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Un-Scene: How Responses to Sexual Violence Reproduce Legal Hegemony in the Bay Area's Punk and DIY Community

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Sociologists understand law as constitutive order that expresses solidarity and contributes to structural inequality. Yet, some communities seek to change existing orders and as Kathryne Young argues, cultivate a resistant collective identity. Drawing on legal consciousness theories, I examine the Bay Area DIY music scene as it addresses community members' experiences with sexual violence without involving the legal system. I interviewed 28 community members and found that although they aim to resist law in favor of transformative justice, their resistant collective identity leads them to reproduce legalistic punishment through their response to sexual violence. Scene members told three intertwined cultural narratives about accountability: 1) scene members invoke the legal system to distance themselves from sexual violence; 2) they utilize punitive tactics that provide catharsis and solidarity; 3) they invoke reified images of law to legitimize an individualistic approach and create an illusion of order.

INTRODUCTION

As national attention towards the #MeToo movement wanes, communities face enduring and emerging questions about accountability for sexual violence. While the #MeToo movement ignited a national reckoning with pervasive sexual violence, some scholars argue that the movement illuminated the experiences of mostly white, middle-class, cisgender women (Taylor 2009: 2). Many in this movement, along with earlier feminist movements, repeatedly promote formal, legal, and punitive responses to sexual violence. However, some activists acknowledge that these approaches to justice don't address the needs of those who have experienced harm nor do they address the broader structural and cultural ills that produce injustices (Davis 2003; Gottschalk 2015; Kaba 2021; Miller 2021; Taylor 2009). Activists, scholars, and concerned individuals alike increasingly support police and prison abolition as well as non-carceral approaches to accountability, like the transformative justice framework (Davis 2003; Kaba 2021). Yet, little scholarship explores how carceral impulses persist in communities we would otherwise consider ideologically aligned with abolitionist movements.

I studied the San Francisco Bay Area punk and DIY (Do It Yourself) music scene as an example of a leftist community attempting to execute a transformative justice framework. During the summer of 2020, members of the Bay Area DIY scene took to social media to share their experiences with sexual violence within the community. These sexual violence allegations implicated many prominent figures in the scene whom the community then expelled. While no one pressed formal legal charges against any of the perpetrators and the scene boasts of its isolation from state systems, scene members still

rely on punitive measures that reproduce legalistic and carceral logic to address sexual violence.

This paradox epitomizes legal hegemony, which according to Susan Silbey (2005:23), explains how the legal system can "sustain institutional power" even as it incongruously executes laws and continuously reproduces the very inequalities it supposedly alleviates. In my study, I pair the concept of legal hegemony with ideas from Kathryne Young's 2016 research about communities that find solidarity through resistance to the state. I explore how even resistant communities reproduce legality in their hegemonic and punitive approaches to addressing sexual violence.

Between June and August 2022, I interviewed 28 members of the Bay Area DIY music community and conducted participant observations at live music events and meetings to understand the communities' accountability processes. I found that although the DIY scene favors community-based approaches to accountability for sexual violence, their responses to sexual violence reproduce legalistic punishment, further entrenching the broader role of law in defining and responding to wrongdoing. Scene members told three intertwined schematic narratives about accountability for sexual violence: 1) scene members invoke symbols of an external legal system to distance themselves from sexual violence allegations and the responsibility of implementing accountability processes; 2) scene members utilize punitive tactics that provide a sense of catharsis and solidarity with the DIY ethos; 3) scene members invoke reified images of law to legitimize their individualistic approach to accountability and create an illusion of order. These three narratives demonstrate by expressing a resistant collective identity, the scene

paradoxically fosters a hostile solidarity that reproduces the very structures they aim to resist.

LITERATURE REVIEW

Many communities construct a collective identity through shared resistance to larger institutions and structures. In her 2016 research on Hawaiian cockfighters, Kathryne Young argues that men involved with cockfights in Hawaii use this deviant behavior to assert their identities and resist the legal system (2016). Young argues that "in asserting local identity, cockfighters are able to communicate who they are; in resisting changes, they are able to communicate who they are not" (2016: 1159). The DIY scene similarly finds solidarity through its resistance to older scenes, the music industry, and the legal system. The scene organizes around their relative isolation from the state, paradoxically making this non-relationship central to their collective identity.

While Young examines a community that finds solidarity in resisting law, Henrique Carvalho and Anastasia Chamberlen focus on how communities find solidarity in resisting deviance. Emile Durkheim theorized that by enforcing norms, communities define violations which they often interpret as "an assault on the collective conscience of the community, and hence punishments against violators tend to be harsh, public" (Chriss 2007: 17). Carvalho and Chamberlen build on this Durkheimian notion of social control in which communities experience violation together (2017: 5). They explain that people derive pleasure from punishment because it produces *hostile solidarity*, that is "people are brought together as a community against crime and criminals." They also argue that punishment serves as a "legitimating device" which brings people a sense of control and order (2017:16). Finally, Carvalho and Chamberlen argue that punishment affects even

non-legal aspects of social life and claim that "punishment produces a punitive logic that can potentially expand beyond the confines of traditional images of criminal justice" (2017:17). Both Young and Carvalho and Chamberlen's works show how opposition to or embrace of legality strengthens community solidarity.

