

Common Law S5 Ep 1: Kim Krawiec Episode Transcript

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Risa Goluboff: On this episode of Common Law, what makes a transaction "repugnant"? We're talking taboo trades with UVA Law professor Kim Krawiec.

Kim Krawiec: If I donate my kidney to a stranger for free, I'm a hero. If I try to sell it to somebody, I'm in jail.

[THEME MUSIC UP, THEN UNDER]

Risa Goluboff: Welcome back to Common Law, a podcast of the University of Virginia School of Law. I'm Risa Goluboff, the dean.

Cathy Hwang: And I'm Cathy Hwang, a professor at UVA Law.

Risa Goluboff: So Cathy, we didn't get too long a break from our last season. How are you feeling about reviving our partnership for round two?

Cathy Hwang: Well, I feel, you know, a little bit like a gunner to admit this, but, I'm actually really excited. I love having an excuse to talk to people about their work.

Risa Goluboff: Me too. Just to remind listeners, last season we called "Co-Counsel" and I teamed up with four co-hosts who were also all UVA Law professors. And they helped interview guests in their fields, ranging from law and psychology to business law — that's your specialty. It was so much fun that we are doing it again, and we're calling it "Co-Counsel: Take Two."

Cathy Hwang: You know, Risa, I don't, I don't think we actually talked about this, uh, beforehand what we were gonna call it. So, you know, I just thought, you know, just to make it a little bit more fun, I've got my own list.

Risa Goluboff: Okay.

Cathy Hwang: Co-Counsel: Take Two: Electric Boogaloo.

Risa Goluboff: Interesting.

Cathy Hwang: Co-Counsel: Take Two: the Counseling.

[LAUGHING]

Cathy Hwang: Or Co-counsel: Take 2: 2 Fast – that's the number two – 2 Fast, 2 Furious.

Risa Goluboff: I get the, uh, allusions. I see the allusions. Um, you know, I, I – let's, let's keep talking about the title. Those are really, you know, interesting possibilities.

Cathy Hwang: Yeah, yeah. I'll send you an Outlook invite. No worries.

Risa Goluboff: [LAUGHING] Perfect. You know, I do love that there are two colons in each title, cause we law professors, we love our, our colons in the title. So that's like extra, extra.

Cathy Hwang: Yeah, exactly.

Risa Goluboff: So for this episode, we are welcoming a fellow podcaster.

Cathy Hwang: Indeed. UVA law professor Kim Krawiec hosts a podcast with an intriguing title, "Taboo Trades." That phrase also describes a lot of her scholarship. On top of being an expert on the regulation of financial markets and businesses, and corporate board diversity, Kim focuses on trades or exchanges that are contested and, in some cases, forbidden. So, think surrogacy, egg and sperm markets, organ donation, and sex work. At UVA, she teaches a course with the same title as her podcast, "Taboo Trades," a course called "Repugnant Transactions," and her latest is "Blood Feud." So she clearly has a knack for names.

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Risa Goluboff: Absolutely.

Cathy Hwang: Today we'll talk to her about the arc of her research and also about her recent paper, "Markets, Repugnance and Externalities," forthcoming in the Journal of Institutional Economics.

Risa Goluboff: I can't wait! We will be right back with UVA Law professor Kim Krawiec.

[THEME MUSIC UP, THEN UNDER AND OUT]

Cathy Hwang: Kim, welcome.

Kim Krawiec: Thanks, Cathy.

Risa Goluboff: So wonderful to have you here. Thank you for joining us and for taking a break, with "Taboo Trades," your own podcast.

Kim Krawiec: Thank you. Thanks for having me.

Cathy Hwang: So Kim, I have to ask, how did you get into this world of repugnant markets in your scholarship?

