Noxious Markets versus Noxious Gift Relationships

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Abstract: I argue that women in traditional marriages are a vulnerable source for kidneys and this vulnerability gives rise to exploitative donation arrangements made within families. In so doing, I critique Alan Wertheimer's account of the impact that emotional closeness between participants in an agreement has on the wrongfulness of exploitation. I propose a regulated market scheme that is not only less exploitative than our current donation scheme, but also resolves a variety of other moral problems that typically arise in real and imagined kidney sale scenarios, problems that render markets "noxious," according to Debra Satz.

Keywords: exploitation; noxious markets; kidney sales; organ sales; gendered division of labor; vulnerability in marriage

Might the altruistic donation of kidneys be fraught with moral problems that outweigh those of certain regulated kidney markets? In this paper I argue that women in traditional marriages are a vulnerable source for kidneys and that this vulnerability gives rise to exploitative donation arrangements made within families. I propose a regulated market scheme that is not only less exploitative than our current donation scheme, but also resolves a variety of other moral problems that typically arise in real and imagined kidney sale scenarios.

In section 1, I spell out some of these moral problems. In particular, I explain the four dimensions that Debra Satz thinks we ought to use to measure the moral permissibility of markets: vulnerability of the providers, which she links to exploitation; weak agency of the providers; harm done to individuals; and harm done to society.[1] In order to illustrate these dimensions, I apply them to one recent underground kidney market. According to Satz, if a particular market scores high marks on each of these dimensions, then Satz describes that market as "noxious." She argues that particularly noxious markets, such as kidney markets, should not be tolerated or legitimized. In section 2, I argue that certain "gift relationships" as both Satz and Richard Titmuss describe them, can be noxious in a variety of the same ways that markets can be noxious, particularly

[1]Debra Satz, *Why Some Things Should Not Be for Sale: The Moral Limits of Markets* (Oxford: Oxford University Press, 2010).

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when it comes to vulnerability. I explain how this is true of kidney donation within traditional families by appealing to Susan Okin's theory of the vulnerability of women within marriage.[2] I have supplemented this description with more recent empirical data pertaining to gendered division of labor within families, as well as with statistics comparing the kidney donation rates of men and women and explanations offered by social scientists for the disparity brought to light by the statistics. In section 3, I explain one theory of the relationship between vulnerability and exploitation, as it is conceived by Alan Wertheimer.[3] I point out that whether or not this is the best account of exploitation, it provides a mechanism that clarifies the moral significance of Satz's second noxious element: vulnerability of source. I go on to explain the criteria that Wertheimer proposes for intervening in cases of exploitation, as this component of Wertheimer's theory becomes relevant for my eventual proposal. In section 4, I describe and critique Wertheimer's account of the correspondence between the emotional closeness shared by parties in an exchange and the moral wrongness of any exploitation occurring within that same exchange. In section 5, I propose a kidney market scheme that both satisfies Wertheimer's concerns about justified intervention as well as avoiding Satz's noxious market elements. Ultimately, I argue that a kidney market can serve as an egalitarian alternative to a donation scheme and should take the place of it.[4]

1. Noxious Kidney Markets

Many of the noxious and exploitative aspects of kidney sales are prevalent in the underground market. In fact, since only Iran has a legal kidney market, it is mostly the underground market that we can observe when we research or reflect on the harms of kidney sales. I will begin by briefly describing a recent middle-man's illegal career in the business of kidney transplants, and then refer back to this case in order to illustrate the

[2]Susan Moller Okin, *Justice, Gender, and the Family* (New York: Basic Books, 1989), pp. 134-69.

[3]Alan Wertheimer, *Exploitation* (Princeton, N.J.: Princeton University Press, 1996).

[4]I am not the first to suggest advantages of a market scheme, even advantages that nonlibertarians might endorse. For instance, see Paul Hughes, "Exploitation, Autonomy, and the Case for Organ Sales," *International Journal of Applied Ethics* 12 (1998): 89-95; T.L. Zutlevics, "Markets and the Needy: Organ Sales or Aid?" *Journal of Applied Philosophy* 18 (2001): 297-302; James Stacey Taylor, "Autonomy, Constraining Options, and Organ Sales," *Journal of Applied Philosophy* 19 (2002): 273-85, and *Stakes and Kidneys: Why Markets in Human Body Parts are Morally Imperative* (Aldershot: Ashgate, 2005), chap. 4. However, my position is unique in that I am suggesting that a market scheme is more egalitarian and less exploitative than a donation scheme.

noxious elements of underground markets that Satz describes.

Amit Kumar entered the kidney transplant business in the 1980s, "not as a surgeon but as an entrepreneur."[5] In fact, he was never trained or certified as a surgeon, but instead trained himself to perform kidney transplant surgeries. In 2008, Kumar was arrested in Mumbai's Guraon Hospital, "a hub of a thriving underground market in kidneys."[6] Investigators estimate that Kumar performed hundreds of successful transplants. After his arrest, Kumar said in his own defense, "I helped recipients get well, and in turn they helped donors lead somewhat better lives."[7] However, poor Indian workers from around the region reported that they had been tricked and forced into selling their kidneys for as little as $300.

Some of Kumar's clients were from India, but most of them came from other, richer countries, like the United States. According to the World Health Organization's coordinator for essential health technologies, Luc Noel, transplant tourism today accounts for as much as ten percent of all kidneys transplanted. Patients facing dialysis are desperate to find kidneys and are willing to go to great lengths to avoid waiting to receive one from a deceased donor. In the United States, the typical wait is five years. 88,000 individuals were on the waiting list as of 2010, with 34,000 names added each year.[8]

Given this desperation for kidneys, it is easy to see how Kumar was able to attract buyers. In Mumbai he contacted cab drivers and promised them commissions in exchange for finding him clients. In order to find kidney sellers, Kumar made use of another type of desperation, one prevalent in India: extreme poverty. He paid the "scouts" to find people in need of money, who would be willing to sell their kidneys in exchange for small sums. The scouts increased their own profits by paying sellers smaller and smaller portions of the money paid to them from Kumar.[9] Yudhijit Bhattacharjee, who investigated this criminal case for *Discover Magazine*, tracked down some of the people who sold their kidneys through Kumar. None that he found had been able to climb out of extreme poverty with the sum he earned. Bhattacharjee compared this finding to the results of a study conducted by Madhav Goyal, a Johns Hopkins doctor and bioethicist. Goyal interviewed more than three hundred men who sold their kidneys in the mid-1990s. Their fees averaged $1070, and most

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[5]Yudhijit Bhattacharjee, "The Organ Dealer: Special Investigation: How a self-taught doctor from Delhi cornered the underground market in kidneys, building one of the world's most lucrative organ trading rings, until it all came crashing down," *Discover Magazine*, April 2010, p. 67.