Some communities have strengthened solidarity through resistance by adopting transformative justice practices to mediate intra-communal conflicts. Activist and scholar Mariame Kaba describes transformative justice as an ideology and framework that presumes that what occurs in our "interpersonal relationships is mirrored and reinforced by the larger systems" (2021:13). Transformative justice is not a stand-in for the criminal justice system, but a communal and voluntary process for people to hold themselves accountable for wrongdoing outside of a punitive and carceral system (Kaba 2021).

Many members of different music scenes work to implement transformative justice practices in their communities. The musician and speaker Shawna Potter wrote her book *Making Spaces Safer* (2019) as a guide for venue staff, musicians, and audience members to prevent sexual violence in their communities and hold perpetrators accountable. She provides examples of helpful signage, security protocols, and bystander intervention tactics to mitigate sexual violence. Although Potter's book provides comprehensive and valuable guidance for accountability, music scenes still struggle to execute these strategies. Few scholars have studied safer space practices in music scenes other than Rosemary Lucy Hill and Molly Megson who wrote an article with a limited scope that discusses these measures but does not discuss obstacles to their implementation (2020). Therefore, my study provides a unique examination of how the

music scene successfully or unsuccessfully employs transformative justice practices and how these practices impact their collective identity.

However, as Carvalho and Chamberlen argue, punitive practices and social control also influence community solidarity and collective identity. While the DIY scene attempts to incorporate transformative justice frameworks into their responses, they primarily respond to sexual violence cases with a tactic common in the U.S. legal system: expulsion. Although once considered too extreme, the legal system has recently embraced and expanded expulsion as a method of social control (Beckett and Herbert: 2010). In their study, Beckett and Herbert (2010) found that expulsion harms individuals in a way similar to imprisonment. Expulsion usually functions as punishment for those that have harmed others but not as a remedy for the harm on behalf of victims.

The scene's use of punitive measures like expulsion exemplifies legal hegemony and points to their unique relationship with the law. The theoretical concept of *legal consciousness* explains how social processes produce legal hegemony and how "what [people] think and do coalesces into a recognizable, durable phenomena and institution we recognize as the law" (Silbey 2005:331). Susan Silbey argues that scholars usually apply this concept to make specific laws more effective but that few scholars recognize the concept's theoretical utility. She contends that "legal consciousness" should describe how ideology and hegemony come to both "reflect" and "inform" social structures (Silbey 2005: 334). Silbey also refers to the "iceberg of legality" to describe how norms, cultural practices, and signs reflect the rule of law in everyday life (2005:331). I apply this concept to observe how legal consciousness can appear in covert, semiotic, and mundane ways. In my work, I explore how a specific case study can alter our theoretical

understanding of legal consciousness by showing how communities find solidarity in their resistance to legality but still reflect it due to its pertinence to their collective identity.

CASE STUDY SELECTION: THE BAY AREA DIY MUSIC SCENE

As a long-time musician and Oakland native, I grew up immersed in the Bay Area's DIY music scene as a performer, venue volunteer, and frequent concertgoer. My desire to address sexual violence in the music scene first emerged out of necessity as I watched members of the community harm those close to me. Throughout my teenage years, I heard stories of pervasive sexual violence within the community I cherished. In 2020, my friends and I spent hours mulling through allegations on social media that implicated so many prominent figures of the scene in sexual violence allegations. We felt gratified that scene members could finally openly discuss their experiences with sexual violence, yet, we still could not identify clear ways of holding perpetrators accountable or addressing the root causes of these issues. Throughout 2020 and 2021, the Bay Area DIY scene shut down due to the COVID-19 pandemic. As live music slowly returned in 2021, I did not know who remained in the community after the scene publicly condemned many of its prominent figures, but I knew this transitional time presented opportunities for change.

While this community currently faces unprecedented challenges, the Bay Area DIY scene carries a long, thriving history with numerous famous bands. Since its inception in the late 1970s and early 1980s, the community unified around a "DIY ethos"

(“do it yourself”) that emphasizes the importance of all-ages concerts open for everyone to attend, organize, and perform in. I use the term *DIY scene* to describe a community composed of complex networks with venues, labels, collectives, fan zines, social media accounts, performers, and audiences. In this community, members fulfill multiple roles within the scene and volunteers or bands themselves bear the most responsibility for organizing shows. I also use the term *shows* to describe concerts in this scene more broadly, whether they are true DIY shows (which occur in places other than established music venues) or shows that are simply modeled on the *DIY ethos*.

While they rarely define the term explicitly, scene members ubiquitously subscribe to the DIY ethos and use it to cultivate a collective identity as a leftist and anticapitalist community. Members of the community establish their personal and collective identities both by aligning themselves with the scene and distancing themselves from individuals and institutions they believe threaten the DIY ethos. Throughout its history, members of the Bay Area DIY community have been driven by their leftist, anti-commercialist, and often anti-capitalist beliefs to “support the scene” (Redford: 2017). For example, at one venue, decades of scene members covered the walls with leftist, anti-capitalist stickers and signs. During shows across settings, bands often perform overtly political songs or comment on their political leanings. Additionally, while historically men dominated the scene, some female musicians have utilized their positions in the scene to disseminate their feminist stances (Eileraas 1997; Garrison 2000; Redford 2017). These prevailing ideologies in the scene make it a fascinating case for observing the saliency of prison abolitionist and transformative justice frameworks in an informally organized community.

