

# FEMINIST LAW JOURNALS AND THE RANKINGS CONUNDRUM

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Spring is a fitting season to discuss the relationship between rankings and feminist law journals, as U.S. News and World Report prepares to release its annual rankings of American law schools. Decried by many academics as arbitrary and unfair,<sup>1</sup> these rankings nonetheless exert an extraordinary influence on law school life.<sup>2</sup>

Rankings of this sort not only drive decisions made by schools (which students to recruit, admit, and, most importantly, entice with scholarship money) and by applicants (where to apply, where to matriculate, and whether to transfer), but also decisions that are more central to the academic enterprise. Law school deans and faculties make decisions about resource allocation, faculty hiring, curriculum, and the like, against the backdrop of rankings, which at least indirectly place a point value on each such decision.

Even what one thinks of as the purely academic side of the law school enterprise—faculty research and writing—is not immune. Far from it. Faculty members clearly make choices about where to publish, and perhaps even what to write and whom to cite, based in part on published rankings, which deem schools and individuals “productive,” “prolific,” or

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<sup>1</sup> In 1998, a significant majority of law school deans signed a letter to the publisher of U.S. News outlining the flaws in the rankings report. See Mitchell Berger, Why the U.S. News and World Report Law School Rankings are Both Useful and Important, 51 J. Legal Educ. 487, 489 (2001) (reporting on deans’ objections to rankings); Francine Cullari, Law School Rankings Fail to Account for All Factors, Mich. B.J., Sept. 2002, at 52. There are many other critics as well. David C. Yamada, Same Old, Same Old: Law School Rankings and the Affirmation of Hierarchy, 31 Suffolk L. Rev. 249 (1997) (“[N]o set of law school rankings receives greater attention and criticism.”); see also Stephen P. Klein & Laura Hamilton, The Validity of the U.S. News and World Report Ranking of ABA Law Schools, available at <http://www.aals.org/validity.html> (Feb. 18, 1998) (evaluating the methodology used in tabulating the U.S. News rankings and finding “serious problems” with the system).

<sup>2</sup> See Yamada, *supra* note 1, at 250 (noting the “obsession” with rankings, as evidenced by “the way in which every March, law school professors, administrators, students, alumni, and applicants devour the latest U.S. News & World Report rankings of law schools,” as a “rite of spring”); see also Theodore Eisenberg & Martin T. Wells, Ranking and Explaining the Scholarly Impact of Law Schools, 27 J. Legal Stud. 373, 373 (1998) (“ranking is in the air”).

“academically reputable” based in part on those choices. It is here that the conflict between rankings and feminist law journals comes into sharper focus. Each individual set of rankings—bar none—creates a disincentive to publish in feminist law journals.

## I. THE INFLUENCE OF LAW SCHOOL RANKINGS ON PUBLISHING

To focus on disincentives to publish in feminist law journals is perhaps antithetical to the goals of feminist legal theory and the greater feminist enterprise, and yet the power they exert over faculty decision making cannot be ignored. Rankings affect individuals and schools at all ends of the spectrum, but they afflict faculty members without tenure and schools without a securely “elite” status most acutely.

There are two sets of rankings of law schools that are regularly discussed (even if only to criticize) in law school circles: U.S. News & World Report,<sup>3</sup> a national magazine that publishes an annual ranking of graduate schools and colleges, and Brian Leiter’s Educational Quality Rankings (EQR),<sup>4</sup> a relatively new web-published report issued every two years.<sup>5</sup> Both of these sets of rankings have the potential to affect faculty publishing decisions, as do a variety of narrower studies that rank law reviews or faculty productivity in isolation, without ranking law schools generally.<sup>6</sup>

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<sup>3</sup> See America’s Best Graduate Schools 2004, U.S. News & World Rep. (Apr. 2003).

<sup>4</sup> See New Educational Rankings of American Law Schools 2000-02, available at <http://www.utexas.edu/law/faculty/bleiter/rankings02/rankings.html>; see also Brian Leiter, Measuring the Academic Distinction of Law Faculties, 29 J. Legal Stud. 451 (2000) (publishing the first version of his educational quality rankings) [hereinafter Academic Distinction].

