

BRING MUSIC IN (Soundstripe - Cody Martin “Synesthesia”)

RISA GOLUBOFF: The U.S. Women’s Soccer team won the very first women’s World Cup competition in 1991. |

[USA v NOR WWC1991 FINAL](#)

ANNOUNCER: It’s all over! The USA Women’s Team are the world champions.

LESLIE KENDRICK: Then won it again eight years later.

[USA v CHINA PR - 1999 FIFA WOMEN’S WORLD CUP FINAL - FULL MATCH](#)

ANNOUNCER: Goal!

RISA GOLUBOFF: Again sixteen years after that.

[USA v JAPAN - 2015 FIFA WOMEN’S WORLD CUP FINAL - FULL MATCH](#)

ANNOUNCER: The United States of America are the 2015 World Cup winners!

LESLIE KENDRICK: And they remain the reigning world champions after winning yet again in 2019.

[USA VS NETHERLANDS - FIFA WOMEN’S WORLD CUP FRANCE 2019](#)

ANNOUNCER: The United States of America are crowned champions of the world ...

RISA GOLUBOFF: But in all that time, women on the U.S. team have received a fraction of the resources that their male counterparts have.

LESLIE KENDRICK: So in their fight for equity, the team has turned to the courts for help ... AND to the court of public opinion.

[U.S. WOMEN'S SOCCER TEAM WINS WORLD CUP, CONDEMNING PAY DISCRIMINATION AND PRESIDENT TRUMP](#)

FANS: Equal pay! Equal pay!

LESLIE KENDRICK: Those are fans chanting “equal pay.”

RISA GOLUBOFF: Today on Common Law, we're diving into the 'beautiful game' and asking: When it comes to gender equity in sports, can the law help level the playing field?

USA VS NETHERLANDS - FIFA WOMEN'S WORLD CUP FRANCE 2019

ANNOUNCER: Great goal! Brilliant goal!

FADE MUSIC OUT; BRING THEME MUSIC IN AND UP

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

LESLIE KENDRICK: And I'm Leslie Kendrick, the vice dean.

BRING THEME MUSIC UP, THEN UNDER

LESLIE KENDRICK: In this season of Common Law, we're exploring issues of law and equity.

RISA GOLUBOFF: In our last episode, we talked with Boston University Law School Dean Angela Onwuachi-Willig about the cultural trauma that results from a lack of accountability when police and vigilantes kill Black people.

ANGELA ONWUACHI-WILLIG: With the repeated acquittals and the non-indictments, it has the impact of leaving so many people who are citizens in this country feeling like they aren't protected.

RISA GOLUBOFF: If you missed that episode, we hope you'll go back and listen.

BRING THEME MUSIC UP, THEN FADE OUT

LESLIE KENDRICK: Today in a totally different arena, we're bringing in a team of two experts to talk about equity on the soccer field. Professor Camilo Sánchez and UVA Law student Jolena Zabel recently collaborated on a study titled "Gender Discrimination in Football: Building a Toolbox toward Gender Equity in the Beautiful Game."

RISA GOLUBOFF: And just by way of clarification: by football, they're talking about soccer. So, welcome Jolena and Camilo.

CAMILO SÁNCHEZ: We are delighted to be here with you.

JOLENA ZABEL: Great to be here.

RISA GOLUBOFF: So, Camilo, you're the director of our International Human Rights Clinic here at UVA Law school, as well as co-director of our Center for International & Comparative Law and our Human Rights Program. Maybe to some people sports don't seem like they're necessarily in the core of human rights, so why would you say gender equity in sports is an appropriate topic for the human rights clinic to be taking up?

CAMILO SÁNCHEZ: That's a great question. It's an opportunity to bring the human rights conversation into the daily life. Because you see sports all the time. Sports is really something that is part of our lives and it's been that way for thousands of years. And when you have these huge disparities that affect half of the world's population, that's something in which law and justice need to be involved.

LESLIE KENDRICK: Jolena, I understand you were one of three law students who worked on this issue and that in fact, you were an all-woman team, and, uh, I was just wondering, how did you get interested? How did you come to the topic?

