Order in the Desert: Law Abiding Behavior at Burning Man

Manuel A. Gomez

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INTRODUCTION

Burning Man is an annual art event and temporary community based on radical self-expression and self-reliance, in the Black Rock Desert of Nevada.[1] The event is a week-long annual affair that draws more than fifty thousand participants, known as "burners," from around the world.[2] The event takes place in the custom-built, temporary, Black Rock City,[3] located in a prehistoric lakebed or "playa" in the Black Rock desert, more than one hundred miles from Reno. Black Rock City is rebuilt annually on seven square-miles of federal land in the southern point of the Black Rock Desert.[4] Burners are explicitly encouraged to partake in acts of "radical self-expression." They do so through artistic performances; by creating interactive sculptures and other outdoors art installations, through costumes and fashion, music, art vehicles, and visual media.[5]

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1. *See First-Timers' Guide*, BURNING MAN, http://www.burningman.com/first_timers/ (last visited Jan. 29, 2014).

2. *See* Alex Williams, *Running On Fumes*, N.Y.TIMES, Sept. 6, 2013, http://www.nytimes.com/2013/09/08/fashion/running-on-fumes.html?ref=alexwilliams&_r=0; Amit R. Paley, *Burning Man: A countercultural experiment goes mainstream*, WASH. POST, Sept. 7, 2011, http://articles.washingtonpost.com/2011-09-07/lifestyle/35273012_1_naked-man-free-seminar-principles; *Glossary*, BURNING MAN, http://www.burningman.com/whatisburningman/about_burningman/glossary.html (last visited Jan. 29, 2014) [hereinafter *Burning Man Glossary*].

3. Black Rock City is the name given to the settlement that constitutes Burning Man. *Burning Man Glossary, supra* note 3. *See also*, BUREAU OF LAND MGMT., BURNING MAN 2013 SPECIAL RECREATION PERMIT STIPULATIONS (2013), *available at* http://www.burningman.com/media/doc/pdf/blm_stipulations/2013_blm_stipulations.pdf [hereinafter BLM 2013 STIPULATIONS].

4. BLM 2013 STIPULATIONS, *supra* note 3.

5. *Ten Principles*, BURNING MAN, http://www.burningman.com/whatisburningman/about_burningman/principles.html (last visited Jan. 29, 2014). Radical self-expression is one of the Ten Principles laid out by the Burning Man organization, as a way to guide participant behavior at the event. *Id.*

Black Rock City mimics a real urban settlement with streets, public signage, a post office, and other features typically found in cities. The difference, however, is that Black Rock City is erected only for the duration of the event, and then completely dismantled. The fact that Burning Man takes place in such an isolated area, more than one hundred miles from civilization,[6] contributes to its liminal quality. Burning Man is completely removed from the outside world, including its customs and "all performance codes of mundane life".[7]

To an outsider, an event that explicitly invites people to travel to a remote and isolated setting and express themselves "radically" over the course of a week is easily associated with pleasure-seeking and extravagant acts not possible in everyday life. It would be rational to associate such an event with chaos and unruliness. After all, most carnivalesque events are known precisely for allowing people to escape from reality, and are generally considered enablers of unruly behavior.[8] For example, in their book, "Special Event Motivations and Behaviours," Getz and Cheyne discuss riots and other forms of disorderly behavior that result from the temporary inversion of social order found at carnivals and mass gatherings.[9] Similarly, police reports and official statistics generally show an increase in reported crime rates during carnivals and similar events.[10]

Media depictions of Burning Man generally focus on the picturesque and eccentric appearance of the weeklong affair, which culminates with the burning of a wooden effigy on the Saturday before Labor Day.[11] Burning Man is also portrayed as a lawless environment where participants are encouraged to engage in rowdy behavior.[12] As it will be explained later, this description is inaccurate. Considering its size and "radical" purpose, Burning Man enjoys a very low reported crime rate.[13] Moreover, chaos and unruliness are generally absent from Burning Man.[14] Contrary to the general perception, the Burning Man community is very well organized and a remarkable level of social order prevails throughout the event.[15] To help maintain a peaceful environment, the community relies on participant-volunteers, the most salient being the Black Rock City Rangers.[16] The Black Rock

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6. BLM 2013 STIPULATIONS, *supra* note 3.

7. *See* ROB SHIELDS, PLACES ON THE MARGIN: ALTERNATIVE GEOGRAPHIES OF MODERNITY 84 (1992).

8. *See* Joseph Roach, *Carnival and the Law in New Orleans*, 37 TDR 42, 62 (1993).

9. Donald Getz & Joanne Cheyne, *Special Event Motivations and Behaviours*, *in* THE TOURIST EXPERIENCE 137 (Chris Ryan ed., 2002).

10. Joe Leahy, *Rio police get tough on Carnival crime*, FIN. TIMES (Feb. 11, 2013), http://www.ft.com/intl/cms/s/0/0c2a9d30-7430-11e2-a27c-00144feabdc0.html. *See also*, MIKE PRESDEE, CULTURAL CRIMINOLOGY AND THE CARNIVAL OF CRIME 57-66 (2000).

11. *See* LEE GILMORE, THEATER IN A CROWDED FIRE: RITUAL AND SPIRITUALITY AT BURNING MAN 127-153 (2010).

12. *See* Williams, *Running On Fumes*, *supra* note 2.

13. *See infra* Part III.

14. *See generally Afterburn: Consensus*, BURNING MAN, http://afterburn.burningman.com/09/org/consensus.html (last visited Jan. 29, 2014) [hereinafter *Afterburn: Consensus*].

15. *Afterburn: Consensus*, *supra* note 14. *See also infra* Part III; Katherine K. Chen & Siobhán O'Mahony, *Differentiating Organizational Boundaries*, 26 RES. IN THE SOC. OF ORGS. 183, 209 (2009); Katherine K. Chen, *Lessons for creative cities from Burning Man: How organizations can sustain and disseminate creative context*, 2 CITY, CULTURE & SOC'Y 93 (2011).

16. *See* Katherine K. Chen, *Laboring for the Man: Augmenting Authority in a Voluntary Association*, 34 RES. IN THE SOC. OF ORGS. 135, 136 (2012).

City Rangers (Rangers) are volunteers trained in dispute resolution techniques that help diffuse conflict and manage disruptive behavior before it escalates.[17]

The Rangers were initially created to assist in the search and rescue of event participants who became lost in the desert.[18] As the event grew in size and complexity, the number of Rangers increased and their role evolved. The Rangers have become effective community mediators, and serve as buffers between Burning Man participants and public law enforcement officials at the event.[19] The Rangers are instrumental to the high level of social order at Burning Man.[20] Moreover, the legitimacy of the Rangers in the eyes of the community allows most grievances to be resolved internally, making it reliance on outside mechanisms of social control unnecessary.[21]

The Burning Man community has created a positive social environment that fosters group identity, and provides event participants with incentives that encourage law-abiding and cooperative behavior. As a result, unlike participants at comparable events, both veteran and first-time burners demonstrate a high level of law-abiding behavior and a remarkable willingness to cooperate in maintaining the social equilibrium, without reliance on any form of coercion or external social control.

Despite the diverse origins and backgrounds of Burning Man participants, the community has effectively incentivized Burners to help attain a high level of social organization and keep crime rates uncharacteristically low. While still taking advantage of the carnivalesque features of the event, Burning Man participants maintain a considerable level of self-restraint from rowdy or illegal behavior, setting Burning Man apart from any other similar event. Because of this apparent paradox, Burning Man offers an ideal opportunity to explore the conditions that promote law-abiding behavior in environments that otherwise encourage the relaxation of everyday norms and challenge the features of mainstream society.

The research presented here extends beyond the realm of Burning Man, and similar carnivalesque events, in two concrete ways. First, it aids our understanding of the dynamics between legitimacy,[22] compliance with norms, voluntary cooperation,[23] and other mechanisms that enforce intra-community norms in the context of informal, non-state environments. Second, the research highlights the importance of social motivations[24] in shaping law-abiding behavior in liminal social settings.[25] Additionally, the ways in which personal incentives, group identity, and affective predisposition drive law-abiding and cooperative behavior are discussed.

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17. *Id.*

18. *Id.* at 143.

19. *Id.*

20. *See infra* Part II.

21. *See infra* Part II.

22. Following Tyler, legitimacy is referred to here as "people's feelings of obligation and responsibility to others." TOM R. TYLER, WHY PEOPLE COOPERATE: THE ROLE OF SOCIAL MOTIVATIONS 34 (2011).

23. *Id.* at 23.

24. Referred to as the different attitudes of social nature that motivate an individual to cooperate within a group, and which are generally contrasted to a motivation based on material incentives and sanctions (instrumental motivations). *Id.* at 31-34.

25. *See* VICTOR TURNER, *Liminality and Communitas, in* THE RITUAL PROCESS: STRUCTURE AND ANTI-STRUCTURE 94-113 (1969) (explaining the concept of liminality as a threshold stage between the everyday order and a new order). As applied to the discussion about festivals and carnivals, liminality

This article is divided into four sections. Section I offers a general description of Burning Man, including its organizers, social structure, and demographics. Section I also describes the Burning Man community and other features that distinguish Burning Man from other mass-gathering events. Section II describes the layers of internal and external social control found at Burning Man, and how they operate at the event. These layers of control include different forms of official law enforcement as well as the intra-community dispute resolution mechanisms employed by the Rangers. In Section III, the core of the article discusses the shortcomings of external deterrence mechanisms and the advantages of the intra-community social control mechanisms that come from private ordering. Section III further compares Burning Man with other examples of private ordering, including carnivals. Section III concludes with a discussion of the factors that foster participant behavior and the social equilibrium of the Burning Man community. A conclusion is offered as Section IV.