<sup>5</sup> These are not the only law school rankings, but they seem to be the most influential. The originator of such rankings seems to be Jack Gourman, who published periodic rankings of graduate and undergraduate programs beginning in the late 1970s. The latest edition was published by The Princeton Review in 1997. See Jack Gourman, The Gourman Report: Graduate Programs (8th ed. 1997) [hereinafter Gourman Report]. The Princeton Review today provides many different pieces of information about law schools, some in rank order, but does not provide any kind of overall ranking. See Eric Owens, Complete Book of Law Schools: The Smart Student’s Guide to Law Schools (The Princeton Review 2003). National Jurist Magazine, whose target audience is prospective and current law students, also used to rank law schools, though since 1997 its rankings have switched to more focused tallies like “Most Wired Law School,” “Best Law Libraries,” and “Best Law School for Your Money.” See <http://www.nationaljurist.com> for current and future planned surveys.

<sup>6</sup> See, e.g., Colleen M. Cullen & S. Randall Kalberg, Chicago-Kent Review Faculty Scholarship Survey, 70 Chi.-Kent L. Rev. 1445 (1995); Tracey E. George & Chris Guthrie, An Empirical Evaluation of Specialized Law Reviews, 26 Fla. St. U. L. Rev. 813 (1999); Janet M. Gumm, Chicago-Kent Law Review Faculty Scholarship Survey, 66 Chi.-

For the U.S. News survey, twenty-five percent of a law school's overall ranking is derived from its reputation among academics, measured by an opinion survey sent to four designated faculty members at all ABA-accredited law schools.<sup>7</sup> This measure is obviously subjective, and the respondents are not given any information about each school they are asked to assess, but instead given only the name of the school and asked to assign a rating between one and five taking into account a variety of factors that may bear on its academic reputation.<sup>8</sup>

Given this methodology, it is difficult to quantify the effect a faculty's publishing record may have on the responses, though it is reasonable to hypothesize some connection. There must be some explanation for the increasingly expensive, glossy, and exaggerated brochures that law schools send out by the thousands to tout the publishing successes of their faculty members. (One law school's alumni magazine was deemed such a "shamelessly self-promoting publication" to earn the label, given by an anonymous professor, "law porn."<sup>9</sup>)

The opinions held by those surveyed are almost certain to be influenced by conventional notions of prestige with respect to article placements. And respondents are likely to know more about the publishing records of faculty at different schools than they are about the number of books in each library or the job placement success of their competitors' graduates. The survey thus potentially influences the decisions faculty make about where to publish articles.

It is at least conceivable, though, that U.S. News respondents base their opinions on a broader array of factors; indeed, the survey itself gives a varied list of factors that they might consider in assigning scores to each school. But U.S. News has been criticized on this exact point: for failing to provide a precise or objective measure of academic reputation or faculty

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Kent L. Rev. 509 (1990); Robert M. Jarvis & Phyllis G. Coleman, Ranking Law Reviews: An Empirical Analysis Based on Author Prominence, 39 Ariz. L. Rev. 15 (1997); James Lindgren & Daniel Seltzer, The Most Prolific Law Professors and Faculties, 71 Chi.-Kent L. Rev. 781 (1996); Fred R. Shapiro, The Most-Cited Legal Scholars, 29 J. Legal Stud. 409 (2000). Even those who publish these rankings acknowledge their many limitations. See, for example, James Lindgren & Allison Nagelberg, Are Scholars Better Teachers?, 73 Chi.-Kent L. Rev. 823 (1998), which explores whether there is any link between faculty productivity and the quality of law school teaching.