JOLENA ZABEL: Yeah, so I was part of a three-woman team of UVA Law students working on this project. And I was interested right from when Camilo first introduced it to the clinic. I have a background in human rights work, but had never done any work in sport, despite doing a lot of work on gender advocacy. And so I was really interested to see how this tool of human rights and human rights law, human rights advocacy could be used in this new arena and applied. And by the end of the research project, I'd become a real believer that this is a huge opportunity to make a big difference in the world of sport.

RISA GOLUBOFF: Great, so let's start with the most high-profile legal case associated with gender discrimination in soccer. That's the U.S. Women's Soccer Team lawsuit that they filed against the U.S. Soccer Federation in 2019. So what were the players alleging? What's that case about?

JOLENA ZABEL: This is actually not the first case that the Women's National Team in the U.S. has been a part of, which I think is an important context to set. There's been previous cases by individual players like Hope Solo.

[USWNT - 60 MINUTES EXCERPTS - HOPE SOLO "WHEN WE BROUGHT UP THE MEN, IT PISSED THEM OFF" - PT 4 OF 6](#)

NORAH O'DONNELL: Outspoken goalkeeper Hope Solo was on the team for 19 years.

HOPE SOLO: Time and time again, we asked that we wanted to be paid equally to the men ...

RISA GOLUBOFF: This is a clip from a 2016 interview on "60 Minutes."

HOPE SOLO: Every time we brought up the men, it pissed them off. It annoyed them. And they'd say, 'don't bring up the men. Don't bring it up.'

JOLENA ZABEL: Several years ago, there was another lawsuit after Canada hosted the Women's World Cup. And the allegations in that lawsuit and also in this one really kind of have two different key components. One is differences in the way the players are treated in terms of their travel accommodations, what fields they're playing on, things like that.

RISA GOLUBOFF: Right, in your paper, you talk about playing on artificial turf, which is less expensive than natural grass. And that may sound like a small thing, but apparently it makes a big difference, which I hear often in my family from both my husband and my daughter who are soccer players and they hate playing on turf. Anyway, in the 2015 Women's World Cup, the teams had to play on turf in all six of the tournament's venues. |

CAMILO SÁNCHEZ: If we were talking about male teams, any amateur team in one of these countries, they would have played in grass, big stadiums. And women — elite players — had to play in turf.

LESLIE KENDRICK: Abby Wambach, one of the U.S. team's top players, described to NBC Sports what it was like to play on turf.

[U.S. WOMEN'S SOCCER OBJECTIONS FORCES END TO FIFA USE OF ARTIFICIAL TURF](#)

ABBY WAMBACH: Playing on turf affects everything, you know? It affects the way the ball rolls, it affects the way the ball bounces. Should I slide and toe-poke this ball into the goal and deal with bloody knees, bloody hip bones? It's kind of a nightmare.

JOLENA ZABEL: And the other category is pay — contract-based discrimination — where they're looking at what the men's players are receiving, and it's just so much more money that they're capable of getting through prizes, things like that. And the pay structure is pretty complicated. But the way it nets out is that women are paid much less, despite being a much more successful team. |

RISA GOLUBOFF: Just to channel my daughter who is not only a soccer player, but a huge fan of the Women's National Team, they've won how many World Cups? And the men have won how many World Cups?

(Camilo laughing)

JOLENA ZABEL: The men have won zero.

(Risa laughing)

JOLENA ZABEL: The Women's U.S. National Team has won four World Cups.

[USA VS NETHERLANDS - FIFA WOMEN'S WORLD CUP FRANCE 2019](#)

ANNOUNCER: For the fourth time, the United States of America are crowned champions of the world, and for the very first time, they've done it on European soil ...

JOLENA ZABEL: The Women's U.S. National Team has by far been the most successful women's team in the entire world and is looked to as a leader, and so it's, it's really interesting and kind of a shame that they're paid and compensated so much less than the Men's National Team.

RISA GOLUBOFF: So can you just give us a sense of what kind of money are we talking about?

JOLENA ZABEL: Millions. We're talking about millions of dollars, both in pay and also in prize money.

BRING MUSIC IN (Audioblocks - "Quite Inspirational Ambient Lo")

RISA GOLUBOFF: Could you say a little bit more about that?

JOLENA ZABEL: Huge way that players are compensated is through bonuses. And so at the present date, the 2023 Women's World Cup award is set to be \$60 million U.S. dollars for winning, whereas the men's 2022 World Cup award is worth \$440 million U.S. dollars, which is obviously an enormous difference for winning the same global championship.