I. WELCOME HOME: SOCIAL STRUCTURE AND THE BURNING MAN COMMUNITY

One of the first signs that greets burners along the eight-mile-long unpaved road that leads to Black Rock City reads: "Welcome home." A few hundred yards further there is a makeshift checkpoint adorned with multicolor flags, plastic flowers and tie-dye fabric, where people are asked to show their tickets to enter into the city. Several greeters offer hugs, answer questions, and pull an occasional prank on first-time participants. [26] Like most people at Burning Man, greeters wear costumes or barely any clothes at all. Greeters show special pride in their volunteer work, which is viewed by many as the fuel that keeps the community alive.

From this point on, no one is expected to introduce themselves by their real name, but rather their "playa name," their nickname while at Burning Man. [27] Many burners take this opportunity to embrace an alternate persona, be it a childhood hero, the incarnation of a particular fetish, or a wacky character of their own creation. Most burners wear costumes, masks, wigs, boots, and other accessories. They may also choose to simply paint their bodies or wander around completely nude. By becoming someone different from who they are in their everyday life, burners are able to conceal their "default world" identities and showcase a different facet of themselves.

Despite the greeters' overt friendliness, their seemingly erratic and flamboyant behavior, and the improvised appearance of the signage and other structures placed at the entrance of Black Rock City, the gate to Burning Man is closely

refers to the in-between, transitional stage typical of carnivalesque events during which participants are, at least, partially removed from their everyday social roles, and in turn embrace an alternate persona for the duration of the carnival.

26. *See Designing Black Rock City*, BURNING MAN, http://www.burningman.com/whatisburningman/about_burningman/brc_grawth.html (last visited Jan. 29, 2014) (Black Rock City is the name given to the settlement that constitutes Burning Man). *See also Greeters*, BURNING MAN, http://www.burningman.com/particapate/greeters.html (last visited Jan. 29. 2014).

27. *Burning Man Glossary*, *supra* note 2.

guarded and all admission logistics are carefully executed. Admissions to, and exiting from, Black Rock City is monitored closely. A bright orange fence, marking the boundaries between Black Rock City and the default world,[28] encircles the seven square-mile temporary metropolis.[29] In anticipation of the weeklong event, the Bureau of Land Management designates approximately fourteen thousand acres as a public closure area.[30] As a result, many activities are either restricted or prohibited,[31] and the use of the land is limited to ticket holders, credentialed Black Rock City staff, volunteers, and law enforcement officials.[32] During the festival, all logistics related to access, departure, and boundary security are delegated to Burning Man's Department of Gate, Perimeter & Exodus.[33]

Private vehicles of people entering Black Rock City are checked for weapons, other safety hazards, and the occasional stowaway; measures are taken so no one without a valid ticket can enter the premises. Once inside, Burning Man participants are expected to remain within Black Rock City's limits for the remainder of the event. Until the late 1990s, burners were allowed to come and go from Black Rock City as they pleased, but safety concerns and other regulations forced the organizers to tighten control at the gate and restrict the free flow of people.[34]

A. The Social Fabric of Burning Man: The Burners and the Ten Principles

Although the Burning Man community strives to embrace people from all walks of life, and considers radical inclusiveness one of its fundamental tenets, there are still some entry barriers. First of all, attending the event involves a significant amount of planning, travel time, and money, which limits the population of would-be burners. The remote location of Black Rock City in the Nevada desert, and the self-reliant nature of the event, requires that each participant be responsible for their own shelter, food, and transportation. Although the cost of attending Burning Man varies greatly, an average burner could easily spend at least a few thousand dollars to participate at the event.[35] There is an additional cost inherent in the artwork, installations, and other contributions that participants routinely bring to the event, as their gift to the community. This is not to say that all participants are affluent or well off. There are stories of struggling burners who have scored a free ticket, hitchhiked to the event, and survived the entire week thanks to the kindness of other participants. However, such burners would be the exception and not the rule. Most burners self-report that they are socioeconomical-

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28. *Burning Man Glossary, supra* note 2 (default world is "[t]he rest of the world that is not the playa during the Burning Man event").

29. BLM 2013 STIPULATIONS, *supra* note 3.

30. *Id.*

31. BUREAU OF LAND MGMT., BURNING MAN 2012, TEMPORARY CLOSURE AND ALTERNATE PUBLIC ACCESS MAP (2012), *available at* http://www.burningman.com/media/doc/pdf/blm_stipulations/2012_closure_order.pdf.

32. *Id.*

33. BURNING MAN GATE PERIMETER & EXODUS DEPT., http://gate.burningman.com/ (last visited Jan. 24, 2014).

34. *See* Chen, *Laboring for the Man, supra* note 16, at 144.

35. Taking into account the cost of an individual ticket, which ranges between $380 and $650, plus the cost of transportation, gas, food, shelter, and other equipment and clothing. *See* Loren Geller, *How Much Does Burning Man Really Cost?*, PLAYA BIKE REPAIR (March 12, 2013), http://www.playabikerepair.com/blogs/news/7493984-how-much-does-burning-man-really-cost.

ly secure in the default world, reinforcing the observed socioeconomic homogeneity and self-selection. The above-average socioeconomic status of the average burner is an additional factor that may influence the law-abiding quality of Burning Man.

Despite the inherent barriers to attending Burning Man, the community endorses an idealistic social model, which it conveys through a series of values that reflect the ethos of the event.[36] The values are termed the "Ten Principles."[37] All participants are explicitly encouraged to abide by these Ten Principles:[38] radical inclusion, radical self-expression, radical self-reliance, civic responsibility, leave no trace, gifting, de-commodification, communal effort, participation, and immediacy.[39]

The principle of radical inclusion reflects the community's desire to welcome and embrace anyone wishing to become part of the community, regardless of ideological or political views, origin or socioeconomic status.[40] Closely related to the principle of radical inclusion is an acknowledgment of the importance of individuality, and the encouragement of burners to use their own participation at Burning Man as an opportunity to express themselves in any form they deem suitable. This is known as radical self-expression and is closely tied to the principle of radical self-reliance, which encourages "the individual to discover, exercise and rely on his or her inner resources,"[41] and more practically, to rely on their own supplies and means throughout the event.

As a counterbalance to the individualism emphasized in the first three principles, the community also encourages burners to follow the principles of civic responsibility and leave no trace. Civic responsibility calls for awareness of the "public welfare and [is an] endeavor to communicate civic responsibilities to participants." [42] These two principles acknowledge the obligation to obey the law. Leave no trace reflects a concern for the environment and urges burners to leave the playa in a better state than that in which they found it.[43]

The principles of gifting and de-commodification encourage participants to avoid any form of corporate sponsorship or endorsement, and prohibit any vend-

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36. *Compare* BURNING MAN SURVIVAL GUIDE 2007, http://www.burningman.com/preparation/event_survival/2007_survival_guide.pdf (referring to these as the "Ten Commandments," an obvious reference to the well-known Biblical laws), *with* BURNING MAN SURVIVAL GUIDE 2013, http://survival.burningman.com/wp-content/uploads/2013/06/BM-SG2013.pdf (referring to the values as the "10 Principles").

37. BURNING MAN SURVIVAL GUIDE 2013, *supra* note 36.

38. *See Ten Principles*, *supra* note 5 (The community stresses the fact that these principles were not suggested "as a dictate of how people should be and act, but as a reflection of the community's ethos and culture as it had organically developed since the event's inception").

39. *Id.*

40. As a way to encourage inclusion, the organization has instituted a mechanism whereby it grants scholarships and other forms of financial aid to support artists or volunteers who otherwise would be unable to defray the costs to attend the annual event. *Tickets*, BURNING MAN, http://tickets.burningman.com/ (last visited Jan. 29. 2014).

41. *Ten Principles*, *supra* note 5.

42. *Id.* (explaining civic responsibility as, "[w]e value civil society. Community members who organize events should assume responsibility for public welfare and endeavor to communicate civic responsibilities to participants. They must also assume responsibility for conducting events in accordance with local, state and federal laws").

43. *Id.*

ing or commercial transactions at the event.[44] On the other hand, burners are explicitly encouraged to engage in alternative modes of exchange such as bartering and sharing. The gifts offered at Burning Man may range from insignificant trinkets to necessities such as water, food, shelter, or even Internet access.[45]

Gifting is so central to the Burning Man experience that, aside from the very basic services and infrastructure provided by the Burning Man staff and volunteers, "[e]verything else is created and donated by participants."[46] This, the organizers believe, enhances the cooperative ethos of the event,[47] and contributes to fulfillment of the principles of communal effort, participation, and immediacy.

B. "Not a Commodity but a Gift:"
The Organization that Supports Burning Man[48]

The exponential growth of the Burning Man event also means an increased complexity in the organization that plans and implements it. Burning Man has evolved from a relatively anarchic desert party into a non-profit organization called "The Burning Man Project." [49] The Burning Man Project is the successor of Black Rock City LLC, a private company formed by the event's six founders in 1995.[50] Although this entity adopted a for-profit form, "its primary purpose [was] to carry out the mission of creating arts and community."[51] In 2011, the LLC was reorganized as a non-profit based on the board's decision to transfer control of Burning Man to the community, to ensure that the annual event stays true to its spirit.[52] Despite having founded a community that prides itself on its remarkable harmony and consensus building capabilities,[53] the reorganization resulted from

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44. *See* Robert V. Kozinets, *Can Consumers Escape the Market? Emancipatory Illuminations from Burning Man*, 29 J. CONSUMER RES. 20 (2002) [hereinafter Kozinets, *Can Consumers Escape?*]. *See also*, John F. Sherry & Robert V. Kozinets, *Comedy of the Commons: Nomadic Spirituality and the Burning Man Festival*, 11 RES. IN CONSUMER BEHAVIOR 119-147 (2007).

