VOLUME 138 FEBRUARY 2025 NUMBER 4

HARVARD LAW REVIEW

IN MEMORIAM: PROFESSOR GERALD E. FRUG

The editors of the *Harvard Law Review* respectfully dedicate this issue to Professor Gerald E. Frug.

Chief Judge David J. Barron[*]

Jerry gave me a whole way of seeing the world. He introduced me to the field of law — local government law — that would become my own for more than a decade. While on the faculty together, we collaborated on just about everything.

I first met Jerry at Harvard Law School when I went to see him about a student Note I had written. It was inspired by his article: *The Ideology of Bureaucracy in American Law*.[1] I was also enrolled in his course, Local Government Law — where every class offered a new, eye-opening twist.

Did you know federal civil rights laws might be anti-city? That federal anticorruption statutes were hostile to local self-government? That cities once were just a species of corporation? That community was an incoherent concept but also possibly the most important concept in the world — next, that is, to democracy, which depended on local self-government but also, wouldn't you know, on rejecting local autonomy?

Between that meeting and that course, I gained a friend. Jerry did not think much of distinctions, even though he was always writing about them. So, the teacher-student distinction was not something he thought worth emphasizing. Better to focus on the friend-friend relationship. And to be a friend of Jerry's was a gift. If you were in his world, you were in, and the friendship was amazingly unconditional.

I often wondered about this paradox about Jerry — he loved cities and the idea of what the theorist Iris Young calls "the being together of

---

[*] Chief Judge, United States Court of Appeals for the First Circuit, and the Louis D. Brandeis Visiting Professor of Law, 2024–2025, Harvard Law School.

[1] Gerald E. Frug, *The Ideology of Bureaucracy in American Law*, 97 HARV. L. REV. 1276 (1984).

strangers."[2] But I never knew him to like crowds. I don't even recall him particularly liking gatherings of any kind. I can count almost on one hand the times I saw Jerry with anyone else but Jerry — unless it was with my family or his.

Other than, that is, for a work meeting. We went to more meetings than he would have gone to — he often told me — if I had not suggested that we should. My favorites were our two meetings with Mayor Menino. Jerry and the mayor on the surface only had this much in common: very distinctive ways of using the English language. But you could tell the mayor liked Jerry and that Jerry liked the mayor. They each could spot a true city lover.

So, back to the paradox: What was it about cities that so captivated someone who was also so private and seemed most comfortable (when he was not teaching, that is) being away from the crowd, and then, not with a stranger, but with someone very close to him? Like any good paradox, there is no pat answer. But I think Jerry loved cities because they were a way for people to be together while being themselves. There was an anonymity in them that was the opposite of loneliness. No forced community. But no isolation either.

In his casebook — if you could call it that, given how many pages weren't devoted to cases at all — he included an excerpt from Robert Nozick's *Anarchy, State, and Utopia*.[3] To make the point that people are too different for there to be any one utopia, Nozick provided a list. The slimmed-down version reads: "Wittgenstein, Elizabeth Taylor, Bertrand Russell, . . . Yogi Berra, . . . Einstein, . . . Buddha, Frank Sinatra, . . . you, and your parents."[4] This list sounds very Jerry-like to me — especially the way the "you" suddenly pops up to implicate the reader.

What kind of utopia would Jerry want and who would he want in it? I know he would want his friends and his family. But he'd want a lot of other people, too. Why? Jerry loved the idea of distinctive people living together in their own distinctiveness. He somehow knew that it was very important for very different people to find a way to live together and not apart, walled from each other. But he also knew how important it was to be connected to those closest to you — very much apart from others.

I often wondered why Jerry and I clicked. Our work together seemed seamless, but I don't think we saw things the same way. In fact, I am quite sure we didn't. Jerry used to say: "Well, you really seem to be interested in Law." It was not meant to be a put-down, and I did not take it as one. But it was true that I was in a way he wasn't.

---

[2] IRIS MARION YOUNG, JUSTICE AND THE POLITICS OF DIFFERENCE 237 (1990).