METHODS

I conducted ethnographic research with interviews and participant observation from June 2022 until August 2022. I interviewed 28 current or former members of the Bay Area DIY music community over 22 interview sessions in person or via Zoom. The sessions lasted 45 to 90 minutes; most sessions were longer than an hour. I interviewed most participants individually, however on two occasions, the participants preferred that I interview them in small groups because of their familiarity with group interview sessions through music journalism. The participants I interviewed all had different roles and levels of involvement in the community, although many participants hold multiple roles. I interviewed individuals who currently or previously took the roles of performers, fans, venue staff, indie-record label staff, show organizers, and content creators (zines/social media). I also aimed to interview participants of diverse ages, genders, sexualities, and races. I began my interview process by selecting a few individuals I knew and continued with a snowball sampling method, where I recruited participants at events and asked interviewees for recommendations.

In the interview sessions, I attempted to gauge how participants conceptualize accountability in cases of sexual violence within the community. The participants did not know I was primarily focused on sexual violence instead of challenges within the community more broadly. Ewick and Silbey utilize this method in their study on legal consciousness, in which they "did not directly ask about the law; they asked about people's lives and waited to hear when the law emerged or did not emerge, in the accounts people provided" which provided them with "varied and comprehensive" results (Silbey 2005: 347). In line with this method, I asked participants about their favorite and

least favorite parts of the community and waited to hear when and how they discussed sexual violence. Near the end of each interview, if the participant had not yet brought up the topic, I asked participants about "sex and consent issues" in the scene to hear their opinions about accountability approaches in the music scene.

I paired these interviews with participant observation to compare the interviewees' opinions and anecdotes to behavioral patterns in the community. I attended ten concerts and one venue's volunteer meeting during observation sessions that lasted between two and six hours. During these sessions, I looked at the community's explicit and implicit norms and how actors employed different forms of social control to enforce those norms. I also took photographs of venue spaces, videos of crowd behaviors like moshing, and archived materials like zines and posters. I did not call attention to myself nor did I disrupt the events through these methods because audience members often take photos and videos at shows already. In my analysis, I revisited my archival materials, field notes, and interview transcripts and used an abductive approach to find overarching themes.

FINDINGS

The DIY scene grounds its collective identity in its opposition to external institutions like the legal system and they opt for a community-based approach to addressing sexual violence. However, counter to their resistant collective identity, scene members reproduce legality in their responses by employing legalistic language and punishing those who committed acts of sexual violence. The scene exposes three intertwined cultural narratives about sexual violence that explain legal hegemony in the community: 1) scene members invoke the external legal system to distance themselves from the issue of sexual violence; 2) scene members utilize punitive tactics that provide a sense of catharsis and solidarity with the DIY ethos; 3) scene members invoke reified images of law to legitimize their individualistic approach to accountability and create an illusion of order. These three narratives all reinforce the scene's resistant collective identity but in turn, reproduce the very structures that the community opposes.

A DIY and Community-Based Approach to Accountability.

Members of the DIY scene organize around a DIY ethos that guided decades of opposition to the larger music industry and legal system. For most of its members, the scene serves as a vehicle for social connection and expression outside of oppressive capitalist institutions. In this informal and heterogeneous community, scene members construct a collective identity of resistance that expresses who they are not as much as it expresses who they are.

In interviews, scene members expressed their trust in the DIY ethos by contrasting it with the music industry and legal system. Members of the music scene

readily criticize large venues, agents, and record labels for exploiting musicians while they also criticize famous bands for "social climbing" their way into an unjust music industry. In terms of sexual violence, community members believe the larger music industry makes decisions based on finances alone, and therefore, corporate venues or popular bands voluntarily work with performers with allegations of sexual violence. Members of the DIY scene believe in prioritizing community safety over prioritizing profit. Scene members feel pressure to "uphold their values," which one scene member described as "the ethics of living in the most ethical way of living under capitalism."

Scene members also criticize the government, often through humor and hyperbole in conversation and song. At one show, audience members voted on a "scene president" in a mock election. The bands posted satirical campaign videos before the show and announced the results of the election on stage to a boisterous audience of teenagers. This joke seemed to both deride the absurdity of presidential elections and underscore the scene's informal organization that appears isolated from other organizational structures in the U.S. Scene members repeatedly emphasized the importance of unifying the scene around a core set of values that distance them from broader capitalist institutions.

Just as the DIY ethos motivates members to foster alternative communities, it informs their approach to addressing deviance and sexual violence, as scene members opt to resolve issues within the community rather than involving the legal system. As a core part of their collective identity, members of the DIY scene almost unilaterally believe that the legal system is unjust, inefficient, and ineffective, especially in response to sexual violence.