[6]Ibid., p. 76.

[7]Ibid.

[8]Ibid.

[9]Ibid., p. 68.

of this they used to settle debts. They used the rest to pay for basic needs, like food and clothing. "Using the cash to start a small business, such as a tea stall or an auto-rickshaw service, remained a pipe dream."[10]

Bhattacharjee says that Kumar's ability to run an underground market enterprise of such magnitude "lay in the grinding poverty and entrenched corruption of India, the desperation of patients on dialysis, and the transnational nature of the underground market transplant business."[11] The story of Kumar's business in kidney transplants provides a good starting point for discussing Satz's objections to such markets. The details of his practice illustrate all four dimensions of markets that Satz describes as noxious.

In her recent book, *Why Some Things Should Not Be for Sale*, Satz describes four different aspects of markets that contribute to rendering them immoral. She believes that many legal markets involve at least one of these noxious elements or small degrees of multiple noxious elements. Just because a market contains some noxious elements does not mean that it should be prohibited or even regulated. However, when markets contain a high degree of one element, or a moderate degree of multiple elements, the case for prohibition or regulation becomes stronger. The first two qualities that contribute to a noxious market have to do with the *source* of a market, that is, the starting conditions of those who provide a good or service: weak agency, and vulnerability to exploitation. The second two noxious aspects of markets have to do with the *outcomes* to individuals, whether or not those individuals are participants in the market: extreme harm to individuals, and extreme harms to society.[12]

Weak agency occurs when a participant in a market has limited information as to the worth of a good on the market or the outcomes of participating in a transaction.[13] If agency is weak *enough*, it can undermine consent. However, Satz is concerned with weak agency even when it is consistent with consensual market transactions. She believes that transactions range from those that involve only imperfect agency, to those that, in and of themselves, render a market noxious. For instance, I might buy a vase from a department store without first checking online to learn the price of vases. I later do some research, and realize that I paid more than I needed to pay for a glass vase. I do not have perfect agency in this case, but the transaction does not appear noxious. However, if I were to go and buy a vase and realized, as I was purchasing it, that I was buying a rare antique, worth hundreds of dollars more than the older and

[10]Ibid., p. 76.
[11]Ibid., p. 69.
[12]Satz, *Why Some Things Should Not Be for Sale*, p. 98.
[13]Ibid., p. 96.

somewhat senile seller was asking, and then I bought it, the weak agency of the seller would seem morally problematic.

When weak agency occurs in a market for kidneys, it is dangerous. Poor Indian workers who sell their kidneys are probably under-informed about at least three important aspects of the transaction: First, the sellers who did business with Kumar probably did not know enough about their (slim) chances of raising themselves out of dire poverty with the sums that they accepted from Kumar, imagining that they would secure the capital for starting a business, for instance, when the sums were really only large enough to settle their debts. Second, the sellers were probably not well acquainted with the medical risks involved in kidney extraction surgery. While the risks associated with kidney donations in hospitals in the developed world are low, they are only low because extensive background and health check-ups are conducted on potential donors—check-ups that Kumar could not make on the kidney sellers whom his scouts lured in from the streets for short time periods. Third, the kidney sellers did not know enough about the value of kidneys on the black market, and did not know how much they could demand.

Another noxious aspect of certain markets, which also is related to the *source* of markets, is vulnerability. "When people come to the market with widely varying resources or widely different capacities to understand the terms of their transactions, they are unequally vulnerable to one another, resulting in unfair transactions."[14] Such exploitation can be seen in the transactions arranged by Kumar. Small sums, amounting to as little as $300, were paid to kidney sellers. Paying each seller a sum ten times this amount would have left Kumar with a considerable profit. Kumar was made rich by paying so little to his sellers. His clients paid hefty sums and were healed of their debilitating renal failure. However, his sellers were left in dire poverty, little better off financially, if at all, than they had been before their transplants. In circumstances of unequal vulnerability, the weaker party in a transaction "is at risk of being exploited."[15] I will discuss exploitation at greater length in the following section.

One noxious *outcome* of such transactions is the harm such transactions cause to individuals. Kumar's kidney sellers were left poor and without health insurance. Over the course of years, many of these indi-

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[14]Ibid., p. 97.

[15]Ibid. One might wonder if the source for kidneys would be less vulnerable if there was competition among middle-men for those kidney sellers. Of course there will be empirical questions like this, ones that can only be answered by trial and error or by sociological/market research. One interesting way to generate an informed hypothesis might be to look at research on a legal but exploitative bodily market in India, like commercial surrogacy, and see if there is enough competition for market sources to render the source less vulnerable. I do not engage in such a project here.

viduals suffered serious harms to their bodies resulting from the transplant. Further, if kidney sellers wound up using their earnings to settle debts that would have otherwise had no effect on their lives (e.g., if no money had ever come their way), then there may be no real benefit to the kidney sellers to weigh against the bodily costs of the surgery. However, Satz is concerned not only with the individuals who participated in the underground market, but also with the harms done to those who never chose to be involved. For instance, if kidney sales were to become commonplace, then a kidney might become required collateral for a loan. In such a scenario, people who were unwilling to promise a kidney as collateral might have a harder time obtaining a loan.[16] Additionally, individuals who do not sell their kidneys might be poorer (at least for some short period of time) than people who do sell their kidneys. They might lose out on acquiring certain, positional goods. For instance, if there is a limited amount of decent housing in a community, and prospective tenants start selling their kidneys, landlords could raise the price of rent for their domiciles. Such inflation would put certain members of the community, the ones who had chosen not to sell a kidney, out of the running for this housing.