[3] ROBERT NOZICK, ANARCHY, STATE, AND UTOPIA (1974).

[4] GERALD E. FRUG, RICHARD T. FORD, DAVID J. BARRON & MICHELLE W. ANDERSON, LOCAL GOVERNMENT LAW: CASES AND MATERIALS 103 (7th ed. 2022) (quoting *id.* at 310).

Jerry took great amusement by starting a conversation between us this way: "I have a legal question for you." He'd say it while using his distinctive emphasis on one of the words — usually the word "legal." He'd ask the question as if he had just encountered this strange concept called law and was looking for an expert who could help him understand it.

The question might be something like, "Can a state really make it a crime for a city official to take an action state law preempts?" I would say that there was a case on point and that there was logic to what it had held. He would look sort of puzzled and pleased — pleased, I think, that there might be a legal answer to his legal question but puzzled that the person who seemed to think there was an answer happened to be his friend.

Jerry was in rare form the last time I went to the city with him. It was to see the Cy Twombly show at the Museum of Fine Arts. He loved showing my wife and I Twombly's tricks that, without Jerry's help, we would not have seen. Jerry kept saying how amazing it was that Twombly had invented a whole new way of seeing things. Of course, Jerry had done the same.

Jerry's work not only redefined the field of American local government law. It influenced urban theory the world over, by combining history, doctrine, and theory to show that cities are products of our imagination, and so could be reimagined. But his work was also influential because it recognized how much cities mean to us, and how important it is to ensure they serve those whose lives depend on them.

After Jerry died, my daughter sent me her undergraduate senior thesis. It was about three interwar German novels and the role the hotel plays in them as a space at the threshold of being at home and being away from home. It explores the impossibility of bridging that gap and the possibilities that gap creates of living between rootedness and rootlessness. Sound familiar?

As I was reading the final chapter, I had this overwhelming urge to share the thesis with Jerry. I knew he would love it. I could picture what he would say. He would get that distinctive smile when he really liked something and then he would use a word that was very much his own: "Thrilling."

So, I thought, "Pretty good." Thirty-odd years ago I shared a paper of mine with Jerry that he liked and now, all these years later, I was sharing a paper of my daughter's that he liked, too. You could say Jerry's gone but I wouldn't. He is very much still with me and always will be.

John C.P. Goldberg[*]

As a teacher, Jerry Frug was beloved. As a scholar, he reenvisioned and revitalized an entire field. As a colleague, he was warm, witty, and wise; someone who made the workplace better. In short, his academic career was stellar.

To the wider world, Gerald Frug will be remembered as the Louis D. Brandeis Professor of Law, the pioneer of modern local government law, and the author of the seminal article *The City as a Legal Concept*,[5] the award-winning book *City Making: Building Communities Without Building Walls*,[6] and the still-flourishing casebook *Local Government Law*.[7]

This is just a small sample of his many contributions. Often these were the product of partnerships and friendships forged with fellow scholars. A prominent example is *City Bound: How States Stifle Urban Innovation* — a book written with his former student, then colleague, co-teacher, and friend, David Barron '94.[8] The groundbreaking volume had its genesis in a seminar they co-taught in 2001.

Jerry joined the Harvard Law faculty at a moment of transition for the study of law and for the status of cities in the United States. Adopting insights from Legal Realism and Critical Legal Studies, he was among a group of scholars whose works emphasized the ideological dimensions of law, and who sought to illuminate and enrich doctrinal analysis with the methods of social science. At the same time, cities around the country were thought to be in freefall, as middle-class residents fled to the suburbs. Jerry explored how law contributed to this process by erecting artificial boundaries between cities and their surrounding suburbs. And he argued for the elimination of those barriers through law reforms that would better enable cities to address common priorities and challenges in collaboration with regional partners.

