his production team suffers.⁴⁶ This beef has adopted the tactics used in the 1990s, and has contributed to rap’s adversarial character in the recent months.

2. Eminem and Machine Gun Kelly

Although this dispute began in 2012, it finally made its way into rap music in September, 2018.⁴⁷ In 2012, Machine Gun Kelly, a relatively new and young rapper at the time, tweeted that Eminem’s 16 year old daughter was attractive.⁴⁸ In Eminem’s album *Kamikaze*, he addressed the tweet and called out Kelly by name for his comment.⁴⁹ In response, Kelly released a song a few days later called “Rap Devil” which contains lyrics which are harshly critical of Eminem’s talents and which insinuate that Kelly could cause Eminem serious harm in a physical altercation, saying “You ain’t as tall as me[,] 5’8“ and I’m 6’4”[.] Seven punches hold your head still.”⁵⁰

III. DISCUSSION

The above background illustrates the ways in which rap music took on a violent and more adversarial nature in the 1990s, and how it has been used by contemporary artists to wage wars of words against their rivals. The east coast-west coast rap feud resulted first in the disassociation of two of rap’s most prolific artists, and eventually in their deaths.⁵¹ Pusha T and Drake have a hostile adversarial relationship which has been exacerbated by their new “diss tracks,” and their personal lives and relationships have seen

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Miller, *supra* note 8.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ Westhoff, *supra* note 23.

collateral damage as a result of their dispute.⁵² Machine Gun Kelly and Eminem, two talented rappers, are now locked in a fierce battle being waged over the airways, and are making music designed to damage each other rather than make each other better.⁵³ Due to this weaponization of rap music and the inability of feuding rappers to resolve their issues, fans are deprived of collaborations between the aforementioned and other disputing artists.

The shift in rap music has resulted in human loss, and as a consequence, artistic loss given that innovators who have died or been killed had their music-making careers cut short. Rather than providing a voice to those who feel disenfranchised or left out from popular culture, rap has, to some extent, become a means for artists to attack one another and air out their grievances with rivals. While this sort of expression certainly has a place in any artistic field, including in rap music, its dominance in the genre has arguably displaced certain types of rap music that were more prevalent earlier in its history and has caused internal conflict to become more of a central theme. Thus, using an adaptable alternative method like mediation for resolving rap artist disputes could be an effective way to facilitate the creation of new music and a return to rap's original and collaborative character; a goal which would have wide ranging benefits.

The remainder of this section will discuss previous conflicts between rappers that were resolved by neutral third parties using informal alternative dispute resolution (“ADR”) techniques and will provide an overview of mediation doctrine. The examples in Parts A, B, and C highlight both the desire for some form of ADR in the rap industry to resolve interpersonal disputes, and the success of conflict resolution when it has been utilized in that context. Part D will provide an overview of mediation and some of its essential characteristics that allow it to be utilized in many different conflict settings.

A. *50 Cent and Fat Joe*

Mediation has already reached the rap industry to some extent, and reconciliation techniques have been informally utilized to try to resolve rap disputes in the past. One notable example of successful informal mediation in the rap industry occurred in 2012

⁵² Giorgis et al., *supra* note 43.

⁵³ Miller, *supra* note 8.

when DJ Kay Slay “mediated” a long running feud between two New York rap icons, 50 Cent and Fat Joe.⁵⁴ The two had been locked in a fierce dispute that was waged through extremely angry “diss tracks” since 2004, and it seemed like the tension was ready to escalate and become violent.⁵⁵ In a 2016 interview reflecting on the state of that dispute, Fat Joe insisted that without reconciliation, “somebody was getting hurt. . .it was going down.”⁵⁶ However, the death of the rappers’ mutual manager, Chris Knighty, changed the nature of the dispute, and created an opening in 2012 for reevaluation and de-escalation.⁵⁷ DJ Kay Slay capitalized on the impact of the death, and opened channels of communication, proposing that both rappers contribute to and perform a tribute to Knighty at the BET awards, a notable award show celebrating black entertainers, with the hope of putting an end to the feud.⁵⁸ This prompted an astounding turnaround, and the disputing rappers were able to put their longstanding differences aside and collaborate on the tribute, performing live together and shaking hands in front of the award show viewers.⁵⁹ This helped put an end to the dispute, and allowed the rappers and their crews to lay down their proverbial arms and move forward.⁶⁰ Although quite informal, and lacking some of the traditional western hallmarks of a mediation, DJ Kay Slay took on the role of third party neutral in an important effort to resolve a heated rap beef, and utilized some of the critical techniques that mediators must draw on regardless of the context in which the mediation is taking place. By paying active attention to the rappers, recognizing their strong mutual desire to pay tribute to their late manager, and exploring creative solutions with the parties that might have seemed unusual at the time, DJ

⁵⁴ See Brittany Lewis, *A History of 50 Cent & Fat Joe’s Beef (DETAILS)*, GLOBALGRIND (Oct. 2, 2012), <https://globalgrind.cassiuslife.com/1895998/50-cent-fat-joe-beef-history-diss-songs-fight-arguments-photos-details/>.

⁵⁵ *Id.*; see also Rocko Rathon, *Fat Joe Details How the Feud Between Him and 50 Cent Ended*, THE SOURCE (Mar. 29, 2016), <http://thesource.com/2016/03/29/fat-joe-details-how-the-feud-between-him-and-50-cent-ended/>.