The fourth noxious aspect of certain markets, another aspect that pertains to the *outcomes* of markets, is the harm done to society. Satz believes that some markets undermine "the social framework needed for people to interact as equals, as individuals with equal standing."[17] A market might restrict the growth of capacities of people to participate in their societies or to claim and exercise their rights (e.g., child labor markets). A market might train people to be servile. It might coach them against challenging the status quo. Though a market in kidneys might not harm society in these particular ways, it might still do damage. Satz worries that kidney markets will result in stratification between the rich and the poor in which the poor are thought of as "spare parts" for the rich. She is also worried that it might stifle altruistic donations and erode gift relationships.[18]

In most of what follows I will focus on one element of noxious markets: vulnerability of source. I have described all four noxious elements in detail here because, in the final section of this paper, I will refer back to the other three elements described above: weak agency, harm to individuals, and harm to society. I argue that due to considerations of vulnerability, regulated kidney markets are a moral improvement upon altruistic donation schemes of kidney distribution, especially those donations

[16]Ibid., pp. 200-201.
[17]Ibid., p. 93.
[18]Ibid., p. 203.

that occur within the family. But in order to make this case, I must show that these same regulated markets will not fare worse than donation along any of the other three dimensions of scrutiny.

2. Market Schemes versus Altruistic Donation

Satz considers multiple methods of kidney allocation and deems each to be noxious, save altruistic donation. Satz considers a variety of different proposals for how such a market might be regulated. She evaluates each method of organ allocation in light of her dimensions: weak agency, vulnerability, harms to individuals, and harms to society.[19]

Satz starts by arguing that free markets for kidneys, ones that are competitive in both supply and demand, score high with respect to each noxious element. The poverty experienced by individuals interested in selling their kidneys, and the sheer number of people in such poverty, renders those sellers vulnerable to exploitation during market negotiations. The free market would drive kidney purchasers to harvest kidneys from those people least well educated in the risks and consequences of kidney extraction, and those least likely to demand expensive medical care during and after their procedures. For this reason, a free market in kidneys would likely involve weak agency among sellers and serious harms to those sellers. Finally, Satz believes that social harms would result from such a market, mostly in the form of exacerbated inequality.[20]

Next, Satz considers "competitive market in supply only, government monopsony." In this scheme, the government would pay a market price to sellers, but then distribute the kidneys in some regulated way (perhaps according to need, at some price). Satz believes that this method *could* remove weak agency if an informed consent process was put into place. She believes this method could not eliminate harms to individuals, both to poor sellers who might incur certain health risks, and to other poor, who would be harmed by externalities.[21] For instance, poor people who do not participate could find they have less access to positional goods. The price of certain goods might increase since there would be more effective demand for items among the poor. Satz allows that *society* would not be harmed by this method. Perhaps she thinks this would be the case because the government would distribute the kidneys among the rich and poor alike, limiting the extent to which the classes would be stratified by the market.

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[19]Ibid., p. 204.
[20]Ibid., p. 98.
[21]Ibid., p. 204.

Satz then considers a futures market. In a futures market, the government pays individuals to become post-mortem organ donors. (Of course, the result of a futures market is that many more organs are bought than can ever actually be used.) Satz does not think that this sort of market is noxious in any respect, except that there might be cases in which people seek to hasten the deaths of donors. However, experts believe that a relatively low percentage of deaths occur in a way that leaves transplantable organs.[22] This means that even the implementation of a very successful deceased donors program, in which a vast majority of people volunteered to be deceased donors, this would not remove our need to increase the supply of kidneys (whether by live donation or by sale).

Finally, Satz considers altruistic live donation, which she finds unobjectionable. Donating for the sake of a loved one has become possible even if an individual is not a good kidney match for the recipient. For instance, one woman might donate her kidney to another woman's husband in exchange for that woman donating her kidney to the first woman's husband. Recently, multiple-couple donations (sometimes three or five couples) have been successfully performed.[23] With respect to "matching-in-kind exchanges" and altruistic donation, Satz thinks that the only potential problem is weak agency, which could be adequately resolved through informed consent processes.

However, as I stated in section 2, the government's limiting kidney allocation to matching-in-kind exchanges and altruistic donation might not be morally permissible as a means of intervention according to Wertheimer. After all, these restrictions will result in all parties, especially the very poor, having *no better choice* than they would have without intervention. Further, altruistic donation might involve noxious elements in its own right. In what follows, I will discuss this possibility, and why a regulated market scheme might be a preferable, egalitarian approach.

Titmuss believes that the commodification of certain items degrades the social goods, or kinship, that could otherwise be generated by gift relationships.[24] For instance, when blood sales are introduced, people lose the sort of social trust that comes from the knowledge that complete strangers within their social community will selflessly provide for them

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[22]Sally Satel, "The Cost of an Altruism-Only Policy," in "Should Laws Push for Organ Donation?" *The New York Times*, May 2, 2010; http://roomfordebate.blogs.nytimes.com/2010/05/02/should-laws-encourage-organ-donation/?scp=4&sq=kidney&st=cse.

[23]This process is sometimes also called "donor pooling." Rebecca Smith, "First Three-Way Kidney Transplants Carried Out in Britain," *The Telegraph*, March 8, 2010; http://www.telegraph.co.uk/health/healthnews/7375616/First-three-way-kidney-transplants-carried-out-in-Britain.html.

[24]Richard Titmuss, *The Gift Relationship: From Human Blood to Social Policy* (New York: The New Press, 1997).

in their times of need. While Titmuss's concern is compelling when used to argue against blood sales, human organs are a different matter. When it comes to organs, there are no societies that have rich gift relationships with regard to bodily organs. Relatively few people donate organs when they are alive. If they do, it is rare, risky, and usually for the sake of family members, not to strangers "out there" in their society. Perhaps there are micro-societies, such as families, in which such gift relationships exist.

Unfortunately, it is not clear that these existing gift relationships are morally unproblematic. Consider that two thirds of live kidney donors are female.[25] Yet, someone's sex does not contribute to determining whether that person would be a good candidate for donating a kidney.[26] A recent study showed that more than thirty percent of wives who were able donated to their spouses, whereas fewer than seven percent of husbands eligible to donate did so.[27]

This steep gender imbalance between kidney donors suggests that there might be some noxious elements in altruistic donation that are rooted in the inequality between men and women, a vulnerability that might reflect power imbalances in the home.[28] Let us examine kidney donation with respect to Satz's dimension of market evaluation: vulnerability of source. Women are more likely to be the source of kidney donation. *Are they a vulnerable source?* In order to argue that, in fact, female donors *are* a vulnerable source of kidneys, I will appeal to Susan Okin's account of the vulnerability of women within marriage. I believe that, for the same reasons that women are a vulnerable source of childcare and other domestic labor within marriage (which ultimately yields other vulnerabilities for women in marriage), women are a vulnerable source of kidneys.