Kim Krawiec: I've always been interested in the process by which contested or illegitimate markets become legitimate. And it dates all the way back to when I was in practice at Sullivan and Cromwell. I was in the Commodity and Derivatives group. And at that time, derivatives were a fairly new thing, but were nonetheless considered already an essential part of financial engineering and a part of financial markets. As I began researching them, I realized that that hadn't always been the case. There was a time when they had just been considered gambling contracts. They were illegal in many jurisdictions and were not enforceable in the other ones. And I just became fascinated by the political and social and legal process by which they became part of the accepted financial markets, as opposed to the illegitimate gambling markets. And life insurance contracts followed a similar trajectory. They had at one time been viewed as just really betting on someone's life. They had to be sort of rehabilitated as a legitimate financial contract. So once you start going down this path of sort of, why are some markets taboo and why are some accepted and, gosh, it's not fixed in time or stagnant, some things that are taboo become accepted and vice versa, then it really opens up a whole world of other types of exchanges that I became interested in and that I spend most of my time on now. Things

like sex work and surrogacy and gamete and organ markets and violent sports, and, you know, it's virtually an, a limitless list.

Risa Goluboff: I have to say, it sounds like you're a historian. It sounds like your questions are change over time, right? How does a particular market or a particular category of goods or services move from illegitimacy to legitimacy, and also, I would guess, sometimes from legitimacy to illegitimacy as well, right? It could go in either direction.

Kim Krawiec: Luckily for me Risa, because I am not a historian ...

[LAUGHING]

Kim Krawiec: A lot of the taboo markets are things that are new markets. And they're new because they've been recently enabled by technological innovations. That's not true of all of them, but that is true of a lot of them that I study. And so, luckily, I'm working with a fairly short historical timeline in many of these cases.

[LAUGHING]

Risa Goluboff: You know, the phrase that is used, that you use, is "repugnant markets," right? But are they really repugnant to you? Can you talk a little bit about that word "repugnant"?

Kim Krawiec: Yeah, so there are a lot of different terms that are used to describe what are, to me at least, essentially the same thing. And part of that is because some people who work in this are economists and some are lawyers and some are philosophers, and some are ethicists and ...

Risa Goluboff: And is it that the different terms reflect not only different disciplinary approaches, but also different normative views?

Kim Krawiec: I think that that is right. Repugnance is what most people within economics use because that's the term Al Roth uses. And, you know, I think that the consensus is that if you win the Nobel prize, you get to name the thing, right?

[LAUGHING]

Cathy Hwang: It's like a dinosaur. If you find it, you get to name it.

[LAUGHING]

Kim Krawiec: Exactly. So, so repugnance is the common term there. I have found that when I talk to, for example, philosophers, that term is problematic. And one reason for that is because Leon Kass very famously talked about repugnance as being a sort of visceral, emotional reaction to certain things, outside of reason. His theory was that that should be a sign for us that something might be wrong with this transaction. And so, a lot of times, if you use the phrase “repugnance,” people think that you're saying that their objections are irrational and that's specifically not what I'm saying. And it's, it's actually not what Al Roth is saying either. But I've just found that it leads to confusion. I purposely use “taboo trade” – I use it in my class and in my podcast and in a lot of my writing – in part, because I am interested in the trading aspect specifically. I'm interested in markets, right? That's what drew me to this. And I'm interested in the taboo nature of them. Um, meaning that it's more than contested – the phrase that Peggy Radin uses – but it doesn't come with the sort of normative valence that some people have when they hear the phrase repugnance.

Cathy Hwang: Interesting. Maybe this is a good chance to segue into talking about your latest paper.

Kim Krawiec: Yeah.

Cathy Hwang: So I know that Risa claimed you for a historian, but I'm gonna say that if you put markets in the name of your paper, you're a business law person, so you're one of us.

[LAUGHING]

Kim Krawiec: Thank you, I want to be included in both of these clubs. It's great.

[LAUGHING]

Cathy Hwang: So, uh, your latest paper, "Markets, Repugnance and Externalities" looks at the moral limits of markets and considers what critics of repugnant markets say – that the taboo trade in question is degrading, not just to the willing parties of that exchange, but also to society at large. And you have an interesting counter argument to the critics. Can you just tell us a little bit about that in broad terms?