45. BURNING MAN SURVIVAL GUIDE 2012, *infra* note 133 (referring to Internet access as a participant created and supported initiative).

46. *See* Kozinets, *Can Consumers Escape?*, *supra* note 44.

47. Jean-Sébastien Marcoux, *Escaping the Gift Economy*, 36 J. CONSUMER RES. 671, 676 (2009).

48. Photograchar, *Larry Harvey Talk Burning Man 2010 Regional Summit*, YOUTUBE (May 15, 2011), *available at* http://www.youtube.com/watch?v=lKu1vS1_lHw ("We're going to treat Burning Man like what it always should have been: not as a commodity, but as a gift.").

49. Steven T. Jones, *Man on the Move*, S.F. BAY GUARDIAN ONLINE (Apr. 5, 2011), http://www.sfbg.com/2011/04/05/man-move [hereinafter Jones, *Man on the Move*].

50. BLACK ROCK CITY LLC OPERATING AGREEMENT, http://afterburn.burningman.com/09/org/llc_agreement.html (last visited Jan. 29, 2014). *See also* BRIAN DOHERTY, THIS IS BURNING MAN (2006).

51. Chen, *Laboring for the Man*, *supra* note 16, at 136.

52. Jones, *Man on the Move, supra* note 49.

53. KATHERINE K. CHEN, ENABLING CREATIVE CHAOS: THE ORGANIZATION BEHIND THE BURNING MAN EVENT 38 (2009) [hereinafter CHEN, CREATIVE CHAOS]. *See also Afterburn Report 2009: Consensus, Hierarchy, Authority and Power*, BURNING MAN, http://afterburn.burningman.com/09/org/consensus.html (last visited Jan. 29. 2014).

internal tension and unrest among board the members, and, ironically, litigation[54] and arbitration involving three of Burning Man's founders.[55]

Unlike visitors to amusement parks,[56] carnivals, and festivals, burners do not view themselves as patrons or passive customers but as part of Burning Man's social fabric. When burners arrive at Black Rock City, instead of finding a completely finished setting, they encounter a work-in-progress, the building blocks of a community that they are encouraged to help complete. Participants are transformed "from passive, even loutish, consumers into inspired prosumers—those who both produce and consume."[57]

The commodification and massification of the Burning Man event is one of the most difficult challenges facing the Burning Man Project. The principles of radical inclusion, participation and immediacy mean that no one is rejected, no one is an outsider, and no one is a tourist. Unlike many large-scale festivals, which have become tourist attractions, Burning Man has been able to preserve its integrity by displacing consumption and embracing prosumption. Because of the vastness of the physical space, the artistic nature of the community, and the egalitarian ethos of the event, even first-timers become quickly engaged and develop a sense of ownership and pride in the experience. Achievements are everyone's achievements and problems are viewed as community problems. This sentiment is particularly salient among veteran burners, and may be one of the contributing factors to fostering cooperative behavior.

In spatial terms, and despite the seemingly egalitarian ethos of the event, the distribution of campsites follows a carefully elaborated plan whereby theme camps[58] are placed in the "innermost of the inhabited circles, with the best views of the Man."[59] Groups of cooperating camps are called Villages,[60] which often form their own microcosms within the larger event. For purely organizational purposes, each Village designates a "mayor," who acts as their Village's representative to the Burning Man Project. While Village mayors do not hold any spe-

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54. John Law, *Does Burning Man Belong to Everyone?* JOHN LAW (Jan. 9, 2007), http://johnwlaw.com/2007/01/09/does-burning-man-belong-to-everyone/; Law v. Harvey, No. C 07-00134 WHA, 2007 WL 2990426 (N.D. Cal. Oct. 11, 2007).

55. Scott Beale, *John Law Sues His Former Burning Man Partners*, LAUGHING SQUID (Jan. 9, 2007), http://laughingsquid.com/john-law-sues-his-former-burning-man-partners/; *see also* Chen, *Laboring for the Man, supra* note 16, at 149.

56. *See generally* ALAN BRYMAN, THE DISNEYIZATION OF SOCIETY (2004); Stacy Warren, *Disneyfication of the Metropolis: Popular Resistance in Seattle*, 16 J. URB. AFF. 89 (1994).

57. Katherine K. Chen, *Artistic Prosumption: Cocreative Destruction at Burning Man*, 56 AM. BEHAV. SCIENTIST 570, 571 (2011).

58. *See* Fred A. Bernstein, *A Vision of How People Should Live, From Desert Revelers to Urbanites*, N.Y. TIMES (Aug. 28, 2011), http://www.nytimes.com/2011/08/29/arts/rod-garrett-the-urban-planner-behind-burning-man.html?_r=0 (describing theme camps as "elaborate enclaves built by groups of longtime burners"); *see also Theme Camps*, BURNING MAN, http://www.burningman.com/themecamps/ (deeming the theme camps as "the interactive core of burning man") (last visited Jan. 29, 2014).

59. Bernstein, *supra* note 58. The "Man" is the forty feet statute that is set ablaze as the main event during the evening of the Saturday before Labor Day. *See What is Burning Man?*, BURNING MAN, http://www.burningman.com/whatisburningman/about_burningman/glossary.html (last visited Jan. 29, 2014).

60. *Theme Camp & Village Resource Guide*, BURNING MAN, http://www.burningman.com/themecamps/resource_guide.html (last visited Jan. 29, 2014).

cial powers or formal authority, they are expected to uphold the organization's guidelines for theme camps.[61]

II. SOCIAL CONTROL IN THE DESERT: THE DIFFERENT LAYERS OF DISPUTE PROCESSING AND LAW ENFORCEMENT AT BURNING MAN

A. "Helping Lost Souls to Find Their Way Home"[62]: Intra-Community Social Control and the Black Rock City Rangers

Of the six core departments that comprise the Burning Man Project,[63] the Black Rock City Rangers (BRCR) are among the most relevant for this research. While the Texas Rangers inspired their name,[64] their role is not only to support local law enforcement, but more broadly, "to ensure the collective survival of the community."[65] The Rangers come from all walks of life, and include medics, fire-fighters, communicators, and lawyers. Rangers are volunteers who lend their time and expertise to help "address situations within [the Burning Man] community that would otherwise require outside intervention."[66] Rangers are participant-volunteers, not outsiders, which heightens their legitimacy in the eyes of the community.[67]

The Rangers were founded in 1992, when the event was a little more than an anarchic campout in the middle of the vast Nevada desert.[68] Their original purpose was search and rescue, to "locate lost participants and bring them safely back to the community encampment."[69] Over the years, the Rangers have adapted to the rapidly evolving community and reinvented themselves as safety managers, ambassadors for the Burning Man Project to the broader burner community, and as intra-community mediators.[70] Rangers perform a variety of important duties with the purpose of ensuring public safety and social order on the playa. Ranger responsibilities are outlined in a comprehensive Ranger Manual that is updated and republished annually, and which all Rangers are required to read thoroughly.[71]

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61. *Planning a Village*, BURNING MAN, http://www.burningman.com/themecamps/plan_village.html (last visited Jan. 29, 2014).

62. *Ranger Origins*, THE BLACK ROCK RANGERS, http://www.rangers.org/rangers.v5/Origins.html (last visited Jan. 29, 2014). "Over time, the camp became a city and a community became many communities. The role of the Rangers has changed and grown at the same time, but the original purpose still holds true; Helping lost souls to find their way home." *Id.*

63. The six core departments of Burning Man are the Black Rock Rangers, Communications Department, the Department of Public Works (DPW), Community Services, Business Management Department, and Arts Department. *See* Chen, *Laboring for the Man, supra* note 16, at 141.

64. *BRC Rangers*, BURNING MAN, http://www.burningman.com/on_the_playa/infrastructure/brc_rangers.html (last visited Jan. 29, 2014).

65. *Id.*

66. *Id.*

67. *Id.*

68. *Who are the Rangers?*, BLACK ROCK RANGERS, http://rangers.burningman.com/about (last visited Jan. 29, 2014).

69. *Ranger Origins*, THE BLACK ROCK RANGERS, http://www.rangers.org/rangers.v5/Origins.html (last visited Jan. 29, 2014).

70. *Id.*

71. *Training*, BLACK ROCK RANGERS, http://rangers.burningman.com/training/ (last visited Jan. 29, 2014) [hereinafter *Black Rock Rangers Training*].

Each year, between four and five hundred Burning Man participants serve as volunteer Rangers.[72] However, in order to become a Ranger, applicants must undergo, and successfully complete, extensive training in dispute resolution techniques.