Jerry's focus on cities extended beyond their physical and geographic architecture to the structures by which they are governed. He argued that systems designed for past eras often survive long after they have ceased to be effective, with new appendages being added over time as unforeseen challenges explode onto the landscape. The result, he said, was "a governance version of sprawl" that only further undermines the

---

[*] Interim Dean and Carter Professor of General Jurisprudence, Harvard Law School.

[5] Gerald E. Frug, *The City as a Legal Concept*, 93 HARV. L. REV. 1057 (1980).

[6] GERALD E. FRUG, CITY MAKING: BUILDING COMMUNITIES WITHOUT BUILDING WALLS (1999).

[7] FRUG, FORD, BARRON & ANDERSON, *supra* note 4.

[8] GERALD E. FRUG & DAVID J. BARRON, CITY BOUND: HOW STATES STIFLE URBAN INNOVATION (2008).

possibility of more fundamental reform.[9] "The only escape from this cycle," he believed, "is to begin . . . to think about the architecture of governance and, then, step-by-step, government-by-government, work on redesigning it."[10] His insights into the workings of government were no doubt informed by his service, prior to his teaching career, as a special assistant to the chairman of the Equal Employment Opportunity Commission in Washington, D.C., and as health services deputy administrator of the City of New York.[11]

A huge number of our graduates, some of whom have since joined our faculty, have been deeply influenced by Jerry, who also regularly taught first-year Contracts. The rapport he enjoyed with his students was obvious. If one were to generate a word cloud from student evaluations, the words that probably would appear in the largest font would include "clear," "hilarious," "engaging," "fantastic," and "favorite." More substantively, students consistently praised Jerry for making tangible for them the complex considerations on all sides of important legal cases or controversies while at the same time inspiring them to work assiduously to ensure that the law bends toward justice.

Jerry's career-long fascination with the health of urban areas and their relationships to the regions in which they exist gave him a perspective on society that will persist as long as people from different backgrounds and lived experiences live and work in shared spaces, from cities to law school campuses. As he told an interviewer nearly a quarter century ago:

> I don't use the term "community" to refer to the romantic notion of nurturing a shared sense of identity. I hope instead to foster the kind of relationship among strangers that cities have traditionally created throughout human history. City life has not been built on a feeling of solidarity or affection or acceptance. What it has offered instead is the idea that one can learn how to live and work with people who are not like oneself.[12]

"Everybody recognizes that American society is becoming more diverse," he added.[13] "The issue we face is deciding what we are going to do about it. One possible answer is to intensify the kind of separation and division of different kinds of people that local government now encourages. The better answer, I think, is to help people learn how to live in a diverse society."[14]

---

[9] Gerald Frug, The Architecture of Governance 14 (Oct. 6, 2011), https://law.utexas.edu/colloquia/archive/papers-public/2011-2012/10-06-11_Frug_The%20Architecture%20of%20Governance.pdf [https://perma.cc/DJ83-S37U].

[10] *Id.* at 15.

[11] *Gerald E. Frug: 1939–2023*, HARV. L. BULL. (Nov. 14, 2023), https://hls.harvard.edu/today/in-memoriam-gerald-e-frug-1939-2023 [https://perma.cc/Q2QG-W7UF].

[12] Julia Collins, *Gerald Frug's Alternative Vision of Urban America*, HARV. L. BULL. (Apr. 25, 2000), https://hls.harvard.edu/today/gerald-frugs-alternative-vision-urban-america [https://perma.cc/BW39-2GHV].

[13] *Id.*

[14] *Id.*

Jerry wore his many accomplishments exceedingly well. A gentle soul, he went about his work intently but quietly, with a twinkle in his eye and a general demeanor of mild bemusement. As Professor David Kennedy wrote of Jerry:

> "A profound thinker, he carried ideas lightly, ironically, thrilling to the pleasures of collaborative intellectual exploration in the classroom and beyond. Throughout his life, Jerry forged deep friendships and loved the energy of collaborative projects and politics. He brought a calm wisdom and care to his interactions with students and colleagues alike."[15]

Harvard Law School without Jerry is a diminished place. But through his scholarship, teaching, and the efforts of those on our faculty who have taken on the mantle of his great work, his legacy will endure.

