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Censoring Hate in the Music Industry: Shifting Perspectives in Pursuit of Cultural Equity

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Censoring Hate Speech in the Music Industry: Shifting Perspectives in Pursuit of Cultural Equity

By Joey Tan

Music is intended to be expressive and unconstrained, a tool of communicating emotion and bridging humanity. As such, censorship is widely despised among music creators, listeners, publishers, distributors, and other music industry stakeholders. “Freedom of expression,” however, proves to be an applicable argument for both sides of the matter when the censorship concerns hate directed at marginalized communities. Analyzing the concept of censorship through the lens of those with privilege and power fails to recognize the extent to which hate speech impacts its victims and the indirect recipients of the message. The scope of impact of hateful language demonstrates the multi-layered nature of hate and the need to broaden our interpretation of hate speech. Though forever relevant, the issues of both hate speech and culturally biased violence are currently at the forefront of the news and within the public’s awareness. During the #MeToo era, many entities are facing pressure to take a stance against sexual assault and violence in particular.

The music industry’s prioritization of money and commercial success over equity and social justice has too long been excused with arguments of freedom of expression and the importance of artistic merit. As a powerful influencer of popular and youth cultures, the music industry has a responsibility to benefit society rather than harm it. Distribution platforms must be active players in building an ethical society because of their tremendous power as the channels to the consumer facing side of the industry. Censorship of hate speech and the content of artists who have engaged in hateful conduct by music distributors must be permitted to pursue cultural

equity in U.S. society because of the impact of hate speech and hateful conduct on marginalized communities and society as a whole, the influence of music and artists on popular and youth culture, and the overarching responsibility of music distributors to positively impact society.

I. Spotify's 2018 "Hate and Hateful Conduct Policy"

Background

On May 10th, 2018, Spotify, a leading streaming platform with over 200 million monthly active users,¹ announced its new policy update that stirred up controversy surrounding the idea of censorship by music distributors.² Spotify introduced the two-part policy by explaining its values as a music organization and approach to upholding them:

We love that our platform is home to so much diversity because we believe in openness, tolerance, respect, and freedom of expression, and we want to promote those values through music on our platform. However, we do not tolerate hate content on Spotify – content that expressly and principally promotes, advocates, or incites hatred or violence against a group or individual based on characteristics, including, race, religion, gender identity, sex, ethnicity, nationality, sexual orientation, veteran status, or disability...It's important to us that our values are reflected in all the work that we do, whether it's distribution, promotion, or content creation.³

The new regulations were backed by Spotify's civil rights partners, including The Anti-Defamation League, Color Of Change, GLAAD (Gay & Lesbian Alliance Against Defamation), Muslim Advocates, International Network Against Cyber Hate, and other activist groups who advised the company from a cultural advocacy perspective.⁴ Spotify also disclosed that it utilizes an "internal content monitoring tool," Spotify AudioWatch, which attempts to accurately identify content uploaded to the site that contains hate speech.⁵ Spotify further encourages its listeners to notify the company of any content they believe is against the policy,⁶ demonstrating its commitment to upholding the new policy. The claim against hate speech came as no surprise to industry insiders. In fact, entertainment news magazine, *Billboard*, claims that for several years

leading up to the policy announcement, Spotify has followed similar guidelines when regulating the content on its platform.⁷ The practice of censoring hate speech is used or condoned by some other music organizations such as Spotify rival, Apple Music.⁸

The main point of contention is Spotify's desire to regulate content created by individuals who have engaged in hateful conduct in their personal lives.⁹ The level of censorship is lower in these circumstances: "While we don't believe in censoring content because of an artist's or creator's behavior, we want our editorial decisions – what we choose to program – to reflect our values."¹⁰ Despite Spotify allowing these artists to keep ties with the company as their distribution platform, impacted artists and fellow music organizations are critical of Spotify's decision to remove certain content from its curated playlists and refrain from engaging in artist promotional campaigns with targeted individuals.¹¹

Despite the sudden outrage over Spotify's policy decision, other streaming services have engaged in similar conduct-based editorial decisions. Pandora has a policy that states the streaming service will not "actively promote artists with certain demonstrable behavioral, ethical or criminal issues to ensure we address components true to Pandora's principles while not overreaching and avoiding censorship."¹² Like Spotify, Pandora does not remove artists from its platform entirely, but ensures that he does not appear in any new curated playlists.¹³ *Billboard* reported that several sources noted that even without an artist conduct policy, Apple Music's decreased promotion of Chris Brown's October 2018 release in consideration of his violent past.¹⁴

Impact and Controversy

The controversy behind Spotify's policy is simultaneously rooted in the company's publicized attempt at censorship, unequal selection of artists that fall within the boundaries of

hateful conduct, and punishment of artists who have yet to be convicted of a crime. The policy was partially prompted by the insurgence of sexual assault survivors speaking up about their stories and making claims against their attackers. While well-intentioned, the policy announcement was met with disapproval, panic, and claims of unfairly targeting artists. As expressed in an article of United Kingdom newspaper, *The Independent*, Spotify's policy "risks making more of a mess than the one it is trying to clear up."¹⁵

Spotify's hateful conduct policy had primarily impacted two individuals, R&B/hip-hop artist R Kelly and rapper XXXTENTACION.¹⁶ In the months leading up to the policy announcement, the "Me Too," "TIME'S UP," and specifically targeted "MuteRKelly" movements began to rally against R Kelly in support of the numerous individuals who have cited the artist's sexually violent and pedophilic past and claimed that he trapped women in a "sex cult."¹⁷ In January 2019, documentary *Surviving R. Kelly* premiered on the television channel Lifetime, reaching nearly 2 million viewers.¹⁸ After R. Kelly was officially charged with 10 counts of sexual abuse in late February, record label RCA Records dropped the controversial artist from his contract.¹⁹ XXXTENTACION had also been in the public eye after being accused of domestic violence and charged with aggravated battery of a pregnant victim, false imprisonment, and witness tampering.²⁰