The Ranger orientation and training program is designed to instill a sense of community building in "Alphas", which is how new Rangers are called.[73] The basic training is offered several times a year, at both the Burning Man headquarters and in many U.S. cities. All Rangers receive dispute resolution and mediation training to help them address the distinctive challenges and inter-personal conflicts found in Black Rock City. The training teaches Rangers a variety of dispute resolution skills, including active listening, identification of issues and problem solving, negotiation and mediation techniques, and safety training. The training is conducted in small groups to enable close interaction and to encourage role-playing simulations. Trainers are usually experienced Rangers, many of whom also have professional training in dispute resolution, law enforcement, emergency preparedness, or medicine. After completing basic training, but before undertaking their first assignment, Rangers must successfully complete a field test at the event. In addition to mastering dispute resolutions skills, some Rangers join specialized Ranger teams that require additional special training in radio communications, emergency procedures, and law enforcement coordination.[74] Basic training is mandatory for all new Rangers and participation in an annual refresher course is required of the veterans. Chief among the skills taught to Rangers is Burning Man's tailor-made dispute resolution approach, fittingly referred to as "FLAME." FLAME is an acronym that represents the five steps to successful dispute resolution on the playa: Find out, Listen, Analyze, Mediate, and Explain.[75]

Several years ago, Burning Man experienced an internal crisis of authority. A power struggle between the Rangers, other departments, and the overall organization led to the restructuring of the Rangers program. The organizational changes and fine-tuning of the Rangers' role vis-à-vis the Burning Man Project, created an intricate hierarchy of volunteers and staff-members that more effectively aligned the Rangers' role within the larger Burning Man Project.[76] The restructured Ranger hierarchy is outlined in an organizational chart referred to by Rangers as the "Scary Spider".[77] As a result of the restructuring, the Rangers are now responsible for coordinating their efforts with those of the eleven federal and state agencies involved in Burning Man.[78] Although all eleven agencies are involved at

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72. *Id.*

73. Chen, *Laboring for the Man*, *supra* note 16, at 145. *See generally*, BUREAU OF LAND MGMT., ENVIRONMENTAL ASSESSMENT, BURNING MAN 2012-2016 SPECIAL RECREATION PERMIT, 2-14 (2012), https://www.blm.gov/epl-front-office/projects/nepa/28954/37414/39214/DR_Burning_Man.pdf [hereinafter ENVIRONMENTAL ASSESSMENT].

74. *Black Rock Rangers Training*, *supra* note 71.

75. BLACK ROCK RANGERS, *2012 Manual*, at 9, http://rangers.burningman.com/wp-content/uploads/ranger-manual-2012.pdf [hereinafter *Rangers Manual 2012*].

76. *See* Chen, *Laboring for the Man*, *supra* note 16, at 151.

77. *See "Scary Spider" organizational chart, Rangers Manual 2012, supra* note 75, *at 37.*

78. *See* Chen, *Laboring for the Man*, *supra* note 16, at 151. The eleven agencies include: These are the Federal Bureau of Land Management (BLM), the Federal Aviation Administration (FAA), the Federal Communication Commission (FCC), Nevada Department of Transportation (NDOT), Nevada Department of Investigations (NDI), Nevada Division of Environmental Protection Bureau of Waste Management (NDEP), Nevada State Fire Marshall (NFM), Nevada Highway Patrol (NHP), Nevada State Health Department (NSHD), Pershing County Sheriff's Office (PSO), Washoe County Sheriff's

some point before, during and after Burning Man, only four organizations have personnel at the playa during the event. These personnel are referred to as LEOs, the acronym for Law Enforcement Officers.

The Rangers' organizational hierarchy, displayed in Figure 1 below, allows the Rangers to effectively resolve playa disputes, and to coordinate efficiently with other Black Rock City departments and the various law enforcement agencies present at Burning Man.

Figure 1: Ranger Shift Operations[79]
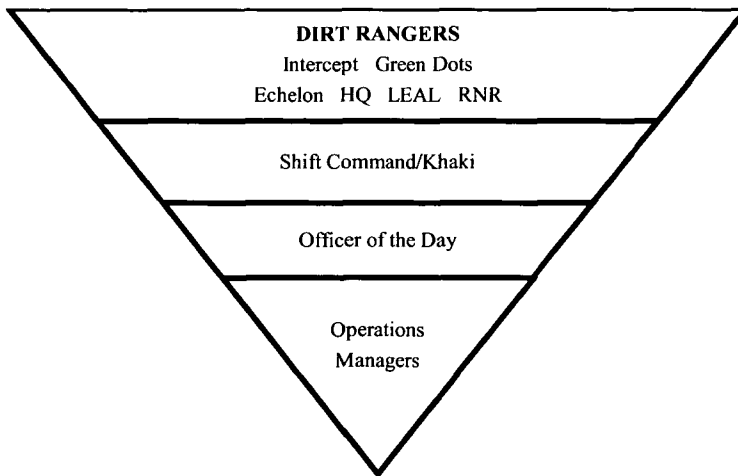
Although Black Rock Rangers resist being compared with security personnel deployed at concerts, festivals, and sporting events, there are unavoidable similarities.[80] Neither Rangers nor event security guards are expected to deter illegal behavior, nor can they make arrests. Instead, their primary role is to liaise between event organizers and law enforcement agencies, to aid law enforcement officers in deterring criminal behavior and breaches of public order. However, an important difference between typical event security guards and Rangers is Ranger's role as active members of the Burning Man community. Rangers experience heightened legitimacy because they are members of the community that they are called to supervise. Because all Rangers are also event participants, other burners see them as peers and are less intimidated by their presence.

Office (WSO), and the Pyramid Lake Paiute Tribe (PLPT). Environmental Assessment, *supra* note 73, at 2-6.

79. "Intercept" are Rangers focused on vehicle safety; "Echelon" is the Ranger team responsible for headquarters (HQ) set up, infrastructure, tear down, egress and field support. "LEAL" refers to a special Ranger team that operates as Law Enforcement Agency Liaison. "RNR" means Rapid Night Response, another specialized Ranger team; "Khaki" are the members of the Ranger Shift Command who act as dispatchers, coordinate Ranger activities and monitor communications. *Rangers Manual 2012, supra* note 75, at 17, 47, 48.

80. *Id.* at 12.

Burners also see Rangers as buffers between law enforcement officers and the Burning Man community.[81] Burning Man participants generally view Rangers positively. Burners appreciate the Rangers' friendly demeanor and non-intrusive approach to conflict resolution.[82] Even in the few playa disputes in which law enforcement officers do become involved, most burners perceive the Rangers as being "on their side"[83] and "sympathetic" to their situation.[84] Due to their role as community members, Rangers are able to understand the social dynamics, identify sources of tension, and effectively prevent or diffuse potential conflicts before they escalate. Because Rangers have the most direct contact with the members of the Burning Man community during the event, they are able to intervene in the majority of situations.[85] Additionally, their interventions as mediators are perceived to be highly successful.[86] When asked their opinion of the Rangers, two randomly selected burners provided this insight:

"Rangers are NOT cops, or at least I don't see them that way. I see a big difference between them. Rangers are OUR people, and cops are not; Rangers just have to wear funky uniforms so we know who they are. Think of your cousin doctor wearing scrubs at the hospital, he is still your cousin, isn't he?"[87]

Ranger uniforms, or costumes, as the Rangers prefer to call them, are perhaps the only symbol that visibly differentiates Rangers from the rest of the community.[88] The Ranger costume consists of a tan shirt or jacket displaying the BRCR's logo on the back, a lanyard with an identification card, a wide-brim hat, and a short wave radio. The Rangers' uniform was designed to blend-in with the natural color of the desert, while making the Rangers an easily identifiable community resource. Wearing dyed hair, and displaying their tattoos and colorful nail polish allow Rangers to demonstrate their status as community members, and to customize their uniforms.

In an effort to help Rangers appear "approachable and trustworthy,"[89] they are expressly discouraged from wearing clothing with war motifs, camouflage, black or dark shirts, "or other items or clothing that would make participants think of 'cop' or 'military' or 'security guard.'"[90] Additionally, they are also deterred from

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81. *Id.* at 31.

82. *Id.*

83. Interview with "Jade," Burning Man participant, in Black Rock City, Nev. (Aug. 27, 2008) (on file with author).

84. Interview with "Rick Spacecraft," Burning Man participant, in Black Rock City, Nev. (August 27, 2008) (on file with author).

85. Unfortunately, Black Rock City Rangers do not keep statistics about how many cases they process, what outcomes, and which actors are involved – or if they do, none of this data is shared with the public.

86. Interview with "Truckee," Burning Man participant, in Black Rock City, Nev. (August 28, 2006) (on file with author); Interview with "Jason," Burning Man participant, in Black Rock City, Nev. (August 28, 2006) (on file with author); Interview with "Betsy Beth," Burning Man participant, in Black Rock City, Nv. (August 29, 2010) (on file with author); Interview with "Jonah," Burning Man participant, in Black Rock City, Nev. (August 31, 2012) (on file with author).

87. Interview with "Dawn," Burning Man participant, in Black Rock City, Nev. (Aug. 28, 2008) (on file with author).

88. *Rangers Manual 2012*, *supra* note 75, at 12.

89. *Id.*

90. *Id.*

dressing or behaving "in a way that projects sexual power or other kind of power,"[91] or that "send[s] a message of hostility or aggression."[92]

Rangers' role in managing and diffusing conflict, and helping to maintain social balance at Burning Man, is best illustrated with the following examples drawn from multiple observations of their work.

1. "Stolen" Bicycles

Use of vehicles on the playa is restricted to pre-registered mutant vehicles.[93] As such, bicycles have become the favorite mode of transportation at Burning Man. Although some people prefer to walk around the city, the vast distances between camps and art installations scattered around the seven square-mile playa are best navigated by bicycle.[94] In recent years, the Burning Man organization has increasingly encouraged the bicycle culture in Black Rock City,[95] instituting a community bicycle program called "The Yellow Bikes."[96]

Bicycle loss is a persistent problem at Burning Man. Since at least 2003, the organization has publicly acknowledged the issue and has continuously mentioned it in the AfterBurn Annual Report.[97] Figure 2, below, compares the number of bicycles reported lost or stolen each year, to the number of bicycles found after the event, since 2006.

