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# DEDICATION

## MARY JOE FRUG AND THE PUBLIC INTEREST

BY  
MARTHA MINOW\*

This first issue of an exciting new journal devoted to the public interest is aptly dedicated to Mary Joe Frug. Her career exemplified a passionate commitment to the public interest, to bringing private passion to public concerns, and to bringing public attention to private needs.

As a young law student, she volunteered to work on voting rights in the still-segregated South. There, against the advice of friends and family, she put her body, mind, and spirit on the line. As a Northern white woman working with a black male attorney, she also learned first-hand of the special dilemmas affecting a racially discriminatory society when it came to gender differences. After law school, she joined the staff of legal services as one of a select group of talented young lawyers and devoted herself not only to the legal problems but also the human needs of the clients she met. The Ford Foundation selected her as a fellow to study law and urban affairs, and she continued to explore and expose connections among social structures and individual experience for the rest of her life.

She became a scholar of subordination. She taught and lectured about the rights and needs of oppressed groups ranging from children to prostitutes. Her focus turned to women, women of all walks of life. It was a subject for her teaching and her scholarship. It was a focus for her lunches and dinners, office hours, and tea times as her gifts for encouraging women students, lawyers, and scholars became known. She organized a reading group that began with four professors and expanded to scores of people across the country who would meet in living rooms to discuss slave narratives, domestic workers, sexual harassment, rape, abortion, interracial adoption, and other often neglected issues. From those sessions emerged presentations at national conferences, networks of women who worked together on legal briefs and legislation, and friendships that sustained women who often found themselves alone in their workplaces. And Mary Joe would follow up those group conversations over readings with phone calls and lunch meetings to help people revise their drafts of articles, find jobs, work out tensions between work and family, and between self-doubts and dreams.

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\* Professor, Harvard Law School. I thank the editors for the opportunity to write this tribute.

Mary Joe Frug, in fact, had deep private interests in the public, that is, in other human beings. She asked bold questions demonstrating her real interest in others. Like the time she asked a young man who buttoned his top shirt button but did not wear a tie whether this was a fashion statement or instead something somewhat out of style. Or the conversations she would start with prostitutes working on the street not far from her office at the New England School of Law. In these conversations, as in her talks with a shy new teacher or a stranger at a party, she concentrated her gaze, her energy, her intelligence, and her humor on that one individual who in turn would shine in the light of her honest interest. Mary Joe Frug had the rare gift of making the person with whom she was talking feel unique and valuable. She made life itself more vivid for other people by making other people more vivid to themselves. She made public encounters intimate even as she nurtured public conversations about intimate matters. Let's talk about date-rape, she'd say, or about how can feminists reclaim eroticism. And does Madonna's new video help or hurt women?

During a break in a two-day legal conference on racism and sexism, she started a conversation between several white women and several black women about hair-styles, what emerged was a richer and more meaningful encounter with racial differences and misunderstandings than anything occurring in the organized public sessions. The white women, it emerged, failed to understand how the black women did their hair and viewed their hair; the black women struggled to define their images without merely reacting to or against pervasive standards of white beautiful. But then the black women learned about strangely analogous struggles of the red-head with uncontrollable hair. Human variety, human sameness, human difference, human uniqueness became real, textured, hilarious and sobering in talks with Mary Joe. Public interest, private interest: private interests bridging public divides.

For Mary Joe Frug, commitment to the public interest meant protesting sharp distinctions between what is treated as public and what is treated as private. In her landmark article on labor market hostility to working mothers,<sup>1</sup> Professor Frug demonstrated that employment discrimination doctrine could illuminate the structural disadvantages faced by women entrusted with raising children and also earning wages outside the home. She brought together the private lives of mothers and their public lives of workers to identify the operations of sex discrimination and to advocate changes in labor markets and social supports. She reconstructed distinctions between public and private by innovating a new method for scholarship in her path breaking article exposing the gender images and messages in a standard law school contracts casebook.<sup>2</sup> There, she offered readers a range of descriptions of their own attitudes toward the subject under study — attitudes toward gender in the study of

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<sup>1</sup> Frug, *Securing Job Equality for Women: Labor Market Hostility to Working Mothers*, 59 B.U.L. REV. 55 (1979).

<sup>2</sup> Frug, *Re-Reading Contracts: A Feminist Analysis of a Contracts Casebook*, 1985 AM. U.L. REV. 1065 (1985).

contracts — while viewing the materials in the casebook from this range of possible positions. In so doing, she challenged the distinction between reader and author and the division between private viewpoints and topics for public discussion and social change.

Challenging rigid distinctions between public and private may have been almost as constant for Mary Joe Frug as her delight in her entire family. She was an ardent parent. When her son studied Kant in high school, Mary Joe studied Kant so they could discuss his works together. When her daughter became an expert in teen fashion, Mary Joe became an expert in using fashion to draw out her daughter's capacities for social observation and criticism. Mary Joe invited her children to participate in her projects; they issued meal-tickets and tee-shirts at the national Feminist Critical Legal Studies Conference held in 1985. As Mary Joe envisioned that conference, the boundaries between work and family themselves would be remade. The conference not only provided child care and accommodations well-suited for families, it also used the idea of families to welcome participants into assigned groups that met periodically throughout the days to help provide continuity during a potentially disorientating time.

Rescuing and re-imagining families, revising the lines between public and private, and remaking distinctions between theory and practice certainly animated her courses in Family Law, Children and the Law, and Women and the Law. She would ask, how can public and private obligations be recast so that society can alter legacies of constraining gender roles? How can the very idea of a private self be understood as an invention of public life? And she would ask, how can a woman's experiences inform a law professor's scholarship?

And as an implicit reply, in her own work, she analogized an intellectual fad to "last night's popovers": "its genius is the surprise of its appearance."<sup>3</sup> She compared the ambivalence in a scholarly paper to confusion about who should be the bridegroom.<sup>4</sup> She persistently infused public discussions with close attention to people: their loves and hates, itches and memories, parents and lovers. She described conversations as "dates" and that fit her sense of their romance. She taught many never to go to bed mad but instead stay up and fight. She would celebrate the birth of this new journal with joy and perhaps a cigar — and then a debate, and a conversation with you, the reader and the authors in these pages.

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<sup>3</sup> M. J. Frug, *CLAIMING A DIFFERENT VOICE: A POSTMODERN LEGAL FEMINIST MANIFESTO*, presented to the *Harvard University Center for Literary and Cultural Studies* 16 (Dec. 19, 1990).

<sup>4</sup> M. J. Frug, *Law and Postmodernism: The Politics of a Marriage: A Symposium Response to Professor Jennifer Wicke*, 62 U. COLO. L. REV. 483 (1991).