Kim Krawiec: There is vast variation in legal regimes and social norms across the world about these types of transactions. Just to use a couple of examples, prostitution is illegal in almost all of the United States. It's legal in various forms in much of the rest of the world. Paid egg donation and commercial surrogacy are illegal in much of the world. They are legal in almost all of the United States. So we need to ask ourselves whether, say, intimate relations are so much better off in the United States than they are in, say, Germany. Or whether parent-child relationships are significantly less valued in the United States. And even if that were true, whether it's really true because of egg and surrogacy markets that, bear in mind, your average person doesn't really even know that they exist, much less what they look like.

Risa Goluboff: So your point is that there's not really evidence that a so-called "repugnant transaction" has an impact on society at large.

Kim Krawiec: Yeah, this is an empirical claim, and its proponents don't provide any evidence for it. People should start talking about what type of evidence there is or isn't to support it. And corruption theorists don't do that. They just sort of throw it out there as if it's a theoretical or sort of freestanding moral objection when it's not.

Risa Goluboff: Before we dig even deeper into the paper and into the empirical claims, can you help us put this paper into a larger context? So you say this is only one of the types of objections that can be made. Can you give us a sense of what some of the other types are?

Kim Krawiec: Paternalistic objections. I don't necessarily use that term in the negative way, right? I'm using it to sort of mean it's a regulation that's designed to protect the parties to the exchange, as opposed to third parties who are uninvolved in the exchange.

Risa Goluboff: And I take paternalism to mean protecting the parties to the exchange in some ways from themselves.

Kim Krawiec: Yes. That's exactly right. So, typically those types of objections would be exploitation. What people often refer to as coercion. But that may be beyond the scope of your podcast, Risa. They should refer to that as undue inducement. That's what they're really objecting to in my view. And then there is also a corruption objection to the parties themselves, right?

Risa Goluboff: Right.

Kim Krawiec: Paid sex, for example, corrupts the two parties to that. Looking, just at the moment, at the corruption objection, when it is internal, when it's paternalistic to the parties, that is not nearly as powerful an objection as when they're, we're talking about an externality. In part because paternalistic regulations and restrictions are just more problematic than banning externalities. But in addition, because most people will never be organ sellers or buyers, right? Whereas if the claim is that this cheapens all of humanity, that is a much, much more important objection. And so that's why I focus on externalities in this paper, because I think if all we're talking about is what happens to the parties to the exchange, we're talking about a small subset of people.

Cathy Hwang: So Kim, do you feel like there's a difference between taboo trades or repugnant transactions that involve money and those that don't involve money?

Kim Krawiec: Yeah, absolutely. For me, and I think for a lot of people that work in this area, we're not interested in just everything that upsets people, right? We're interested in things that are fine, and sometimes even applauded as being highly moral behavior, until you add money to the mix. And that somehow transforms it into something that's less desirable, right? So if I donate my kidney to a stranger for free, without getting paid for it, I'm, I'm a hero. If I try to sell it to somebody, I'm in jail, right? And so that's the question that I think animates a lot of this is: what is the effect of money? The purported corrupting effect of money specifically is really what interests most people that write in this space.

Risa Goluboff: You talk about how the alternative to corrupting our values is the reinforcement of our values, right, and how oftentimes these transactions actually serve to reinforce values that we hold.

Kim Krawiec: Yeah.

Risa Goluboff: So can you say a little bit more about the reinforcement generally, and then also what's the relationship between that and money or no money in the transactions?

Kim Krawiec: Yeah. And this goes to sort of why I think it shouldn't be that surprising to us that we don't see these grand effects that corruption theorists point to. Part of that is because I think it just misunderstands

the way that taboo trades occur in the real world, as well as what are, you know, the fully self-interested motivations of important players in these industries, such as fertility centers, blood banks, transplant centers. And when people engage in a taboo trade – which they do all the time – it's not as if by saying you can't do this, or you shouldn't do this, um, that people stop doing it. They don't. But when they do it, they don't tend to go around and announce, you know, 'To heck with your taboos! I don't care! I'm violating them! Who cares about sacred values?'