More than thirty years ago, Okin pointed out that traditional marriage generates a serious social injustice, rife with moral problems.[29] Before marriage, young women are encouraged to choose careers that will allow them the flexibility to raise a family. During marriage and child-rearing, even many feminist couples decide that the man should continue paid labor while the woman leaves the workforce and enters into full-time

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[25]Judith L. Steinman, "Gender Disparity in Organ Donation," *Gender Medicine* 3, no. 4 (2006): 246-52.

[26]Ibid., p. 247.

[27]See G.C. Alexander and A.R. Sehgal, "Barriers to Cadaveric Renal Transplantation Among Blacks, Women, and the Poor," *Journal of the American Medical Association* 280 (1998): 1148-52. See also Deborah Zimmerman, Sandra Donnelly, Judith Miller, Donna Stewart, and Shelley E. Albert, "Gender Disparity in Living Renal Transplant Donation," *American Journal of Kidney Diseases* 36, no. 3 (2000): 534-40; here the percentage of eligible husbands who donate is listed at 6.5.

[28]Steinman, "Gender Disparity in Organ Donation," p. 27.

[29]Okin, *Justice, Gender, and the Family*, pp. 134-69.

child-rearing. Often the husband is slightly older than the wife, has been in his career path a bit longer, and makes more money. For these reasons, a traditional division of labor makes economic *sense* for the couple. Of course, after a few years in which he has been working and she has been raising children, the difference in the couple's earning power is more dramatic. A woman's career options, at this point, are more limited. Her husband's earning power will creep higher while her own plummets (or, at best, remains the same).[30]

Of course, the empirical evidence that Okin cites is dated. However, new data on the division of domestic labor shows that the problems that Okin described still exist in contemporary American families. Women in the United States perform about two-thirds of all routine household tasks.[31] While men's and women's pay is similar early in their lives, before women have had children, the gender gap expands later in life.[32] Francine M. Deutsch, a psychology professor at Mount Holyoke College, accounts for today's gendered division of domestic labor in the same way that Okin accounted for the same phenomenon a generation ago. "It's a chicken-and-egg thing. Even when men and women start off with equal jobs, they make decisions along the way—to emphasize career or not, to trade brutal hours for high salary or not." Lisa Belkin, reporting for the *New York Times Magazine*, describes Deutsch's findings in the following way, "He makes more money than she does, so of course she should be the one to step back her career; she has a more flexible line of work than he does, so of course she should be the one to work part-time. Those may seem like choices, but they have their roots in social norms."[33] This social mechanism that yields the choice of traditional

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[30]Ibid., pp. 134-69.

[31]See, for example, Richard Breen and Lynn Prince Cooke, "The Persistence of the Gendered Divison of Domestic Labour," *European Sociological Review* 21 (2005): 43-57; S.T. Claffey and K.D. Mickelson, "Division of Household Labor and Distress: The Role of Perceived Fairness for Working Mothers," *Sex Roles* 60 (2009): 819-31; Sarah Beth Estes, Mary C. Noonan, and David J. Maume, "Is Work-Family Policy Use Related to the Gendered Divison of Housework?" *Journal of Family and Economic Issues* 28 (2007): 527-45; Knud Knudsen and Kari Waerness, "National Context and Spouses' Housework in 34 Countries," *European Sociological Review* 24 (2008): 97-113. Lisa Belkin says: "The most recent figures from the University of Wisconsin's National Survey of Families and Households show that the average wife does 31 hours of housework a week while the average husband does 14—a ratio of slightly more than two to one." "When Mom and Dad Share It All," *The New York Times Magazine*, June 15, 2008; http://www.nytimes.com/2008/06/15/magazine/15parenting-t.html?pagewanted=all.

[32]Jennifer Glass, "Blessing or Curse? Work-Family Policies and Mothers' Wage Growth Over Time," *Work and Occupations* 31 (2004): 367-94; Shelley J. Correll, Stephen Benard, and In Paik, "Getting a Job: Is There a Motherhood Penalty?" *American Journal of Sociology* 112 (2007): 1297-1338.

[33]Belkin, "When Mom and Dad Share It All."

marriage, as described by today's social scientists, matches the mechanism that Okin described in *Gender, Justice, and the Family*.

For the same set of reasons, a family might decide that a woman's career can more easily be interrupted in order for her to donate a kidney to a family member. A woman in a traditional marriage, whose marital role has resulted in fewer responsibilities over time, might see the donation of a kidney as being restorative of her status as "giver of life" that marked the beginning of her domestic career. In a recent study seeking reasons for the disparity between willing female donors and willing male donors, Deborah Zimmerman et al. say of the data regarding spouse donations:

> What is unclear from this study is why husbands do not appear to come forward under similar circumstances. There is some evidence that men and women have different attitudes toward donation. In an early study, it was found that compared with men, women were more likely to perceive donation as an extension of their obligation to their family. Men were more likely to be ambivalent about donating a kidney, and in addition, men who donated were more likely to believe they had done something heroic compared with women.[34]

Certainly, if the couple decides that one member of the family needs to make this sacrifice, the partner with a lower salary and more flexible schedule would be the logical choice, much like when the couple decided who would take time off to provide care for children or elderly dependents.[35]

According to Okin, even if a couple never gets divorced, the fact that the husband can bring his earning power into single life, and the wife cannot, generates a difference in *exit power*. Just as in a market scenario, the party with more exit power has more voice and more bargaining power. Motivation for donating a kidney might also be affected by these inequalities. If women have less exit power, then they have more of an interest in preserving marital harmony, and in preserving their importance in the eyes of their spouse.[36] Both of these things can be achieved, or can be presumed to be achieved, through organ donation.

It comes as no surprise that the ratio of time women spend on domestic work to time men spend on domestic work is equivalent to the ratio of female kidney donors to male kidney donors; in both cases, the ratio is

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[34]Zimmerman et al., "Gender Disparity in Living Renal Transplant Donation," p. 537. The initial study cited in the passage is R.G. Simmons and S.D. Klein, *Gift of Life: The Social and Psychological Impact of Organ Transplantation* (New York: Wiley, 1977).

[35]Note that both men and women tend to assume that women's schedules are more flexible, regardless of profession. Belkin explains, "By way of example [Deutsch] describes two actual couples, one in which he is a college professor and she is a physician and one in which she is a college professor and he is a physician. In either case, Deutsch says 'both the husband and wife claimed the man's job was less flexible'."