CAMILO SÁNCHEZ: It's really hard to understand actually how much each of these individual players are making monthly or annually because all of that.

LESLIE KENDRICK: And the pay structure is not the only complicating factor, right? In the paper, you say that employment status is a big issue for women soccer players around the world as well.

CAMILO SÁNCHEZ: What we found is that most players are in the amateur category because to be a professional player, you need to be paid regularly. And women across the world, they don't get to play regularly because of lack of championships, because of lack of interest and for many other reasons. And with that, they don't have a secure income. They don't have access to health and other benefits. They don't have access to proper training and they have no stability at all. Some of them even have to pay to train, to use facilities, accepting other forms of degrading treatment.

RISA GOLUBOFF: Yeah, in your paper you cite a 2017 global survey of elite women soccer players that showed only 25% of respondents said that they were paid enough to even cover the expenses they incurred!

CAMILO SÁNCHEZ: That's correct.

FADE MUSIC OUT

LESLIE KENDRICK: And you cite another eye-popping stat about the sum total of salaries for ALL professional women soccer players.

CAMILO SÁNCHEZ: The total number of female soccer players, which is roughly 1,400 women that are considered professional players, make the

same amount that ONE soccer player, Neymar Da Silva, the Brazilian soccer star, makes in a year. So all of the women combined get the same share that just one person makes.

RISA GOLUBOFF: It's incredible.

JOLENA ZABEL: And in this lawsuit, the number that the United States women's national team players are arguing that the U.S. Soccer Federation owes them is \$66 million. And that's calculated from using those complex ways that soccer players are compensated for their work -- individually, as a team, for bonuses, things like that.

LESLIE KENDRICK: And in terms of the statutes that those claims implicate, these are claims under the Equal Pay Act and Title VII of the Civil Rights Act of 1964. Is that right?

JOLENA ZABEL: Yeah.

LESLIE KENDRICK: So claims that there's the violation of equal pay and also gender discrimination in the sport.

JOLENA ZABEL: Exactly.

LESLIE KENDRICK: Apropos of that, the U.S. Soccer Federation in this lawsuit has made some arguments defending its pay structures, some arguments that are fairly controversial. Can you tell us a little bit about that?

JOLENA ZABEL: Basically the United States Soccer Federation was arguing this is just a different game. The men's game has different skill required, there's different effort levels required and there's different responsibilities. And of course there's a lot of pushback to that, including from a lot of sponsors.

LESLIE KENDRICK: So just to be clear, the argument was that the men's game is harder? It takes more skill, it takes more effort and involves more responsibility and therefore merits more pay?

JOLENA ZABEL: Yeah.

LESLIE KENDRICK: Hunh.

RISA GOLUBOFF: So far as I can tell, a big difference between the men's and the women's game is that the men fall down more and they pretend to be hurt a lot more. The women just seem so much tougher.

CAMILO SÁNCHEZ: (laughing) Yes, that's correct. And actually, during this last World Cup, you know, you could see, you know, commentators all the time comparing, again, Neymar, this Brazilian that is famous just for rolling down on the floor.

[BRAZIL'S NEYMAR GETTING TROLLED ONLINE FOR OVER-ACTING AGAINST MEXICO](#)

ANNOUNCER: Neymar has gone down clutching an ankle here. There didn't appear to be much contact there with the opponent.

CAMILO SÁNCHEZ: And they say, like, look. And look at these women, and tell me that it is just not a different way to live the sport.

[USWNT VS SOUTH AFRICA 5.12.2019](#)

ANNOUNCER: So she has to change the jersey. There's blood on it. It's a veteran team, Ali, just like 2015. The average age 28, several players over 30.

CAMILO SÁNCHEZ: It's very inspiring. If we promote women's inclusion in the sport, we're going to promote better practices, you know? Not this deceiving kind of playing of, you know, trying to cheat, but a way in which you comply with the rules, apply yourself, and try to beat your opponent with goals.

RISA GOLUBOFF: It sounds so simple. So it seems like people are saying, yeah, the sports are different; the women's sport is better, unlike what the U.S. Soccer Federation is saying.

(All laughing)

JOLENA ZABEL: Yeah. We see them relying more in their argument on the kind of the contract-based claims, that this is just a different contract. The women negotiated it, and this is what they ended up with.