Scene members make decisions about scene safety by following the DIY ethos rather than the law. When discussing an instance of deviance, one former staff member disapproved of the scene members' behavior "not because it's against the law," but because scene members "have to protect each other." Scene members not only conceptualize morality as separate from law, but they prefer the DIY ethos to law as a guiding principle. A security guard at Long-Standing Venue believed that the scene can address issues better than other communities because "we all have this sort of mutual understanding that we are, can work out problems as a community, and we don't have to rely on any external punishments." Another staff member described Long-Standing Venue as a "lawless middle ground of a place where it's like, you're not going to get in trouble. We're not going to call the cops on you. I'm not going to take away your booze or like anything like that. But I am going to make sure you're safe. And I am going to give you water and I am going to tell you that you can't have it here."

During interviews, scene members repeatedly indicated that they fundamentally oppose the police and police presence in the scene. Most members of the scene do not believe they should call the police when safety issues arise and many said the common saying "All Cops Are Bastards (ACAB)." One staff member of an independent DIY label told me he believes that "if someone's like, I don't know, pro-cop, you can't do what we do. It doesn't make any sense." Beyond policing specifically, many scene members expressed their disapproval of the carceral system and a punitive approach toward justice. Some scene members explicitly referenced transformative justice or referenced "de-escalation" and "accountability" as desirable alternatives to carceral tactics.

Rather than turning to the external and disinterested legal system, scene members rely on one another to uphold the DIY ethos. Across multiple interviews, scene members expressed a belief that the scene could "police itself" through cooperation with community norms. At DIY shows, audience members often participate in moshing to cathartically release energy and aggression. Although mosh pits appear chaotic, audience members, performers, and show organizers trust one another to regulate safety in the mosh pits and pick up anyone who falls over. Similarly, scene members often leave their personal belongings and equipment unattended at shows because they trust their fellow community members not to steal their items and to return lost items to their owners.

A label staff member said that at DIY shows, audience members know "they're a part of the community. So it's like, if I see something, I'll go tell the promoter or something. So it's almost like everybody is doing security." A security guard at Long-standing Venue also believed this communal safety approach encouraged audience members to vocalize safety concerns and trust they will be assisted: "if someone needs help, you kind of know that you can all rely on one another. And you don't have to go to a stranger, someone outside of your community."

Performers and show organizers often relay safety rules or check on the crowd's safety while they perform on stage. Additionally, show organizers use de-escalation tactics at shows when an audience member threatens others' safety. Long-standing Venue began training its volunteer security on de-escalation tactics in recent years, eliminating the need for security to forcefully remove rowdy audience members from shows. One security guard at the venue has dedicated themselves to learning de-escalation tactics by reading Shawna Potter's Making Spaces Safer and brainstorming possibilities for an

anonymous reporting system in the scene. The security guard fully endorsed the de-escalation approach and explained that they "have never had a problem that I couldn't really talk to someone through, even in the most extreme scenario."

Venues also show concern for audience safety by posting rules about moshing above stages and equipping even an informal house venue with multiple fire extinguishers and illuminated exit signs. Scene members repeatedly acknowledged that the scene cannot prevent deviance at shows entirely, but that fans, bands, and venues can prevent and suppress deviance by working collaboratively and continuously to create a safer environment.

This community's relatively small size makes this cooperative, community-based approach to justice possible. With sexual violence, in particular, scene members believe that the community's unconventionally intimate organization allows individuals to influence the accountability process. Scene members stressed the importance of a "case by case" approach that accounts for the nuances of each particular situation.

At Long-Standing Venue, the only venue with a written document stating its accountability process, victims can bring allegations to "86 meetings" where members vote on banning wrongdoers from the collective. Their accountability protocol states that "86ing and/or mediation is not intended to be a punishment or a cancellation, but rather a way to ensure the safety of folks within the collective and a form of accountability between the collective, the accused, and the harmed." Long-Standing Venue has the clearest and most formalized accountability process but numerous show organizers from other collectives shared that they modeled their own beliefs about accountability on Long-Standing Venue's policy. Collectives like Long-Standing Venue only started

holding their members accountable for sexual violence in recent years, yet, Long Standing Venue has already removed long-time scene leaders which "really challenged our process," according to one staff member.

Victims also bring allegations to other venues or show organizers by messaging them on social media. Once someone brings an allegation forward, fans, performers, and show organizers usually choose to withdraw support from the accused community member by no longer booking them for shows. In this way, individuals can have a relatively large impact on a band's success in the DIY scene compared to the music industry at large. Many scene members believe that because DIY bands rely on their fans more than in the music industry, fans can greatly impact these matters by withdrawing their financial support. Scene members believe that withdrawing support from people who have committed sexual violence signals that the scene does not tolerate sexual violence. However, when the scene has relied solely on this method, they have reproduced legality, and as one security guard said, "failed spectacularly at being able to either provide reparations or just fallen into the same sort of pitfall traps that these hierarchical societies do."

Reproducing Legality in the Scene.

Although scene members fundamentally oppose the legal system, through expulsion and surveillance tactics, the scene comes to reproduce and reflect the carceral practices that it supposedly resists. While they situate their identity in opposition to the state, when discussing the complexities of addressing sexual violence, scene members almost instinctually articulate these challenges through legalistic language and frameworks. Many interviewees discussed their role in the scene as in consensus or

tension with legality by using terms like "police," "law," and "judge." Some scene members invoked images of law to defer the responsibility of addressing sexual violence to the legal system entirely.