[LAUGHING]

Kim Krawiec: That's not the way that most people approach these types of transactions, right? And that's not only because there are social and sometimes legal sanctions associated with proceeding in that way, but often it's just incompatible with who they think they are as a person, right?

Risa Goluboff: One example that you use in your paper is egg donation, or, technically speaking, the sale of eggs in fertility treatments.

Kim Krawiec: I'm gonna call it donation even though in the United States, everybody is being paid, but I'm gonna keep using the common terminology, which is donation, which alone is telling, right? The fact that we call a transaction where thousands of dollars, and in some case, you know, tens of thousands of dollars is changing hands, we refer to it still as donative is interesting.

Risa Goluboff: Sure.

Kim Krawiec: No one involved in that transaction wants to think of themselves as buying or selling children or undermining the sanctity of parenthood in some way, right? Donors want to think of themselves as helping somebody else have children, somebody who's not been as fortunate as they are. They definitely don't want to think of themselves as selling their future offspring. Intended parents, for their part, don't view themselves as purchasing a baby or the raw materials for a baby; they like to think of themselves as expressing gratitude for a priceless gift. And the result is this robust market where lots of money changes hands and really no one, for better or for worse, really thinks of themselves in engaging in just any old market transaction. And certainly not in one that undermines these types of sacred values about parenthood, and children and babies. And so it's just the opposite, for

better and for worse, by the way. I've actually been a critic of this type of gift discourse, especially because it's quite gendered. But it does serve a purpose. Without it, the market would be too taboo. The market needs to be palatable in order to be successful. And what that means is that fertility centers and a whole variety of people with stakes in this game have an interest in structuring this industry so that it purposely appears to be promoting values that we care about, rather than being something that's dirty and transgressive, something that people need to be ashamed of. And so to me, the entire discussion about corruption just really fails to take into account the way most people tend to structure the taboo trades in which they engage.

Risa Goluboff: So when you say the donative nature, right, is reinforcing the gender norms, that's because the expectation is women are to be selfless, right?

Kim Krawiec: Yeah.

Risa Goluboff: As opposed to the kind of betrayal of womanhood by selling a baby, right. Is that what you have in mind?

Kim Krawiec: Yeah. And I mean, the most direct comparison would be to the sperm market. And obviously there are differences in the egg and sperm market, both in the product and in the process by which that donation takes place. But nonetheless, there's enough similarities that I think we can definitely see the gendered aspects of this. The main complaint that I have actually had about it is that it results in this notion that women should be mostly doing this out of altruism. The most obvious result of that was a price cap among the fertility centers that capped the price of egg donation at \$5,000, except in special circumstances, which weren't defined. And then you could set it at \$10,000. And, you know, ethicists looked at this stuff and they're debating sort of, you know, why this is good in its partial commodification. And you know, to me, this is why more business lawyers need to do this type of stuff. I look at it and I'm like, that's an antitrust violation. And eventually a class action came out of that research, and those guidelines were lifted, in my opinion for the better, in other's opinion, for the worse. You know, I think that there are in fact costs with this sort of gift framing. It also serves a purpose and has been necessary. Whether it will remain necessary as these markets mature, I don't know. But you know, when we know that something is an arm's length transaction, we expect the parties to be looking out for

themselves and not looking out for each other. And we have a variety of protections in place that are designed to address that fact. When we say that people are just helping each other and that this is really a gift and it's not really a market and it's not really a transaction, then a lot of that stuff falls aside, including that people think, oh, anti, why would antitrust laws apply here? It's just a gift.