⁵⁶ This Is 50, *Fat Joe Talks 50 Cent Beef “Somebody Was Getting Hurt” W Pvnch*, YOUTUBE (Mar. 28, 2016), https://www.youtube.com/watch?time_continue=5&v=NHLPD1tpbwU.

⁵⁷ Lewis, *supra* note 54; Rathon, *supra* note 55.

⁵⁸ S. Samuel, *DJ Kay Slay Reveals Truth Behind 50 Cent & Fat Joe’s Hook-Up: “As Far as NY Hip-Hop, it Needed to be Done”*, SOHH (Jan. 24, 2014, 12:18 AM), <https://www.sohh.com/dj-kay-slay-reveals-truth-behind-50-cent-fat-joes-hook-up-as-far-as-ny-hip-hop-it-needed-to-be-done/>.

⁵⁹ Kyle Kramer, *50 Cent and Fat Joe Team Up on DJ Kay Slay’s “Free Again”*, COMPLEX (Jan. 21, 2014), <https://www.complex.com/music/2014/01/dj-kay-slay-50-cent-fat-joe>; see also Rathon, *supra* note 55.

⁶⁰ Rathon, *supra* note 55.

Kay Slay brought 50 Cent and Fat Joe together, and allowed them to end their feud on their own terms. As a result, the two were able to collaborate on a tribute song and coexist peacefully.⁶¹

B. *Kreayshawn and Rick Ross*

In another apparent mediation, DJ Khaled intervened as a disinterested third party in a dispute between rappers Kreayshawn and Rick Ross in 2011.⁶² The dispute began when female rapper Kreayshawn insulted Rick Ross' talent during a freestyle and his weight in a later online video.⁶³ After some additional ad hoc insults,⁶⁴ the rappers eventually met face to face at that year's MTV Video Music Awards ("VMAs"), where the dispute escalated and resulted in a heated backstage encounter between the rappers and the members of their crews.⁶⁵ While no physical violence took place, it was clear that this beef had become highly volatile. Yet, the dispute was eventually resolved, and while the exact circumstances of the resolution are unclear, Kreayshawn credits DJ Khaled for bringing it about.⁶⁶ When asked about the conclusion of her feud with Ross, she said "I bought DJ Khaled a couple steaks and we worked everything out."⁶⁷ While the rapper has not divulged further details about her session with DJ Khaled, her brief account of what took place demonstrates the important role of DJ Khaled as a third party in bringing about a resolution of this conflict. He played the crucial part of host in a session with Kreayshawn, allowing her a comfortable space to discuss her issues over dinner. Evidently this was effective, and it allowed the rapper to move on from her conflict with Rick Ross and provide the assur-

⁶¹ *Id.*

⁶² *Peacekeepers: Rap Beef Mediators*, BET, <https://www.bet.com/music/photos/2012/01/peacekeepers.html#!011112-music-peacekeepers-ja-rule-louis-farrakhan-50-cent> (last visited Oct. 14, 2018).

⁶³ Trent Fitzgerald, *Rick Ross and Kreayshawn Verbally Spar at the VMAs*, POPCRUSH (Aug. 30, 2011), <http://popcrush.com/rick-ross-kreayshawn-fight/>.

⁶⁴ Rose Lilah, *Kreayshawn Says Rick Ross Beef is Over and She's "Misunderstood"*, HOT NEW HIP HOP (Sept. 14, 2011), <https://www.hotnewhiphop.com/kreayshawn-says-rick-ross-beef-is-over-and-she-s-misunderstood-news.763.html> ("Ross had previously called her a 'dirty bitch' and threatened to 'slap the shit out of whoever carries her bags.'").

⁶⁵ Fitzgerald, *supra* note 63.

⁶⁶ Lilah, *supra* note 64.

⁶⁷ *Id.*

ance that “nothing’s popping off. It’s just a little rough patch at the VMAs, but we got all over it. It’s all over now.”⁶⁸

C. *Young Thug and The Game*

Rapper JoJo Capone has also utilized informal mediation to resolve heated disputes involving rappers. In 2015, a particularly nasty beef arose between two prominent rappers, Young Thug and The Game, as a result of a prior feud between Young Thug and another rapper, Lil Wayne.⁶⁹ In the midst of the Young Thug/Lil Wayne feud, The Game got involved in the beef and made a series of insults and violent threats directed at Young Thug both in concert and over social media.⁷⁰ The Game disparaged any rapper who insulted Lil Wayne, and dared Young Thug to come to Los Angeles where The Game promised to “fuck Young Thug up”⁷¹ and recruit the local contingent of the gang called the Bloods to assist him in doing so.⁷² In response, Young Thug publicly refused to cancel his plans to visit Los Angeles and took to social media to post an ominous video, “complete with a friend brandishing an automatic weapon.”⁷³ The two rappers continued trading violent threats, and it looked to many like this dispute was certain to end in violence.⁷⁴ However, before any shots were fired or anyone was hurt, JoJo Capone intervened and worked with the rappers to resolve their contentious dispute. The Game contacted Capone after seeing a picture of Capone and Young Thug online, and asked him to set up a conversation to talk about the feud and work toward its resolution.⁷⁵ Capone reportedly set up a conference call with Young Thug, The Game and Capone himself in participation, and during the course of the conversation, Capone mediated a settlement of the dispute in part by shifting the focus of the dialogue

⁶⁸ *Id.*

⁶⁹ Patrick Lyons, *The Game Threatens Young Thug*, HOT NEW HIP HOP (May 6, 2015), <https://www.hotnewhiphop.com/the-game-threatens-young-thug-news.15259.html>.

