

# Egg Freezing and the Feminist Quest for Equality in the Workplace

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## Introduction

This paper discusses how non-medical egg freezing fits both symbolically and pragmatically into the feminist quest for equality in the workplace. I argue that egg freezing, on balance, works at cross purposes with ongoing efforts to make real structural changes in the American workplace. Before elaborating this argument, I first review background information about egg freezing and some of the ethical arguments that both support and critique women's use of it for non-medical or "social" reasons.

For the purposes of this paper, I do not discuss the use of egg freezing for medical reasons, such as freezing one's eggs prior to undergoing chemotherapy. I focus exclusively on egg freezing undertaken for the sake of "buying time"—time to find a partner, time to finish an education, time to advance in one's career, or any conceivable reason *other* than facing the crisis of an immediate medical need to preserve one's fertility against likely iatrogenic damage.

## Current Trends in Non-medical Egg Freezing

A cycle of egg freezing begins like any cycle of in vitro fertilization (IVF), with the administration of hormones to stimulate a woman's ovaries into producing multiple eggs, followed by careful monitoring of the ovaries, and then finally the retrieval of mature eggs under anesthesia. After the eggs are extracted, rather than being combined with sperm as they would be in a typical IVF cycle intending to create

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**Illustration A** <https://www.eggbanxx.com>

embryos, the eggs are frozen—usually through a technique known as vitrification. The frozen eggs are then stored until such time as the woman wants to attempt fertilization and pregnancy.

In 2012, the American Society of Reproductive Medicine declared that egg freezing should no longer be considered experimental.<sup>1</sup> This was a significant announcement. Equally significant was the fact that the ASRM explicitly discouraged egg freezing “for the sole purpose of circumventing reproductive aging in healthy women.”<sup>2</sup> Notwithstanding this note of caution, the commercial promotion of egg freezing for avoiding age-related infertility has proceeded apace ever since. Companies reach potential customers through websites and meet and greet cocktail hours, and advertise access to fertility specialists as well as special pricing for this generally out of pocket expense.

For example, EggBanxx, a relatively new startup in New York City, offers financing and connects women with doctors who specialize in egg freezing [Illustration A]. When I visited the EggBanxx website from my office computer in Raleigh, NC, it automatically located my nearest egg freezing provider and quoted me a price of \$8500 for one cycle.<sup>3</sup> Extend Fertility, a company launched in 2004, similarly connects women with a network of fertility specialists and provides financing.<sup>4</sup> As of April 2016, Extend Fertility offered an introductory rate of \$3600 per cycle, not including egg storage, claiming a 25–50% discount off their usual fees [Illustration B].<sup>5</sup>

By some estimates, the number of women seeking non-medical egg freezing has doubled every year since 2010.<sup>6</sup> However, egg freezing is still a very small subset of the assisted reproductive technology landscape. Out of the 190,773 cycles of Assisted Reproductive Technology (ART) performed in 2013 and tracked by the



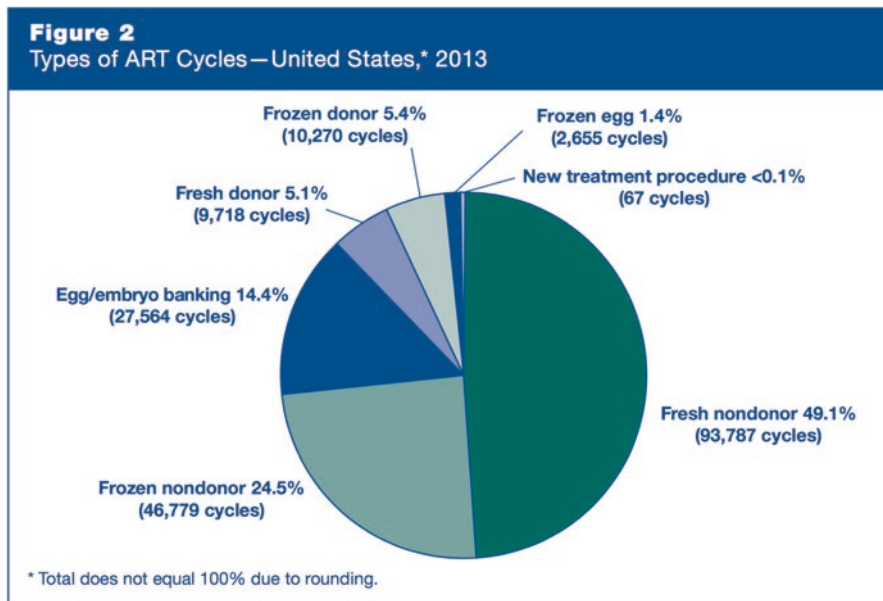
Illustration B <http://www.extendfertility.com>

