

The New York Times

# A Well-Regulated Wilderness

By MICHAEL LIPSKY

Published: September 13, 2011

By MICHAEL LIPSKY

Vienna, Va.

LAST week, seven miles from the nearest road, setting up camp on a hillside looking west toward the blue-gray peaks of the North Cascades in Washington State, I found myself thinking about government.

Not that there was much of it in sight. I was hiking with my brother, sons and nephews in the [Pasayten Wilderness](#), 830 square miles of forest and gentle mountains near the Canadian border. Only a decade ago livestock grazed its lush grasses. There were no rangers to check our reservations, no posted rules telling us where and how to set up camp.

If anything, the Pasayten seemed to prove that we don't need government, that humans can be self-regulating: per the unofficial rules of backpacking, most of our campsites had been reused repeatedly, to minimize damage to the environment, and litter was rare.

On reflection, however, this nursery of freedom spoke directly to the role of government in shaping our world. It was thanks to decades of effective lawmaking that we could enjoy four days in the open country, fixing meals, hiking and spending family time together.

Wilderness, the historian [Roderick Nash](#) said, is a state of mind: an orchard may be wilderness to a city dweller, while

even simple trails into uncultivated country, as in the case of the Pasayten, can be too civilized for an experienced woodsman. Americans once feared the wilderness and sought to tame it. Now we seek it out as redemptive.

In modern America, "wilderness" is a specific legal category. In 1964 Congress passed the Wilderness Act, which set aside 9.1 million acres of public land as places where people would be visitors but not leave any marks; today some 108 million acres are protected under the act.

Wilderness areas, unlike national parks, are managed with minimal interference with natural processes; trucks, all-terrain vehicles, chain saws and even bicycles are forbidden. The pristine wilderness we seek out to get away from everyday rules and regulations relies, paradoxically, on farsighted laws to protect it from logging, commercial concessions, summer dude ranches and private homes commanding the best views.

In fact, according to one count, at least 19 major laws affect patrons of wilderness areas. The Clean Air Act ensures the quality of air drifting over the Cascades from the industrial cities of Puget Sound. The Endangered Species Act protects the species native to these mountains, including the largest concentration of Canada lynx in the lower 48 states.

We also carried with us reassurances, provided by federal and state regulations, that the fresh, dried, canned and freeze-dried food we had packed was safe to eat. The gas canisters we counted on for fuel met federal safety requirements.

While there is no evident law enforcement in the Pasayten, people also bring to the wilderness expectations engendered in law — that norms reinforced by legal sanctions will prevail, even if the mechanisms for law enforcement are

absent. The law extends across the mountains, carried as part of the gear of the backcountry, you might say.

America is engaged in a great debate on the role of government and the extent of its reach. In the heart of the mountains, far from the roads that would take us back to commerce and competition, we saw that even our beloved refuges were the results of public structures, allowing us the hard-sought illusion that we are beyond their reach.

Michael Lipsky is a distinguished senior fellow at Demos and the author of "Street-Level Bureaucracy."