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *The Game & Young Thug Beef Squashed a Capone Saves the Day*, TMZ (May 7, 2015), <https://www.tMZ.com/2015/05/07/the-game-young-thug-beef-jojo-capone/>.

⁷³ *Young Thug I’m Coming To L.A. The Game’s Gun Threats Don’t Scare Me*, TMZ (May 6, 2015), <https://www.tMZ.com/2015/05/06/young-thug-the-game-beef-gun-threats-instagram-lil-wayne/>.

⁷⁴ See *The Game & Young Thug Beef Squashed a Capone Saves the Day*, *supra* note 72.

⁷⁵ *Id.*

from the disagreement to their common interests as rappers.⁷⁶ Capone urged that The Game and Young Thug “both needed to get back to making music, and not threats. Capone says he told them they needed to look at the big picture and call off the dogs before someone got hurt.”⁷⁷ This proved highly effective, and following the phone call, The Game publicly confirmed on twitter that his beef with Young Thug had been resolved.⁷⁸ Notable about this narrative is the role JoJo Capone was able to play as a third party intervener and the hallmarks of mediation that were present. After The Game and Young Thug volunteered to participate in a conversation about their dispute, Capone used his role as a neutral party to drive the conversation and allow the rappers to focus on their common future interests. The way the rappers volunteered to participate in the conversation, and the way in which Capone used his position to reframe the dispute were critical in allowing the feuding rappers to reach a mutual understanding.

The above examples highlight the potential effectiveness of using some form of mediation techniques as a means of resolving disputes between rappers. They also illustrate that there are rappers who are open to and interested in this type of conflict resolution despite the strong feelings involved and the public nature of the feuds. There have even been high profile events wherein rappers have recognized the potential for alternative dispute resolution in the rap industry, and have called for a better means of resolving their disputes.⁷⁹ Thus, rapper mediation is a salient topic for exploration, and would serve the interests of artists and fans of the genre who recognize its potential.

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ Trevor Smith, *The Game & Young Thug Beef Appears to be Squashed*, HOT NEW HIP HOP (May 7, 2015), <https://www.hotnewhiphop.com/the-game-and-young-thug-beef-appears-to-be-squashed-news.15284.html>.

⁷⁹ See, e.g., Salim Muwakkil, *Farrakhan and the Beefs of Rap*, IN THESE TIMES (Dec. 15, 2003), http://inthesetimes.com/article/491/farrakhan_and_the_beefs_of_rap (discussing a conversation around conflict resolution and the use of minister Louis Frakhan as a rap feud mediator); see also Jerry Crowe, *Snoop Dogg Tried to End East Coast-West Coast Rap Violence Back in the 1990s*, L.A. TIMES (July 17, 2016, 2:50 PM), <http://www.latimes.com/local/lanow/la-me-ln-snoop-rap-20160717-snap-story.html>.

D. *Mediation Overview*

Given the nature of many rap disputes, the ways in which they are carried out, and the above examples of how certain beefs have been resolved, it would be useful to explore the possibility of making mediation available to interested rappers to allow them to settle their differences and work collaboratively toward innovation in the genre. Mediation is an important resource under the umbrella of ADR that can provide disputing parties with the opportunity to have a conversation about their conflict and to settle their dispute.⁸⁰ Mediation is a “private, voluntary dispute resolution process in which a third party neutral, invited by all parties, assists the disputants in: identifying issues of mutual concern, developing options for resolving those issues, and finding resolutions acceptable to all parties.”⁸¹ The process is structured in a way to “enable better communication, encourage problem solving, and develop an agreement or resolution by consensus among the parties.”⁸² To achieve that end, mediators take on many roles and perform different functions. They host the mediation session; providing for the comfort of the parties and ensuring the meeting is productive,⁸³ they guide the parties toward constructive dialogue and away from destructive negotiation tactics,⁸⁴ they serve as referees to ensure that each party is given a fair opportunity to participate,⁸⁵ they translate the insights they are able to extract from the conversation and help the parties communicate more effectively,⁸⁶ they provide a reality check so that the parties can better understand their conflict in a larger context,⁸⁷ and they protect the mediation process from being misused or getting out of hand.⁸⁸

While American mediators are instructed to carry out certain specific functions when undertaking this method of conflict resolution and are taught standard methods for the facilitation of medi-

⁸⁰ *Mediation*, N.Y. PEACE INST., <https://nypeace.org/mediation/> (last visited Nov. 29, 2018).

⁸¹ CARRIE J. MENKEL-MEADOW ET AL., *MEDIATION: PRACTICE, POLICY, AND ETHICS* 14 (Wolters Kluwer 2d ed., 2013).

⁸² *Id.* at 85.

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ MENKEL-MEADOW ET AL., *supra* note 81, at 85.

⁸⁸ *Id.*

ated settlement discussions,⁸⁹ an important advantage of mediation (in contrast to other methods of dealing with dispute) is its adaptability to a wide variety of situations and disputes. There is no “one-size fits all” mediation model,⁹⁰ and mediators can integrate different mediation styles when they conduct a session.⁹¹ Further, the disputing parties have significant discretion, or self-determination, over the dispute and the outcome,⁹² and their concerns and interests drive crucial decisions in the mediation such as the creation of the session’s agenda,⁹³ whether or not an agreement will be reached, and the formulation of a potential agreement’s terms.⁹⁴ This ultimately allows parties to devise “custom-tailored outcomes, developed to maximize benefits for all sides,”⁹⁵ which in turn helps ensure that the agreed upon resolution is durable and realistic.⁹⁶ Because of the flexibility of the process, and its focus on party self-determination, mediation processes that incorporate the above mediation techniques have been used in different types of conflict situations to foster creative problem solving and to help settle many different kinds of disputes.⁹⁷

IV. PROPOSAL

This section will explore the concept of continuing to incorporate mediation into the rap industry as a potential alternative for disputing rappers. Part A will explore the ways in which mediation services that are carefully adapted to the needs of this context can be integrated more formally in the industry to provide a resource for feuding rappers interested in ADR. Part B will address some potential concerns about this idea that could arise.