<sup>7</sup> The surveys are sent to the dean, the academic dean, the head of the faculty hiring committee, and the most recently tenured faculty member at each ABA-accredited law school. See [http://www.usnews.com/usnews/edu/grad/rankings/about/04law\\_meth\\_brief.php](http://www.usnews.com/usnews/edu/grad/rankings/about/04law_meth_brief.php) (last visited Sept. 25, 2003) (explaining the survey's methodology in full); see also Cullari, *supra* note 1 (discussing U.S. News rankings methodology).

<sup>8</sup> See [http://www.usnews.com/usnews/edu/grad/rankings/about/04law\\_meth\\_brief.php](http://www.usnews.com/usnews/edu/grad/rankings/about/04law_meth_brief.php) (last visited Sept. 25, 2003).

<sup>9</sup> See Brian Leiter, The Law School Observer, 3 Green Bag 2d 327, 327 (2000).

quality, or indeed for failing to focus on it at all.<sup>10</sup> It is this criticism in part that enabled University of Texas Law Professor Brian Leiter to make an arguably successful launch of his EQR site, which promised law students a more objective measure of law school quality than U.S. News.<sup>11</sup>

In its first iteration, the EQR site departed from U.S. News in two significant ways. First, seventy percent of a school's overall ranking was derived from "faculty quality" (a much more significant percentage than U.S. News). Second, it gave equal weight to subjective measures of faculty quality and objective ones. The subjective measures were taken from the academic reputation scores in the U.S. News survey. The objective measures of faculty quality were based on the faculty's frequency of citation and per capita rate of publication.

The real blow to feminist law journals is in this last measure. "Per capita rate of publication," as defined by the EQR, gives faculty members credit only for publications in the top ten law reviews, the top ten peer-edited law journals (none of which are feminist law journals), and books from a handful of top academic and law publishers. An article in *any* feminist or women's law journal in the objective portion of the EQR literally counts for nothing.

Beginning with the 2003-04 rankings, the EQR changed its subjective measure of faculty quality, replacing the U.S. News reputation scores with surveys of "leading" junior and senior scholars in law schools. This subjective ranking methodology differs from U.S. News' academic reputation survey in a few ways: it surveys only "active and distinguished" scholars, rather than surveying designated people at every school; it provides respondents with a list of faculty at each school and lists each school by number rather than name in order to avoid undue influence of preconceived notions about the quality of a particular school; and it seeks responses from participants with differing levels of seniority and diverse academic specialties.<sup>12</sup> For now, the objective and subjective measures are presented separately "for students to weigh as they deem appropriate."<sup>13</sup>

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<sup>10</sup> See David E. Rovella, A Survey of Surveys Ranks the Top U.S. Law Schools: Scholar Contests U.S. News and World Report Study, Nat'l L.J., June 2, 1997, at A1 (noting Leiter's departure from U.S. News in his treatment of "the caliber of a law school's faculty as the main measure of its worth").

<sup>11</sup> After its launch, law school deans were certainly more favorably inclined toward Leiter's rankings than toward U.S. News's rankings. *Id.* Although both are vulnerable to criticism, the focus on faculty article placement is seemingly "less subject to manipulation" by law schools than the data points relied on by U.S. News. *Id.*

<sup>12</sup> See Brian Leiter, Ranking of Law Faculty Quality for 2003-2004: Ranking Based on Detailed Surveys Completed by 150 Leading Legal Academics, at <http://www.utexas.edu/law/faculty/bleiter/rankings/> (Mar. 25, 2003).

<sup>13</sup> See *id.* Compiling rankings that combine objective and subjective measures seems to be the ideal, though no one has discovered a satisfactory way to accomplish it. See Lindgren & Seltzer, *supra* note 6, at 781 (suggesting that faculty quality might better be

This change in methodology for the subjective component of the EQR may help specialty journals, since not all survey respondents will categorically reject articles published in such journals as worthless. But the influence of objective measures is still felt, not only in the remaining objective portion of the EQR and through the indirect influence of U.S. News, but also in other kinds of rankings.

## II. THE INFLUENCE OF LAW REVIEW AND FACULTY PRODUCTIVITY RANKINGS ON PUBLISHING

The last decade has seen a proliferation of rankings that make no assessment of a school's overall quality but instead look directly at the prestige of law reviews (relative to one another) or productivity of scholars. In both of these types of surveys, feminist law journals again fare poorly.