The fear of being removed from a Spotify playlist is warranted considering the significantly boosted number of streams, brand recognition, and music industry influence received in return.²¹ *Billboard* reports that artists receive approximately 20 to 30 percent of all streams on Spotify from the platform's curated playlists.²² XXXTENTACION received a noticeable drop in streams on "SAD!" less than a week after it was taken down from RapCaviar, which boasts nearly 11 million followers, and other Spotify playlists.²³ With an average of 17

percent less streams per day on that song, the artist could lose an estimated \$60,000 in the span of a year, according to *Billboard*.²⁴ As a leader in the music industry, Spotify's controversial decision sent waves across the industry. After removing XXXTENTACION's "SAD!," the song experienced a decline in terrestrial radio play, further impacting the rapper.²⁵

The lack of transparency and consistency in Spotify's policy enforcement has left the public searching for a connection between the artists, raising concerns over whether Spotify's censorship was racially motivated.²⁶ Numerous entities, both with and without ties to R Kelly and XXXTENTACION, have called attention to the apparent disparate treatment between the impacted artists and others in comparable circumstances.²⁷ Controversial artists, such as Derek & The Dominos' Jim Gordon who was convicted of killing his mother in 1984, were still landing on Spotify playlists.²⁸ Even some artists' content containing hate speech remained on Spotify's platform. The most prominent example is Eminem's explicit lyrics, "Went to gym in eighth grade, raped the women's swim team/Don't take me for a joke, I'm no comedian,"²⁹ in his song titled "Just Don't Give a Fuck." Included on the "I Love My 90s Hip Hop" playlist with 1.4 million followers, the track is just one of the white rapper's controversial songs on Spotify.³⁰

In an interview with *Billboard*, social justice advocate and co-founder of the MuteRKelly campaign, Kenyette Barnes, disagreed with the claims of Spotify's racial bias, stating that the impacted artists being black is "more coincidence than anything else."³¹ Concurrent to her dissent, Barnes acknowledges the need to apply equal retribution according to precise standards established within the policy.³² A *Wall Street Journal* article published just days after the announcement from Spotify acknowledged the similarly problematic behavior of Chris Brown and Michael Jackson, who assaulted his girlfriend and sexually abused a child, respectively.³³ At the time of the announcement, Brown was included on two of Spotify's most influential

playlists: “Today’s Top Hits” with 19.9 million followers and “This Is How We Do” with half a million followers.³⁴ YoungBoy Never Broke Again, Rich the Kid, and Famous Dex are among other artists accused of domestic violence and other crimes, including attempted murder, that have been featured on “Rap Caviar” and other dominant Spotify playlists.³⁵ Regardless of Spotify’s racially or otherwise biased targeting, the company’s censorship of artists who have not yet been convicted of a crime leaves many apprehensive of what is to come for both Spotify and its playlisted artists.³⁶ Spotify has been accused of playing judge and jury, entering the dangerous territory of punishing artists who are innocent in the eyes of the law.³⁷ Some are questioning the ethicality of Spotify’s policy while others are frightened by the company’s power to impair artists’ reputations and careers.³⁸

Policy Update

On June 1st, 2018, less than a month after publishing its hate and hateful conduct policy, Spotify released a statement titled “Spotify Policy Update,” announcing a revision to its guidelines.³⁹ The new policy removes the regulation of artists’ content based on personal behavior in response to a wide range of overbearing backlash.⁴⁰ On the original announcement, Spotify stated the following: “These are complicated issues, and we’re going to continue to revise our Policy on Hate Content and Hateful Conduct. We’ll make some mistakes, we’ll learn from them, and we’ll always listen to you as we work to keep building the Spotify platform.”⁴¹ The streaming service acknowledged the complexity of censorship and the severe controversy associated with it within the music industry. However, did Spotify back down too easily?

The second announcement explained that despite Spotify’s good intentions, the policy was not precisely articulated or thoroughly planned and reviewed.⁴² Spotify specified that it wanted to reverse the concerns of allegations and past mistakes impacting an artist’s moral status

with the company, claiming that its “role is not to regulate artists.”⁴³ Spotify’s enforcement of its new policy was unquestionably inconsistent and aligned with media trends rather than specific histories. However, the initial intent behind the regulations should not be lost as Spotify succumbs to the backlash. Spotify proved that it is loyal to its users and stakeholders by revising the policy, but it brings into question whether the company should place a higher value on promoting social justice by being a leader of change within music culture.

II. Defining and Regulating Hate Speech

One of the primary challenges we face in permitting censorship is determining what precisely constitutes hate speech. Despite the term’s common use in law, hate speech has a wide range of definitions that vary between nations, organizations, and individuals.⁴⁴ Distinct perspectives and ethical values derived from cultural identity or awareness shape one’s concept of the limitations of freedom of expression. Redefining our priorities as a multicultural society and considering common practices outside of the U.S. will help us arrive at specific language with a broad enough scope to consider the complexities of the impact of hate speech and achieve effective and fair censorship.