[LAUGHING]

Kim Krawiec: Um, and so I do think it definitely has a downside, but again, it has been a necessary part of the market, an important part of it, and the way people approach things that have been taboo or forbidden for some time is to analogize them to things that aren't forbidden or taboo and that we think are not just morally appropriate, but morally worthy and worthy of praise, right? Oh, this is very similar to this thing that's good, giving gifts, helping people who can't have their own children. And that's what we see in the kidney exchange spaces as well, a similar dynamic.

Risa Goluboff: This might be oversimplified and blunt, but my sense of the field that you're talking about is that, you know, there's a division, again, a blunt division between kind of pro-regulatory and pro-market, right. And maybe that's not quite fair, but that there are folks in this conversation who really want to suppress these markets and think they're, you know, deeply problematic. And am I right to think that's not you, that you are more amenable, more sympathetic to these transactions and to the, the market actually, you know, playing a role like markets do in facilitating these transactions?

Kim Krawiec: I think that's right. I wouldn't call it pro regulatory versus an – because with a couple of exceptions, almost everyone who works seriously in this space favors regulation and thinks really hard about what the appropriate regulations should be to address some of the concerns that people have about things like undo inducement and exploitation, right? It's not that those things aren't a worry, it's that there are other ways to address them.

Risa Goluboff: You, you would say that's not the end of the conversation, even though we take it seriously.

Kim Krawiec: Exactly. That's the beginning of the conversation. And I will also say that, with respect to reproductive services of all types, at

least in the United States, it has become more pro-market over time. And I think there's probably a lot of reasons for that. Part of it is the recognition that this is a necessary step for building alternative families and sort of being more attuned to that aspect of it. But in addition, thankfully, although we still have a long way to go, the standing of women has changed a lot since the first wave of feminists began writing about these things. And so, you know, things look different now than they might have in 1985, when the first round of feminists worried about, sort of, stereotyping of women, and sort of coercion of women or exploitation of women. Those things are still things to worry about, but the world does look different. You have a lot of women saying in a very robust and very intelligent way, "Look, I have analyzed all of the income opportunities at my disposal, and this is the one I choose. And who are you to tell me that that is wrong? I'm perfectly capable of analyzing risk. I'm perfectly capable of making these choices."

Risa Goluboff: Now, before we end this podcast, I would really love to hear a little bit more about your podcast.

Kim Krawiec: Oh, it is called the Taboo Trades podcast. It is getting ready to start season three. And it deals with all of these issues. I have a series of guests. Most of them are academics, but sometimes they're lawyers or regulators or think-tank people. A couple of them have been kidney donors, um, or kidney recipients. And, I do it now with students and so I have a Taboo Trades class where the students are essentially producers of this podcast and they rotate as co-host and they are stars. Let me just tell you, people love the students. People love the students. I actually have people who are like, can I come team-teach a class at UVA with you sometime because the students are so smart and engaged there, from hearing the podcast.

Risa Goluboff: That's such a compliment.

Kim Krawiec: Yeah, no people love them. I think it's especially helpful to have the perspective of a younger generation for whom some of these things are just not taboo at all. They're just normal, right?

[LAUGHING]

Kim Krawiec: And then other things are more taboo to them. I find it quite interesting.

Cathy Hwang: Our students are fabulous and smart and engaging and sparkly and wonderful, but this conversation is making me a little bit nervous that Risa's going to fire me and replace me with a student co-host.

Risa Goluboff: I was thinking the same thing, Cathy.

Cathy Hwang: Oh no!

Risa Goluboff: Not that I was going to fire you, but that you might be feeling nervous that I was going to fire you. Uh, well, I think you're – what were the words you said? Brilliant and engaging and sparkly and wonderful. So, have no fear.

[LAUGHING]

Risa Goluboff: But it is a great idea, Kim, to use the students and maybe some future time I will do that.

[LAUGHING]

Cathy Hwang: A future semester, back off!

[LAUGHING]

Kim Krawiec: I'm just surprised at how good they are at this stuff. Both with the podcast format, which again, maybe feels just more natural to them. But also with engaging people on their scholarship. They have been respectful, but asked hard questions. More than one person with papers who had been through peer review said, "I can't believe nobody brought up that point until now. I am going to change it."

