From the Editor

In his second year as editor of the *Law & Society Review,* Marc Galanter took the courageous step of publishing one of his own papers that had been circulating for several years without finding a willing publisher. Galanter kept adding to it, elaborating the argument and incorporating the examples friends offered. The paper had become somewhat long for a social science journal[1] and was not quite the stuff of conventional law reviews. It was "rejected by all the leading law reviews and a couple of political science journals as well" (Galanter 1983:24). With advice of colleagues in the budding Law and Society Association, Galanter invited Bliss Cartwright and Robert Kidder to coedit a special symposium on litigation and dispute processing for the review, and although Galanter would have "preferred the paper to have appeared independently of [his] editorship," the issue turned out to be pathbreaking. "Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change" was included in volume 9, number 1, of the fall 1974 *Law & Society Review.*

As it turned out, *LSR* was the appropriate home for the paper because it attempted to theoretically synthesize the results of the accumulating body of empirical research on law that the Review had been publishing since its inauguration 8 years earlier. Since its publication in 1974, Galanter's paper has been cited more often than any other piece of sociolegal scholarship, and it stands among the most well cited law review articles of all time.[2] It occupies uncontested canonical status within the broad range of college and university courses in law and social science.[3] Offered as much to provoke further discussion and analysis as to produce definite conclusions, Galanter pushed sociolegal scholarship a

[1] The previous *Law & Society Review* editor had "diplomatically said the paper was too long to consider" (Galanter 1983).

[2] Shapiro (1996) lists "Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change" as thirteenth and Macaulay (1963) as fifteenth. In their humorous critique of this citation data, Balkin and Levinson (1996) describe Galanter's status among the most well cited law review articles as a remarkable *Cinderella* story because he does not carry the "triple threat" social capital that increases the probability of being among the most well cited law review authors. (The triple threat is created by people who went to Harvard, Yale, or Chicago; teach at one of these schools; and publish in their law reviews. Galanter is a single threat, having gone to Chicago.) More important, this story evokes *Cinderella* because the topic of Galanter's work—the structure of the American legal profession and the litigation system—is not a "hot" topic within the legal academy that might explain citation without high institutional prestige.

[3] The Division for Public Education of the American Bar Association maintains a library of syllabi for hundreds of law-related courses taught in colleges and universities.

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step closer toward the scientific ambitions of its European and American forefathers. Defining legal experience in terms of the structural characteristics of the parties (repeat players and one shotters), Galanter identified a fundamental and apparently predictive variable for analyzing all sorts of encounters, from citizens' interpretations of events as injurious to interactions with police or litigants in appeals courts.

Anticipating the 25th anniversary of the publication of "Why the 'Haves' Come Out Ahead," the Institute for Legal Studies at the University of Wisconsin—where Galanter has been teaching, collecting jokes, and writing these many years—organized a retrospective both to celebrate the paper's fertility and to assess its predictive capacity and prescience. A committee of Joel Grossman, Herbert Kritzer, and Stewart Macaulay selected from among a host of submitted papers the participants in a two-day conference held at the Law School at Wisconsin (1–2 May 1998).

When I became editor of the *Law & Society Review,* I was asked by the conference organizers if the review would be willing to publish the papers from the conference. I agreed to put together a collection of papers only if another call for papers was published to consider submissions that may not have been considered for or presented at the conference, and only if the submissions went through the standard, unfortunately long, peer evaluation on which the *Review* relies.[4] I asked Bert Kritzer to serve as coeditor for this issue, a service he has performed with extraordinary intelligence, good judgment, and unusual efficiency. I have been particularly grateful for his collaboration; I have enjoyed learning much that I could not have anticipated. In the end, we received many fine papers, both from the conference and from the open call; a number of each did not survive the review process either due to relative quality or to appropriateness of fit. With the exception of the introduction and commentaries we solicited, all the articles that appear in this issue were received in response to a public call—either for the original conference or for the symposium—and were reviewed anonymously by at least two evaluators and at least one of the editors.

—Susan S. Silbey

[4] The peer review process has become increasingly difficult. Editors of several social science journals have communicated with each other about the large number of scholars who refuse to review papers and the delays they experience in receiving reviews from those who do agree. I suspect that those willing to continue this honored tradition of peer evaluation may become overburdened. Nonetheless, the process does seem to assure high standards and quality. I am happy to report that the *Law & Society Review* has been ranked tenth among all social science journals for citation and prestige and as the second most highly cited specialist law journal (private communication with Fred E. Shapiro, Yale Law Library).

References

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