Richard T. Ford[*]

> *In the center of Fedora, that gray stone metropolis, stands a metal building with a crystal globe in every room. Looking into each globe, you see a blue city, the model of a different Fedora. These are the forms the city could have taken if, for one reason or another, it had not become what we see today. In every age someone, looking at Fedora as it was, imagined a way of making it the ideal city, but while he constructed his miniature model, Fedora was already no longer the same as before, and what had been until yesterday a possible future became only a toy in a glass globe. . . . On the map of your empire, O Great Khan, there must be room both for the big, stone Fedora and the little Fedoras in glass globes. Not because they are all equally real, but because all are only assumptions. The one contains what is accepted as necessary when it is not yet so; the others, what is imagined as possible and, a moment later, is possible no longer.*
>
> — Italo Calvino[16]

Each chapter of Jerry's Local Government Law casebook contains an excerpt like this one from the great Italian writer Italo Calvino's classic book, *Invisible Cities*.[17]

---

[15] *Gerald E. Frug: 1939–2023*, *supra* note 11.

[*] George E. Osborne Professor of Law, Stanford Law School.

[16] ITALO CALVINO, INVISIBLE CITIES 32–33 (William Weaver trans., Harcourt Brace & Co. 1974) (1972).

[17] *See, e.g.*, FRUG, FORD, BARRON & ANDERSON, *supra* note 4, at 99, 314, 604, 674, 962.

One of Jerry's many unusual virtues was that he never accepted as necessary what was not yet so, but also imagined what was possible — while it was possible. As everyone here knows, Jerry invented the modern study of Local Government Law. He transformed a class that had dealt exclusively with the mundane but important details of city administration and governmental organization — what most accepted as necessary — to an exploration of urban development, political economy, social interaction in cosmopolitan cities, and the foundations of democratic government. He encouraged his students and colleagues to seek a transformation of cities — and of society — in service of justice, human flourishing, and environmental stewardship. In Jerry's hands, Local Government law became a poetic imagination of what was possible.

Jerry's multidisciplinary scholarship and teaching gave life to the most bold, liberating, and radical of all of the ideas associated with the Critical Legal Studies movement. He demonstrated that the study of law did not necessarily have to be a narrow, technical, rule-bound enterprise; it was possible instead that it could be an intrepid exploration of culture and human potential — as daring, risky, surprising, and rewarding as a Calvino story or Marco Polo's adventures in Xanadu. The Rule of Law, in Jerry's classroom, wasn't the law of rules — it was the law of possibilities, bound by rigorous analysis but also free to explore the most profound questions facing humanity. Jerry's cities were places where law, philosophy, history, cultural studies, and architectural theory all lived side by side — not encased in glass globes nor ossified into stone monoliths, but vibrant and interactive, like the residents of an exciting and diverse metropolis. As a consequence, his work yielded surprising insights into questions of economic inequality, racial division, gender roles, and environmentalism — Jerry helped us all to look past conventional solutions and their limitations and to imagine the promise and possibilities of democracy. Perhaps Jerry's most radical idea was also his most unassailable one: that the law should serve and respond to people — not abstractions, hypotheticals, false necessities, or imaginary perfection but the much more interesting and inspiring possibilities inherent in daily human life.

I could tell dozens of stories that would show what a singular person Jerry was, and none would begin to do him justice. When I first encountered Jerry, I was still intimidated and alienated by the pomp and pretentiousness of Harvard Law School: Like many students, I wondered whether this place really had room for me, my ambitions, sensibilities, and rough edges. I sat in the back bench as they used to call it, in Jerry's Local Government Law class where students filled one of Harvard Law School's largest classrooms. From that back bench, I discovered unexpected — almost impossible — connections between the writings of Alexis de Tocqueville, the community of Rajneeshpuram in rural Oregon, the history of mercantilism, the origins of the municipal corporation, street life in New York City's Greenwich Village, the

writing of Italo Calvino. I remember the way Jerry would occasionally draw out his vowels: the corporaaaaation — something I catch myself doing when I teach Local Government Law at Stanford because Jerry is my model.