Risa Goluboff: Wow!

Kim Krawiec: And some of them even said, "And I will cite you for it. This is because of Caitlin, you know, or Madison or whoever it was."

Risa Goluboff: That's a big deal!

Cathy Hwang: Yeah, that's awesome.

Kim Krawiec: Yeah.

Cathy Hwang: Before you go, um, you have a new course called “Blood Feud.” So tell us what it's about. Is there, you know, is there something you can't talk about maybe, or you'd have to kill us?

[LAUGHING]

Kim Krawiec: Actually this is a perfect segue — this course precisely came about because Peter Jaworski, my co-teacher, listens to the podcast and said, “Your students are great. I would love to have a chance to run some of my ideas about the plasma markets.” And then I sort of said, “Look, we should do a course on this. If you're so interested in getting to meet the Virginia students, you should come teach 'em.”

Cathy Hwang: Right?

Risa Goluboff: That's fabulous! So tell us a little more about the course. What is the issue with plasma markets?

Kim Krawiec: Many, many countries prohibit compensating plasma donors, which means they don't have any. And they have to then import plasma from the United States, which of course, pays all of its donors.

[LAUGHING]

Kim Krawiec: And so this is sort of what Peter has been involved in.

Risa Goluboff: It was not what we thought blood feud was gonna be about.

Kim Krawiec: Oh, what did you think it was gonna be about?

Risa Goluboff: I don't know the mafia or ...

Cathy Hwang: Theranos.

Kim Krawiec: Duels?

[LAUGHING]

Kim Krawiec: No, it's the feud about ...

Risa Goluboff: It's the feud about blood.

Kim Krawiec: Yeah.

Risa Goluboff: Yeah, we get it now. That makes more sense, given your scholarship, but we have active imaginations, me and Cathy, so ...

[LAUGHING]

Risa Goluboff: ... but it sounds terrific, as does your work in general and your podcast. I have to imagine you're going to get many new listeners who've heard this podcast crossing over to Taboo Trades.

Kim Krawiec: I certainly hope so.

[THEME MUSIC IN]

Risa Goluboff: What a pleasure it has been to talk to you. Thank you so much for being here, Kim.

Cathy Hwang: Thank you so much.

Kim Krawiec: Thank you. Thanks to both of you.

[THEME MUSIC UP, THEN UNDER AND OUT]

Risa Goluboff: I thought that was such a fascinating conversation, Cathy, and I learned a ton.

Cathy Hwang: Absolutely. And she really does bridge kind of the historical aspect and the business law aspect, which is very challenging, actually, I think.

Risa Goluboff: Yeah, as well as, right, engaging with the philosophers and the ethical questions and the, the cultural and normative questions, it's just – she really sits at the intersection of all of these different ways of looking at the problem and is, is so sophisticated at looking at them through all the different lenses.

Cathy Hwang: Oh, yes.

Risa Goluboff: We had that conversation about why she likes the word taboo and not just the word but the phrase “taboo trades,” right, because she wants to think about the transactions ...

Cathy Hwang: Yeah.

Risa Goluboff: ... over repugnance. And one of the things I was thinking about, I don't know if this is right or if she would agree with me or if you would agree with me, but repugnance, right, she was saying that there are lots of people who don't like repugnance because it suggests an irrationality, right? That it's a visceral response rather than a cognitive one. But to me, the difference who is experiencing it, right. And, and who the, the subject of it is, right? So in repugnance, it's an individual experience, whereas taboo seems to be saying something about a collective view of a particular transaction that any given individual may or may not agree is repugnant, but that there's some collective cultural sense that it might be problematic.

Cathy Hwang: Yeah, I think that's really interesting, and I thought it was interesting that she made that kind of, you know, individual versus collective distinction. For me, it's almost, you know, what does that word bring to mind? Repugnant seems more gross and therefore wrong and taboo seems more, I don't know, taboo.