Centers for Disease Control and Prevention, only 1.4% were initiated for the purpose of thawing a frozen egg for fertilization. A larger proportion of ART cycles, 27,564 (14.4%), were undertaken with the goal of freezing or banking the resulting eggs or embryos [Illustration C].<sup>7</sup>

The CDC has been required by law since 1992 to report on the success rates of Assisted Reproductive Technology. This it does quite thoroughly, covering an estimated 98% of ART cycles in 2013. However, neither the ART cycles that made use of a frozen egg to attempt fertilization and pregnancy, nor the ART cycles that resulted in the banking of eggs or embryos, were included in clinic success rates reported by the CDC.<sup>8</sup>

As a benchmark for comparison, the success rate for fresh (non-frozen), non-donor ART cycles was 29% in 2013, with “success” here being defined as a live birth. Notably, almost 1 in 5 ART pregnancies did not result in a live birth.<sup>9</sup> Could success rates for IVF using a previously frozen egg be as high as 29%? Some say yes. Some claim even higher, including Dr. Nicole Noyes of the NYU Fertility Center.<sup>10</sup> The best available evidence suggests that pregnancy rates for fresh and frozen eggs are about the same.<sup>11</sup> Given the disputed nature of these statistics, perhaps the claim with the strongest evidence supporting it is this: the age of the woman at the time she freezes her eggs affects the subsequent success rate. Success rates appear to be significantly lower for women who freeze their eggs after the age of 38.<sup>12</sup>

Unfortunately, studies have shown that women do not consider egg freezing until their late 30s or older. The ideal age for egg freezing is reportedly 30–35, but these younger women tend not to consider egg freezing either because they believe they have plenty of time and/or they underestimate their natural fertility decline.<sup>13</sup>



**Illustration C** 2013 National Summary Report, Centers for Disease Control and Prevention  
[http://www.cdc.gov/art/pdf/2013-report/art\\_2013\\_national\\_summary\\_report.pdf](http://www.cdc.gov/art/pdf/2013-report/art_2013_national_summary_report.pdf)

## Current Trends in Delayed Childbearing and Women's Employment

EggBanxx and Extend Fertility may have a point that “Smart Women Freeze” and “Preserve Their Options.” The biological reality is that women's fertility declines after age 35. The social reality is that there is a steady trend toward delayed childbearing across all subgroups of women.

In 2014, the average age of first-time mothers was 26.3, which represents an increase of more than 5 years from 1970, when the average age of first-time mothers was 21.4.<sup>14</sup> Another way to look at the data is to consider the proportion of first births that are occurring for women aged 35 and over: “From 1970 to 2006 the proportion of first births to women aged 35 years and over increased nearly eight times.”<sup>15</sup> One out of 100 first births in 1970 were to women 35 and older. That proportion was 1 out of 12 in 2006.<sup>16</sup>

There are likely many causes for this trend toward older motherhood, which has arguably brought many positive benefits for women, including more time to complete an education and more opportunities to pursue careers. What is important for my purposes in this paper is simply to acknowledge that the use of egg freezing is taking place inside a social context of delayed childbearing and inside a wider conversation about women in the workplace. In her book, *Unfinished Business: Women,*

*Men, Work, and Family* (2015), Anne-Marie Slaughter summarizes some of the well known facts covered in sociological literature: the majority of women with school aged children work outside the home in the United States,<sup>17</sup> women lose significant lifetime earnings when they step out of the workforce to raise children,<sup>18</sup> the United States still lacks paid family leave and universal childcare, and men still do not contribute as much in “care work” or household labor as their wives do, even if they are both employed outside the home.<sup>19</sup> Also, young women and men first starting out in careers make comparable incomes—there is hardly a wage gap at the outset. And they are reportedly equally ambitious.<sup>20</sup> But women with children earn less than men with children, and the gendered inequality increases over time. As many feminist have argued, the structure of the workforce still assumes a fully committed worker who relies on the domestic management of an at-home partner, even though the economic reality of the twenty-first century is that many American families need two wage earners to achieve a standard of living previously possible with only one income.<sup>21</sup> Given this larger context, where does egg freezing fit into the feminist quest for equality in the workplace?