Changing Perspectives and Understanding Scope

The perspective through which we analyze the ethical boundaries of censorship can drastically change how we perceive the duty of the state or other regulatory entities to ensure equality for all citizens. However, without also shifting priorities to advocating for the equitable livelihood of marginalized communities, the perspective of the victims of hate speech will continue to be neglected.⁴⁵ The common argument within the music industry is that a song’s overall artistic merit supersedes the negative impact of the hate speech it contains.⁴⁶ With hate speech often assessed from the viewpoint of a “reasonable person,”⁴⁷ it is logical that the courts

would be drawn to defending the public's interest, rather than the targeted community. In order to take a fair and multidimensional approach to understanding the complexities of hate speech, the courts must leverage the victim's ability to best assess the true harms of hate speech⁴⁸ and acknowledge the scope of impact.

The first component of recognizing the necessity of hate speech laws is evaluating the direct consequences on the well-being of the victims. The 2016 study by Katharine Gelber and Luke McNamara analyzed the stories of 101 individuals of indigenous and minority ethnic communities in Australia to arrive at conclusions regarding the impact of hate speech.⁴⁹ Analysis of the experiences of victims illustrates the capacity of hate speech to be detrimental to one's psychological well-being as a consequence of humiliation, degradation, stigmatization, and defamation.⁵⁰ There is further evidence that the potentially relentless nature of hate speech within society can have substantial, permanent harm to the victim.⁵¹ The Australian study along with journal article "Hate Speech, Dignity, & Self-Respect" by Jonathan Seglow exhibits the dense layers of hate speech, from microaggressions to slurs and stereotyping to inciting violence. All variations and intensities of hateful language are interconnected, built upon one another, and rooted in an intentional or unintentional undermining of human dignity:⁵² "[Hate speech] undermine[s] the basic recognition to which members of the minority are entitled, that they are citizens in good standing, social equals, and bearers of right."⁵³ Seglow's analysis elucidates why permitting hate speech is an injustice to marginalized communities.

A comprehensive analysis of the impact of hate speech must recognize the foundational concept that publicized hate falls under two broad categories: constitutive and consequential, or rather, direct and indirect.⁵⁴ The question not only is whether the psychological harm to the victim outweighs the artistic benefit to the public, but to what extent does hate impact society as

a whole? The primary, indirect impact of hate speech is the normalization and perpetuation of hate and intolerance in our society.⁵⁵ Hate speech not only reinforces negative stereotypes about certain cultural groups, but unintentionally encourages others to engage in similar hateful behavior.⁵⁶ Seglow explains that hate speech inhibits society from being an environment that embraces and encourages cultural diversity.⁵⁷

One must keep in mind when attempting to understand hate speech from the viewpoint of the victim the underlying power imbalance and cycle of marginalization that gives some people's words less power than others. Hate speech is not only intended as a civil debate, but inherently invalidates any counter from the victims: "Hate speech denies that its victims have views which merit others' comprehension and consideration, as an instance of its more general message that those victims are not properly members of the political community."⁵⁸ It is not fair to claim that hate speech must be fought with free speech⁵⁹ when one is unjustly louder than the other and given more validity and recognition due to systemic oppression. Furthermore, artists are in a unique position to speak through music without immediate further discussion or an opportunity for rebuttal.

Broadened Awareness and Definitions

The United States, Europe, and Canada have generally comparable legislative and political concepts and procedures. The approach to regulating hate speech is one major exception.⁶⁰ While these countries have recognized in writing and practice that the protection of freedom of expression should be contingent on the circumstances, there is a severe disagreement on what precisely constitutes unprotected forms of expression.⁶¹ Compared to Europe and Canada, the U.S. approaches the concept of hate speech with the highest regard for freedom of speech.⁶² Europe and Canada, however, have proven through constitutional and case law that

other societal factors play a critical role in their determination of whether to criminalize an act of alleged hate speech.⁶³

Europe takes an active approach in addressing public concerns regarding hate speech. The Committee of Ministers of the Council of Europe enacted a Recommendation to Member States (Rec. (97) 20) in 1997 that acknowledged “the resurgence of racism, xenophobia and anti-Semitism and the development of a climate of intolerance which encourages racial hatred, violence or discrimination against groups from different racial, ethnic, national origin, social status or religious belief.”⁶⁴ Within the Recommendation, the Council encouraged the states of Europe to confront instances of hate speech in order to combat the issue at hand.⁶⁵ Though the Recommendation is not legally binding, it holds significant political weight. Rec. (97) 20 also provided its definition of hate speech:

The term "hate speech" shall be understood as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including intolerance expressed in the form of aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin.⁶⁶

The language between the Committee’s description of the climate in Europe and its definition of hate speech demonstrates noteworthy similarities such as “racial hatred,” “intolerance,” and “discrimination.” The parallels implicitly communicate the Committee’s confidence that minimizing hate speech would reduce the prevalence of serious civil rights issues. Furthermore, these similarities cover a broad range of intensities and explicit natures. Understanding the depth of influence is dependent on embracing the concept that intolerance and bias are the foundation of all culturally oriented hate.