[36]Okin, *Justice, Gender, and the Family*, pp. 167-69.

two to one. After all, the reasons couples cite for choosing a wife over a husband for childcare duties are the same reasons that would make women appear to be more convenient kidney donors. So, there is as much reason to believe that the source of kidney gifts (from female donors within a family) is vulnerable as there is for believing that the source of childcare gifts (from female providers within a family) is vulnerable. However, Satz cares about vulnerable sources because such sources of transactions are prone to exploitation. Does the vulnerability of women in marriage result in an exploitative kidney donation scheme? In what follows, I will argue that it does. In order to make this case, I must first discuss exploitation and its relationship to vulnerability.[37]

3. Vulnerability and Exploitation

Recall that Satz believes that one important trouble with *vulnerability* between parties in a transaction is that it leaves one participant in a position to exploit the other. Though Satz's account of exploitation is not fully described in her text, it is clear that she believes that the vulnerabilities of members of a community leaves them subject to the exploitation of others, which she regards as noxious insofar as the exploitation reflects and exacerbates the unequal underlying positions of the parties participating in the exchange. Though there are a variety of theories of exploitation that define exploitative actions in ways that fall under the umbrella of Satz's broader notion, I will focus on Wertheimer's theory.[38] I focus on Wertheimer's account of exploitation because he investigates the nature of exploitation within a traditional marriage, which will be useful in my own analysis. Regardless of whether Wertheimer's account of exploitation is correct, his understanding of an exploitative market, the specific cases he describes, and the moral problems involved in those cases are certainly noxious, according to Satz's account, which is all that my project will require.

At least one party in an exploitative transaction gains from the transaction. What does it mean to gain in a transaction? Wertheimer describes it like this:

> When A and B consider a transaction, each party calculates his or her Best Alternative To a Negotiated Agreement (BATNA). A party's BATNA is a course of action, for example,

[37]Note that, at least in terms of degree, I am not comparing this vulnerability to that of desperately poor Indian kidney sellers.

[38]See, e.g., Robert E. Goodin, "Exploiting a Situation and Exploiting a Person," in Andrew Reeve, *Modern Theories of Exploitation* (London: Sage, 1987), pp. 166-200; Allen Wood, "Exploitation," *Social Philosophy & Policy* 12 (1995): 136-58; Mikhail Valdman, "A Theory of Wrongful Exploitation," *Philosophers' Imprint* 9, no. 6 (July 2009).

to do nothing or to transact with another party. Call it the *reservation value*. With reference to that reservation value, each party determines his or her *reservation price*, a price that is just equal to the reservation value, the minimum threshold value that he or she is prepared to accept for entering into an agreement. A party gains from a transaction when he or she receives more than the reservation price."[39]

However, there is a difference between an actual reservation price and a morally justified reservation price. For instance, Wertheimer provides a case in which A must choose between saving one of two sinking boats, boat B and boat C. Boat B offers him $4,900, and boat C offers him $5,000. While A's ordinary reservation price when deliberating whether to rescue a boat in exchange for money might have been very low—perhaps A would have accepted any sum at all—in this scenario, when in negotiation with Boat C, A's actual reservation price is $4,900. However, Wertheimer points out that this reservation price is not morally justified. Either figure is an exploitative price, contingent on skewed background conditions in which people are desperate.

According to Wertheimer, A exploits B when A transacts with B to A's advantage in a way that is unfair to B.[40] This exploitation may be harmful, neutral, *or* beneficial to B. Mutually beneficial exploitation occurs when both A and B benefit from the transaction, compared to what they would have been left with if they did not transact, but A benefits *unfairly*. How is this unfairness measured? Wertheimer thinks that somewhere along the spectrum between each party's morally justified reservation price, there is a point or a range of points of agreement at which a transaction is fair. Exploitation, for Wertheimer, is measured by the distance between the point of fairness, otherwise called the "normative baseline," and the actual point of agreement.

How is the normative baseline determined? Wertheimer considers and rejects a variety of possibilities. For instance, some might be tempted to say that the normative baseline for a fair agreement is at some half-way point between people's reservation prices. The idea here is that people should benefit equally in a fair transaction. However, this cannot be right, since there are all sorts of clearly exploitative cases in which the exploited party actually benefits more than his or her exploiter. Consider a case in which a doctor comes to realize that she is the only professional capable of performing a particular type of treatment in her country. So, she raises the price for that treatment to an enormous amount, and patients must pay that amount, because they have no other choice. In this case, the doctor is making a lot of money. However, the treatment, though very simple and cheap to perform, *is* life-saving. In this case, the

[39]Wertheimer, *Exploitation*, p. 211.
[40]Ibid., p. 16.

patients benefit more from the transaction than the doctor benefits. Yet, it is clear that the patients are the exploited parties in the transaction.

Perhaps the normative baseline for a fair transaction is some function of the background conditions, or starting points of the agents in the trade? Wertheimer points out that this account is also implausible. An exploited person might be much wealthier and more privileged than the person who exploits him. Imagine a case in which a poor store owner raises his price exorbitantly for snow shovels on the day of a storm on which customers' cars are stuck in the snowbank on the store owner's block.[41] The customers might be wealthy, and paying ten times the normal amount for a snow shovel might not hurt their budgets in any significant way. However, these customers are, nonetheless, exploited by the poor store owner. Finally, Wertheimer considers and rejects the view that a theory of rational bargaining can provide an account for the normative baseline of fairness in a transaction. He points out that these theories, at best, point to a place along the spectrum between the agents' reservation prices that is the agreement at which they should, rationally, arrive. However, Wertheimer suggests that unless we accept some brand of moral egoism, these theories cannot provide us with a normative baseline, but, instead, some sort of rationally maximal outcome.[42]

Wertheimer suggests that the best method for determining a normative baseline is to consider what two good friends would do if one was selling an item or service to the other, and neither was rushed or desperate for the sale. For instance, imagine one was selling his house to the other. Suppose that each friend sincerely wanted to choose a fair price, at which he would not take any advantage over the other. Wertheimer suggests that the two friends would probably look to see at what price the market value of the house is appraised. "The 'fair market value' is a hypothetical or counterfactual concept. It represents the price that an informed and unpressured seller would receive from an informed and unpressured buyer if the house were sold on the market."[43]

Note that a hypothetical market price might not always be representative of the best possible transaction price from a moral or political perspective. However, Wertheimer suggests that it is, in general, a good guide to a normative baseline:

> Still, even though a competitive market price does not reflect a deep principle of justice, it does reflect a crucial moral dimension of the relationship between the parties to the transaction. The competitive market price is a price at which neither party takes *special* unfair advantage of particular defects in the other party's decision-making capacity or

[41]Ibid., pp. 22-23.
[42]Ibid., p. 23.
[43]Ibid., p. 230.

special vulnerabilities in the other party's situation. It is a price at which the specific parties to this particular transaction do not receive greater value than they would receive if they did not encounter each other.[44]

For these reasons, Wertheimer suggests that the best method for determining the normative baseline, which we can use to measure exploitation, is to consider a hypothetical market, and to consider what price two individuals who were not the least bit desperate (that is, two individuals who have no real need to reach an agreement) or, perhaps, who have an equally desperate need to reach an agreement, would settle upon. Of course, considering a hypothetical fair market price might involve ignoring an actual market price. For instance, in the United States one can hire an individual, often a recent immigrant, to provide homecare to an elderly or sick relative for a minimum wage. However, that does not mean that the current market for such services is a good market to examine in order to judge what the fair price is for homecare labor. After all, the price for this labor is low for at least two reasons that suggest that the market price is unfair. First, care of elderly relatives is a service that female family members have provided for free historically, and our society is loath to put a high price tag on historically women's work. Second, the individuals who tend to perform these services, especially in urban coastal areas, are people who have few job options, and are desperate for work. Instead of looking at this actual market, which is generally exploitative, one has to imagine what someone might charge for these services if she was in no rush to find a job, and if she was being employed in a society that did not minimize the monetary worth of women's work.

Of course, when it comes to kidney sales, both kidney sellers and kidney buyers are usually desperate. Yet, because of middle-men like Kumar, exploitation still occurs. In the case of Kumar, it wasn't clear that the exploitation *was* mutually beneficial, as the payments were so low, and the risks of surgery so great. However, one can easily imagine a kidney market only a little better than Kumar's, in which sellers were given pre-op check-ups to check for transplant suitability, medical care for the six weeks following their surgeries (lest their incisions become infected), and sums of money large enough for them to lead somewhat better lives for, say, one full year. Compared to the large monetary gain accrued to the middle-man, and the enormous benefit accrued by the organ recipient, this transaction seems to be still clearly exploitative. In this revised scenario, the exploitation is also, more clearly, mutually beneficial.

Wertheimer considers what moral reasons may justify a government's intervening (through prohibition or regulation) in cases of mutually bene-

[44]Ibid., p. 232.

ficial exploitation. Wertheimer rejects perfectionist reasons for interfering in exploitative markets. That is, he does not think that we should interfere with mutually beneficial transactions just for the sake of improving individuals' moral choices. However, he considers a variety of justifications for strategic interventions.[45]

Wertheimer thinks that there are cases in which the state may intervene even when exploitation is mutually beneficial. Wertheimer says that if intervening in a mutually advantageous kind of exploitation will give the exploited party a better choice, or the exploited group a better choice, it may be morally justified. This does not mean that the government should always interfere in order to secure fair transactions for exploited parties if it can give those parties better options (of course, these better options cannot be so good that they exploit the *other* party). Wertheimer only suggests that such interference would be justified.

The prohibition of kidney sales cannot be justified by Wertheimer's account of permissible intervention. Most individuals who sell their kidneys do so because they are destitute. Preventing these sales does not give them a better option; it merely takes away an option that is, arguably, their best bad option. If the government allowed kidney sales, but regulated them in such a way that the terms were not exploitative, or were less exploitative, then the intervention would be justified since it provides the exploited party with an option better than he had available to him before the intervention.

Crucial to this argument is the fact that a regulated market for kidneys (compared to an unregulated market for kidneys) would not diminish the demand for kidneys. Contrast this case with government intervention in the market for back massages. If the government intervened to make sure that masseuses were making a fair wage for their services, then it is possible that the demand for back massages would decrease, and men and women who provided them would be left with fewer clients, and few opportunities to make money. For masseuses who *did* obtain work, the intervention would be beneficial. Yet, there would be a group of the worst off who would be left with fewer good options. However, there is such a high demand for kidneys, and they are worth so very much to recipients, that a fair price would probably not reduce effective demand.

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[45]One of these, though ultimately rejected by Wertheimer, is defended by Rob Lawlor in "Organ Sales Needn't Be Exploitative (But it Matters if They Are)," *Bioethics* 25, no. 5 (2011): 250-59. Wertheimer suggests that A might hurt C in virtue of exploiting B, C being society. Wertheimer is not making a claim like that made by Satz, that there are social *harms* caused by the market. Instead, he means that a *wrong* done in a certain context (like in a crime, but not limited to cases of crimes) is the business of society and not just the victim (*Exploitation*, p. 309).

4. Exploitation and Noxious Gift-Giving

Wertheimer discusses exploitation in the context of familial relationships when examining the "moral weight and moral force" of exploitation.[46] Imagine that a man (A) and woman (B) are dating, and the woman very much wants to get married, whereas the man is rather ambivalent.

> Now, suppose that A proposes to marry B if but only if B will agree to terms that are unfair with respect to the distribution of financial resources, care for children, the division of household labor, and so forth. In other words, a traditional marriage. B would prefer to marry A on nonexploitative terms, but that option is unavailable.[47]

Wertheimer asks us to imagine that the woman really is better off in the exploitative marriage than she would be if not married to this man at all (imagine some combination of extreme love, plus children that she would otherwise not have, and so on). Wertheimer claims that it is perfectly reasonable to say that even though the woman is made better off by the marriage, it is morally worse for the man to marry her in this unfair way than to refrain from marrying her. Wertheimer says: "I (we?) do not think that the wrongness of A's action with respect to B is a straightforward function of the effect of A's action on B's welfare. Relationships create a new moral context, a different moral baseline, so to speak."[48] However, be careful here, because Wertheimer is not suggesting that this different moral baseline is a new normative baseline for measuring exploitation.