### **Goold and Savulescu’s Defense of Egg Freezing as Reproductive Affirmative Action**

In their 2009 *Bioethics* article, “In Favour of Freezing Eggs for Non-medical Reasons,” Imogen Goold and Julian Savulescu argued that non-medical egg freezing can serve as a form of “reproductive affirmative action,” a strategy for leveling the reproductive playing field for women that does not diminish larger efforts to create structural change.<sup>22</sup> According to these authors, women may freeze their eggs to elongate the time they have to pursue education and career, for example, and these private choices need not impede the “unfinished business” of reforming the workplace, such as advocacy for national paid maternity leave or a work culture that provides “off/on ramps” for women who interrupt their careers for childbearing.

The general benefits they cite for non-medical egg freezing are compelling at first blush: egg freezing reduces pressure on women by stopping or pausing the reproductive clock. It affords more time to find a partner, and more time to be emotionally and psychologically ready to be a parent. Egg freezing can even be a type of insurance, guarding against the unknown or not entirely controllable trajectory of one’s life course.<sup>23</sup>

Goold and Savulescu also explicitly argue that egg freezing promotes gender equality: by freezing their eggs, women can participate equally with men at work. They write, “The 30s represent a crucial time in the careers of many women, and an interruption to bear children at that point can seriously prejudice a woman’s chance of advancement.”<sup>24</sup> The authors are realistic about social structures that disadvantage women, acknowledging that “full participation by women in the workforce is

not a reality” in some societies.<sup>25</sup> But they do not abandon the possibility of social change. I quote them here at length:

...[I]t is true that many of the problems we cite stem from traditional employment models that are based on the employee being male. We should pro-actively seek to change this situation to ensure that women have the opportunity to pursue a career as they choose, rather than having to fit into a model designed without them in mind. But such a desire for change is not necessarily undermined by allowing access to technological advances that can remove some of the constraints women face in their employment. We can pursue various secondary strategies, including egg freezing, for improving women’s employment situation.<sup>26</sup>

Goold and Savulescu conclude optimistically with the prediction that “egg freezing will probably not undermine efforts to promote change”<sup>27</sup> and that it might instead enable women to achieve positions of authority and influence. Once well situated, such successful women would be in a position to reform the workplace, they argue. “Thus, egg freezing can be viewed as kind of reproductive affirmative action: when discriminatory features of society are changed, it may no longer be necessary. But in the meantime, in our view, it empowers women.”<sup>28</sup>

While I appreciate the pragmatism of Goold and Savulescu’s approach—they accept that society is the way it is for now, and judge egg freezing to be a progressive technology that aids women—I find their argument ultimately unsatisfying for these reasons: (1) their argument depends upon a mindset of private consumer choice that is problematic, primarily because it creates a fiction of planning and control when the reality of people’s lives suggests otherwise, but also because that fiction of planning and control fits too conveniently with the opportunity to profit from a procedure that carries health risks and a relatively low probability of success; and (2) shifting the burden to individual women to accommodate work structures is not preferable to changing work structures to accommodate women, primarily because deflecting responsibility for a needed structural change does little to create lasting justice. I will spend the remainder of paper explaining these reasons.

## **Rhetoric of Choice and Consumerism Is Problematic, and Succumbs to Profit-Drive**

Egg freezing fits well with the narrative of choice and consumerism. Finding paying customers for egg freezing in fact depends upon the assumption that women approach their reproductive lives this way: as a subject of planning and foresight. Remember, “Smart Women Freeze.” This is, allegedly, a liberating vision. It imagines women empowered by technology, privileged in their options, able to use their resources to stretch and mold what is biologically possible.<sup>29</sup> It imagines both a postmodern playground of self-creation<sup>30</sup> and a savvy consumer’s gift for creative problem-solving.<sup>31</sup>

In reality, delayed childbearing is not necessarily a conscious choice and potential consumers of egg freezing often come late to the realization that they need

it—notwithstanding marketers’ attempts to convince them otherwise. A recent qualitative study in the UK found that delayed childbearing is rarely a conscious choice. The study reported that women’s “timing of childbearing depended on a complex interplay of factors which were outside of their control, such as relationship, health, and fertility. Women felt that there was an element of chance that these factors would be in place at the time they desired.”<sup>32</sup>

Feminist philosopher Angel Petropanagos argues that women should not be blamed for their “perpetual postponement” of pregnancy. She brings a feminist understanding of relational autonomy to her assessment: “Unlike traditional accounts of autonomy, feminists’ accounts of autonomy require an explicit recognition that autonomy is both defined and pursued in a social context.”<sup>33</sup> Given the context of sexist social structures, she argues, including professional norms, the “choice” to delay childbearing may not be as voluntary as it seems. “Until the sexist social structures that shape and confine women’s reproductive choices change, many women may continue to find their lives unfolding in ways that result in delayed motherhood.”<sup>34</sup>

However, recognizing that women’s reproductive decision-making is socially constructed and constrained by many things can lead to divergent conclusions. Some, like Petropanagos, and Goold and Savulescu before her, see the compensatory value of egg freezing and support it. Others wonder more skeptically whether egg freezing may do more harm than good. The problem, according to this view, is that the option of egg freezing creates a pressure to use it.