⁸⁹ See JOSEPH B. STULBERG & LELA P. LOVE, *THE MIDDLE VOICE* 50 (Carolina Academic Press 2d ed., 2013) (introducing the so-called BADGER mediation strategy, an acronym that instructs mediators to begin the conversation, accumulate information, develop an agenda for the session, generate movement, elect to have separate sessions, and reach closure).

⁹⁰ MENKEL-MEADOW ET AL., *supra* note 81, at 376.

⁹¹ See *Riskin’s Grid*, ADR TOOLBOX, <http://www.adrtoolbox.com/library/riskins-grid/> (last visited Nov. 29, 2018).

⁹² MENKEL-MEADOW ET AL., *supra* note 81, at 86, 88.

⁹³ *Id.* at 219.

⁹⁴ THE INST. OF ARB. & MEDIATORS, *Principles of Conduct for Mediators*, 1 (2003), <https://www.resolution.institute/documents/item/2266>.

⁹⁵ MENKEL-MEADOW ET AL., *supra* note 81, at 89.

⁹⁶ *Id.* at 86.

⁹⁷ See, e.g., Keith Seat, *Notable U.S. Mediation Cases*, *MEDIATE* (Feb. 10, 2010), <https://www.mediate.com/articles/notable.cfm>.

A. *The Rap Feud Mediation Service*

The foregoing discussion indicates that mediation can be a helpful resource for feuding rappers who wish to explore it. However, it is also important to note that certain critical hallmarks of mediation may not be useful or effective in this context. Thus, this note proposes the creation of the Rap Feud Mediation Service (“RFMS”), a mediation service devoted to the resolution of rap disputes. The service would provide an opportunity for rappers involved in disputes to set a time to meet together with a third party neutral and address their disputes cooperatively, and potentially reach a mutually agreeable settlement of their conflict. The remainder of Part A will detail how such a service would operate and how the fundamental concepts of mediation will be incorporated therein.

1. The Basic Structure of the RFMS

Because rap disputes are unique, a mediation service for this context must be crafted in a way that accounts for the complexities of rap culture. Thus, the RFMS will be modeled on the above examples of previous successful rapper mediations and will allow for ample flexibility with respect to process. While certain central hallmarks of mediation, like voluntariness and self-determination, will be at the core of the RFMS,⁹⁸ the service will take a more modern approach to other traditional principles like mediator neutrality and confidentiality. Because the third parties who have successfully helped rappers reconcile their differences in the past have been other prominent figures in the rap industry, and because “in mediation the principal agent of fairness is a skilled, reasonable and trusted mediator,”⁹⁹ the RFMS will focus on concepts of mediator neutrality and impartiality that focus less on not knowing and relating to the parties, and more on the principle of “non-partisan fairness.”¹⁰⁰ This way, mediators might be other rappers, mutual friends, pastors, or producers so long as they focus on “attending equally to the needs and interests of all parties with equal respect, without discrimination and without taking sides.”¹⁰¹ I imagine that DJ Kay Slay, DJ Khaled, and JoJo Capone will be among the first to participate as mediators in the RFMS, and other rappers with

⁹⁸ See MENKEL-MEADOW ET AL., *supra* note 81, at 86, 88.

⁹⁹ Hin Hung, *Neutrality and Impartiality in Mediation*, 5 ADR BULLETIN 45, 46 (2002).

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

large networks who are socially aware will join them to help their peers resolve conflicts.¹⁰²

In addition to the participation of neutrals who have already taken on that role in the rap industry, I envision a process in which former disputants may become mediators with the RFMS after their dispute is settled. The discussion above in Section III of previous informal mediations in the rap industry serves not only as a model for rap beef mediation and an illustration of the interest and past participation in ADR, but also highlights the shift in rapper disposition after they take part in mediation. When rappers are able to witness firsthand the effectiveness of mediation and understand the ability of the process to resolve complex and highly sensitive conflicts in the rap industry from personal experience, they can subsequently become effective promoters of the service and foster its expansion. They would be able to provide accurate testimonials to their feuding peers and utilize the techniques they found effective for their disputes to help resolve disputes of others. Therefore, the growth of the RFMS by recruiting former disputants as mediators would be a critical aspect of the Service, and one option for encouraging this would be to permit the parties to make their participation as neutral with the RFMS a settlement term.

2. Mediator Training

In keeping with the above approach to mediator qualifications and recognizing the unique contexts in which rap feuds arise, those who seek to become third party neutrals with the RFMS will undergo a form of training that fosters the mediation styles that have proven effective in the past. Mediation styles have been defined by practitioners and academics using Riskin's Grid.¹⁰³ The grid lays out a spectrum with four quadrants, each denoting a different style of and approach to mediation, and all mediators can place themselves on the spectrum depending on the style they most utilize.¹⁰⁴ The quadrants are labeled as follows: (1) facilitative-broad, which refers to a style that focuses on broad problem definition and facilitating expansive conversation between the parties about issues of concern to them; (2) facilitative-narrow, which corresponds to a style that allows the parties to speak on the immediate issues at hand and develop proposals for their resolution; (3) evaluative-

¹⁰² See, e.g., Jonathan Leibson et al., *40 Rappers Who Have Been Socially Conscious in 2016*, XXL (Aug. 18, 2016) <http://www.xxlmag.com/news/2016/08/rappers-socially-conscious-in-2016/>.

