

Organ Donation – the case for ‘Opt Out’ rather than ‘Opt In’.

When money is short, it is especially important to seek out those opportunities that make us better off, and don’t cost much.

In his book, *Thinking, Fast and Slow*, Daniel Kahneman highlights the importance of framing in terms of shaping our decisions; the way we are asked can have a very large influence on what we do, and this in turn can be very influential as regards the well being of society¹. As regards organ donation, he cites research showing that the rate is very much higher if the citizenry are assumed to have agreed to donate unless they opt out, compared with those jurisdictions where one has to opt in to qualify as a donor. In Austria and Sweden, where you have to opt out, the rate of donation is respectively 100% in Austria and 86% in Sweden. This compares with 12% in Germany and 4% in Denmark, where you have to opt in. In a letter to the *Irish Times* on July 26th, 2013, UCD economist Kevin Denny provides a more nuanced interrogation of the evidence.²

Ireland is an ‘opt in’ country, with predicable shortage of organs – close to 600 people are on a waiting list. Spain is ‘opt out’, and leads the performance in terms of deceased organ donors; in 2011, it was 35.3 per million people compared with 20.7 for Ireland, and 17.0 for the UK.³

The ‘opt out’ provision is not the only factor influencing performance, and on its own it will not solve the organ scarcity problem. But it is an important step, and we should take it.

The programme for government calls for legislation to change organ donation to an opt out system.⁴ Its Human Tissues Bill is being evaluated by an Oireachtas Committee. The legislation enacted should include ‘opt out.’

¹ See: ‘Budget 2013 – insights from Daniel Kahneman’, by the author, available at <http://www.publicpolicy.ie/wp-content/uploads/Budget-2013-Insights-from-Daniel-Kahneman2.pdf> for a more complete understanding of Kahneman’s insights.

² Available at: <http://www.irishtimes.com/debate/letters/organ-donation-and-consent-1.1475005>

³ See: ‘International Figures on Donation and Transplantation 2011’. *Newsletter Transplant 2012*, Council of Europe, available at: <http://www.transplant-observatory.org/Documents/NEWSLETTER2012.pdf>. there is more detail available on the issues in: ‘The Information: Organ Donation by Country’ by Serge Debregant, in *Life and Arts Magazine, Financial Times*, June 5, 2010, available at: <http://www.ft.com/cms/s/2/d121f426-6eb1-11df-ad16-00144feabdc0.html#axzz2aRYtM686>. This article cites *Science, 2003; Newsletter Transplant, 2009; “The potential impact of an opt-out system for organ donation in the UK”, Department of Health, 2008; Organ donor registers, 2006 as sources.*

⁴ Available on page 8 at: http://www.merriestreet.ie/wp-content/uploads/2010/05/Programme_for_Government_2011.pdf