A majority of European countries have adopted laws banning forms of expression that reflect the comprehensive definition of hate speech mentioned above.⁶⁷ The European Court of Human Rights (ECtHR) honors the limitations placed on what constitutes freedom of expression,

reasoning that it is a necessary step to preventing racism.⁶⁸ As Dr. Erik Bleich, chair of the political science department at Middlebury College, asserts in “Freedom of Expression versus Racist Hate Speech,” U.S. courts would disallow similar laws and standards on the concern of violating freedom of expression.⁶⁹ This discrepancy shows the countries’ differing interpretation of civil rights and equality. ECtHR carefully evaluates both the content and context of the alleged hate speech in its cases.⁷⁰ This multidimensional approach outlines the relevance of European case law when working with music artists. The distinguishing factors include whether the intention was to marginalize or spread hate or conflict surrounding a specific cultural group.⁷¹ The court considers who was engaging in the hate speech, recognizing that individuals may use their profession, such as politician or journalist, as a cover or excuse for hateful language.⁷² ECtHR has communicated to European citizens and the rest of the world its commitment to valuing and prioritizing the wellbeing of its people and recognizes the hardships of marginalized groups.⁷³

Section 2(b) of the Canadian Charter of Rights and Freedoms resembles the First Amendment to the U.S. Constitution in terms of its protection of freedom of expression.⁷⁴ Both countries have demonstrated that despite the seemingly absolute language in these binding documents, hate speech does not indisputably fall under this protection.⁷⁵ There is a conspicuous and potentially alarming difference, however, between both constitutional and case law of U.S. and Canada. Section 1 of Canada’s Charter declares that the rights and freedoms stated within the document are contingent on whether the specific circumstances are within “such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.”⁷⁶ This Section recognizes that the law should always have room for interpretation in order to

properly address the unique needs and circumstances of various cultural groups. This language is critical to the enactment and sustainability of strict hate speech laws.

The clear distinction between U.S. and Canadian case law is evident in the decisions of two similar cases from the early 1990s. The U.S. Supreme Court ruled in favor of the defendant in the 1992 case *R.A.V. v. St. Paul*, rejecting the city ordinance that criminalizes the act of displaying symbols that arouse “anger, alarm, or resentment” towards protected groups.⁷⁷ The Supreme Court of Canada gave a conflicting opinion in *R. v. Keegstra* (1990), which reaffirmed Section 319(2) of the Criminal Code.⁷⁸ This section of the Code criminalizes the promotion of hatred towards an “identifiable group,” defined as “any section of the public distinguished by colour, race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression, or mental or physical disability.”⁷⁹

The recurring discrepancy between the U.S. and other countries’ approach to hate speech stems out of the differing perspectives on the purpose of ensuring freedom of expression to all citizens. Incorporating the anecdotal evidence of the victims and evaluation of the depth and breadth of the impact of hate speech allows us to arrive at a more comprehensive and equitable standard. For the purposes of this paper’s argument against allowing hate speech in music and suggestion for addressing the issue, we shall use this definition: “Hate speech is a public form of expression that contains or promotes hate, stereotypes, bias, prejudice, intolerance, discrimination, marginalization, hostility, or violence based on specific cultural identities.”

III. Analyzing the Influence of Artists and Their Music

Messages in Music

Music is a “universal medium” for communicating ideas. Understanding how messages in music uniquely influence listeners is key to recognizing the criticality of addressing the issue

of hate speech within the music industry. Along with carrying the power to positively influence listeners and society, music can strengthen and disseminate negative messages.⁸⁰ A 2007 study of 1960s white supremacist “hate music” published in the journal *Popular Music & Society* stated that “from a social psychological perspective, music can socially construct meaning. Meaning, then, in the form of labels, stereotypes, and scapegoating can be easily and effectively conveyed through lyrics.”⁸¹ Compared to other modes of communication, music can powerfully convey messages and transfer beliefs, even via more abstract language. More subtle forms of hateful messages in music are often ignored or unidentified by those opposed to hate speech in music.⁸² However, the implications of the music may have similar effects on listeners as those that are more explicit.⁸³ The hate within music is in some ways even more dangerous than other modes of communication due to its guise as art and mixture within all other popular music.⁸⁴

The authors of “The Hardest Hate: A Sociological Analysis of Country Hate Music” explain that in the most abominable circumstances, music is used to “spread intolerance, bias, prejudice, and disdain for particular ‘groups’ held in low esteem by certain segments of society.”⁸⁵ Exposure to violent lyrics, for example, has been proven to result in aggressive behaviors.⁸⁶ More specifically, studies by Peter Fischer and Tobias Greitemeyer published in the *Personality and Social Psychology Bulletin* concluded that men exposed to misogynistic song lyrics were more likely to demonstrate sexual aggression towards women.⁸⁷ The science behind the ability for messages in music to have a real-life impact is related to the General Aggression Model, which theorizes that aggressive behavior is triggered by input variables such as media violence.⁸⁸ Misogynistic lyrics provide the necessary arousal to trigger such violent behaviors towards women.

Character of Artists

Within U.S. society, artists are role models, authority figures, and tastemakers.⁸⁹ Through being familiar, yet powerful public figures, celebrities are uniquely impactful influencers. The Internet and mass media have cut through cultural barriers between celebrities and fans, appeasing the desire for intimate connections with well-known and admired public figures.⁹⁰ The pervasiveness of celebrity worship and idolization is fueled by the contemporary role of celebrities.⁹¹ Journal article “Celebrity Culture” explained that now more than ever, the influence of celebrities extends to their personal lives,⁹² authorizing their harmful behaviors worthy of public concern. The article argued that celebrity status “indirectly influences all sections of society.”⁹³ Therefore, our societal values are echoed through the people we allow into such a powerful position. A *New York Times* article published in fall 2017 discussed the entertainment industry’s corrupt prioritization when faced with ethical challenges. The article, “How the Myth of the Artistic Genius Excuses the Abuse of Women,” explains that “the entertainment industry seems quite interested in conflating the art and the artist as long as it helps sell movie tickets. (If Hollywood weren’t invested in selling the people behind the art, the Oscars wouldn’t be televised.)”⁹⁴ The author claims that the reason we turn a blind eye on the legal and ethical issues of artists is because of the industry’s prioritization of revenue over ethics.