While scene members almost universally stressed their distrust in the legal system, some scene members believe victims are entitled to bring allegations to the legal system or that the legal system could assist victims better than the community itself. Only a few interviewees – mostly men – expressed these sentiments and they often seemed relatively unfamiliar with transformative justice practices. However, these sentiments demonstrate that scene members do not ubiquitously trust the community to handle sexual violence. Even scene members who actively work to implement a transformative justice model of accountability sometimes unassumingly adopt punitive approaches that mirror the carceral system. Various methods of addressing sexual violence in the scene reflect those of the legal system like expulsion, police force, and surveillance.

While many scene members believe in accountability, more often than not, when community members hold people "accountable," they do so through expulsion. Fearing recidivism, fans, performers, and show organizers alike attempt to remove people from the community in the name of making a "safer space." Scene members forgive community members for some kinds of deviance like stealing, but for deviance that defies the DIY ethos, like racism or sexual violence, scene members attempt to ban individuals from performing or attending shows, often before discussing appropriate accountability measures with all parties. One fan told me they believed a band could continue performing if a member had allegations against them, as long as they removed the member from the band: "And I think that's sort of what it takes to be like, we have

removed sort of the like, cancerous part of of our band, and we're going to move on without that person." Scene members attempt to remove the "cancerous" parts of the community both to stop the spread of sexual violence and to stop the spread of stigma surrounding it.

Often these social media posts expose members' desires to judge people's character and expel them from the community. Social media posts often turn into "cancellations," where scene members portray those who have engaged in sexual misconduct in unnuanced ways that do not leave room for accountability. By focusing on judging "bad people," scene members shift their focus from remedying harm on behalf of victims to punishing those who have harmed others — a label staff member claimed that:

> It makes accountability so hard. It drowns out a lot of chances at redemption, but also, like, steamrolls the victim a lot of the time, you know, my, my read on a lot of it as I feel like, it's just as hard for the victims in this scenario to like, see all these people talking about that shit.

This approach places the onus on victims to come forward with allegations but simultaneously removes their power to communicate their needs for remedying harm. One performer almost seemed frustrated with some people's reluctance to bring forward allegations, saying that victims should "tell us that someone's bothering you. We'll kick them out. It's not hard [...] If you don't speak up, how is anything we're gonna do matter?" Another performer with more familiarity with transformative justice practices described "canceling" as "the DIY form of policing" and "DIY prison." By relying on their judgment and power alone, scene members begin to embody the tenets of the carceral system that they otherwise would resist.

Additionally, the DIY scene utilizes methods of surveillance that reflect legality. At Long Standing Venue, the door inside the volunteer office exhibits the names, photos, and identifying information of people the club banned permanently. This method seems practical yet also relatively public since anyone can volunteer at Long Standing Venue and therefore many people can see the display that almost resembles a "Wanted" poster. Social media itself embodies a kind of legalistic surveillance or what some interviewees described as "crowd control." Just as the carceral system increasingly relies on online criminal record databases to publicly mark individuals as deviant, scene members similarly publicize allegations over social media to mark individuals as abusers. This social media surveillance results in public humiliation, a tactic commonly used as a form of punishment. These examples demonstrate how even with alternative and informal social control measures, the DIY scene still reproduces legality through punitive tactics like expulsion and surveillance that do not remedy harm on behalf of victims.

Explanations for Legal Hegemony in Scene.

Removal of personal culpability for a culture of sexual violence.

As members of the scene unite over their shared disdain for the music industry and the state, they attempt to distance themselves from a culture of sexual violence that inherently undermines their objective of fostering a safe and inclusive community. However, as they condemn sexual violence, some scene members distance themselves from their responsibility to combat sexual violence and facilitate accountability processes. Therefore, by attempting to distance themselves from the previous scene, the

music industry, and the legal system, scene members inadvertently distance themselves from possible alternatives to the legal system.

Many interviewees, particularly male interviewees, expressed both explicitly and implicitly that they would never engage in sexual misconduct. While I carefully avoided the insinuation that any interviewees may be implicated in sexual violence allegations, some interviewees still attempted to distance themselves from this possibility or denied working with people who had allegations. Scene members feel pressure to distance themselves from deviance because scene members often conceptualize deviance as acts against both individuals and the entire community. The scene relies on its members to uphold the DIY ethos and therefore community members view deviance as a threat to the scene's fundamental values, operations, and social organization. The pressure to adhere to the DIY ethos only intensifies in cases of sexual violence, because many scene members believe that when their peers associate with known abusers, they endorse their misconduct. After the scene ignored and enabled a culture of sexual violence for decades, scene members rightfully attempt to distinguish themselves from the previous scenes and distance themselves from any associations with sexual violence.

Numerous male interviewees seemed uncomfortable when discussing sexual violence allegations, sometimes searching for words for long amounts of time, stuttering, or asking if they answered the question correctly. For example, a young male interviewee, after finishing a thought asked "was that - was that good? [...] Sometimes I say things and I start talking and then I'm like, I don't really, I don't know where I'm going." Some male interviewees ended our interviewees by asking if what they said aligned with others in the scene or with my opinions, asking "what do you think about all this?" One venue

volunteer closed our interview by asking a vague question seemingly about avoiding allegations himself: “how would you feel - like is there any advice you would give to someone like creating music? like from your perspective, a helpful, ‘Hey, this is this is some guideline like for not being…’?”