LESLIE KENDRICK: In your report you explain that the contracts signed by the men's and women's teams are very different. That the men agreed

to be compensated per game, plus bonuses based on performance, while the women opted instead to receive a base salary.

CAMILO SÁNCHEZ: If you are outside the world of the sport, you would say like, try to negotiate better next time, but it is just not as easy as that.

LESLIE KENDRICK: It plays into conversations about women in negotiation that are cross-cutting across a lot of different fields of employment in a lot of different countries.

JOLENA ZABEL: Yeah.

LESLIE KENDRICK: So where does the lawsuit stand now?

CAMILO SANCHEZ: It has two parts. The first one was dismissed.

LESLIE KENDRICK: The part about equal pay was dismissed?

CAMILO SANCHEZ: Yes. The court ruled that they had actually signed a different contract.

RISA GOLUBOFF: So the court accepted the argument that they made a choice ...

CAMILO SANCHEZ: Exactly. The other part is still ongoing.

JOLENA ZABEL: This difference in what women and men are thinking about when they're negotiating women needing a salary, because it's their main source of employment versus men who are being paid by clubs also speaks to how difficult the inequities and inequalities in the world of football are to fix because you have national teams, you have FIFA, you have clubs. There's a lot of different actors with power, mostly situated entirely under FIFA, but there's a lot of different places where blame and responsibility, and then also payment can fall, which makes a silver bullet really not possible in this arena.

USWNT'S HEATH, PRESS SCORE FIRST MANCHESTER UNITED GOALS

ANNOUNCER: Tobin Heath. Chance for two! And she's got a goal in the WSL!

JOLENA ZABEL: But one thing that is, I think, a possible step forward is a lot of the clubs now in Europe and in the premier league are requiring if there's a men's team, there must be a women's team as well. And so we're seeing a lot of the best women's U.S. players actually now joining clubs that you'll recognize -- Manchester United, things like that.

USWNT'S HEATH, PRESS SCORE FIRST MANCHESTER UNITED GOALS

ANNOUNCER: Off and running! Tobin Heath in Manchester United colors! And they have two now, and every time they come forward, they look like scoring.

JOLENA ZABEL: Now those women have a club that they're playing for. So that maybe is a glimmer of hope on the horizon, but the complex nature of who is paying these players to play — it's a real barrier.

RISA GOLUBOFF: So when you're thinking about the global impact of this case, and then also, you know, how advocacy is working in other countries, is litigation the most effective way of achieving equity in sports? Or is it the fastest way? The only way? Can you kind of situate litigation within the international human rights toolbox and kind of comparatively across the other countries where these issues are equally alive?

CAMILO SÁNCHEZ: Law and litigation play a very important role here.

BRING MUSIC IN (Audioblocks - "Flying Me High")

CAMILO SÁNCHEZ: Not only because there are some contexts in which you can achieve certain goals by going to the courts or trying to infuse a human rights vision or approach to some of these issues, but because a lot of what is happening here is derived from a very complex and obscure justice system.

JOLENA ZABEL: Soccer, the world of soccer, is controlled by FIFA, from the top down to the smallest level of just individual players who are amateurs, kids even. FIFA is controlling the rules of the game, both literally and figuratively. And so any cases that are brought through FIFA are brought through arbitration.

CAMILO SÁNCHEZ: They cannot just go to a court like you and me. If you dare to do that, you can be suspended. No matter how important you are, no matter how successful or famous they can end your career just right there. That's why we think that we need to look at these issues from a human rights perspective. Access to justice, equality, those are principles that are important here, and they should be litigated sometimes. And for that, courts can be important.

LESLIE KENDRICK: Were the U.S. Women's players risking their status by taking this claim to court?

CAMILO SÁNCHEZ: One can say that they're using a loophole in the system, which is that you can bring cases if they are related to your employer. If there is an employer-employee relationship there, and that's the claim, then you are allowed to do that.

JOLENA ZABEL: I think these arbitration requirements and all of these different barriers, even understanding where do I bring my claim? How do I access justice in this convoluted, complicated system? That's why I think we don't see as many cases as you would expect, maybe at first glance, when you look at how great these disparities are, when it comes to the women's game, when you see the kind of mistreatment that's out there, not just in terms of labor contracts, things like that, playing on different pitches, not having equal opportunity and equal access to things, but also sexual assault and harassment. That is kind of another category, but it's another huge component to discrimination in the women's game. And there's not nearly enough justice in that arena either. It's just so hard for these women players to access it. And I think by design institutionally.