Artists who engage in such behavior should not be pardoned on the grounds of artistic merit. In 2001, controversy struck over Eminem’s *The Marshall Mathers LP*, which was certified Diamond by the Recording Industry Association of America for receiving 10 million album sales.⁹⁵ The album contains explicit hate speech towards the LGBTQ+ community including, “My words are like a dagger with a jagged edge/That’ll stab you in the head whether you’re a fag or a lez/Or a homosexual, hermaph or a trans-a-vest/Pants or dress, hate fags? The answer’s yes.”⁹⁶ Nominated for four Grammy Awards, including Album of the Year, the album’s mainstream

success and implicit approval from the National Academy of Recording Arts and Sciences was met with resistance.⁹⁷ Radio operations manager Mike Kaplan asserted in a 2001 interview with *Billboard* that Eminem has “captivated an entire mind-set and the youth culture right now.”⁹⁸ GLAAD’s media relations expert Cathy Renna explained that as role models, artists have the responsibility to demonstrate behavior and language that does not express, encourage, or normalize discrimination.⁹⁹

The idolization of celebrities and the impressionability of youth lead to a potentially hazardous combination.¹⁰⁰ In 2014, Southern Poverty Law Center published an article addressing the “racist music industry” and the immorality of permitting racist organizations to profit from their music uploaded to iTunes and other distribution platforms while potentially exposing youth to racist content.¹⁰¹ The social justice organization claims, “Historically, racist music has been one of the most effective tools for skinheads and other racist extremists to raise money and recruit new, particularly young, members.”¹⁰² In this case and many others, creating a distinction between the artist and their music is illogical, as both may significantly influence listeners while reinforcing one another.

IV. Looking Ahead

Music and artists themselves are certainly powerful, meaningful, and critical to our society and culture. Because of the severe impact of hate speech and idolization of under-regulated artists, eradicating hate should be a prerequisite for pursuing equitability in the industry and, as a result, the broader society. Artists should face the same level of scrutiny as public figures and influencers outside of the world of entertainment. When looking at numerous other industries, one can recognize that acts of hate or violence, even if only alleged, often result in strict consequences.¹⁰³ In fall 2018, Alphabet Inc.’s Google became the target of protests against

the company's handling of sexual assault allegations.¹⁰⁴ The prominent technology company's Chief Executive Officer, Sundar Pichai, responded with a statement to his employees on November 8, 2018, explaining changes in the company's policies, including greater transparency, stronger sexual harassment training enforcement, and an improved reporting process.¹⁰⁵ Mr. Pichai's statement included the following sentiment: "as C.E.O., I take this responsibility very seriously and I'm committed to making the changes we need to improve."¹⁰⁶

In the "Me Too" era, corporations are beginning to act more carefully and enforce sexual harassment policies to avoid lawsuits, gain public approval, and support the integrity of the movement.¹⁰⁷ Businesses are holding their employees, including the executives, to a high standards of behavior.¹⁰⁸ A 2018 *Wall Street Journal* article titled "Scrutiny of CEO's Personal Lives Rises in #MeToo Era" explained that in order for people to abide by such policies, those in power need to follow the same standard.¹⁰⁹ In recent years, businesses have been more selective in hiring executives, taking into consideration any past improper behavior as well as present.¹¹⁰ The question then becomes whose responsibility it is to regulate artists' behavior and language.

As the bridge between artists and fans, music distributors are well-positioned to act as industry gatekeepers. Spotify has previously removed content from white supremacists, sharing the stance that labels and aggregators are "at first hand responsible for the content they deliver."¹¹¹ In its updated announcement on June 1st, the company claimed that its role is to connect artists and fans.¹¹² Within the statement, Spotify acknowledged its capacity to influence society:

We will continue to seek ways to impact the greater good and further the industry we all care so much about. We believe Spotify has an opportunity to help push the broader music community forward through conversation, collaboration and action. We're committed to working across the artist and advocacy communities to help achieve that.¹¹³

By connecting listeners to hateful language or promoting artists who have or are alleged to have engaged in hateful behavior, Spotify—along with all music distributors—continue to contribute to the circulation and perpetuation of negative, culturally targeted language and behaviors.

Spotify's 2018 "Hate and Hateful Conduct Policy" brought attention to the opposing perspectives within the U.S. on the legality and ethicality of censoring music. Optimistically, the company's policy announcement may be foreshadowing a potential shift beginning to happen in the music industry as a reflection of its political and societal environment. However, Spotify's response to the resulting backlash indicates the industry's reluctance to spearhead this critical change without stronger support from its stakeholders. It also illustrates society's lack of understanding regarding the realities of the impact of hateful conduct and language as well as the power of the public in changing policy and culture. Though a "solution" is far more complex and broader than the scope of the music industry, tremendous progress would be made by prioritizing the well-being of marginalized communities and recognizing the extent of impact in debates regarding freedom of expression. As members of U.S. society, we must encourage music distributors to censor hate on their platforms to work towards cultivating a music culture that embraces diversity and inclusion, strives for cultural equity, and artistically or socially enhances society.

Notes

¹ Billboard Staff, "Spotify hits 200 Million Active Users," *Billboard*, January 11, 2019. billboard.com/articles/business/8493115/spotify-200-million-monthly-active-users.