¹⁰³ See *Riskin's Grid*, *supra* note 91.

¹⁰⁴ *Id.*

broad, which refers to a more analytical approach to a broad set of problems and permits the mediator to actively evaluate the parties' arguments and make recommendations; and (4) evaluative-narrow, which similarly describes a mediation style in which the mediator evaluates the claims of the parties and focuses on a narrow set of potential solutions.¹⁰⁵ Based on the examples of prior successful rap beef mediations, and since many disputes are interpersonal and encompass various personal feelings and issues, a facilitative-broad approach is one that might be effective in this type of setting. Therefore, RFMS Mediators will be trained with a focus on that style of mediation, but will also be provided with information about Riskin's Grid so that they may choose an appropriate style of mediation on a case-by-case basis. This will be important since, as highlighted herein, beefs can emerge for many different reasons, and implicate vastly different interests and issues. In fact, there have been attempts to classify the different types of rap disputes,¹⁰⁶ and while the classifications are not exhaustive, they provide a useful framework in which to think about rap beefs and how to structure an approach that best addresses the parties' needs. Dave Bry, a writer for pop-culture news source Complex, compiled a list of ten styles of rap beefs, and provided brief explanations of their central features and examples of each type in rap history. While some of his classifications are not helpful for the purpose of mediation, there are a number of classifications he uses that could be helpful in framing disputes and in allowing neutrals with the RFMS to tailor their styles and agendas accordingly. For example, he notes that some disputes might fall under the category of a "strategic beef,"¹⁰⁷ and might be carried out in an effort to help move the parties' careers forward. While the parties may choose not to mediate this kind of beef, should a strategic beef be brought before the RFMS, it would be beneficial for neutrals to be able to identify the type of beef before them so that they can be sure to address issues of reputation and career advancement with the parties. Another type of beef described in the article is the "love triangle beef"¹⁰⁸ which causes rappers to dispute over a shared love. A mediator with the RFMS should be able to use this classification to help reframe a dispute that appears to revolve around a shared

¹⁰⁵ *Id.*

¹⁰⁶ See Dave Bry, *What's Beef? The 10 Types of Rap Beef*, COMPLEX (Oct. 25, 2013), <https://www.complex.com/music/2013/10/rap-beef-different-types/love-triangle-beef>.

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

love, and work with parties to resolve the issues stemming therefrom. These classifications along with the techniques outlined Riskin's Grid will help mediators adapt their approaches to each situation and identify potential areas for discussion and agreement.

Further, the training process should also be tailored to the participants. Mediator training is extremely valuable, and educating mediators about specific defined mediation skills and providing criteria for mediator evaluation helps to "stress the ability to gather information, empathize, remain impartial in heated situations, help the parties generate options and agreements, and manage the interaction."¹⁰⁹ There is a wide variety of teaching tools available,¹¹⁰ but ultimately the training, whether in person, through simulations, or through training manuals, must familiarize the neutrals with the core principles and practices on which the RFMS will operate, identify some of the unique issues that rap disputes have posed in the past, and educate them about leading methods of conflict resolution. For example, it might be useful to educate the incoming mediators about using BADGER¹¹¹ as a framework for a mediation session while acknowledging that it is not the only structure and that the techniques with which to implement it might differ depending on the circumstances of a conflict.¹¹² Further, the training might incorporate certain aspects of gang mediation since there could be gang issues at play in certain rap feuds.¹¹³ One potentially strong resource for this type of information might be Malik Spellman, a well-known gang mediator who has received widespread media attention as a result of his pivotal role as third party neutral in the resolution of highly volatile gang disputes.¹¹⁴ Raised in Jamaica, Queens, Spellman, who himself is formerly incarcerated, set out after his prison term to try to prevent gang violence and foster

¹⁰⁹ Christopher Honeyman, *On The Importance Of Criteria For Mediator Performance*, MEDIATE, <https://www.mediate.com/articles/honeyman.cfm> (last visited Feb. 10, 2019).

¹¹⁰ See, e.g., STULBERG & LOVE, *supra* note 89 (mediators can be given copies of the book as a part of training); see also Jerald Cavitt et al., *Gang Intervention Mediation Specialists: A Practitioner's Training Manual*, CTR. FOR CITIZEN PEACEBUILDING AT U.C. IRVINE (2013), https://www.peacebuilding.uci.edu/files/docs/2013/gang_intervention_specialists.pdf (mediators can be given this manual as a part of training).

¹¹¹ STULBERG & LOVE, *supra* note 89.

¹¹² See Jeffrey Krivis, *The Five Stages of Mediation*, MEDIATE (Dec. 1999), <https://www.mediate.com/articles/krivis.cfm> (discussing the "five stages of mediation" which is one alternative to BADGER as a way of framing the process of mediation).

¹¹³ See *The Game & Young Thug Beef Squashed A Capone Saves the Day*, *supra* note 72.