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91. *Id.*

92. *Id.*

93. *What is a Mutant Vehicle?*, BURNING MAN,
http://www.burningman.com/on_the_playa/playa_vehicles/dmv.html (last visited Jan. 29, 2014).

94. *AfterBurn Report 2004*, BURNING MAN,
http://afterburn.burningman.com/04/community/bikes.html (last visited Jan. 29, 2014).

95. *AfterBurn Report 2003*, BURNING MAN,
http://afterburn.burningman.com/03/community/bikes.html (last visited Jan. 29, 2014) (stating that since at least 1997, bicycle repair points managed by volunteers (the Bike Guild) have been established in different parts of the city. Some offer direct repairs while others (the Bike Gods) simply lend tools to burners and teach them how to maintain and repair their own bikes).

96. *AfterBurn Report 2006*, BURNING MAN, http://afterburn.burningman.com/06/community/
bikes.html (last visited Jan. 29, 2014); PROVO, *White Bicycle Plan Manifesto*,
http://www.gramschap.nl/provo/chrono/prpk5.jpg. *See also, AfterBurn Report 2007*, BURNING MAN,
http://afterburn.burningman.com/07/community/bikes.html. Under this program, inspired in Amsterdam's white bicycle plan (witte fietsenplan), hundreds of bicycles are made available in different places throughout the city so people can use them for short rides and then leave them for the next person. The inventory of yellow bikes (although the bicycles are painted in bright green color) is made up of hundreds of bicycles left behind by participants from previous years or directly donated to the community. *Id.*

97. *See AfterBurn Reports*, BURNING MAN, http://afterburn.burningman.com/ (last visited Jan. 29. 2014).

Figure 2: Bicycle Loss at Burning Man (2006-2010)[98]
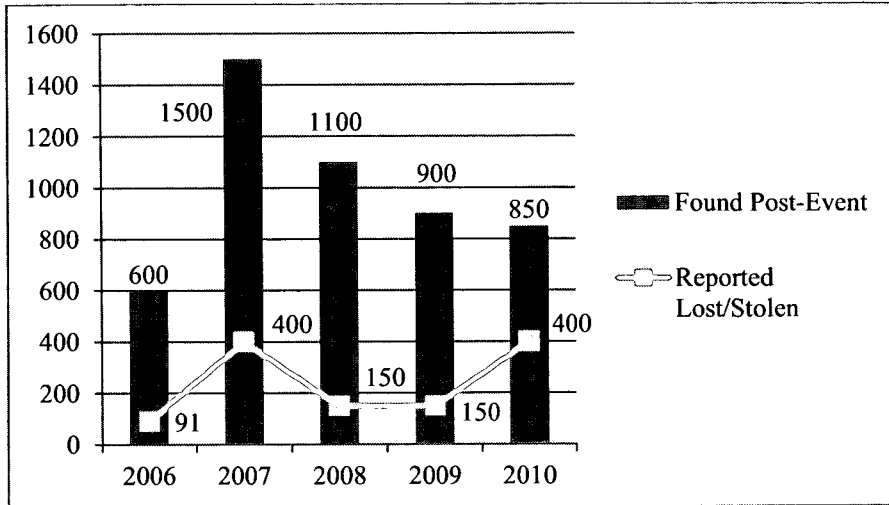
According to this data, an average of 238.2 bicycles have been reported lost or stolen at Burning Man each year, since 2006. An average of 990 bicycles are found in the desert each year, after the event. This figure includes some bicycles that are reported lost or stolen, which are generally later abandoned by the thief, but the precise number of recovered bicycles is unknown.[99]

The Black Rock Rangers have played a vital role in preventing the theft of bicycles and in resolving disputes surrounding bicycles thefts or misappropriation. State law enforcement officers present at Burning Man do not act on reported bike thefts, unless they witness a bike being stolen,[100] which is rare given that egalitarian culture and emphasis on sharing at the event.[101] Even when law enforcement officers are able to detain a suspect, "if the owner cannot provide proof of ownership for the retrieved cycle, then the suspect may be released without charge and may be given the stolen bike on release."[102] Despite these significant barriers, Rangers still assist community members in recovering their bicycles. According to official Burning Man reports, the Rangers have also frustrated attempts to steal multiple bicycles.[103]

After observing a Ranger mediate a dispute between two burners, over an allegedly stolen bicycle, the Ranger shared his thoughts on the dispute:

[The alleged thief] must have been just a joyrider, in other words, people who 'borrow' bikes just to get to a place and then leave them there, which I suspect is what happens in most cases here in BRC. But this guy probably became attached

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98. *Id.*
99. *See generally* Shane D. Johnson et al., U.S. DEP'T OF JUSTICE, PROBLEM-ORIENTED GUIDES FOR POLICE, PROBLEM-SPECIFIC GUIDES SERIES NO. 52: BICYCLE THEFT, at 6 (2008), http://www.cops.usdoj.gov/Publications/e060810143.pdf [hereinafter BICYCLE THEFT REPORT].
100. *AfterBurn Report 2004, supra* note 94.
101. *See* BICYCLE THEFT REPORT, *supra* note 99, at 5.
102. *AfterBurn Report 2004, supra* note 94.
103. *Id.*

to the bike . . . That is clearly wrong and should not be encouraged, but we can always seize the opportunity to help educate people, so they become better citizens.[104]

Rangers are also instrumental in recovering official Burning Man Yellow Bikes from misappropriation by burners who try to take them as souvenirs.[105] When roaming the playa, Rangers are attentive to signals that a Yellow Bike is being misappropriated. In such cases, Rangers reiterate the purpose of the Yellow Bike program to the perpetrator, and the importance of keeping the bicycles "flowing in the community."[106] In most cases, riders relinquish the bikes and Rangers return them to a community rack. "It is all about encouraging people to live by the Ten Principles. Most people who do this sort of thing do not understand well the implications of their actions and the harm it does to the community. But when you remind them, they do."[107] According to the Rangers interviewed, bicycles thefts have only warranted law enforcement intervention in one case. Several years ago, the Rangers sought the help of the police help to thwart an attempted theft of several bicycles.[108] The Rangers reported that the vast majority of cases "are usually resolved by the Rangers without any outside intervention."[109]

2. Public and Private Spaces

With the exception of the areas occupied by villages, theme camps, and "official" Burning Man departments, campsites at Burning Man lack any type of fence or physical barriers between them. Moreover, numerous camps are designed so as to invite people to enter and participate in the activities taking place there.[110] True to the "no-spectator" rule that guides the event, many art installations are participatory, and almost all mutant vehicles that roam the playa allow anyone to hop on and off as they please. The emphasis on participation and sharing blurs the line between public and private spaces at Burning Man.

The highly inclusive nature of the event, however, is not meant to imply that private property is not respected at Burning Man. Following the principle of radical self-reliance, burners come to the event with personal possessions, including equipment, clothes, shelter, food, and transportation. There is no expectation that the burners' personal effects, shelter, food, or even their bicycles should be automatically offered for communal use upon arrival to the playa. However, because of the pervasive attitude of sharing that characterizes Burning Man, incidents in-

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104. Interview with Ranger "AB" (Black Rock City Ranger) in Black Rock City, NV. (Aug. 26, 2008) [hereinafter Ranger AB interview 2008] (on file with author).

105. *See* Interview with "DV" (Burning Man Participant), in Black Rock City, NV. (Aug. 27, 2012) (on file with author).

106. Interview with Ranger 6, Blackrock City Ranger, in Black Rock City, NV (Aug. 26, 2012) [hereinafter Ranger 6 Interview] (on file with author).

107. *Id.*

108. *AfterBurn Report 2004, supra* note 94.

109. *See* Ranger 6 Interview, *supra* note 106.

110. *See* BURNING MAN, *What, Where, When Guide*, Aug. 2006, 2008, 2010, 2012 (on file with author). Every year, the Burning Man organization publishes a sixty-page catalog titled "What, Where, When," which contains a listing of performances, gatherings, and parties, rituals, and other events held daily throughout the event. The guide is distributed to participants upon arrival, and also made available at Playa Info. Almost all of these events are hosted by camps and offered as a gift to the community. *Id.*

evitably occur regarding what is private and what participants have decided to share with, or gift to, the community.

Some of the most common incidents are camp boundary disputes between neighbors, the use of someone else's personal property without their consent, and participants overstaying their welcome at a camp. As the community has matured and Black Rock City has grown, the Burning Man organization has adopted strategies to minimize boundary disputes. The most visible strategy is the "urban planning" of Black Rock City, prior to the event. Burning Man organizers create a blueprint for the city that allows them to assign a space to each village, theme camp, and art installation in Black Rock City.[111] By the time participants arrive in Black Rock City, the Placement Team has already outlined boundaries with markers and survey flags. A volunteer "placer" is assigned to help members of every major camp, art installation, or CORE project[112] to confirm their pre-assigned space and resolve any boundary issues from the outset.[113] Boundary disputes between the first settlers to arrive tend to be minor, but as the masses flock to the playa and more land is occupied, boundary disputes proliferate.[114]

In order to maintain control and order, all villages and camps must designate a representative and a group of core members responsible for communicating with the organization and other villages and camps.[115] As previously discussed, the representative for a village is its "mayor."[116] This organizational structure allows the Burning Man organization to be aware of any major issues that arise throughout the week. However, conflicts that arise among campmates, or between different camps within the same village, are usually resolved internally by that camp or village's own system of private governance.[117] Methods of dispute resolution utilized within villages include two-way negotiations between parties, informal mediation and consensus building involving all members of a camp or village, and even unilateral adjudication by the leader of the camp or village.[118] It is not known how many such disputes occur, or how many are successfully resolved before they require outside intervention. However, burners and Rangers interviewed believe

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111. *Theme Camp & Village Resource Guide, supra* note 60.