[LAUGHING]

Cathy Hwang: It's wrong, but there's less of a moral valence to it, I guess, less of a gross feeling. So I can kind of see that if you want to talk about these in a more neutral way that taboo, I feel like captures that sense a little bit better than repugnant.

Risa Goluboff: Taboo seems more socially constructed and repugnance, this is where the irrationality comes from, right, repugnance seems more physical or ingrained. And there's a way when we talk about taboos, it's more culturally relative. We can all say there are things that are taboo in culture X, but not culture Y, right? So we all, I think, recognize when we talk about taboo that it's contextual and situational and repugnant seems more inherent or ingrained in some way.

Cathy Hwang: Yes, absolutely.

Risa Goluboff: I don't know that that's actually true. I don't know that the anthropologist would say that's actually true, right, that we may feel repugnance at the things that are taboo for us. But somehow when you take the words all by themselves, they seem to resonate in those two different ways.

Cathy Hwang: Yeah, I think that's right. I mean, I, again, neither of us is an anthropologist, but I think we went to like what, 40 years of school collectively, more?

[LAUGHING]

Risa Goluboff: So we'll just opine.

Cathy Hwang: Yeah, exactly. We're just opining. We're fine. Yeah.

Risa Goluboff: We don't have to be right. We could just be interesting.

[LAUGHING]

Risa Goluboff: So the other thing I was thinking about was her point that we have in our heads, I think, a lot of imagination around these transactions is that, you know, there are two individuals and you have the sperm donee or the egg donor and the egg donee and that, these are interpersonal interactions taking place in a vacuum. And in fact, they're not, right? They're structured by markets. They're structured by large institutions and organizations and businesses, and that there's big money at stake.

Cathy Hwang: Oh, yes. I think there's a point there to be made about thinking that it's a private transaction, right? You know, I have an egg and you want an egg, you know, we'll go see a doctor and he'll extract it from me and give it to you. I think sometimes it happens like this, but I think sometimes, especially with the reproductive type of egg and sperm donation, there seems to be a middleman aspect to it, right? So, I would like to, you know, get pregnant as a single lady and so I go and I kind of figure out the parameters of who might work out. And I may never know who the sperm donor is.

Risa Goluboff: Sure.

Cathy Hwang: And that's facilitated by some kind of third party. So it's a transaction that's facilitated by a middle, um, an intermediary, and as with a lot of intermediary transactions, there's a lot of stuff happening in the murky middle that we don't understand and can be sketchy and exclusionary and all of the things we worry about.

Risa Goluboff: I agree.

Cathy Hwang: You know, one thing we had discussed at the beginning of this episode is how fabulous she is at coming up with names for things.

Risa Goluboff: Yes.

Cathy Hwang: Blood Feud is not what I would've called the course. I would've called the course something like Current Topics in Plasma Transactions and that would've gotten a lot fewer students, I'm pretty sure.

[LAUGHING]

Risa Goluboff: I agree completely. Next time we have to name a season of Common Law, or I have to name a book or anything else I'm going straight to Kim Krawiec. She will be my go-to.

[THEME MUSIC IN]

Risa Goluboff: I hope you didn't take offense from that. Your titles were very interesting.

[LAUGHING]

Cathy Hwang: It at least had a lot of colons in it.

Risa Goluboff: It did. I love the colons. The colons were great.

Risa Goluboff: Well, thank you, Cathy. This has been great.

Cathy Hwang: Thank you so much for having me.

[THEME MUSIC UP, THEN UNDER]

Cathy Hwang: That's it for this episode of Common Law. If you want to find out more about Kim Krawiec's work, visit our website, Common Law podcast dot com. You'll also find all our previous episodes, links to our Twitter feed, and more.

Risa Goluboff: We hope you'll join us next time, and throughout the season with our Co-Counsel hosts for more explorations of how law shapes our lives. I'm Risa Goluboff.

Cathy Hwang: And I'm Cathy Hwang. See you next time.

[THEME MUSIC UP, THEN UNDER]

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