First, "law reviews" and "specialty law journals" are generally ranked separately, creating at least an implicit hierarchy with "law reviews" on top. This is true whether the rankings are created based on the Jarvis-Coleman "author prominence" scale<sup>14</sup> or based on the frequency of citation.<sup>15</sup>

Second, there is only one comprehensive ranking of specialty journals and within that list feminist law journals do not rate well.<sup>16</sup> The highest-ranked women's law journal is twenty-seventh overall, and only seven of the seventeen then-existing<sup>17</sup> women's law journals are in the top one hundred.<sup>18</sup> The top ten specialty journals include *three* journals focused

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assessed by combining the author's objective measures with "survey data of faculty opinion about faculty or school quality"). The EQR at first combined objective and subjective measures of faculty quality in the hope that "the virtues of one kind of measure will compensate for the vices of the other and thus produce a credible hierarchy of schools as defined by the academic distinction of their faculties." See *Academic Distinction*, *supra* note 4, at 457. The current EQR abandons that approach because of concerns about the distortions introduced by aggregating the measures. See *Ranking of Law Faculty Quality for 2003-2004*, *supra* note 12 (explaining that "any aggregation rule . . . [is] bound to be controversial").

<sup>14</sup> Compare George & Guthrie, *supra* note 6 (ranking specialty journals based on author prominence), with Jarvis & Coleman, *supra* note 6 (ranking mainstream law reviews based on author prominence).

<sup>15</sup> See, e.g., Gumm, *supra* note 6, at 517-18 (creating a "Top 50 Law Reviews" list based on a survey of only "student-edited, general interest" journals). Rankings based on frequency of citation end up including two or three faculty-edited, interdisciplinary journals because they are in fact cited more than most law reviews, but student-edited specialty journals are generally excluded at the outset intentionally or because the data set from which citations are counted does not include them. Shepard's includes no student-edited specialty journals, and the Social Science Citation Index includes only a handful.

<sup>16</sup> See George & Guthrie, *supra* note 6.

<sup>17</sup> After those rankings were published, Georgetown established a new feminist law journal. See 1 Geo. J. Gender & L. (1999).

<sup>18</sup> See George & Guthrie, *supra* note 6, at 831-35.

on constitutional law or the Supreme Court, but none having to do with women.<sup>19</sup> (Of course, this is not altogether surprising since the author prominence ranking system assigns the highest point values to authors who hold positions seldom held by women: United States President (1,000/1,000 points), Leader of a Major Foreign Nation (975), United States Supreme Court Justice (950),<sup>20</sup> and United States Vice President (900)).<sup>21</sup>

Like law reviews and specialty journals, faculty members and individuals are ranked relative to one another. In surveys of faculty scholarship and productivity, one finds similar disincentives to publishing in feminist law journals. These studies almost universally give no credit to anything published in a women's law journal, either because they exclude specialty journals altogether, or because they count only a limited number of journals in rank order and no individual women's law journal has made the cut. There are several examples of studies falling into this category.

The Chicago-Kent Faculty Scholarship Survey, for example, measures faculty productivity based on publications in the ten and twenty leading law reviews over a five-year period, only two of which are not traditional law reviews.<sup>22</sup>

A variation of the Chicago-Kent Survey, published by James Lindgren and Daniel Seltzer, entitled The Most Prolific Law Professors and Faculties, uses a similar methodology.<sup>23</sup> To be "productive," either individually or in contribution to a "productive faculty," professors must publish in a top-ten or top-twenty law review.<sup>24</sup> In either survey, publishing an article in a feminist law journal counts the same as not publishing.<sup>25</sup>

The list of most prolific law professors, compiled the same way as the list of "prolific faculties," provides similarly disheartening results about the value of publishing in feminist law journals. And no matter where they publish, women rarely end up highly ranked as individuals. Yet, Lindgren

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<sup>19</sup> See *id.* at 831 (ranking the Supreme Court Review, Constitutional Commentary, and the Supreme Court Economic Review in the top ten based on author prominence).