¹¹⁴ Kate O'Hare, 'The Peacemaker': Malik Spellman Mediates Gang Disputes, CHICAGO TRIBUNE (Dec. 8, 2010), <https://www.chicagotribune.com/zap-peacemaker-story-story.html>.

mutual agreement and understanding.¹¹⁵ He went to Los Angeles and began working with local gangs to achieve that end. He received attention for his work from prominent figures in Los Angeles like rapper Ice-T in the early 1990s,¹¹⁶ and “in 1992, Spellman helped organize a monumental gang truce between Los Angeles’ two main gangs, the Crips and the Bloods.”¹¹⁷ Thereafter Spellman began counseling youth on violence prevention and continued mediating gang feuds as well.¹¹⁸ As a result of his unique approach, a television show was made following his mediation efforts in 2010.¹¹⁹ Produced by Ice-T, the show follows Spellman as he intervenes in highly volatile gang beefs with many different interests and issues and endeavors bring about their peaceful resolution.¹²⁰ Because of his breadth of experience, Spellman might be able to play an important role in the RFMS, either as a trainer of neutrals or perhaps as a participant himself. His insight could help ensure that the mediators with the RFMS are well equipped to resolve the disputes they are called upon to deal with no matter the context and could lend greater legitimacy to the RFMS.

3. Party Participation in the RFMS

Regarding party participation, the requirement of voluntariness in mediation will not be relaxed in the RFMS. Rappers would need to volunteer to mediate, and disinterested parties will not be coerced into mediating their disputes. However, the RFMS could operate a website tracking prominent rap disputes on which fans can voice their opinions about rap disputes in the news, and cast votes indicating whether the feud has been entertaining and productive in terms of the creation of music, or whether they would prefer to see a resolution of the conflict and see certain feuding rappers collaborate.¹²¹ This information might encourage disput-

¹¹⁵ Richard Huff, *Former New Yorker Malik Spellman Prevents Gang Warfare in Los Angeles on Ice T-produced Reality Show*, DAILY NEWS (Dec. 14, 2010), <https://www.nydailynews.com/entertainment/tv-movies/new-yorker-malik-spellman-prevents-gang-warfare-los-angeles-ice-t-produced-reality-show-article-1.470246>.

¹¹⁶ O’Hare, *supra* note 114.

¹¹⁷ Malik Spellman Peacemaker, *Personal Information*, FACEBOOK, https://www.facebook.com/pg/Malik-Spellman-Peacemaker-180441728661629/about/?ref=page_internal (last visited Feb. 10, 2019).

¹¹⁸ O’Hare, *supra* note 114.

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ See Miller, *supra* note 8 (The author is highly critical of the music coming from the feud between Eminem and Machine Gun Kelly, describing the “diss tracks” as being “filled with high-school level insults.”); see also Maeve McDermott, *Why Eminem and Machine Gun Kelly’s Rap*

ing rappers locked in unpopular feuds to seek out the RFMS, as it would shed light on fans' disinterest and highlight the damage the dispute is inflicting on their popularity and careers. Because it is arguable that some rap feuds can be waged and escalated to drive album sales and popular interest,¹²² those feuds that are shown to have failed to do so may prompt the participants therein to prefer to mediate the dispute and move forward.

4. Settlement in the RFMS

Regarding the terms of settlement agreements reached through the RFMS, rappers should have the ultimate authority to dictate those terms pursuant to the principle of self-determination.¹²³ Given that rap dispute settlements may not require concrete mutual obligations on the part of the parties, it would still be useful to create a tangible agreement memorializing the resolution. Thus, the RFMS should develop a standard form settlement agreement that can be used by the Service to document the successful mediations, and by the disputants as a reminder of their reconciliation and of the understanding that was reached.¹²⁴ As part of that standard form agreement, and in an effort to encourage collaboration among past adversaries both as a contribution to the genre and as a potential commercial benefit to the parties, I propose that a clause be inserted volunteering the parties to signal their successful resolution of conflict to the world by undertaking some form of collaboration. This would be left to the parties' discretion, and it could include a co-performance, joint tour, or some other collaboration project. That settlement term would be followed by a check box, which parties would be able to use to exercise their option to opt in or opt out of that provision. The timeline for the release of the collaboration would be subject to the parties' schedules, but it would ideally be actively promoted beginning promptly after mediation. A portion of the sales of the collaboration will be distributed among the relevant parties consistent with ordinary business practices, and another portion should be set aside for the RFMS to

Beef is Uniquely Terrible, USA TODAY (Sept. 7, 2018, 10:11 AM), <https://www.usatoday.com/story/life/music/2018/09/07/eminem-and-machine-gun-kelly-rap-beef-terrible/1221095002/>.

¹²² See Jasmine Grant, *The Business of Beefs: Artists Who Started Major Feuds Suspiciously Close to Music Drops*, VH1 NEWS (Feb. 8, 2018), <http://www.vh1.com/news/241692/hip-hop-beefs-to-sell-albums/>.

¹²³ MENKEL-MEADOW ET AL., *supra* note 81, at 86, 88.