112. CORE stands for "Circle Of Regional Effigies" that represent the Burning Man Regional groups worldwide. Every year, each regional group creates an art installation that represents their region, and which is burnt on Thursday night. In 2012, there were thirty-four wooden effigies as part of the circle. *2012 Circle of Regional Effigies,* BURNING MAN, http://www.burningman.com/whatisburningman/2012/art_core.html?yy=2012 (last visited Jan. 29, 2014).

113. *Planning a Village, supra* note 61.

114. *Rangers Manual 2012, supra* note 74, at 31.

115. *Planning a Village, supra* note 61.

116. *Id.*

117. Interview with "Joe," camp leader, in Black Rock City, NV. (Sept. 2. 2006) [hereinafter Joe's Interview 2006] (on file with author); Interview with "Betsy," camp coordinator, in Black Rock City, NV. (Aug. 29, 2008) [hereinafter Betsy's Interview 2008] (on file with author); Interview with "Richard," camp leader, in Black Rock City, NV. (August, 27, 2012) [hereinafter Richard's Interview 2012] (on file with author).

118. In my interaction with villagers and different theme camps (including my own) I was able to observe an array of different methods for addressing neighboring disputes. Some were particularly colorful, like the "lobster attack" staged by the Census camp against the Media Mecca over a disagreement. This was not a property or boundary dispute, though.

that the members of the theme camps and villages successfully resolve the majori-
ty of disputes that arise within their groups.[119]

While most issues are resolved directly by the parties, the Rangers' assistance
is frequently sought.[120] The Rangers routinely intervene when disputes among
campmates or villagers have escalated, or when "outsiders" become involved.[121]
When helping to resolve public/private space disputes, the Rangers serve a variety
of roles. Rangers act as traditional mediators, assisting disputing parties in reach-
ing a mutually acceptable solution, perform a community police function, and
serve as intermediaries between the Burning Man community and law enforce-
ment officials. Additionally, parties often use the Rangers as a sounding board for
their own proposed solutions. In several observed cases, the parties had reached a
solution on their own, but sought the input of a Ranger to help them devise a
workable plan to implement their solution. To minimize public/private space dis-
putes, Rangers also act as a "community police force," ensuring that participants
do not park their vehicles in the "streets" or other public areas, or drive through
private camps.[122]

In some cases the Rangers' intervention is only the first step in a multi-
layered dispute resolution process. One such case involved an allegation of tres-
pass against a guest who overstayed his visit to Camp Incongruence. The individ-
ual in question had apparently arrived two days earlier with a group of people to
attend a party hosted by Camp Incongruence, and never left. At first, Camp In-
congruence's members tolerated the presence of their guest and were very hospi-
table toward him. When it became apparent that the guest intended to stay, and his
obstinate presence began to make people uncomfortable, they kindly asked him to
leave. When he refused, a heated argument ensued and the Rangers were called
for help. The alleged trespasser became hostile towards the Rangers, prompting
them to involve the Law Enforcement and Agency Liaison (LEAL) team.[123] Ulti-
mately, the LEAL tem was forced to seek the help of law enforcement officers
(LEO), who took the trespasser into custody.[124]

3. Coordination with LEO

The effective handling of such cases is possible because of the successful co-
ordination between the Black Rock Rangers, LEAL, and LEO, and the collegial
relationships that they have developed over the years.[125] To ensure the continued
synchronization of all even security activities, the Rangers are members of the

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119. *See* Betsy's Interview 2008, *supra* note 117; Interview with Tim, village leader, in Black Rock
City, NV (Aug. 28, 2008) (on file with author).

120. Some of the larger villages are encouraged by the Burning Man organization to consider having
their own "Resident Ranger." *See Planning a Village*, supra note 61.

121. *See* Ranger 6 Interview, *supra* note 106.

122. *See, e.g.*, 427 Searcher, *No Trespassing*!!!!!!!!!!!!!!!!!!!!!!!! (May 25, 2009, 1:33 PM),
http://bm.tribe.net/thread/107746ab-462b-4594-aee4-9070531a2591 (describing one case of Ranger
intervention that prevented participants from driving through certain areas or camp).

123. *Rangers Manual 2012*, *supra* note 75, at 31. LEAL Rangers "are Ranger response and Ranger
backup on playa in any situation that has Law Enforcement implications." *Id.*

124. The individual in question might have been arrested and charged with constructive trespass and
perhaps other crimes, but the crime statistics for that year do not show any arrest for trespassing.

125. *Rangers Manual 2012*, *supra* note 75, at 31.

Playa Safety Council (PSC), which is responsible for security at Burning Man.[126] The PSC is comprised of volunteer representatives from LEAL, the Emergency Services Department (ESD), the Department of Mutant Vehicles (DMV), Perimeter, Gate and Exodus (PG&E), and Airport Operations.[127]

During the weeklong event, PSC members meet daily to ensure the efficient implementation of Burning Man's comprehensive event-security strategy. This strategy includes perimeter security and ticket integrity, emergency medical services, child safety policies, vehicle safety, and a contingency plan.[128] PSC is also responsible for coordinating the work of the various federal and state agencies involved in Burning Man. The scope of activities and obligations of each government agency are outlined in the Burning Man Operating Plan (OP).[129] The OP is submitted to the Bureau of Land Management (BLM) each year, and published on the Bureau's website. The organizers of Burning Man are required to provide the annual OP to the BLM in order to obtain the Special Recreation Permit[130] required for Burning Man to use the public land on which the event has taken place since 1992.[131]

4. Playa Crimes

While burners generally exhibit a high degree of law-abiding behavior, the use and possession of drugs and drug paraphernalia is one of the most polemic law enforcement issues at Burning Man. The organization has repeatedly stated that is "does not promote or condone the use of illegal drugs,"[132] The Burning Man Project has developed an explicit controlled substance and alcohol abuse policy,[133] which warns participants that "the use and possession of illegal drugs at (or near) Burning Man are violations of Federal, State and County law."[134]

The "Burning Man Survival Guide," is given to all Burning Man participants and includes a thorough description of Burning Man's drug and alcohol policy, as well as an explanation of the possible consequences of violating the law. The guide also includes recommendations for how to interact with law enforcement officials.[135] Despite these precautions, the media continues to depict Burning Man

126. ENVIRONMENTAL ASSESSMENT, *supra* note 73.

127. *Afterburn Report 2009*, BURNING MAN, http://afterburn.burningman.com/09/playa_safety/ (last visited Jan. 29, 2014).

128. *See e.g.,* BUREAU OF LAND MGMT., *Burning Man 2011 Operating Plan*, http://www.blm.gov/pgdata/etc/medialib/blm/nv/field_offices/winnemucca_field_office/nepa/recreatio n/0.Par.1113.File.dat/2011%20Operating%20Plan.pdf. .

129. *Id.*

130. *See generally* Permits for Recreation on Public Lands, 43 C.F.R. § 2930 (2011).

131. With the exception of 1997 when the event was held on private land on Hualapai Flat in Washoe County, Nevada, Burning Man has been held on public land located in the southern end of the Black Rock Desert Playa since 1992. *See* ENVIRONMENTAL ASSESSMENT, *supra* note 73.

132. *See, e.g.,* BURNING MAN SURVIVAL GUIDE 2012, http://survival.burningman.com/wp-content/uploads/2012/07/BM_SurvivalGuide2012.pdf [hereinafter SURVIVAL GUIDE 2012].

133. Black Rock City, LLC, *Controlled Substance & Alcohol Use Policy* (2012), http://www.burningman.com/media/doc/pdf/blm_stipulations/2012_drugalcoholpolicy.pdf.

134. *Id.*

135. SURVIVAL GUIDE 2012, *supra* note 132, at 16.

as a drug-fueled desert party,[136] and law enforcement agencies devote more re-
sources to prosecuting drug crimes at the event than to any other offenses. The use
of undercover, costumed officers,[137] drug-detection dogs, "night vision goggles
and other technical equipment to detect illegal drug use and trafficking" seem to
have become routine at Burning Man, over the last few years. [138] Lawyers For
Burners, a volunteer organization that helps burners that are cited or arrested at the
event to find lawyers, has reported the use of sting operations against alleged drug
traffickers, as well as severe and abusive treatment of suspects by BLM offic-
ers.[139]

Over the years, only a few arrests of Burning Man participants have reached
the media.[140] While some members of the media have suggested these cases repre-
sent only a small sample of the large amount of criminal activity that occurs at
Burning Man, the evidence suggests that this is not the case. The official statistics
published by law enforcement agencies, the perceptions of participants inter-
viewed, and research observations indicate that instances of criminal activity at
Burning Man have not increased. As Figure 3 demonstrates, since 2001, BLM
officers have made an average of six arrests and given an average of 174.75 cita-
tions at Burning Man each year. With the sole exception of 2012, when a record
twenty-two arrests were made, arrest statistics have barely reached ten cases per
year, and there have been no cases of serious crime.[141]

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136. *See, e.g., The New Issue of Rolling Stone: The Liberation of Adam Lambert*, ROLLING STONE,
(June 9, 2009), http://www.rollingstone.com/music/news/the-new-issue-of-rolling-stone-the-liberation-
of-adam-lambert-20090609; Jay Michaelson, *The Truth About Burning Man*, HUFFINGTON POST (Sept.
8, 2009), http://www.huffingtonpost.com/jay-michaelson/the-truth-about-burning-m_b_279464.html;
Keith Axline, *Drugs and Sex and Burning Man*, WIRED (Oct. 14,
2005), http://www.wired.com/culture/lifestyle/news/2005/10/69207.