FADE MUSIC OUT

CAMILO SÁNCHEZ: On top of that, there is a chauvinist culture that makes women vulnerable to a lot of abuses, including sexual harassment and sexual abuse. That is part of what we found doing this research.

LESLIE KENDRICK: So both the discrimination and all of the faces that that has, and the access to justice, both of these are issues and both are human rights issues.

JOLENA ZABEL: Yes.

CAMILO SANCHEZ: Yes. And let us not forget that most of these people are practically teenagers, right? So they don't have the knowledge of law or society to claim the rights in their country and now we're asking them to know this very complicated system and that's what gets exploited, um, sometimes because of lack of political ability to mobilize and claim their rights. I think that that's something that players are learning to do these days and that's why we find in different countries, they have just said, we're going on strike.

JOLENA ZABEL: There's been sit-ins, there's been strikes. A lot of women have talked to the media. One of the most prominent actions was taken by probably the best women's soccer player in the entire world, Ada Hegerberg. She's a Norwegian national team player. She also plays for a club.

WOMEN'S FOOTBALL - FAR FROM AN EQUAL PLAYING FIELD

REPORTER: In a surprising move, the world's best female football player, Ada Hegerberg, who won last year's Ballon d'Or, will not be taking part in the World Cup ...”

JOLENA ZABEL: She refused to play for the Norwegian national team. She's been sitting out protesting inequalities within Norway, which zooming out and looking at the entire world, um, of discrimination in soccer is actually one of the more equal — relatively speaking — teams, but has been protesting saying, “no, women deserve to be treated better.” This is also something the media has picked up. For example in Germany ...

WE DON'T HAVE BALLS BUT WE KNOW HOW TO USE THEM

SOCCER PLAYER #1: (speaking German) But you know what?

SOCCER PLAYER #2: (speaking German) We don't have balls.

SOCCER PLAYER #3: (speaking German) But we know how to use them.

JOLENA ZABEL: This advertisement went out saying, “We don't have balls but we know how to use them.”

(Risa laughing)

WE DON'T HAVE BALLS BUT WE KNOW HOW TO USE THEM

VARIOUS VOICES: (screaming, laughing) Nice!

JOLENA ZABEL: Just amplifying women players' desire to be like, "Hey, listen to us, pay attention. We can do this."

RISA GOLUBOFF: (laughing) That's quite an ad.

LESLIE KENDRICK: Makes the point very effectively.

JOLENA ZABEL: Yup. (Laughing) Definitely.

WE DON'T HAVE BALLS BUT WE KNOW HOW TO USE THEM

ANNOUNCER: Oh yah.

JOLENA ZABEL: There's many players themselves now who are using social media, using their platforms to say this is not okay, we deserve better.

INSTAGRAM POST - MELISSA ORTIZ

MELISSA ORTIZ: Hey guys, this is Melissa Ortiz.

ISABELLA ECHEVERRI: And I'm Isabella Echeverri.

RISA GOLUBOFF: This is a video we found on Instagram of two former soccer players from the Colombian National Team.

MELISSA ORTIZ: Today, we have something very important we want to talk about. We feel threatened.

ISABELLA ECHEVERRI: They don't pay us.

MELISSA ORTIZ: There's no international flights.

ISABELLA ECHEVERRI: The uniforms are old.

MELISSA ORTIZ: The federation has cut off players for speaking up.

JOLENA ZABEL: And then I think there's also just the longer arc of proving that people are interested and they care about women's soccer and that it can be successful if it's invested in properly, you know, as the men's game.

BRING MUSIC IN (Audioblocks - "Ambient Mindfulness Loop")

JOLENA ZABEL: I think an interesting fact to show the tides are turning on that front; Megan Rapinoe, who's a star of the Women's U.S. National Team, her jersey is the best-selling U.S. jersey for a soccer player. And I think that says a lot. People are interested.

RISA GOLUBOFF: Here's a clip of Megan Rapinoe testifying in front of Congress on Equal Pay Day.