¹²⁴ See *Settlement Agreement*, MEDIATE, <https://www.mediate.com/PDiamond/docs/SETTLEMENT%20AGREEMENT.pdf> (last visited Nov. 29, 2018) (illustrating an example of a standard form settlement agreement).

fund the operation of the website and other small but necessary expenses (like the production of training materials). Further, subject to mutual party consent, a certain percentage of the profits could go to a community group of the parties' choosing that works to fight against gang violence.¹²⁵

B. *Possible Arguments in Opposition to the RFMS*

1. Rap Beefs Are Good for the Genre

Critics of the concept of mediating rap feuds might take issue with the premise that rap has lost more than it has gained as a result of beefs. One could argue that rivalries have produced iconic songs, and by mediating feuds that catalyst for rap innovation might be eliminated.¹²⁶ This concern is readily rebutted for a number of reasons. First, if indeed certain feuds are “productive” in the sense that they are inspiring the creation of new enjoyable music, then that sentiment will be reflected in the fan feedback contained on the RFMS’s website. Rappers will be able to gauge whether the music they have produced during the course of the dispute has been well received and can make informed decisions as to how to proceed. If fans indicate that the hostile music has been beneficial, the rappers will decline to utilize the RFMS, but if the consensus among fans is that the rappers would be better off settling their dispute and making other non-adversarial music, the rappers will be able to have an avenue to do so. Further, with the above optional settlement term to facilitate a collaboration between former disputants, rappers who have chosen to avail themselves of the service will have the option to create new collaborative music; music which might not otherwise be possible if not for the RFMS.

The contentious and highly publicized dispute between rappers Drake and Meek Mill is recent example of a rap feud that was carried on for longer than necessary largely because the disputants lacked the opportunity to engage in meaningful conflict resolution. The feud began in 2015 after Meek Mill tweeted that Drake does not write his own raps.¹²⁷ Drake responded by releasing a “diss

¹²⁵ See Stephen R. Groves, *NYC Enlists Former Gang Members as “Violence Interrupters”*, AP NEWS (Aug. 2, 2018), <https://www.apnews.com/66af4a419d1b45449f1cfc902da6c042> (discussing such groups and their operations in New York).

¹²⁶ See Giorgis et al., *supra* note 43.

¹²⁷ Yohana Desta, *Drake v. Meek Mill: the Rap Beef Explained*, MASHABLE (July 29, 2015), <https://mashable.com/2015/07/29/drake-meek-mill-beef-explained/#Vtm63SRKdsqQ>.

track” entitled “Charged Up,” which contained relatively mild and veiled insults directed at Meek Mill.¹²⁸ Mill posted harsh tweets in reply, calling the song “baby lotion soft”¹²⁹ and joking that he could tell that the track was actually written by Drake, presumably given how weak the song was in his view.¹³⁰ This prompted Drake to release a scathing “diss track” entitled “Back to Back,” which received widespread acclaim from fans of rap music because of its strong lyrics and its creative attacks against Meek Mill,¹³¹ and led to the release of Meek Mill’s “diss track” entitled “Wanna Know.”¹³² While in its early stages this feud was well received and led to the release of a very exciting new song, the dispute dragged out for three years until Mill was sentenced to prison, during which the beef produced few significant developments.¹³³ Thereafter, the rappers formally concluded their dispute, releasing a celebrated collaboration song in 2018 on Meek Mill’s chart topping album entitled “Championships,” and appearing together at a Drake concert in Boston in September.¹³⁴ In their joint appearance the rappers shook hands and Drake urged that, “This right here is important. This one of my favorite rappers, for real for real,”¹³⁵ and later remarked, “We need more peace in the world, we need more love in the world.”¹³⁶ Similarly, Mill commented, “What happened happened. We moved past that. I think we’ll have a conversation next time we see each other, and get it going.”¹³⁷ Although the prison sentence served as a catalyst to end the dispute between the rappers, the lack of major dispute-related activities over that period of time indicates that the beef lingered needlessly. It is precisely this kind of dispute, with these sorts of open-minded rappers that would be best served by ADR and mediation using the RFMS. Mediation would allow parties like Drake and Meek Mill to work out their differences and move forward collaboratively for their benefit and for the benefit of the rap genre.

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ *Id.* (“This for y’all to think that I don’t write enough/They just mad cause I got the Midas touch.”).

¹³² Daniel Kreps, *Watch Drake and Meek Mill Squash Beef at Boston Concert*, ROLLING STONE (Sept. 9, 2018, 9:01 AM), <https://www.rollingstone.com/music/music-news/watch-drake-and-meek-mill-squash-beef-at-boston-concert-721613/>.

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ *Id.*

2. Rap Feuds Are Good for Business

A corollary argument against mediating rap beefs is that rap feuds help sell albums, especially for lesser known rappers, by increasing publicity and making enemies with more established artists. It has been well documented that in some cases, rap beefs help rappers market themselves and their upcoming albums.¹³⁸ For example, the Drake/Pusha T dispute discussed above in Section II(C)(1) significantly raised the profiles of both already famous rappers.¹³⁹ This rise in publicity is evidenced by the fact that at the feud's peak, "the number of Google searches for Drake almost quadrupled, while the number of searches for Pusha T was nearly 50 times greater than in any other week in the previous year."¹⁴⁰ Further, the increased public interest in the rappers as a result of their beef translated into commercial success for the albums released by both artists around that time: "'DAYTONA,' released on May 25th, is Pusha T's highest-charting album on the Billboard 200. 'Scorpion', Drake's new album . . . achieved platinum status on the day of its release last month."¹⁴¹ In Addition to Drake and Pusha T, other less established rappers have reaped image and status benefits from feuds as well, including Machine Gun Kelly, as a result of his beef with Eminem, discussed above in Section II(c)(2).¹⁴² During the course of his dispute with Eminem, Machine Gun Kelly became a prominent feature on YouTube, with his "diss track" targeting Eminem earning a spot in the top five of YouTube's US song charts for numerous weeks in a row.¹⁴³ The publicity benefits of rap beefs have been so well observed that certain rappers have admitted to staging feuds in advance of album releases to generate interest among fans. Prominent rappers Kanye West and 50 Cent admitted to staging their beef in 2007 in advance of their album releases occurring on the same day.¹⁴⁴ As a result, the two albums achieved record sales, with West's album