137. LAWYERS FOR BURNERS, http://www.lawyersforburners.com/2008 (last visited Oct. 15, 2013).

138. *See* SHIELDS, *supra* note 7, at 92.

139. Some have complained about being shackled by BLM officers during several hours, while others
claimed to have been "chained to a restraining chair used to draw blood samples". LAWYER'S FOR
BURNERS, *supra* note 137.

140. A recent example was the arrest of Robert Louis Ruenzel II and Lindsey Ann Neverinsky, a
couple charged for the possession of narcotics while on their way to Burning Man. Although their case
was widely covered by the local media for a while, they ended up pleading guilty to a misdemeanor
charge of simple possession of a controlled substance, and were also barred from returning to the
festival. Scott Sonner, *Strange Court Case for Burning Man Drug Suspects*, DENVERPOST.COM (Sept.
3, 2012), http://www.denverpost.com/breakingnews/ci_21460075/strange-court-case-burning-man-
drug-suspects?sou. Another newsworthy arrest, this time for arson, took place in 2007 when partici-
pant Paul David Addis was taken into police custody for setting ablaze the effigy of "the Man" five
days before the scheduled burn. Addis was later charged and convicted of felony charges of arson and
destruction of property and served two years in a Nevada prison. Joe Garofoli & Leslie Fulbright,
Burning Man is Burned too soon – Arson Arrest, SFGATE.COM (Aug. 28, 2007, 4:00 AM),
http://www.sfgate.com/news/article/Burning-Man-is-burned-too-soon-arson-arrest-2524487.php.

141. *See* Complaint at ¶ 34, Black Rock City LLC v. Pershing Cnty. Bd. of Comm'rs et al., No. 3:12-
cv-00435 (D. Nev. Aug. 16, 2012) [hereinafter Complaint, Black Rock City].

Figure 3: BLM Citations and Arrests Made at Burning Man, 2001—2012

	2001	**2002**	**2003**	**2004**	**2005**	**2006**
Number of participants	25659	28979	30586	35664	35567	38989
Number of BLM citations	100	135	177	218	218	155
Number of arrests	5	0	10	1	6	1

	2007	**2008**	**2009**	**2010**	**2011**	**2012**
Number of participants	47097	49599	43558	51454	53963	56149
Number of BLM citations	331	129	287	293	42	230
Number of arrests	1	6	9	8	3	22

The total number of arrests made at Burning Man during the last twelve years, 72, is significantly lower than the number arrests made in a single year at comparable mass gathering, such as the Coachella Valley Music and Arts Festival (235 arrests in 2012) and the Stagecoach Country Music Festival (174 arrests in 2012).[142] The low arrest rate at Burning Man cannot be attributed to insufficient law enforcement officers at the event. According to a 2011 statement by Pershing County's Sheriff Office, "there were sufficient personnel most of the time to handle the incidents as they occurred."[143] In 2011, twenty-two county police officers were deployed at the event. In 2012, this number was increased to forty-four officers.[144] BLM officers who are present at the event are responsible for enforcing federal land laws, and officers from state and county law enforcement agencies are responsible for enforcing state and county laws in the area surrounding Black Rock City.[145]

In stark contrast with the portrayal of Burning Man as an anarchic and radical mass gathering, the available data indicates that Burning Man is a remarkably low-crime event with a high level of social order. The presence of law enforcement officials certainly contributes to participant safety, and the Black Rock

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142. Other events that have been contrasted with Burning Man regarding crime statistics are the Ozzfest Concert in Cleveland (population of about 15,000), where more than one hundred arrests were made in 2004 (compared to only one at Burning Man with a population of 35,664), and the Ultra Music Festival in Miami, where 117 arrests were made in 2004 (population of 15,000 to 35,000). *See* Dana Harrison, *Too Much of a Good Thing: How Spiraling Law Enforcement Costs for Burning Man are Threatening Conservation in the Black Rock Desert-High Rock Canyon Emigrant Trail National Conservation Area* 6-7 (June 1, 2005) (on file with author).

143. Complaint, Black Rock City, *supra* note 141, at ¶35.

144. *See County Cops Duke It out with Feds for Burning Man Buck$*, BURNERS.ME: BURNING MAN COMMENTARY BLOG (updated Aug. 23, 2012), http://burners.me/2012/08/17/county-cops-duke-it-out-with-feds-for-burning-man-buck/.

145. These law enforcement agencies include the Nevada Highway Patrol, the Pyramid Lake Paiute Tribal Police, and the Washoe County Sheriff's Office.

Rangers play an important role in galvanizing cooperative and law-abiding behavior by burners. But Rangers are only minimally trained event participants, and are vastly outnumbered by festival participants. It is evident that the high degree of social order observed at Burning Man does not result solely from the presence of law enforcement officials or the few hundred Rangers, at the event, but also from the participants' own willingness to cooperate voluntarily and their abidance to Burning Man's principles and social norms.

III. ORDER OUT OF CHAOS AT BURNING MAN

A. Burning Man as Carnival

Environments that encourage the subversion of order pose a unique obstacle to law enforcement agencies. Carnivals are one such environment that encourages subversion. Carnivals are social settings with the primary purpose of offering visitors an escape from mainstream society, generally by encouraging transgression, license, and excess.[146] Carnivals offer participants the opportunity to temporarily escape from the mundane norms of everyday life, by creating a liminal space where individuals can obtain physical, social, or spiritual gratification.[147] Although there are many different types of carnivals, they generally promote a celebratory atmosphere, whether religious, pagan, or profane, during which the everyday order and normal social hierarchies are discontinued. Carnivals create this environment by encouraging participants to express themselves through music and artistic performances, by engaging in rituals, wearing costumes, or changing their physical appearance. These activities allow participants to convey their temporary rejection of what is safe, normal, and acceptable.[148] The festive atmosphere and behavioral license common to carnivals is often associated with a transient subversion of the social order[149] and "the norms of high culture"[150] thus fostering lawlessness.[151]

The atypical and subversive environments of carnivals explain the widespread perception that unruly behavior and social disarray escalate during carnivals, festivals, and similar mass gatherings.[152] Carnivals are, thus, perceived as fostering lawlessness, and commonly result in the increased presence of law enforcement agencies during the event. Not surprisingly, such heightened police presence often

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146. Neil Ravenscroft & Xavier Matteucci, *The Festival as Carnivalesque: Social Governance and Control at Pamplona's San Fermin Fiesta*, 4 TOURISM, CULTURE AND COMMC'N 1, 8 (2003) [hereinafter Ravenscroft, *Festival as Carnivalesque*].

147. The idea of liminality has been thoroughly explored by social scientists in the context of religious and other experiences. *See* ARNOLD VAN GENNEP, THE RITES OF PASSAGE (1960); SHIELDS, ON THE MARGIN, *supra* note 7, at 84.

148. CHRIS HUMPHREY, THE POLITICS OF CARNIVAL: FESTIVE MISRULE IN MEDIEVAL ENGLAND xiii (2001).

149. Getz & Cheyne, *Special Event Motivations and Behaviours*, *supra* note 9, at 137.

150. SHIELDS, ON THE MARGIN, *supra* note 7, at 92.

151. Getz & Cheyne, *Special Event Motivations and Behaviours*, *supra* note 9, at 139; *see also* Joseph Roach, *Carnival and the Law in New Orleans*, *supra* note 8.

152. Ravenscroft, *Festival as Carnivalesque*, *supra* note 146, at 6. *See also* Lena Mossberg & Donald Getz, *Stakeholder Influences on the Ownership and Management of Festival Brands*, 6 SCANDINAVIAN J. HOSPITALITY & TOURISM 308, 313 (2006) (describing negative media attention on festivals).

translates into a rise in the number of arrests and citations issued to carnival-goers. Carnival organizers, seeking to minimize the reputation for lawlessness at their events, invest significant resources in security personnel, surveillance, and general safety.

While the Burning Man Project does not explicitly encourage lawlessness at Burning Man, its carnivalesque characteristics are undeniable. As discussed, burners attend Burning Man in order to escape from the routine social order of the default world. However, unlike many traditional carnivals and festivals, Burning Man does not foster lawlessness. What differentiates Burning Man from other carnivalesque events is the burners' active cooperation with other community members to diffuse crime and maintaining the internal social order.[153] With the assistance of the Black Rock City Rangers, who teach and reinforce Burning Man's Ten Principles, burners actively shape the social order of the Burning Man Community.[154] Burners do not attend Burning Man as spectators or consumers, but seeking to be incorporated into the social fabric of the Burning Man community. All Burning Man participants are expected to help build their temporary metropolis, to keep it running, and to help maintain the social equilibrium. The community norms embodied in the Ten Principles, and the social order maintained by the Black Rock City Rangers, are essential elements of Burning Man's self-regulatory model of order maintenance.[155]

B. Intra-Community Social Control and Private Ordering

The dynamics between law-abiding behavior and intra-group cooperation are of significant interest in the study of private ordering. Scholars have explored the normative standards relied on, and the mechanisms employed by members of different social groups to attain social order outside of official institutions. Scholars of private ordering have paid significant attention to the factors that influence law-abiding behavior within close-knit communities, and the connection between legitimacy and authority is almost always present in their findings. Most of the academic literature on private ordering looks at well-defined communities and social clusters that are at least partially, removed from an official legal system.[156] In these communities, the presence of an internal social hierarchy helps reach a desirable level of social equilibrium.[157] Frequently, the enforcement of norms is further ensured by the intervention of high-ranking or esteemed community mem-

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153. *See* Tom R. Tyler & Jeffrey Fagan, *Legitimacy and Cooperation: Why Do People Help the Police Fight Crime in Their Communities?*, 6 OHIO ST. J. CRIM. L. 231, 266 (2008) [hereinafter Tyler, *Legitimacy and Cooperation*] (For the police to be successful in controlling crime and maintaining social order, they must have active public cooperation, not simply political support and approval).