After he talked for a long time about gentrification and other problems affecting the scene, a young white male lead singer claimed he was so far removed from sexual violence that he could not even comfortably discuss it: “it's hard for me to talk about even because like, it's just not the way my mind works.” Along similar lines, some interviewees stated that they think it should be easy to “not rape people.” While these statements seem well-intentioned, they show how interviewees not only distance themselves from those who engage in sexual misconduct, but they distance themselves from the responsibility of addressing or preventing sexual violence in the scene. One scene member even waited until after I stopped recording and ended the interview to share a story about a time someone accused him of sexual violence.

Many people in the community also believe that high-status scene members like performers and show organizers are most likely to commit sexual violence. In both the scene and music industry at large, performers can abuse their power and fame to take advantage of fans and conceal their sexual misconduct. One performer repeatedly referred to this pattern as “rockstar bullshit,” and many other interviewees used similar language to condemn this behavior. While interviewees pointed to fame and wealth as social forces that produce sexual violence, they also applied this notion of “rockstar bullshit” to frame perpetrators of sexual violence as individuals, thereby situating specific

instances of sexual violence outside of the broader problems in the community. When discussing this dynamic between performers and their fans, Label Staff 2 said:

> It does kind of come down to the individual and like how they take that and move from that praise, I guess, that they get from music. So I don't know if there's necessarily a way to like, slow down that ego boost in music, but, you know, it's just common, I think, with every artist that has a ton of traction and a ton of fans. But, yeah, I mean, again, I think just the content of the character of the artist is what I think will determine how they take that power, I guess that they get from their fans and, and move from it.

Comments like this identify valid problems with fame and status in the scene. However, they also negate the possibility that even scene members without high status can still perpetrate sexual violence. This individualistic outlook also undermines the possibility that scene members can address and prevent sexual violence allegations even if they cannot change individual performers' exploitative tendencies. Finally, "rockstar bullshit" distracts scene members from the topic of sexual violence: "it's not even always like, people being like, predatory, you know? There's plenty of other ways that people abuse status like that."

Scene members also distanced themselves from the responsibility of addressing sexual violence by situating the scene's approach to accountability outside of the realm of the legal system. Interviewees discussed the positive attributes of the scene's approach to accountability but they also used these positive attributes to remove their responsibility in the accountability process. For example, scene members repeatedly stressed how the scene uses an adaptable, "case by case" accountability model. However, interviewees

sometimes used this positive attribute to avoid specifying what accountability might look like in different situations. Rather than admitting that they did not know how to conceptualize accountability in some situations, some interviewees pointed to the "case by case" approach as an alternative to a clear and uniform accountability process.

Similarly, scene members trophied a "victim-centered" approach to addressing sexual violence. Accountability processes certainly should help those who have been harmed, but at times, interviewees used this term to insinuate that victims alone should decide what accountability looks like. This model of accountability places the onus on victims to not only relay their trauma to others but also to identify who can address their allegations and how they should do so. Venue staff and show organizers must collaborate with victims to decipher the appropriate accountability measures in a given situation. However, some interviewees use this "victim-centered" terminology to avoid discussing how venues and other scene members must involve themselves in the accountability process or how the scene as a collective bears responsibility for mitigating sexual violence.

While scene members used attributes unique to the community-based approach to justice to remove themselves from responsibility, they also invoked reified images of law to defer responsibility. Scene members sometimes expressed that they are not "authorities" or "judges" qualified to decide matters relating to sexual violence. One young male performer whose band has a substantial "cult" following, said "it's not my place to just be the person who — like a judge, basically — it's not my place to do that. Because I'm just a guy in a band." While this performer has significant influence in the scene, when discussing sexual violence, he minimizes his power as "just a guy in a band"

by contrasting it with that of a judge. Another performer similarly said “we're not authorities. And then, even though allegations are meant to be taken seriously, and we do our best, and it's just about yo, yes, we're not the authorities.” These examples demonstrate how some scene members attempt to defer responsibility in accountability processes by comparing their power in the scene to that of arbiters in the legal system. This community partially premises its collective identity on the scene’s perceived distance from supposedly external structures like the legal system. Therefore, some scene members paradoxically distance themselves from sexual violence by invoking the legal system because the community’s identity encourages distance from broader capitalist society.

Solidarity and catharsis through punishment.

While some scene members would rather neglect their responsibility to transform the scene, others experience frustration with their inability to rid the scene of sexual violence. After decades of abuse and mistreatment at the hands of their fellow scene members, many women and queer community members yearn to seize control of the scene and change its culture of sexual violence. However, these sentiments, often colored by vengeful urges, motivate well-intentioned scene members to adopt punitive measures that reproduce legality. Punishment, particularly over social media, serves as a tempting way for scene members to stand up for their beliefs and find solidarity and catharsis with others in the scene. The scene’s collective identity once again drives scene members to reproduce legality in an effort to affirm their resistance to dominant, misogynistic culture.

