

The Effect of Transparency on Nudging in the Context of Organ Donation

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Extended Abstract

Introduction. With the increasing popularity and application of the nudging concept, ethical objections against it have also emerged. In order to contribute to the debate whether nudging is objectionable or not, this paper examines nudging in the light of transparency. Wide consent exists that nudging can only be regarded as ethically appropriate when the nudge is transparent (Fischer & Lotz, 2014; Thaler & Sunstein, 2008). Hausman & Welch (2010) demand transparency, even if it potentially undercuts the effectiveness of the nudge. However, empirical research on nudging often shies away from incorporating explicit transparency. Further, little research has examined if transparency actually affects the effectiveness of nudging. We will hence propose a comprehensive empirical study to examine whether transparency affects the effectiveness of nudging. We consider the incorporation of transparency as a chance to help mitigate ethical objections against nudging.

Organ Donation in Europe. The combination of nudging and transparency will be tested in the context of postmortem organ donation in Germany. In the context of organ donation, nudging can be regarded as legitimate, since it is in the public's best interest to increase the supply of transplantable organs (Thaler & Sunstein, 2008; Harris & Alcorn, 2000; Saunders, 2010). The legal bases for organ donation substantially vary among European countries. The dominating approach is the "presumed consent approach" (opt-out regulation). This approach applies to more than three quarter of Europe. In this system, every person is an organ donor by default. Organs may be retrieved for transplantation unless the deceased has explicitly interdicted organ retrieval during lifetime. Contrary to the presumed approach is the "informed consent approach" (opt-in regulation). It only applies to six European countries. In Germany, the "declaration-based approach", a special form of the informed consent approach, forms the legal basis. All German citizens are given the chance to consider their own willingness to donate organs. The personal decision should be written down, ideally on an official organ donor card. Organs from the deceased can only be retrieved if the approval of the deceased is available. If no approval is available, the relatives have to make a decision on behalf of the deceased

(BZgA - German Transplant Act, 2012). A comparison of the numbers of deceased donors used for a transplant per million population (pmp) proves that the default system in form of the presumed consent approach is far more effective than the informed consent and declaration-based approach. Germany (10.5 pmp) lags far behind its European neighbors Croatia (33.7 pmp), Belgium (25.2 pmp) or Austria (24.3 pmp) utilizing the presumed consent approach (Eurotransplant International Foundation, 2015, p. 41). The results of a representative survey by the German Federal Centre for Health enlightenment (BZgA) underline that low willingness for organ donation. According to that study, only 35 percent of the Germans possess an organ donor card (BZgA, 2015). Thus, action is urgently needed to improve the situation and nudge German citizens towards documenting their decision on an organ donor card. As a default nudge is excluded by law, this study is going to examine the potential of different transparent disclosure nudges. The disclosure nudges are characterized by their high practical relevance and feasibility.

The Experiment. We conduct a comprehensive online experiment to address the research question. We focus on subjects who do not possess an organ donor card. All subjects are first asked about their intention to get an organ donor card within the next month. The intention to complete an organ donor card is the main dependent variable and will be queried a second time during the course of the online study. Via randomization, subjects are assigned either to the baseline group, the pre-nudge-transparent intervention group, or the post-nudge-transparent intervention group. The baseline consists of short information which is not regarded as having the power to nudge subjects. The pre- and the post-nudge-transparent intervention groups contain identical information. Before the nudge takes place, subjects in the pre-nudge-transparent group will be informed that a nudge will be applied and receive information about the underlying mechanism and the purpose of the disclosure nudge. Afterward, subjects indicate their intention to complete an organ donor card for the second time. Subjects in the post-nudge-transparent group lack transparency. They are exposed to the nudge and state their intention directly after the nudge.

Results. First, we do not find statistical significant evidence that the initial intention to complete a donor card differs across intervention groups. Second, we find statistically significant shifts in the intentions before and after the nudge for the pre-nudge-transparent as well as the post-nudge-transparent intervention group. The average intention is higher among the nudged subjects. Thus, the pre- as well as the post-transparent nudges are effective. No statistically significant difference can be found for the baseline group. Thus, the baseline information did not cause any shift in intention. Third, comparing the number of shifts in intention per intervention group shows that pre- as well as post-nudge-transparent intervention groups cause equal number of shifts. Summing up, we find that a) pre-nudge-transparency works b) post-nudge-transparency works and c) pre- and post-nudge-transparency are equally effective. We conclude that transparency does not affect the effectiveness of a nudge in the context of organ donation in Germany. The incorporation of transparency hence has a huge potential

to help mitigate ethical objections as nudging. The results of this study will form the basis for practical recommendations for courses of action.

Keywords. Nudging, Transparency, Survey experiment, Organ donation.

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