MEGAN RAPINOE TELLS CONGRESS 'DISCRIMINATION' STILL EXISTS EVEN FOR ELITE ATHLETES

MEGAN RAPINOE: There's no level of status and there's no accomplishment or power that will protect you from the clutches of inequality. One cannot simply out-perform inequality or be excellent enough to escape discrimination of any kind. And I'm here today because I know firsthand that this is true ... The United States Women's National Team has won four World Cup championships. We've won four Olympic gold medals on behalf of his great country. We've filled stadiums, we've broken viewing records, we've sold out our jerseys -- all the popular metrics by which we are judged. And yet despite all of this, we're still paid less than our male counterparts. For each trophy -- of which there are many -- for each win, for each tie, for each time we play: less.

JOLENA ZABEL: There is an audience for soccer. I think long term that also is an important tool to continue to show that people care about this and there's a market.

FADE MUSIC OUT

RISA GOLUBOFF: These national team players, they're at the top of the pyramid, right? They are the ones with the most clout who can boycott, who have the most resources, but in your paper, you talk about how these inequities exist at every level of sport. And they exist across lots of sports.

JOLENA ZABEL: Yeah.

RISA GOLUBOFF: Step back and give us the broader picture of gender inequality in sports. Right. What we've been talking about so far is a huge issue, but it's, in some ways, just the tip of the iceberg.

BRING MUSIC IN (Audioblocks - "Singularity")

JOLENA ZABEL: Sport, like other things we consume as a society for entertainment, tells us something about ourselves and our society and

there's sexual harassment problems across the board. But there are also sports that have taken leading steps. Surfing and tennis have said we have a problem, and tried to work on it. And what's interesting, I think, with surfing, was equalizing prize money. And I think one part of it that made surfing able to do that was when you have women and men competing, it's literally the same wave. I think other sports like soccer, like hockey, like figure skating, and other individual sports, those misogynistic ideas, those stereotype-based claims that this isn't quite the same thing are still able to be used and kind of keep the world of sports as a whole, um, holds it back in really hanging on to some of those biases that as a society as a whole, we've been trying to break free from.

RISA GOLUBOFF: So we have called this season of Common Law “Law and Equity,” and we've been exploring what our different guests think the meaning of equity is and its relationship to equality. I'm curious: when you're thinking about this, are you thinking equity, are you thinking equality? What do you think the difference is and how does it apply when you're talking about gender and sports?

FADE MUSIC OUT

JOLENA ZABEL: We want equality when it comes to playing conditions. We want women to also be playing on good grass, not turf. And we want women to also have access to training and, you know, the same level of care that the men's players get. But at the same time, there are also, I think, real flaws with the way FIFA pays and treats players and is that necessarily something we want to emulate for women players too? Is it something that should be fixed across the board for all players? And then I think it gets even more complicated. What about pregnancy, things like that? And so is equality necessarily going to be the best model there? I think it's complicated. And I think that addressing these issues in sport really matters because they resonate in a lot of other parts of life as well.

LESLIE KENDRICK: We've been talking with some guests about promised lands. If you're imagining that the end goal, ideally if you had the perfect system, uh, for fixing all the inequities that you see within soccer, what would it look like?

CAMILO SÁNCHEZ: Um, more participation. We found that women are excluded in all managerial levels and tiers of what FIFA is — so in the

central committees, as coaches, referees, uh, you know, like name it, they're excluded.

JOLENA ZABEL: The Court of Arbitration as well.

CAMILO SÁNCHEZ: Exactly. The Court of Arbitration. So we need more participation. We need more women that could be in those places.

JOLENA ZABEL: I would love to see a community of soccer where girls stick with it. We talk a lot about the efforts of elite women, their struggles. But I'm also thinking about the fifth graders, the sixth graders, who are also facing discrimination, who also maybe get the worst times on the pitch, who get the used balls, who don't have the same amount of role models compared to the boys' teams. That's a goal I think that'll be a sign that there's been success, when girls are sticking with it just like boys, because they see the same welcome, the same opportunity, the same possibility of success that boy players have.

RISA GOLUBOFF: Well, Camilo and Jolena, this has been such a fascinating conversation. Thank you so much for being with us.

CAMILO SÁNCHEZ: Nah, thank you.

JOLENA ZABEL: Thank you so much.