With sexual violence, more so than other forms of deviance, interviewees expressed that they often feel “betrayed” when they learn a community member or

performer has engaged in sexual misconduct. Fans in the scene often stop listening to bands after learning of their sexual violence allegations for not only financial reasons but for emotional ones — they feel they cannot enjoy the music anymore. Scene members feel an even greater sense of betrayal when a band with a particular political platform commits an act of sexual violence, thereby violating the DIY ethos. These bands performatively claim to protect women only then to betray their community's trust. Some fans expressed fear that their favorite bands will face allegations, alluding to their diminishing trust in performers and the scene at large.

Scene members do not always trust others in the community to take allegations seriously. The DIY scene is and has always been predominantly occupied by cisgender and heterosexual men. While the scene has always had some queer and women-fronted bands and now, more than ever, prioritizes inclusivity, the scene can have a masculinist culture. The women and non-binary performers I interviewed discussed their discomfort in a male-dominated scene and their experiences navigating misogyny within this community.

Often, scene members shared their frustration with others who refuse to condemn their friends for sexual violence. A former venue staff member described how scene members protect their friends with allegations by saying, "you hear people go, 'I've been friends with this guy for years. We've moshed together for years and years.' Well, do you know him outside of here? 'No, I just know him from the scene." Scene members repeatedly voiced their concern that when scene members refuse to condemn their friends for sexual violence, they enable abusers to continue to hold and abuse their power in the scene.

The legacy of sexual violence in the scene substantiates this concern. For decades, many powerful show organizers and performers committed acts of sexual violence, often repeatedly, and the scene never held them accountable. While cisgender men in the scene often distance themselves from sexual violence, many female-presenting and non-binary scene members feel a responsibility to address the issue. When I told a female-presenting performer our interview would cover challenges facing the scene, she said she "knew exactly what that meant" and was already prepared to discuss sexual violence. Another scene member shared stories about their experience organizing a group to implement transformative justice practices in the community and they explained that the group was almost entirely composed of trans and non-binary people of color. These concerns also arose with scene members who favored more punitive tactics, like one young white woman who claimed that women were most likely to call attention to sexually inappropriate behavior. However, in her frustration, she invoked Homeland Security's anti-terrorism campaign, saying "I just want the scene, in general, to be more like, 'Hey, what the fuck are you doing?' See something, say something, right?"

In many cases, particularly outside of more formalized collectives like Long Standing Venue, many scene members with sexual violence allegations will never take accountability for their actions. This lack of accountability leaves community members justifiably disheartened and with few options to hold people accountable beyond posting on social media. By posting allegations on social media, community members can voice their outrage about sexual violence in the scene and find like-minded individuals that share their outrage. This method allows community members to shape and affirm what the scene stands for, or more accurately, what the scene stands against.

Punitive tactics provide scene members with catharsis and solidarity after their experiences with powerlessness and exclusion in a male-dominated scene. However, these tactics often reproduce legal hegemony and overcorrect for sexual violence. A label staff member articulated this dilemma:

> It's complicated because it's a pendulum swing. None of this shit was addressed for so long. Women and queer people and trans people were just treated like shit forever and no one said anything. And now it's the other end where it's just like a revenge time, which I totally understand, but at some point, it needs to come back to the middle where it's like you did something shitty — that doesn't mean you should be ostracized for the rest of your life.

Many interviewees expressed similar sentiments and criticized their fellow scene members for their punitive responses to allegations. These responses provoked fearful reactions from some male scene members as one male performer described a "mob mentality" where scene members are "burning people at the stake." The performer who founded the transformative justice group in the scene had a more forgiving perception of these responses, explaining that scene members are "socialized" to seek "vengeance and retribution." Most scene members I interviewed condemned punitive approaches to sexual violence like social media "call-outs" or "cancellations." Yet, when prompted, few scene members could envision alternatives to these tactics that might better align with their values.

Images of reified law, individualistic frames, and the illusion order.

The scene faces numerous obstacles to adopting transformative justice frameworks and spreading information about sexual violence allegations. The scene has

yet to adopt any clear, uniform, or formalized accountability process and few perpetrators of sexual violence have actually undertaken accountability processes. In contrast to the scene's informal social organization, the legal system seems legitimate, well-established, and orderly. As scene members struggle or refuse to conceive of non-punitive accountability processes, they invoke images of reified law to legitimize an individualistic approach to addressing sexual violence.

During our interviews, scene members identified numerous challenges in implementing non-punitive accountability processes relating to the community's informal social organization and the recency of these accountability efforts. Many scene members communicated their dissatisfaction with social media as the primary vehicle for people to share allegations of sexual assault. Almost all 28 of the individuals I interviewed mentioned that they believe social media alone cannot be used for community members to come to a consensus on issues with sexual violence. Many scene members discussed how when allegations against someone in the community emerge on social media, community members quickly forget as they lose the allegations in a sea of information on the internet. When scene members only circulate allegations digitally, people struggle to keep track of different allegations. As a result, some bands with large followings or resources can continue performing after they have been accused of sexual violence because many audience members may not know about their allegations. Scene members feel that they cannot disseminate information in an organized or accurate manner over social media and they desire a clearer tool for tracking allegations. These issues with social media lead scene members to invoke reified images of law which they believe may be more orderly than the scene.