² Spotify AB, "Spotify Announces New Hate Content and Hateful Conduct Public Policy." May 10, 2018. newsroom.spotify.com/2018-05-10/spotify-announces-new-hate-content-and-hateful-conduct-public-policy/.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Roisin O'Connor, "What does Spotify's new 'hate content' policy mean for artists, the music industry, and Time's Up?" *The Independent*, May 13, 2018.

⁸ Ibid.

⁹ Spotify AB, "Spotify Announces."

¹⁰ Ibid.

¹¹ Jack Shephard, "Spotify removes R Kelly music from playlists under new 'hate content' policy." *The Independent*, May 10, 2018. independent.co.uk/arts-entertainment/music/news/spotify-r-kelly-playlists-songs-ban-stream-music-a8345156.html.

¹² Anne Steele, "Should Streaming Music Services.>"; Dan Rys and Gail Mitchell, "Music's Judgment Day: Spotify's new rules governing the conduct of artists and creators are lauded by some, but many fear fair enforcement is impossible, while innocent acts face losing their livelihoods." *Billboard*, May 19, 2018. EBSCOhost.

¹³ Steele, "Should Streaming Music Services."

¹⁴ Dan Rys and Gail Mitchell, "Music's Judgment Day: Spotify's new rules governing the conduct of artists and creators are lauded by some, but many fear fair enforcement is impossible, while innocent acts face losing their livelihoods." *Billboard*, May 19, 2018. EBSCOhost.

¹⁵ O'Connor, "What does Spotify's new."

¹⁶ Steele, "Should Streaming Music Services."

¹⁷ Ibid; Shephard, “Spotify removes R Kelly.”

¹⁸ Andrew R. Chow, “R. Kelly Charged with 10 Counts of Aggravated Criminal Sexual Abuse,” *Time*, March 2, 2019. EBSCOhost.

¹⁹ Chow, “R. Kelly Charged.”

²⁰ Ben Sisario. “Hero or Villain? Death of Rapper XXXTentacion Divides the Internet,” *The New York Times*, June 19, 2018. <https://www.nytimes.com/2018/06/19/arts/music/xxxtentacion-death-reaction.html>.

²¹ O’Connor, “What does Spotify’s new.”; Steele, “Should Streaming Music Services.”

²² Steele, “Should Streaming Music Services.”

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Rys and Mitchell, “Music’s Judgement Day.”

²⁷ Ibid.

²⁸ Ibid.

²⁹ Eminem, “Just Don’t Give A Fuck,” Genius, accessed January 11, 2019. genius.com/26493.

³⁰ Rys and Mitchell, “Music’s Judgement Day.”

³¹ Ibid.

³² Ibid.

³³ Steele, “Should Streaming Music Services.”

³⁴ O’Connor, “What does Spotify’s new.”

³⁵ Rys and Mitchell, “Music’s Judgement Day.”

³⁶ Steele, “Should Streaming Music Services.”

³⁷ Rys and Mitchell, “Music’s Judgement Day.”

³⁸ Ibid.

³⁹ Spotify AB, “Spotify Policy Update.” June 1, 2018. newsroom.spotify.com/2018-06-01/spotify-policy-update/.

⁴⁰ Spotify AB, “Spotify Policy Update.”

⁴¹ Spotify AB, “Spotify Announces.”

⁴² Spotify AB, “Spotify Policy Update.”

⁴³ Ibid.

⁴⁴ Biljana Karovska-Andonovska, “Creating Standards Against Hate Speech Through the Case-Law of the European Court of Human Rights,” *Balkan Social Science Review* 8 (December 2016): 9. EBSCOhost.

⁴⁵ Katharine Gelber and Luke McNamara, “Evidencing the harms of hate speech,” *Social Identities* 22, no. 3 (May 2016): 324. doi: 10.1080/13504630.2015.1128810.

⁴⁶ Sean Ross and Frank Saxe, “Should Eminem Be Denied Airplay?” *Billboard*, February 24, 2001. EBSCOhost.

⁴⁷ Gelber and McNamara, “Evidencing the harms,” 337.

⁴⁸ Ibid.

⁴⁹ Ibid, 324.

⁵⁰ Ibid, 325; Jonathan Seglow, “Hate Speech, Dignity and Self-Respect,” *Ethical Theory & Moral Practice* 19, no. 5 (November 2016): 1104. doi: 10.1007/s10677-016-9744-3.

⁵¹ Seglow, “Hate Speech, Dignity,” 1104.

⁵² Ibid; Gelber and McNamara, “Evidencing the harms,” 325.

⁵³ Seglow, “Hate Speech, Dignity,” 1107.

⁵⁴ Ibid, 325

⁵⁵ Gelber and McNamara, “Evidencing the harms,” 325.

⁵⁶ Ibid.

⁵⁷ Seglow, “Hate Speech, Dignity,” 1105.

⁵⁸ Seglow, “Hate Speech, Dignity,” 1112.

⁵⁹ Stephen L. Newman, “Liberty, Community, and Censorship: Hate Speech and Freedom of Expression in Canada and the United States,” *American Review of Canadian Studies* 32, no. 3 (September 2002): 375. doi: 10.1080/02722010209481667.

⁶⁰ Erik Bleich, “Freedom of Expression versus Racist Hate Speech: Explaining Differences Between High Court Regulations in the USA and Europe,” *Journal of Ethnic & Migration Studies* 40, no. 2 (February 2014): 297. doi: 10.1080/1369183X.2013.851476; Karovska-Andonovska, “Creating Standards,” 9.

⁶¹ Karovska-Andonovska, “Creating Standards,” 9.