154. *Id.* at 263 ("To the degree that people are motivated by their values, they cooperate because they believe it is appropriate and proper, not because they believe it is in their immediate self-interest".).

155. *Id.* (discussing the important advantages of self-regulatory models of order maintenance).

156. *See* Marc Galanter, *Indigenous Law and Official Law in the Contemporary United States* 1, Symposium in Bellagio, Italy: State Institutions and Their Use of Folk Law: Theoretical and Practical Issues (Sept. 21-25, 1981) (unpublished manuscript) (on file with author) [hereinafter Galanter, *Indigenous Law*].

157. Following Galanter, "by indigenous law (we) refer not to some diffuse folk consciousness, but to concrete patterns of social ordering to be found in a variety of institutional settings." *Id.* at 2.

bers that are empowered to settle disputes.[158] None of these features, however, appear to exist in the case of Burning Man; which is also portrayed as radical community.

Burning Man's apparent rejection of mainstream society and idealistic ethos has led to comparisons between Burning Man and utopian societies.[159] But careful analysis of the Burning Man community reveals that its departure from the ordinary, and seemingly utopian rebellion against high culture is only superficial and temporary. Burning Man's carnivalesque traits create a liminal space for transgression, license, and excess.[160] However, this atmosphere is not promoted to undermine the external legal order, but rather to re-legitimize positive social values. This is achieved by energizing the community to participate in a shared venture, and to experiment with different forms of innovation in a controlled environment. Members of the Burning Man community affirm their allegiance to the Ten Principles.[161] Most of these principles are neither indigenous to Burning Man nor opposed to mainstream society.[162] Rather, the principles are aligned with the external social values of what burners call the default world. That is, the values of industrialized, western, and liberal societies. The "leave no trace" principle, for example, which has been widely adopted by the Burning Man community was not invented by burners, but its origins can be traced back to the 1970s when it became an official policy of the US government.[163]

C. What Promotes Order in the Desert

When they traverse the Nevada desert each summer, Burners embark on a temporary adventure, knowing that they will return to the default world and their daily routine at the end of the week. First-time burners drive into the desert without knowing what they will encounter, or how they will interact with the elements. The portrayal of Burning Man as an environment devoid of institutions, or as a place that encourages excess and lawlessness, gives outsiders the impression that there are no norms to which participants are bound.

Anonymity is also a way to obliterate the social hierarchies and stratification of the default world, and to promote an appearance of egalitarianism. Even those participants who volunteer as Black Rock City Rangers are encouraged to blend in with the burners and to avoid resembling law enforcement officers. Full-time employees of the Burning Man Project also conduct themselves in a manner that

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158. *See* Tehila Sagy, *What's so Private About Private Ordering?*, 45 LAW & SOC'Y REV. 923, 926 (2011).

159. *See, e.g.*, Rachel Bowditch, *The Somatic City: Rehearsing Utopia at the Burning Man Festival* (2010), http://people.lib.ucdavis.edu/~davidm/xcpUrbanFeel/bowditch.html; Larry DeVincenzi, *Burning Man: Counter Culture or Social Utopia?*, SMARTBRANDBLOG (Sept. 1, 2010), http://smartblog.wordpress.com/2010/09/01/burning-man-counter-culture-or-social-utopia/.

160. *See generally* Chris Rojek, *Disney Culture*, 12 LEISURE STUDIES 121 (1993).

161. *See supra* notes 5, 38, 41-43 and accompanying text.

162. Perhaps with the exception of decommodification, self-reliance, and self-expression. *Id.*

163. That is the case of the "leave no trace" principle, which was promoted as part of an effort during the 1970s to educate the general public to assist in minimizing the environmental degradation that resulted from a surge on outdoors activities in the United States. *See* Jeffrey L. Marion & Scott E. Reid, *Development of the U.S. Leave No Trace Program: An Historical Perspective* (Jan. 2001) (unpublished manuscript) (on file with author).

blurs the social hierarchy that might otherwise set them apart from the community. BLM officers, police, and members of other government agencies deployed at the event are the only people who are visibly different from the community.

As discussed, such a perceived absence of authority or hierarchical order could be expected to breed disorganization, social unrest, or "anti-law."[164] At Burning Man, however, the appearance of egalitarianism and inclusion motivate participants to engage in law-abiding behavior and to cooperate with the community. The inclusive nature of Burning Man invites participants to sign up as volunteers and take part in giving life to Black Rock City. People are also encouraged to help enrich the social fabric and promote communal rapport by "gifting" any object, talent, or activity of their choice. Furthermore, by feeling included in the group, participants become socially motivated to adhere to the Ten Principles, and cooperate voluntarily with the community to maintain order. This motivation can be explained by three observed psychosocial dynamics present at Burning Man.[165]

First, event volunteers derive individual satisfaction from completing tasks that they find enjoyable and interesting, such as helping build structures and art installations, organizing leisurely activities, and offering tangible goods and their talents as gifts to the community.

Second, by engaging in activities of collective benefit, participants develop a sense of commitment and loyalty toward their group and the general Burning Man community, which acts as a social motivator. As discussed, many theme camps build large-scale art installations, host dance floors, provide services, and organize activities, offered as communal gifts. In order to provide these community benefits, campmates or villagers generally work year-round preparing for the event. This helps foster group identity and a willingness to cooperate with others.[166] The group dynamics and sense of community that develop within theme camps and villages trickle down to smaller camps with whom they interact, and even to individual burners, who are in turn encouraged to follow the camps' norms and cooperate with them.

Finally, the emotional or affective predisposition of Burning Man participants toward the community is an important social motivator for law-abiding and cooperative behavior. From the initial hugs offered by the Greeters in charge of "welcoming [burners] home," to the friendly demeanor of the Rangers and other volunteers, Burning Man elicits positive emotions in participants. These positive emotions influence and strengthen the bonds between participants and the community, and increase the perceived legitimacy of the internal social order.

The members of Burning Man's fast growing community have shown little or no resistance to accepting and internalizing the internal values of the organization. This is not surprising, as these values are also aligned with the ideals of western, industrialized and liberal societies. As a result, even first-time burners who travel from distant countries quickly embrace the ethos of the community upon their arrival to the playa. They may have never met another burner before, but their acceptance of the Ten Principles contributes to the social order of the event. The

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164. *See* Walter O. Weyrauch, *Unwritten Constitutions, Unwritten Law*, 56 WASH. & LEE L. REV. 1211, 1215 (1999).

165. *See* TYLER, WHY PEOPLE COOPERATE, *supra* note 22, at 32 (discussing the different attitudes that are relevant to motivation in group settings).

166. *See* Tyler, *Legitimacy and Cooperation, supra* note 153, at 262.

interconnectedness of modern society has played a role in spreading values throughout the world. The shared demographic traits of many burners also provide a foundation for Burning Man's social order. Burners are largely members of a self-selected community that continues to grow and expand at a rapid pace. True to its idea of radical-inclusion, the community continues to penetrate the default world with its re-interpreted value system that fosters creativity and individual expression.

IV. CONCLUSION

A study of the factors that motivate law-abiding behavior is essential to understanding how communities establish a social order that is aligned with the legal system. Although most scholars have limited their focus to law-abidance in the context of everyday social settings, there is value in looking beneath the surface mainstream society, and deeply at more unusual social contexts such as Burning Man. By looking at the social dynamics that take place in extraordinary social settings, like Burning Man, we are able to step out of the realm of ordinary life, and see how social order is attained in a liminal zone, outside the influence of mainstream society. Burning Man also challenges the conventional wisdom about private ordering and utopian societies, due to its temporary nature.

Most of the news reports about Burning Man have focused their attention on the operation of external social control techniques, emphasizing the role of law enforcement and state agencies in minimizing unruly behavior at the event. By shifting its attention to the intra-community mechanisms at work at Burning Man, and their ability to motivate cooperative behavior, the research presented here touches a more fundamental issue: What motivates law abidance and cooperation, and ensures order at Burning Man, despite the limited presence of the formal social and political hierarchies found in mainstream society? The answer cannot be found exclusively in the Black Rock Rangers, but in a variety of factors, including the active participation of the attendees to the event. Notwithstanding, the role of the Rangers is important in helping diffuse conflict and settle intra-community squabbles. Additionally, the Rangers help disseminate and uphold the community's internal values, as embodied in the Ten Principles, and motivate participants to maintain the social order in Black Rock City. The success of the Rangers is due in part to the perceived legitimacy they enjoy as members of the community.

Another important factor is related to the fact that Burning Man fosters individual expression and creativity. The values celebrated by the Burning Man community are those of Western, modern, and liberal societies, the global dissemination of which has been facilitated by modern communications. By isolating themselves in the middle of a desert in a liminal setting, Burning Man participants are able to strengthen their social bonds, attain personal satisfaction, develop a group identity, and create an emotional bond with the community. These elements are essential to motivating law-abiding behavior, amenability to intra-community dispute resolution, and voluntary cooperation. By leaving society and relocating – albeit temporarily- in the desert, burners are able to establish a new community and attain an enviable level of social order, which not only guide their actions during the event, but presumably is likely to become part of their life after they return to the outside world.