<sup>20</sup> Justice Ruth Bader Ginsburg has published excerpted speeches and remarks in feminist law journals, but Justice Sandra Day O'Connor has not published in one. See, e.g., Justice Ruth Bader Ginsburg, The Washington College of Law Founders Day Tribute, 5 Am. U. J. Gender & L. 1 (1996).

<sup>21</sup> By comparison, an article written by a law professor from a first-tier school garners only 625 points, and a practicing lawyer earns only 175. See George & Guthrie, *supra* note 6, at 827-29.

<sup>22</sup> See Cullen & Kalberg, *supra* note 6, at 1455 (the Journal of Legal Studies ranked sixteenth overall; the Harvard Civil Rights-Civil Liberties Law Review ranked eighteenth overall).

<sup>23</sup> See Lindgren & Seltzer, *supra* note 6.

<sup>24</sup> See *id.* at 782 (describing scope of study).

<sup>25</sup> See *id.* at 787, 789 (identifying top forty law reviews, based on frequency of citation, none of which is a women's law journal).

and Seltzer make the statement that their rankings are “deeply subversive of existing hierarchies,”<sup>26</sup> the evidence for which seems to be that Colorado ranked among the top ten most prolific faculties (based almost entirely on the publishing success of a single faculty member, who has since moved to another school) despite the law school’s overall rank being significantly lower, and that Boston College seemed at the time the survey was done to publish fewer articles in prestigious law reviews than almost any faculty, despite being a consistently top-ranked school.

Proving that some individuals at non-elite schools are prolific, and some faculties at elite law schools are not, is not exactly “subversive.” Far from subverting “traditional hierarchies,” these rankings, like most others, as well as most law school traditions, reinforce the basic hierarchy of law review over specialty journal, constitutional specialty journal over feminist specialty journal, and men over women.<sup>27</sup> Because individual faculty members attain rank points by publishing in top-ranked reviews, there is significant tension between the success of women generally and the success of feminist law journals.

Like Lindgren and Seltzer, the EQR site also ranks individual professors, though it does so based on frequency of citation rather than article placements in top law reviews. Women in this framework do no better, however, and perhaps do even worse. In the overall faculty member rankings, there are no women in the top ten, and only seven in the top fifty.<sup>28</sup> In the rankings of professors who have taught less than ten years, there are also no women in the top ten, and only six in the top fifty, which suggests women as a group might actually be losing ground rather than gaining it.<sup>29</sup>

But these rankings are based on citation counts, gathered through general searches of electronic databases, not article placements. So the

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<sup>26</sup> See Lindgren & Seltzer, *supra* note 6, at 785.

<sup>27</sup> Others have noted the reinforcement of such hierarchies. See, e.g., Nancy Levit, *Defining Cutting Edge Scholarship: Feminism and the Criteria of Rationality*, 77 Chi.-Kent L. Rev. 947, 949 (2000) (“Reliance on quantitative assessments of legal scholarship may tend to subtly perpetuate existing hierarchies of race, gender, and theory prominence. . . .”); Yamada, *supra* note 1, at 262 (“[R]ankings provided by U.S. News and The Gourman Report do little more than affirm a long understood hierarchy.”).

<sup>28</sup> See *Most Cited Law Faculty*, at [http://www.utexas.edu/law/faculty/bleiter/rankings02/most\\_cited.html](http://www.utexas.edu/law/faculty/bleiter/rankings02/most_cited.html) (last visited Sept. 25, 2003). Fred Shapiro’s list of most-cited legal scholars of all time includes only one woman in the top 50, and two more in the next 61. See Shapiro, *supra* note 6, at 424-25.