¹³⁸ See, e.g., J.S., *Music Feuds Can be a Lucrative Marketing Tool*, THE ECONOMIST (Aug. 17, 2018), <https://www.economist.com/prospero/2018/08/17/music-feuds-can-be-a-lucrative-marketing-tool> (discussing the effects of rap feuds on the sales and publicity of rappers); see also John Lynch, *Eminem's Feud with Rapper Machine Gun Kelly is Dominating YouTube*, BUS. INSIDER (Sept. 25, 2018), <https://www.businessinsider.com/eminems-feud-machine-gun-kelly-dominating-youtube-2018-9> (discussing the publicity gained by both parties to the Eminem Machine Gun Kelly feud).

¹³⁹ J.S., *supra* note 138.

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² See Lynch, *supra* note 138.

¹⁴³ *Id.*

¹⁴⁴ J.S., *supra* note 138.

selling 957,000 copies during the first week, and 50 Cent's album selling 691,000 units during the first week as well.¹⁴⁵ This was "just the second time since 1991—when Nielsen SoundScan started collecting data—that two albums shifted more than 600,000 copies in a week in America,"¹⁴⁶ and 50 Cent later reflected on his feud with Kanye West by saying "It was just great marketing."¹⁴⁷ In light of this data, the argument can be made that rappers will not be open to participating in mediation since, in many cases, maintaining disputes is helpful for their image, publicity, and sales. If rappers are, in some cases, setting out to fabricate beefs,¹⁴⁸ they will be unlikely to seek dispute resolution.

This argument against using mediation in this context is certainly not without merit, and it must be conceded that there will be cases where mediation and dispute resolution will not be appealing for disputing rappers. However, as noted above, the RFMS will retain a voluntary character, and will provide feuding rappers with important information on its website relating to public opinion on prominent beefs. With this information, rappers can make an educated business and artistic decision with respect to whether they wish to avail themselves of the dispute resolution services. This will allow rappers who have had their publicity elevated and record sales increased as a result of feuds to abstain from mediation, but will provide an avenue for the rappers trapped in unproductive beefs, like many of those discussed herein, to resolve their dispute and pursue success in other ways.

One such beef that proved to be counterproductive in terms of publicity and album sales is the beef between Ja Rule and 50 Cent.¹⁴⁹ Hoping to capitalize on the long running feud between the rappers, Ja Rule, who had already been successful as an R&B style artist, released a rap album in 2003 containing "diss tracks" targeting 50 Cent and other adversary rappers.¹⁵⁰ While his previous two records sold very well during the week after their releases, the 2003 "diss track" album saw a major decline in success, selling about 98,000 fewer copies during the first week than his previous album and about 222,000 fewer than the album before.¹⁵¹ Ja Rule fans felt alienated, and "critics lamented the 'redundant trash-talking' and

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ *Id.*

¹⁵⁰ J.S., *supra* note 138.

¹⁵¹ *Id.*

the ‘utterly tired’ boasts,”¹⁵² and the artist never recovered from the blow to his reputation.¹⁵³ This dispute, like certain others discussed herein, did more harm than good from a business perspective. It will be these disputes as well as those between rappers who are genuine about dispute resolution and fostering peace in the industry that will be eager to participate in mediation, and who will be best served by the RFMS.

3. ADR is not “Gangsta”

Another possible counter-argument is that mediation and mutually agreeable conflict resolution is not in keeping with a “gangsta” image, and rappers will not risk losing credibility among fans by electing to pursue this process. However, as discussed in Section II(A), rap is not necessarily meant to be “gangsta” in the sense that the focus must be on destroying enemies. Rather than allowing rap to continue to be dominated by that aspect of gangsta rap, it might be beneficial for the genre to provide interested rappers with an alternative method for resolving disputes and creating new collaborative music. By allowing rappers to end their disputes on their own terms and create other kinds of new music, they can better explore other themes that have been central to the genre and work to articulate the new struggles faced by minority and impoverished communities; including communities plagued by gang violence. Rather than accepting that all disputing rappers will endlessly continue to tear each other down, and, as has been the recent trend, argue over who has a more extravagant lifestyle or who paid for a better ghost writer, we should ensure that rappers have the option to focus their attentions on different areas of artistic expression. In so doing, they will have the opportunity to portray the plight of those living at the margins of society and create collaborative and innovative music.

V. CONCLUSION

In light of rap’s rich history, the character it has taken on since the 1990s, and some of the outcomes that have caused great loss for the industry and for consumers, the interest in and need to implement some form of ADR as a means to resolve rap disputes is evident and has become prevalent over the past few months. Because

¹⁵² *Id.*

¹⁵³ *Id.*

mediation is a voluntary process through which parties can address their underlying issues, interests, and concerns, I believe it is the process best suited to quell hostilities between rappers which have been caused by and expressed through emotional and fiery exchanges. While there will inevitably be rappers who choose not to participate in mediation, and fans who are opposed to their favorite artists taking this course of action, the creation of the RFMS will give disputing rappers the opportunity to make informed decisions with respect to their feuds, and will provide those rappers seeking alternative methods to resolve their conflicts with a flexible and comfortable mediation process to do so.