Years later Jerry asked me to collaborate on the casebook and other projects and I came to seek his wisdom and unique, unconventional perspective on social issues generally. On a recent visit to Cambridge, I walked through Harvard Square and I noticed the large number of vacant storefronts that contained small shops, coffee houses, record stores, and bookstores when I was a student here. I also noticed a surprising number of bank branches — more numerous than ever and more superfluous than ever in the age of online banking and Apple Pay. What a waste of valuable urban space! I found myself eager to talk about it with old friends who had remained in Cambridge. And then, of course, it hit me that the person I would most want to talk to about this urban phenomenon was Jerry. Not just because he would have the most incisive insights but also because he would be incredibly fun while he communicated them. Jerry was not only erudite but also disarmingly witty; he was generous with his time and insights and a fierce champion of social justice. And if you were lucky, he might even show you his mind-blowing, world-class collection of modern photography. For me, Jerry Frug was one of a very small number of people who defined Harvard Law School — and the study of law generally. I will miss him terribly.

THE MESSY ART OF PUBLIC FREEDOM: A TRIBUTE TO JERRY FRUG

Michelle Wilde Anderson[*]

Even from a seat of conquest and domination, Italo Calvino's *Invisible Cities* narrates, "a sense of emptiness" has come over the emperor

[*] Larry Kramer Professor of Law, Stanford Law School. One day in the poetic year 2000, Jerry Frug came and spoke at the London School of Economics where I was in graduate school. I don't remember what he said, but I remember its effect. I thought, "I can go to law school and think about these things?!" Civil rights lawyers were my heroes but urban issues were my home. His talk showed me I could have both in law school. If he had not given that talk (simply missed his plane, for instance), I would be doing some other job today. Maybe we have a destiny, but I am more inclined to think that life is just a walk. Frug laid a stepping stone for me and I chose it. He kept laying new ones and I just kept walking. At several points he seemed to think I had worthwhile things to say, and that faith was transformational — I never would have had the audacity to seek

Kublai Khan.[18] He faces "the desperate moment when we discover that this empire, which had seemed to us the sum of all wonders, is an endless, formless ruin, that corruption's gangrene has spread too far to be healed by our scepter, that the triumph over enemy sovereigns has made us the heirs of their long undoing."[19] Alongside Khan, we as Calvino's readers listen to the explorer Marco Polo's stories of remote cities scattered across our empire. We listen, because "[o]nly in Marco Polo's accounts was Kublai Khan able to discern, through the walls and towers destined to crumble, the tracery of a pattern so subtle it could escape the termites' gnawing."[20]

What better way to capture Jerry Frug's own quest: He sought "a pattern so subtle it could escape the termites' gnawing." Frug feared the termites of lives defined by individualism and consumption, governments defined by the protection of property, extreme inequality that gave the poorest people no power over their own lives, and above all, the democratic dormancy and withdrawal caused by these other problems. Frug's quest, needless to say, feels timely. So with this remembrance, I'd like to share this wide-frame view of his legacy. I used to like to bring Jerry my own stories from far urban corners, so I'll close out with one that I wish I'd thought to tell him.

Like Marco Polo, Frug hunted for the pattern of resistance in cities. He searched for the legal order behind cities' messiness. He noticed their cruelties. He revered their creativity. Active, quotidian heterogeneity in cities, Frug wrote, "stimulates learning, growth, adventure, fun."[21] Big cities were in crisis when he made their affairs his scholarly focus, and yet he believed they could become a counterweight to rising private power. He saw in them a formidable strength: Cities were composed of people who are different from each other in terms of race, ethnicity, religion, language, and even personal style. City life as an ideal, wrote Iris Young in language that Frug lifted to thousands of law students, described "a being together of strangers."[22] This ideal was not a

---

a job as a professor without it. I am one of dozens of people he believed in that way. Indeed, when it is rightly said that Frug is one of the most important founders of Local Government Law, it is not just a scholarly claim. It is a social statement that most of us in that field today trace our origin story back to his mentorship.