<sup>29</sup> See *50 Most Cited Law Faculty Who Entered Teaching Since 1992*, at [http://www.utexas.edu/law/faculty/bleiter/rankings02/50\\_most\\_cited.html](http://www.utexas.edu/law/faculty/bleiter/rankings02/50_most_cited.html) (last visited Sept. 25, 2003). The current EQR site states that it will discontinue “most-cited faculty” rankings after 2003 because of the concern that they are misleading. See <http://www.utexas.edu/law/faculty/bleiter/rankings/mostcited.html> (last visited Nov. 5, 2003).

exclusion of feminist law journals from journal rankings should not be affecting these numbers directly. Why do women nonetheless do so poorly in these rankings? Patricia Cain was surely on to something in her 1991 article on feminist legal scholarship in which she reported finding, based on an informal look at citation patterns, that “for the most part, feminists scholars are citing each other.”<sup>30</sup> Feminist pieces, she observed, tend to be overlooked by obvious crossover audiences, and that neglect costs them dearly in frequency-of-citation rankings.<sup>31</sup>

And whether or not it is true that feminists only cite each other, it is true that many of the leading articles on feminist legal theory (admittedly not the only type of article of interest or value to women) are published in mainstream law reviews. Thus in articles that purport to survey the field, a significant majority of the citations are to articles published in standard law reviews, and only a small minority to articles published in feminist law journals.<sup>32</sup> There are of course some articles published in feminist law journals that are both widely read and frequently cited,<sup>33</sup> though many of the most notable ones have been published in standard law reviews.

A review of faculty rankings by subject matter supports this finding. Of the top ten ranked women within the “Feminist Legal Theory” specialty area, six of them have published at least one piece in a women’s law journal,<sup>34</sup> although many of those were based on speeches or something other than traditional, footnoted articles.<sup>35</sup>

### III. CAN THE RANKINGS CONUNDRUM BE SOLVED?

What role, then, does this world—in which faculties are ranked by where they publish; law journals are ranked by who cites them or who publishes in them; other academics do not cite feminists; feminists cite articles primarily in mainstream law reviews; high-ranking authority figures

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<sup>30</sup> See Patricia A. Cain, *Feminist Legal Scholarship*, 77 Iowa L. Rev. 19, 30 (1991).

<sup>31</sup> See *id.* at 31-32.

<sup>32</sup> See, e.g., Katharine T. Bartlett, *Gender Law*, 1 Duke J. Gender L. & Pol’y 1 (1994) (citing over one hundred articles in mainstream law journals, but only a fifth of that in gender journals); see also Cain, *supra* note 30 (citing ten times as many articles in mainstream law reviews as in gender journals); Lisa R. Pruitt, *A Survey of Feminist Jurisprudence*, 16 U. Ark. Little Rock L. J. 183 (1994) (citing twice as many articles in mainstream law reviews as in gender journals).

<sup>33</sup> See, e.g., Robin L. West, *The Difference in Women’s Hedonic Lives: A Phenomenological Critique of Feminist Legal Theory*, 3 Wis. Women’s L.J. 81 (1987) (cited in 207 articles available on Lexis).

<sup>34</sup> I draw this conclusion based on a Lexis search by the name of each author.

<sup>35</sup> See, e.g., Sylvia Law, *Keynote Address: Patients’ Rights Without Health Rights?*, 17 Berkeley Women’s L.J. 188 (2002); Catharine A. MacKinnon, *Graduation Address: Yale Law School*, June 1989, 2 Yale J.L. & Feminism 299 (Spring 1990).



do not publish in feminist law journals and women seldom rise to those ranks; objective ranking measures exclude feminist law journals; and feminists have every incentive to publish anywhere other than a feminist law journal—leave for feminist law journals?