Wertheimer does not think that this altered moral measurement (the distance between the actual marriage and the equal marriage) is simply a new measure of exploitation. He thinks that it is another moral component that needs to be evaluated alongside exploitation. He says that "the degree to which A's behavior is wrong because unfair is a function of at least two variables: (1) the *closeness* of the relationship, and (2) the distance between the exploitative transaction and the fairness baseline."[49] He demonstrates this moral evaluation using a chart with two axes, one representing closeness, the other representing the welfare of B, which is reduced by exploitation, and is worsened still further by no agreement being reached. He uses the same chart to demonstrate how it might be morally worse to exploit a friend, just a little bit, than to exploit a stranger to a larger extent.[50]

I have one amendment to suggest with respect to Wertheimer's view. There does not appear to be any reason to use closeness as a contributor

[46]Wertheimer, *Exploitation*, chap. 9.
[47]Ibid., p. 290.
[48]Ibid., p. 291.
[49]Ibid.
[50]Ibid., p. 292.

to moral wrongness that is measured on a separate axis from exploitation (i.e., the distance between the normative baseline and the actual agreement). After all, recall from section 2 that the normative baseline is determined based on moral considerations. There is no reason to pull "emotional closeness" apart from the other consideration that ground this baseline. We could instead say that when two agents in a transaction are emotionally close, the range of fairness on the spectrum between the two reservation prices is sometimes narrower. Wertheimer suggests that the moral *significance* of unfairness is greater when agents are close than it is when they are strangers. However, I will propose that this felt significance might just be evidence that, instead, there is sometimes greater unfairness when agents are close.

What *counts* as exploitation changes when there is a mutual understanding or tacit agreement that both parties will take the other's interests into account, an understanding usually assumed in friendships. After all, when we assume this understanding, then we do not play hardball; we refrain from attempting to maximize our own interests. If one friend does this and the other friend does not, then there is a special, extra unfairness that increases the exploitation. Something similar might happen in a circumstance in which an individual were dealing with a stranger, but that stranger served in some capacity that made the individual think that the stranger would be fair, or would have his own interests at heart. Perhaps the stranger is a religious minister, and the individual is a lay person of that religion, though not in the minister's own congregation (hence the status of stranger). If the minister is selling a piece of property and offers a price to the lay person, the lay person will assume that the minister is attempting to be good and fair, and is not just attempting to maximize his own gains. For this reason, the normative baseline for a fair transaction is narrower. Any advantage that the minister attempts to secure in the transaction over the lay person is exploitative, whereas if the special relationships that provide the context for this kind of assumption did not exist between the two people, then there would be some fair wiggle-room, a broader normative realm in which the seller could attempt to make a better deal for himself, and we wouldn't call the transaction unfair.[51]

This might seem like a modest revision to Wertheimer's analysis. However, it results in an important difference. If, as Wertheimer suggests, the "closeness" of a marital relationship is just one feature by which we can morally judge an unfair agreement, alongside exploitation,

[51]Here I have explained Wertheimer's position on this topic and proposed an alternate position. Of course, some might hold that the closeness of the bond or the type of relationship between the exploiter and the exploitee might have no bearing on either the degree of exploitation or the wrongness of that exploitation.

then there might be circumstances in which this closeness condition is trumped by other concerns, and the sexist decision Wertheimer describes is, all-things-considered, morally permissible. For instance, imagine that A marries B, and in order for the couple to have health insurance, one person must work full-time while the other stays home full-time with the children (they cannot obtain health insurance if both work part-time). Further, though both love their jobs and are loath to leave them, A has a larger salary, and as they are growing to be a large family, every extra bit of income helps. So, for all of these reasons, having an unequal marriage turns out to be a morally permissible decision, the all-things-considered best option for the couple. It would be better for B if she could work and A stayed home with the kids, but because of the slight difference in earning power, it would be *a little* worse for the whole family under that arrangement. Certainly, as years pass, A's earning power becomes so much greater than B's that there is no longer any question about what is, at this point, best for the family, even though this was not clear at the outset.

Wertheimer would have a hard time explaining what was going on in this agreement. There is unfairness, certainly. There is also a close relationship. But the close relationship, including a variety of shared familial interests, seems to mitigate what might otherwise be a wrong instead of exacerbating that wrong. With my amendment we can simply say that the agreement is morally permissible, but it is still exploitative, maybe more so because of the close relationship. We might even go on to say: something needs to be done to compensate for the unfairness here.

Now, just like the division of labor in a marriage, the division of bodily sacrifice (in terms of kidney donation) might also be determined by a family in a morally permissible way that still results in one family member taking unfair advantage of another. (Of course, for many families the decision that yields this unfair advantage will be morally *impermissible*.) Further, this exploitation is greater than it would be if gendered power dynamics played a role in more women than men donating kidneys to *strangers*. Recall that, on my amended account of the wrongness of exploitation, the closeness of a relationship can narrow the normative baseline from which exploitation is measured. Yet, typically, donors make this particular sacrifice for their loved ones.[52]

[52]Of course, a man might fall victim to exploitation in a kidney donation as well. He might feel insecure in his familial standing, and hope that a kidney donation will create a stronger bond between him and his family. His family might recognize that his insecurity about his family's love for him is the reason for his volunteering to be the donor, just as man A in Wertheimer's example might recognize that B believes (accurately) that she will not be able to keep A without performing an unfair share of the household chores. Just because I suspect that women fall victim to exploitation of this sort in kidney donation cases more frequently than men, for the reasons already discussed, this does not

This highlights another important difference between Wertheimer's position and my own regarding the relationship between emotional closeness and the wrong of exploitation. If emotional closeness does not alter the degree of exploitation, but just makes it a worse wrong, then the *extra* wrongfulness is not necessarily generated by something to which it would be appropriate for the government to respond through intervention. For instance, if the extra wrongfulness of a husband exploiting his wife when taking her kidney was generated by the fact that trust between two romantic partners had been betrayed, then it is probably not the role of the state to respond to that extra wrong. However, if the extra wrongfulness of a husband exploiting his wife when taking her kidney amounts to the fact that a greater amount of exploitation has taken place (even if the degree of exploitation is itself affected by the trust), then the extra wrong might well be within the purview of government response. In the final section I will investigate this possibility.

5. What Can We Do About a Noxious/Exploitative Gift Relationship?

When a market is noxious, regulations can be used to curb its problematic attributes. Recall the varieties of kidney allocation methods that Satz describes. Though Satz thinks that there *are* noxious components to regulated kidney markets (e.g., government monopsony with competitive supply), she thinks that any step that reduces the high scores of a market along any of her four dimensions improves a market. However, it less clear what a government may do in response to a noxious gift relationship.