[18] CALVINO, *supra* note 16, at 5. Frug, in an act of defiant, creative genius, laced this fictional book throughout his Local Government Law casebook. I am proud to be a coauthor on that book today, but every quotation drawn from it here dates back to Frug's sole-authored early editions. *See* GERALD E. FRUG, LOCAL GOVERNMENT LAW (2d ed. 1994); FRUG, FORD, BARRON & ANDERSON, *supra* note 4.

[19] CALVINO, *supra* note 16, at 5.

[20] *Id.* at 5–6.

[21] FRUG, *supra* note 6, at 11.

[22] FRUG, FORD, BARRON & ANDERSON, *supra* note 4, at 119 (quoting YOUNG, *supra* note 2, at 237); *see also* FRUG, *supra* note 6, at 11. It is not that cities are the only places full of strangers, Frug reminded us. Pools of people, including those in suburbs, are always full of those we would

cozy campfire motif — it represented a path to intergroup peace in a nation built by conquest, enslavement, immigration, competition, sacrifice, survival, and embittering amounts of work. Cities, he believed, could help undermine destructive segregation and separatism. Coexisting in diverse spaces teaches us that we almost never kill each other, that parents who are different from us also love their kids, that people mostly mind their own business. We gain a profoundly reassuring trust because the villainized don't seem like such villains if we ride transit with them regularly. We get to keep our intimate familial and social preferences, but others get to keep theirs, too.

The result is a version of the public, wrote Iris Young in words again lifted by Frug, that "cannot be conceived as a unity transcending group differences, nor as entailing complete mutual understanding."[23] Instead, the "unoppressive city" is "a place where people witness and appreciate diverse cultural expressions that they do not share and do not fully understand."[24] With coexistence as a baseline condition, Frug argued, cooperation across difference becomes possible. This is how Frug defined "community": not as a romantic ideal of togetherness or sameness, but rather as a starting point for the discovery of common challenges or interests.[25]

Frug knew that the pattern to resist Calvino's metaphorical termites is not borne of nature — some kind of DNA hidden behind human settlements. It is something we build and protect and *do*. Frug's freedom, like Hannah Arendt's "public freedom," is "a positive activity designed to create one's way of life" rather than the "cheapened" view of freedom as "protection for our private lives" from a greedy and intrusive state.[26] A freedom defined only by individualism and opposition to the state means an isolated retreat into a world of family and friends, which Frug believed (here inspired by Alexis de Tocqueville) fostered "a willingness to yield public affairs to an omnipotent, efficient, albeit gentle, centralized despotism."[27]

To awaken people from this slumber requires letting them shape their own lives in a world where poverty, hierarchy, bureaucracy, and deadening patterns of consumption make too many of us servants to faceless systems.[28] To get there, he called for American law to give our low-lying governments actual power. If there was something at stake —

---

not understand, let alone like. The difference in more homogeneous suburbs is a false claim to the contrary — a suburban myth that superficial commonalities make us similar and bind us as "a community." In city and suburb alike, Frug's "community" is built by behavior, not born of bloodline.

[23] FRUG, FORD, BARRON & ANDERSON, *supra* note 4, at 120 (quoting YOUNG, *supra* note 2, at 241).

[24] *Id.* (quoting YOUNG, *supra* note 2, at 240–41).

[25] FRUG, *supra* note 6, at 11.

[26] *Id.* at 20–21 (quoting HANNAH ARENDT, ON REVOLUTION 124 (1963)).

[27] *Id.* at 21.

[28] *Id.* at 20–21.

something to be gained from working through the challenges — it would incentivize cooperation among residents, across neighborhoods, and even among cities. This cooperation, in turn, would drive that essential work of humanization across difference.