The case has to be made that these journals should exist and professors should publish in them despite these apparent limitations.<sup>36</sup> No one became an academic star by publishing exclusively or even predominantly in feminist law journals, and yet many female scholars value them and publish in them. Scholars must believe they are gaining something by publishing in a feminist law journal—a more interested or knowledgeable audience, a qualitative or subjective reputation not captured in any available surveys, or a place to publish pieces that in style or substance are not likely to be published by mainstream law reviews,<sup>37</sup>—or giving something back—such as a contribution to a community of feminist scholars and a training ground for feminist students.<sup>38</sup>

Felice Batlan commented during this symposium that when the first women's journals hit the law school scene in the 1970s, women in academia were reticent to publish in them for fear that articles placed there would not count as "real publications" for purposes of tenure and reputation.<sup>39</sup> While that fear may have lessened through the 1980s and 1990s, the imperialist power of rankings may have today brought feminist law journals full circle, so that publishing in feminist journals and not publishing at all are again the same thing.

The task for feminist law journals is to solve the rankings conundrum. Feminists concerned with preserving women's law journals find themselves in a familiar place: choosing whether to assimilate into a system slated against them or to opt-out.

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<sup>36</sup> Of course the incentives described herein operate much less forcefully, if at all, on practitioners. It may be for that reason that feminist law journals frequently publish articles written by practitioners.

<sup>37</sup> Other participants in this symposium developed some of these themes in their remarks.

<sup>38</sup> My assumption had been that this justification has eroded over the last twenty years, as feminist scholarship has become more accepted into the mainstream and acknowledged as a valid form of scholarship. But Laura Rosenbury, who collected data on the number and content of articles published in women's law journals and seven "flagship law reviews" since 1978, found that the number of "feminist" articles published in the flagship law reviews has actually declined over the last five years. She also found that trends in subject matter differed between women's law journals and flagship law reviews. Laura A. Rosenbury, *Feminist Legal Scholarship: Charting Topics and Authors, 1978-2002*, 12 *Colum. J. Gender & L.* 446 (2003). Her research may support the re-emergence of a need for feminist law journals as a publishing outlet for some feminist issues.

<sup>39</sup> Felice Batlan, *A Journal of One's Own? Beginning the Project of Historicizing the Development of Women's Law Journals*, 12 *Colum. J. Gender & L.* 430, 437 n.19 & accompanying text (2003).

While there are obvious ways for feminist law journals to improve their standings within the existing system, it is not clear this is a game that ultimately can be won. To have a fighting chance, key constituencies—student editors and feminist scholars—need to work collectively toward two goals: to publish more articles by more prominent authors and to generate a greater number of citations to articles published in feminist law journals.

The job of student editors is to devise ways to attract prominent authors to write in their pages, perhaps by holding symposia and conferences instead of relying so heavily on unsolicited submissions.<sup>40</sup> Editors need also to think creatively about increasing readership, which, among its other benefits, is a means of maximizing potential citations. Substantive content that sparks controversy or interest is one avenue, but better selling of a truly valuable product is another one.

Feminist academics, for their part, need to consider publishing in feminist journals even though their individual productivity ranking might suffer because of it. This is particularly important advice for prominent, well-established scholars, since their articles generate more “rankings value” than those of newer scholars. And perhaps all feminists should take the advice of Jack Balkin and Sandy Levinson in a tongue-and-cheek commentary on faculty productivity rankings to “cite yourself, early and often” and “get your friends to cite you whenever you can.”<sup>41</sup>

Feminists could also pick the second option and opt out of the rankings game. They could generate their own rankings or at least become more active critics in the debate about their use and misuse. Feminists Against Rankings could be a rallying cry, or at least a web site address. Or feminists could simply refuse to acknowledge the rankings, and try to avoid giving into their sometimes perverse incentives. Charting a path around the rankings conundrum may be the task for the next generation of feminist scholars.

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<sup>40</sup> Symposia have the benefit of giving contributors an obvious opportunity to cite each other, thus improving the ranking of each individual as well as the journal itself. This approach can backfire, however, since the author-prominence ranking methodology specifically excludes symposium articles from its point tallies. See George & Guthrie, *supra* note 6, at 830 (describing methodology).

<sup>41</sup> See J.M. Balkin & Sanford Levinson, How to Win Cites and Influence People, 71 U. Chi.-Kent L. Rev. 843, 855 (1996) (giving advice for winning the rankings game).