- ⁶² Bleich, "Freedom of Expression," 297.
- ⁶³ Karovska-Andonovska, "Creating Standards," 9; Newman, "Liberty, Community, and Censorship," 380.
- ⁶⁴ Karovska-Andonovska, "Creating Standards," 9.
- ⁶⁵ Ibid.
- ⁶⁶ Ibid.
- ⁶⁷ Erik Bleich, "Freedom of Expression," 297.
- ⁶⁸ Ibid.
- ⁶⁹ Ibid.
- ⁷⁰ Karovska-Andonovska, "Creating Standards," 16.
- ⁷¹ Ibid.
- ⁷² Ibid.
- ⁷³ Ibid.
- ⁷⁴ Newman, "Liberty, Community, and Censorship," 369.
- ⁷⁵ Ibid; Ibid, 370.
- ⁷⁶ *Charter of Rights and Freedoms*, s 1, Part 1 of the *Constitution Act*, 1982, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.
- ⁷⁷ Newman, "Liberty, Community, and Censorship," 369-370.
- ⁷⁸ Ibid.
- ⁷⁹ Criminal Code, Revised Statutes of Canada, 2014, chapter C-31, section 12.
- ⁸⁰ Courtland Hyatt et al., "Do beliefs about gender roles moderate the relationship between exposure to misogynistic song lyrics and men's female-directed aggression?" *Aggressive Behavior* 43, no. 2 (April 2017): 123. doi: 10.1002/ab.21668.
- ⁸¹ Beth A. Messner et al., "The Hardest Hate: A Sociological Analysis of Country Hate Music," *Popular Music & Society* 30, no. 4 (October 2007): 513. doi: 10.1080/03007760701546380.
- ⁸² Ibid.
- ⁸³ Ibid, 517
- ⁸⁴ Raluca Balica, "The Criminalization of Online Hate Speech: It's Complicated," *Contemporary Readings in Law & Social Justice* 9, no. 2 (2017): 184, doi: 10.22381/CRLSJ92201710.

⁸⁵ Messner et al., “The Hardest Hate,” 513.

⁸⁶ Hyatt et al., “Do beliefs about gender roles,” 123.

⁸⁷ Peter Fischer and Tobias Greitemeyer, “Music and Aggression: The Impact of Sexual Aggressive Song Lyrics on Aggression-Related Thoughts, Emotions, and Behavior Toward the Same and the Opposite Sex,” *Personality and Social Psychology Bulletin* 32, no. 9 (September 2006): 1165. doi: 10.1177/0146167206288670.

⁸⁸ Fischer and Greitemeyer, “Music and Aggression,” 1166.

⁸⁹ Frank Furedi, “Celebrity Culture,” *Society* 47, no. 6 (November 2010): 493. doi: 10.1007/s12115-010-9367-6.

⁹⁰ Furedi, “Celebrity Culture,” 493.

⁹¹ Lynn E. McCutcheon, Rense Lange, and James Houran, “Conceptualization and measurement of celebrity worship,” *British Journal of Psychology* 93, no. 1 (February 2002): 82. doi: 10.1348/000712602162454.; Furedi, “Celebrity Culture,” 493.

⁹² Furedi, “Celebrity Culture,” 493.

⁹³ Ibid.

⁹⁴ Amanda Hess. “How the Myth of Artistic Genius Excuses the Abuse of Women,” *The New York Times*, November 10, 2017. <https://www.nytimes.com/2017/11/10/arts/sexual-harassment-art-hollywood.html>.

⁹⁵ Ross and Saxe, “Should Eminem Be Denied,” *Billboard*, February 24, 2001. EBSCOhost.

⁹⁶ Eminem, “Criminal,” Genius, accessed January 11, 2019. genius.com/Eminem-criminal-lyrics.

⁹⁷ Ross and Saxe, “Should Eminem Be Denied,” *Billboard*, February 24, 2001. EBSCOhost.

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ Ibid.

¹⁰¹ Keegan Hankes, “Music, Money & Hate,” *Southern Poverty Law Center*, November 21, 2014. splcenter.org/fighting-hate/intelligence-report/2014/music-money-hate.

¹⁰² Hankes, “Music, Money & Hate.”

¹⁰³ Vanessa Fuhrmans and Rachel Feintzeig, “Scrutiny of CEOs' Personal Lives Rises in #MeToo Era,” *Wall Street Journal*, June 21, 2018. ProQuest.

¹⁰⁴ Kate Conger and Daisuke Wakabayashi, “Google Overhauls Sexual Misconduct Policy After Employee Walkout,” *The New York Times*, November 8, 2018. [nytimes.com/2018/11/08/technology/google-arbitration-sexual-harassment.html](https://www.nytimes.com/2018/11/08/technology/google-arbitration-sexual-harassment.html).

¹⁰⁵ Conger and Wakabayashi, “Google Overhauls.”

¹⁰⁶ Ibid.

¹⁰⁷ Fuhrmans and Feintzeig, “Scrutiny of CEOs' Personal Lives.”

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ Steele, “Should Streaming Music Services.”

¹¹² Spotify AB, “Spotify Policy Update.”

¹¹³ Ibid.