"Decentralization," among Jerry's favorite workaday words, captured much of this. He meant something grander than devolving power down the vertical chain of government. Decentralization offered freedom, because when smaller governments have power, people participate in them, and when they participate, *they become more free*. This is "the freedom gained from the ability to participate in the basic societal decisions that affect one's life, the creativity generated by the capacity to experiment in solving public problems, and the energy derived from democratic forms of organization."[29] Civic engagement of this sort is not some trite "participation" box to check on the way to sensible central planning, it's about *powerless people having actual power* and *then learning something when they exercise their autonomy*.

To see cities in this way requires us to shake off generations of legal culture that, in Frug's timeless words, has us repeating "an automatic incantation of the distinction" between public and private corporations: "[C]ity discretion is the exercise of coercive power and must be restrained, while corporate discretion is the exercise of liberty and must be protected."[30] So too, it requires shaking off a privatized vision for local governments, first rolled out in suburbs, in which local power's role is above all to defend property values. And finally, giving cities power requires shaking off the idea that cities must conform to a state-mandated template. Some will be generous, some will be greedy, some will be defined by religion and others by sex. As Robert Nozick put it in another legendary excerpt in Frug's casebook: "Utopia will consist of utopias."[31]

I am well aware that amidst today's housing wars, Frug's faith in local power can read as naïve. But it misreads Frug's vision, I think, to see his ideas as indulging local preferences over statewide needs. Early and explicitly, he observed the dangers of our privatized version of cities as land-use regulators organized to protect property values, which has threatened the basic economic freedom of too many people to house themselves and their families. It was the build-out of localized civil society he was really after — the networks at the block level, the neighborhood level, the city level, and, ultimately, the regional level.

For me, that is Frug's real legacy. He mapped the ways local civic engagement is imperative to democracy. He conceived of laws and systems that would foster human interdependence. He took a moral, but

---

[29] *Id.* at 10.

[30] *Id.* at 19.

[31] FRUG, FORD, BARRON & ANDERSON, *supra* note 4, at 103 (quoting NOZICK, *supra* note 3, at 312).

also a pragmatic stand that the slow, sloppy work of cooperation makes us stronger against the threats of humiliating inequality or immiserating authoritarianism. Local government, Frug taught, belongs in the fabric of civil society — not as an arm of state power that threatens the freedom of individuals, families, and businesses, but *as a forum to practice, contest, and learn freedom*.

To close out this tribute, I thought I would bring Jerry one final story. That seems apt, and not just because I was one of the explorers who, tutored by him, set off to visit the corners of our empire. Telling a story seems apt because the deeper I have gone into place-based writing about towns up against the hardest challenges of intergenerational poverty, the more that I see Frug's ideas as living truth rather than legal theory in ten-point font.

In June 2019, I was in Lawrence, Massachusetts on a research trip.[32] I attended the soft launch of a project called Iluminación Lawrence in Pemberton State Park, along the Merrimack River. The event marked the first in a series of public art and lighting projects in the city. A couple of hours of family, music, and speeches before dusk ushered in the headline event. A drumline from the Lawrence High School band counted the crowd down towards a big reveal: turning on brand-new lights on the Ayer Mill Clock Tower and the Casey Bridge.

Now my dear Lawrence friends know I mean no offense by this, so I'll be direct: The tower and bridge lighting was an anticlimax. The five colored lights on the bridge's pillars looked puny from our distance, and five was too few to span the wide river. I am spoiled, I know. I live in San Francisco, where (at that time) the Bay Lights project on the western span of the Bay Bridge featured 25,000 LEDs that could be choreographed to dance across two miles, illuminating both the skyline and a reflection in the water. So when the Casey Bridge lit up in Lawrence, it was nothing to write home about.