Feminists have encountered this problem when examining the noxious gift relationship that exists when women, as a group, are steered toward the provision of free domestic and caregiving work. Okin, for instance, argues that the vulnerability of women in marriages is an injustice, and claims that society is required to do something to curb the inequality that results in this vulnerability.[53]

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mean that kidney donations are less noxious when it is men in these relationships who are being exploited.

[53]One intervention that Okin proposes is to change divorce laws to make sure the work that a woman gives as a "gift" within the marriage is adequately rewarded in divorce settlements, especially insofar as her earning power has been reduced as a result of her marital contributions (*Justice, Gender, and the Family*, pp. 170-86). It sounds a little awkward to adjust divorce settlements in response to kidney donations made between members of a divorcing couple. This has been tried in the case of Richard and Dawnell Baptista. Richard sued Dawnell for his kidney, which he had donated to her during their marriage, when she divorced him years later. His lawyer explained that what they hoped to be awarded was damages. The judge ruled in favor of Dawnell, and she was not asked to provide Richard with extra money due to the kidney gift. James Bone, "Have the

Could a market scheme, one in which individuals are always compensated in some way for their kidneys, even if they are donating to family members, be more fair and less noxious than donation? We have seen that donation of kidneys within families can be exploitative. Is there is a market scheme that is not exploitative, does not involve weak agency, and does not harm individuals or society?

Consider a proposal whereby the government requires:

(A) an informed consent process;
(B) a required medical check-up to ensure that the seller is a medically fit candidate for a transplant;
(C) a minimum and maximum price for the kidney that would be readjusted (for inflation) each year and that could not be undercut. This minimum price would reflect what a person living above the poverty line would demand in exchange for a kidney.

The consent process removes the worry concerning weak agency. Though the sellers on the market might still come from unequal backgrounds, the minimum price for kidneys, and how it is determined, would seriously limit exploitation of sellers. Further, the kidney buyers would not be exploited because they would be protected by the "maximum price" ceiling. The medical requirements would diminish the chances of the transplants resulting in any significant harm to individual sellers. (A)-(C) by themselves might still result in an exacerbation of social inequalities, as wealthy people would have greater access to kidneys than they had before, and poor people would have no better access than they had before. We can always add:

(D) Even though the sellers of kidneys all receive the same price, individuals buying kidneys pay on a progressive scale such that the very poor pay nothing, and the very rich pay at least as much as is required to pay the minimum price to all of the sellers (even those whose kidneys go to the very poor).

This added stipulation should make kidney purchases within the reach of any individual experiencing renal failure.

Yet, this scheme does not completely solve the gendered exploitation of kidney donors. After all, women may still be exploited within families.[54] For instance, in Bangledesh, Kenya, India, and Thailand, families

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Divorce, I Want My Kidney Back," *The Times*, January 9, 2009.

[54]Satz points out that when lenders give loans to men in India, they often are encouraged to promise their wives' kidneys as collateral (*Why Some Things Should Not Be for Sale*, pp. 200-201).

of impoverished women often expect them to sell their kidneys for money.[55] Now, in the United States, only women whose family members experience renal failure are expected to give up a kidney. If there existed a legal market, women from any family in need of extra cash might be expected to give up a kidney for the financial good of the family.

Fortunately, I can again appeal to literature pertaining to the inequalities in child-rearing for help in determining how such compensation could be targeted at the donors themselves.[56]Anne Alstott, in her 2004 book, *No Exit,* suggests and defends a method for redistributing resources to compensate primary caregivers of children for their sacrifices.[57] This money can be used for retirement, childcare, or one's own education, three things that are meant to advance the autonomy of the caregivers in meaningful ways that they might not have chosen for themselves, or chosen under the influence of authoritative spouses. With this in mind, consider a modification to the earlier proposal:

(A)-(D) as described above.
(E) Half of the sum that kidney sellers receive will come in the form of vouchers that can be used only for retirement, caregiving expenses, or one's own education.

So, imagine that Sarah and James need extra money, and they decide that Sarah is in a better position to sell a kidney, due to the flexible nature of her work. Sarah sells her kidney. Half of the compensation (perhaps $50,000) comes in the form of cash, which Sarah and Bob use for their family expenses. However, the other $50,000 comes in the form of vouchers that can only be used for Sarah's retirement, Sarah's education, and caregiving expenses that free up Sarah's schedule for pursuing other ends.

What if Sarah wanted to donate her kidney to her own adult son? The son's family, including Sarah and James, could pull together the resources that the progressive scale assigns to Sarah's son. After the kidney transplant, Sarah would receive $100,000, part of which would come in cash that she could give back to her son, if she wishes. If Sarah, James, and their son are quite poor, then the family, as whole, will gain money, though it will come directly to Sarah, the kidney seller. If Sarah, James, and their son are so financially secure that they are expected to contribute $100,000 toward the kidney, then that money will come from the family,

[55]Steinman, "Gender Disparity in Organ Donation," p. 250.

[56]Perhaps the discussion that follows from this point on could also be applied to commercial surrogate compensation methods.

[57]Anne Alstott, *No Exit: What Parents Owe Their Children and What Society Owes Parents* (New York: Oxford University Press, 2004).

but then be returned to the family, via Sarah, and partially in the form of vouchers that promote Sarah's long-term autonomy. If Sarah, James, and their son are very wealthy, then more money will exit the family's funds than will return to the family. This may seem unfair; why shouldn't a wealthy mother be able to give a kidney to her son without the donation costing the family money? However, giving a kidney to a child is unlike giving a car or a bicycle to a child. Giving a kidney requires the assistance and mediation of a medical community, which is already governed by a regulating government.

Conclusions

I have made a case for the claim that a leading source of kidneys donated in the United States, and anywhere else in which traditional marriage and traditional division of labor is prevalent, is a vulnerable source. I have implemented Wertheimer's account of exploitation, particularly exploitation within traditional marriage, to show that the vulnerability of women within marriage makes possible the exploitation of these women, not only for their domestic labor and childcare services, but also for their kidneys. I end by proposing a market scheme that I contend is less noxious then the kidney allocation method of altruistic donation.

I do not mean to suggest that this proposal, consisting of stipulations (A)-(E), is the best possible regulated market scheme, or that it contains no elements whatsoever that render a market noxious. I only mean to respond to Debra Satz by arguing that there is *at least* one legal market scheme that is less noxious than altruistic donation. Donation schemes exploit familial power imbalances. Market schemes can be instituted to counter such exploitation.[58]

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