Bibliography

- Balica, Raluca. "The Criminalization of Online Hate Speech: It's Complicated," *Contemporary Readings in Law & Social Justice* 9, no. 2 (2017): 184-90. doi: 10.22381/CRLSJ92201710.
- Billboard Staff. "Spotify hits 200 Million Active Users," *Billboard*, January 11, 2019. billboard.com/articles/business/8493115/spotify-200-million-monthly-active-users.
- Bleich, Erik. "Freedom of Expression versus Racist Hate Speech: Explaining Differences Between High Court Regulations in the USA and Europe," *Journal of Ethnic & Migration Studies* 40, no. 2 (February 2014): 283-300. doi: 10.1080/1369183X.2013.851476.
- Chow, Andrew R. "R. Kelly Charged with 10 Counts of Aggravated Criminal Sexual Abuse," *Time*, March 2, 2019. EBSCOhost.
- Charter of Rights and Freedoms*, Part 1 of the *Constitution Act*, 1982, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.
- Conger, Kate, and Daisuke Wakabayashi. "Google Overhauls Sexual Misconduct Policy After Employee Walkout," *The New York Times*, November 8, 2018. nytimes.com/2018/11/08/technology/google-arbitration-sexual-harassment.html.
- Eminem. "Just Don't Give A Fuck," *Genius*. Accessed January 11, 2019. genius.com/26493.
- Fischer, Peter, and Tobias Greitemeyer. "Music and Aggression: The Impact of Sexual-Aggressive Song Lyrics on Aggression-Related Thoughts, Emotions, and Behavior Toward the Same and the Opposite Sex," *Personality and Social Psychology Bulletin* 32, no. 9 (September 2006): 1165-76. doi: 10.1177/0146167206288670.
- Fuhrmans, Vanessa, and Rachel Feintzeig. "Scrutiny of CEOs' Personal Lives Rises in #MeToo Era," *Wall Street Journal*, June 21, 2018. ProQuest.
- Furedi, Frank. "Celebrity Culture," *Society* 47, no. 6 (November 2010): 493-97. doi: 10.1007/s12115-010-9367-6.
- Gelber, Katharine and Luke McNamara. "Evidencing the harms of hate speech," *Social Identities* 22, no. 3 (May 2016): 324-41. doi: 10.1080/13504630.2015.1128810.
- Hankes, Keegan. "Music, Money & Hate," *Southern Poverty Law Center*, November 21, 2014. splcenter.org/fighting-hate/intelligence-report/2014/music-money-hate.

- Hess, Amanda. "How the Myth of Artistic Genius Excuses the Abuse of Women," *The New York Times*, November 10, 2017. <https://www.nytimes.com/2017/11/10/arts/sexual-harassment-art-hollywood.html>.
- Hyatt, Courtland S., Danielle S. Berke, Joshua D. Miller, and Amos Zeichner. "Do beliefs about gender roles moderate the relationship between exposure to misogynistic song lyrics and men's female-directed aggression?" *Aggressive Behavior* 43, no. 2 (April 2017): 123-32. doi: 10.1002/ab.21668.
- Karovska-Andonovska, Biljana. "Creating Standards Against Hate Speech Through the Case-Law of the European Court of Human Rights," *Balkan Social Science Review* 8 (December 2016): 7-21. EBSCOhost.
- Lin, Tom C. W. "Incorporation Social Activism," *Boston University Law Review* 98, no. 6 (December 2018): 1535-605. EBSCOhost.
- McCutcheon, Lynn E., Rense Lange, and James Houran. "Conceptualization and measurement of celebrity worship," *British Journal of Psychology* 93, no. 1 (February 2002): 67. doi: 10.1348/000712602162454.
- Messner, Beth A., Art Jipson, Paul J. Becker, and Bryan Byers. "The Hardest Hate: A Sociological Analysis of Country Hate Music," *Popular Music & Society* 30, no. 4 (October 2007): 513-31. doi: 10.1080/03007760701546380.
- Newman, Stephen L. "Liberty, Community, and Censorship: Hate Speech and Freedom of Expression in Canada and the United States," *American Review of Canadian Studies* 32, no. 3 (September 2002): 369-96. doi: 10.1080/02722010209481667.
- O'Connor, Roisin. "What does Spotify's new 'hate content' policy mean for artists, the music industry, and Time's Up?" *The Independent*, May 13, 2018.
- Ross, Sean and Frank Saxe. "Should Eminem Be Denied Airplay?" *Billboard*, February 24, 2001. EBSCOhost.
- Rys, Dan and Gail Mitchell. "Music's Judgment Day: Spotify's new rules governing the conduct of artists and creators are lauded by some, but many fear fair enforcement is impossible, while innocent acts face losing their livelihoods." *Billboard*, May 19, 2018. EBSCOhost.
- Seglow, Jonathan. "Hate Speech, Dignity and Self-Respect," *Ethical Theory & Moral Practice* 19, no. 5 (November 2016): 1103-16. doi: 10.1007/s10677-016-9744-3.
- Shephard, Jack. "Spotify removes R Kelly music from playlists under new 'hate content' policy." *The Independent*, May 10, 2018. independent.co.uk/arts-entertainment/music/news/spotify-r-kelly-playlists-songs-ban-stream-music-a8345156.html.

Spotify AB. “Spotify Announces New Hate Content and Hateful Conduct Public Policy.” May 10, 2018. newsroom.spotify.com/2018-05-10/spotify-announces-new-hate-content-and-hateful-conduct-public-policy/.

Spotify AB. “Spotify Policy Update.” June 1, 2018. newsroom.spotify.com/2018-06-01/spotify-policy-update/.

Steele, Anne. “Should Streaming Music Services Penalize Bad Behavior? Spotify's removal of R. Kelly from its playlists touched off a music-industry debate about free speech.” *Wall Street Journal*, May 14, 2018. [wsj.com/articles/should-streaming-music-services-penalize-bad-behavior-1526312563](https://www.wsj.com/articles/should-streaming-music-services-penalize-bad-behavior-1526312563).