But that was Lawrence's trick! The lighting wasn't the point, as Frug would have understood. The point was the process it took to get to that day in Pemberton and the momentum built after it. Local activists and nonprofits had steered several state and local agencies to cooperate. At the party before the lighting ceremony, wealthy white suburbanites active in the regional art commission shared social space with newer generations of Latino residents. An ice cream truck handed out free popsicles in exchange for big smiles, little kids cartwheeled on the grass, and bigger kids rode their bikes along a waterfront trail. People clapped and cheered after speeches by all the leaders who made it happen, from a recent college grad who had poured a year of life into lighting a historic bridge to a fifty-something small business owner who

---

[32] My larger work on Lawrence is captured in a book that, on some days, felt like it could be Volume Two ethnography testing Frug's claims in *City Making*. *See* MICHELLE WILDE ANDERSON, THE FIGHT TO SAVE THE TOWN: REIMAGINING DISCARDED AMERICA (2022).

had sponsored the event, from the mayor to a civic matriarch. Kids flew a city police drone over the river and watched the scenery on a TV set up in the open trunk of a cruiser. Moms stashed babies with new friends so they could hug old friends. Strangers became acquaintances, such that they would recognize each other on the street, diminishing the daily toxic stress triggered by seeing strangers in a high-crime city. A charrette tent engaged attendees in planning future lighting projects and signing up as volunteers.

None of this would stand out in a safe, prosperous suburb with birthday bouncy houses and busy farmers' markets. But for decades, Lawrence had long been ransacked by the worst hardships of American poverty. The city was still trying to free itself of the shame spiral caused when a writer in *Boston Magazine* called Lawrence "the most godforsaken place in Massachusetts"[33] and then defended his article under a newly ferocious headline: "City of the Damned: Facts are Facts."[34] Civic leaders were quite clear that they had to survive one of the metaphorical termites that worried Frug most: "a self-reinforcing cycle of alienation," in which "the more people withdraw from each other, the higher the percentage of strangers that cause them anxiety, thereby producing further withdrawal."[35]

The Iluminación effort up to and past that time was just one of dozens of projects needed to build a social structure that could overcome hopelessness and isolation borne of grinding work hours, intergroup resentment from scarcity, and government mismanagement hidden by citizen passivity. The point was to nurture a network of people doing something for their community and a network of institutions that must, by virtue of scarce resources, work together to get things done. Celebrating progress together at the party helped residents imagine that Lawrence could rise past its opioid crisis, its fiscal distress, its homicide deaths, its battles with public corruption.

Does the process to lighting a bridge overcome those terrorizing counterforces? Of course not. But without local power and organizing, those counterforces enact even greater devastation. In my view, as in Frug's, the process to reach a humble lighting event is neither insignificant nor naïve. Restoring cooperation is both cure and foundation. "We help people with civic engagement and participation," a civic leader there told me. "Everything else flows from there."[36] A vicious spiral of decline stalls, and when activists keep pushing against all odds, a

---

[33] Jay Atkinson, *Lawrence, MA: City of the Damned*, BOSTON (Feb. 28, 2012, 3:19 AM), https://www.bostonmagazine.com/news/2012/02/28/city-of-the-damned-lawrence-massachusetts [https://perma.cc/QYN5-KEFT].

[34] Jay Atkinson, *City of the Damned: Facts Are Facts*, BOSTON (Mar. 5, 2012, 11:50 AM), https://www.bostonmagazine.com/2012/03/05/lawrence-city-of-the-damned [https://perma.cc/L8HM-P59T].

[35] FRUG, *supra* note 6, at 137.

[36] ANDERSON, *supra* note 32, at 172.

virtuous cycle becomes possible. Just eight years after the *Boston Magazine* takedown, a *New York Times* headline described Lawrence as on a "road to recovery [that] offers lessons, and hope."[37]

So in Jerry's honor, I wish to symbolically light five puny bulbs over the Merrimack. Their five different colors honor the city vibrancy he loved. We in the community he nurtured lit them by hand, as if by the messy art of public freedom. We'll be alright here, in our troubled empire, if we keep nurturing the pattern he called us to remember.

---

[37] Eduardo Porter, *One City's Road to Recovery Offers Lessons, And Hope*, N.Y. TIMES (Mar. 26, 2020), https://www.nytimes.com/2020/03/24/business/economy/small-cities-economy.html [https://perma.cc/K8ZA-VU27].