LESLIE KENDRICK: Thank you, thank you.

CAMILO SÁNCHEZ: Bye.

BRING THEME MUSIC IN

RISA GOLUBOFF: That was Camilo Sánchez, the Director of UVA Law's International Human Rights Clinic, along with Jolena Zabel, one of our exceptional students.

BRING THEME MUSIC UP, THEN UNDER AND OUT

LESLIE KENDRICK: So, Risa, that was really interesting. And I'll say, I don't know a lot about the game of soccer, but I learned so much both about the game and also about the gender equity issues that Camilo and Jolena's work highlighted. It's been a fascinating discussion.

RISA GOLUBOFF: I agree, and I only know a little bit more about soccer, that comes from my family members who are players and fans, and as I've mentioned before, especially my daughter. When my daughter was in middle school, I was asked to talk to her class of girls about gender discrimination generally. And we went around the room and I asked the girls to give examples of where they saw gender discrimination and almost every single girl cited as an example discrimination in sports. I mean, that was what was on their mind. It was so present for them. It was so glaring to them. They were so angry about it and knowledgeable about it. And so what I know really comes from my teenage daughter, who definitely thinks this is a huge equity issue and follows very closely everything that's going on in this lawsuit and everything that's going on with U.S. Women's soccer.

LESLIE KENDRICK: On that, it feels like a good time to do an update on the U.S. Women's Team's lawsuit, because there have been developments on that since we recorded the episode. In April, a federal judge approved a partial settlement between U.S. Soccer and the Women's National Team on some of their claims. They settled claims about unequal working conditions in areas like flights, hotels, venue, selection, and staffing, and the settlement there clears the way for the women's team to appeal the judge's earlier ruling rejecting their claims about equal pay so that the women's team views as kind of a core of the suit, and that now will be headed toward an appeal.

RISA GOLUBOFF: One of the things that's so complicated here is just even knowing how the pay structures work, you know, and that's, I know a big issue in the case, and there's such an opacity of information. The structures are so complicated. It's really hard to get visibility into the inequities in pay, whereas some of the other inequities are far more visible, right? The turf versus non turf, the hotels and airlines. And I was struck during March Madness after having recorded the original episode here, I was struck by the different treatment of the men's and women's team in the NCAA tournament. The weight room was where it began, but then it turned out to be in the food that was provided, in the nature of the COVID testing that was provided, right? This obviously is so endemic to the way we treat men and women in sports and it was particularly on my mind from this episode, as we watched that happen during the NCAA.

LESLIE KENDRICK: It does seem like there are some parts of this where there are point for point comparisons that seem really stark. And then other

parts where as you say, the pay structures, say in soccer, seem very opaque and very difficult to get your arms around, particularly when there are different parties that are involved in different parts of it. So in the, in the women's team's suit, it's a suit against U.S. Soccer, so it doesn't affect, for example, the World Cup bonuses that are controlled by FIFA. And in the last men's World Cup, that bonus pool was \$400 million dollars. And in the last women's World Cup, that was \$30 million dollars. So there are disparities, and then there are questions about who controls that, where does it come from? And that's a very complex picture.

RISA GOLUBOFF: It seems like a lot of the time there's this circular reasoning that says the reason men are compensated more highly in sports is because of the market, right? And so there not being a market justifies less investment in the sport, but it seems circular because if you invest in the sport, you can create the market. And I think certainly with women's World Cup soccer, you have seen an enormous market that seems out of proportion with the way the compensation structure works.

BRING THEME MUSIC UP, THEN UNDER

LESLIE KENDRICK: That's it for this episode of Common Law. If you'd like to learn more about Camilo and Jolena's work on gender equity in the "beautiful game," visit our website, Common Law Podcast Dot Com. You'll also find all of our previous episodes, links to our Twitter feed and more.

RISA GOLUBOFF: We'll be back in two weeks with former UVA Law professor and current University President Jim Ryan, to talk about — what else? — equity in education.

JIM RYAN: Our country tends to be obsessed with four-year colleges. We need to be talking much more about multiple pathways for students after high school.

RISA GOLUBOFF: We're excited to share that with you. I'm Risa Goluboff.

LESLIE KENDRICK: And I'm Leslie Kendrick. See you next time!

BRING THEME MUSIC UP

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THEME MUSIC OUT