Because the scene pivoted towards accountability for sexual violence so recently, its members often feel perplexed by the nuances of specific situations. In many interviews, scene members said that they trust the scene's ability to address general deviance within the community but that there was no clear or uniform way to prevent or address sexual violence. Some members believed that the DIY scene is "unregulated" and they believed the community's informal social organization made the accountability process murky. Even community members who believe in a non-punitive accountability process said that they either rarely or have never seen a community member rejoin the community after proving that they had changed. Community members with little familiarity with transformative justice struggled to define accountability or to come up with examples of what accountability might look like in different situations.

Many scene members said that real accountability rarely materializes because it requires the individual to acknowledge their wrongdoing and take action to change. Often people who have committed sexual violence in the scene deny allegations or do not take action beyond releasing an apology on social media. As one label staff member said, "accountability is really fucking hard. I think you have to value your own, like for contrition to happen, I think you have to value, like your own growth, and the effects of your behavior more than your music career."

Due to their lack of confidence in the scene to hold perpetrators accountable, some scene members invoke reified images of law to justify using their personal conclusions alone to assess sexual violence allegations. In the face of disorganization, scene members who otherwise value communal decision-making and solidarity take on individualistic perspectives. Although she had critiqued the scene's masculinist culture,

one female performer described “canceling someone” as “a personal thing.” Rather than relying on the DIY ethos to guide communal decisions about accountability, the performer claimed that individuals “decide whether or not someone is canceled to you” because it is “the only thing you can do [...] you can’t stop other people from supporting somebody.”

Many scene members, mostly cishet male scene members, place value on their individual ability to evaluate other people’s characters to decipher who they can and cannot trust. They legitimize this individualistic outlook by using terms like “judge,” “personal judgment,” “investigation,” or “detective” to describe how they collect information about sexual violence allegations and attempt to figure out who is “guilty” or not. These scene members often claimed that they could trust those around them because they have a good judge of character, like one label staff member who said:

> I think it's just, you know, finding the right character of people. And, you know, working with people that, you know, like, front and back have - have good integrity and have, you know, quality of character. [...] when using my judgment, to like, work with somebody, it's like, I just use my own kind of judgment of character of this person.

Another performer who began his career in the music scene but now performs in the larger music industry shared a similar outlook. He shared an instance when someone he worked with faced sexual violence allegations, saying “I love these people like, you know, I’m not just gonna kick them out of my life just because, you know, they’re connected to something. I judge them as good people and they’re good people. So, I think more of just trying to make a decision for yourself.” The performer also saw himself as a

person of “authority” in a community that otherwise lacked leadership and shared numerous stories where he personally removed audience members from shows or consoled distressed audience members.

Ultimately, scene members repeatedly struggled to identify alternatives to punishment for sexual violence without a clear authority figure in the community. When scene members do adopt leadership roles, they struggle to ground their authority in something outside of legality. Even the performer who founded a transformative justice group in the scene explained that the group quickly disbanded to avoid becoming the “law enforcement of DIY.” The performer felt perplexed by a question she could not answer: “how do we prevent this from becoming just another form of policing, but under the label of restorative justice?”

In a community with few formal positions or organizations, scene members defer to legalistic framing to legitimize and make sense of their individual roles in addressing sexual violence. Scene members discussed the complexities of creating an alternative to the legal system within the scene, particularly due to social media challenges and perpetrators unwilling to cooperate. These narratives compel scene members to compare the seemingly disorganized scene to a reified legal system and ultimately adopt individualistic approaches grounded in legalistic conceptions of authority.

CONCLUSION

Members of the DIY scene nearly ubiquitously disapprove of the carceral system and prefer to address sexual violence through a community-based approach toward accountability. They ground this community-based approach in their resistant collective identity, guided by a DIY ethos and driven by complete community participation.

However, to maintain an image of commitment to the DIY ethos, scene members distance themselves from a culture of sexual violence and the responsibility of addressing this issue by distinguishing the community from the older scene, the music industry, and the legal system. Some scene members find themselves frustrated by decades of a masculinist scene culture antithetical to the DIY ethos and therefore use punishment to cathartically reestablish and reinforce their community's values. Other scene members, overwhelmed by the scene's informal organization, cede individual control over accountability processes by invoking images of law as reified or skilled. These three narratives about accountability for sexual violence all emerge out of the scene's commitment to a resistant identity but all of them result in legalistic and punitive actions that undermine the DIY ethos.

In this research, I identify how leftist subcultures reproduce legality even when they tout isolation from broader oppressive structures. This perceived distance further entrenches the law in defining and responding to community violations. By pairing Young's work on resistant collective identities with legal consciousness theories, I find that a community's identity and boundary-making directly inform its relationship with legal hegemony.

This study suggests that scholars must move beyond employing legal consciousness theory to merely improve policies. To understand legal consciousness, scholars must broaden their research to include communities that operate outside the law and consider how certain expressions of collective identities contribute to legal hegemony through hostile solidarity. Furthermore, these findings suggest that

communities must reflect on how they reproduce legality as they imagine possibilities for social organization that lie outside a carceral system.

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