As philosopher Michael Sandel once claimed in his discussion of hypothetical problems created by genetic engineering, offering the option to genetically engineer one’s children could engender a sense of hyper-responsibility in parents for their offspring’s traits.<sup>35</sup> In an environment where intervening genetically, pre-birth, became the norm, it would no longer be a misfortune if one’s child were short or nearsighted or hemophilic; it would now be the parents’ fault for not taking advantage of an available technology proactively.

Similarly, as pointed out when Apple and Facebook made their generous offers to provide egg freezing benefits to their employees, the option to freeze eggs might quickly become an obligation to freeze eggs, a way to demonstrate one’s seriousness about one’s career, or a way to avoid self-blame.<sup>36</sup> More generally, in an environment where taking steps to guard against age-related infertility became the norm, it would no longer be merely a misfortune if one ran out of time to have children; it would be the fault of women themselves for not taking advantage of an available technology proactively. In fact, there is already evidence from an empirical study of women’s motivations that a major impetus for egg-freezing is the avoidance of self-blame. One woman stated: “I want to know I did everything I could and not blame myself later.”<sup>37</sup>

Or, as another writer, Abby Rabinowitz, succinctly put it: “Egg freezing is the perfect regret machine.”<sup>38</sup> Egg freezing is an example of the market not just responding to a consumer need, but amplifying and exploiting one. It mines a deep vein of culturally constructed expectations of women vis-à-vis motherhood.

I would add to this point an additional concern that as women buy into the fiction of planning and control offered by egg freezing, they also, not coincidentally, fuel the profits of companies like EggBanxx. This is not in itself a problem, nor is it necessarily exploitation. But given the low probability of success, especially for older women who freeze their eggs, this vulnerability should raise the bar for the kind of detailed information about risks and success rates that are made available to potential consumers of this technology.

Feminists have long embraced the language of choice for the obvious reason that it is fundamentally connected with reproductive autonomy and politically connected with the pro-choice movement. While empowering in some respects, the rhetoric of choice can be self-defeating if it narrows our understanding of reproductive autonomy to the realm of private consumer choice. The neoliberal free market mindset of consumption tends to obscure structural constraints on individuals' actual choices, inflating our sense of agency and diminishing the urgency of needed social change.

### **A Technological Fix for a Social Problem Works at Cross Purposes with Real Reform of the Workplace and Long-Term Demands of Justice**

This point brings me to my final reason for questioning the helpfulness of egg freezing as a form of “reproductive affirmative action”: I contend that shifting the burden to individual women to accommodate work structures is not preferable to changing work structures to accommodate women, because deflecting responsibility for a needed structural change does little to create lasting justice.

For one, egg freezing provides a relatively easy “out” for companies if they offer the service as an employee benefit. It is a way to look as if they are providing support for employees' procreative aspirations without having to change anything about the culture of work that often necessitates women's deferral of childbearing in the first place.

Also, egg freezing, pragmatically speaking, is not more than a very small bandage compared with the systemic difficulties faced by women in the workplace and society generally.<sup>39</sup> It is a very privileged band-aid too, accessible only to those who can afford to pay out of pocket. Moreover, contrary to Goold and Savulescu's prediction that women who attain positions of power due to this form of reproductive affirmative action would eventually look to reform the workplace, there is no real evidence such women exist. Nor is there much evidence, according to Anne-Marie Slaughter, that women who achieve success within the framework of a patriarchal work structure demonstrate any inclination to change the structure that they themselves labored under and triumphed over.

Symbolically, I would argue egg freezing sends an out-of-step message. One might even say that the commercial promotion of egg freezing comes at an odd time



given some other notable trends. As reported recently in *The New York Times Magazine* by Susan Dominus, some companies are beginning, finally, to make some significant strides in rethinking work-family balance, showing greater awareness of the costs of overwork, and a greater willingness to change.<sup>40</sup> Perhaps inspired by Millennials, who tend to question the fantasy and sanity of “having it all,” there is a dawning realization that the structure of the workplace not only disadvantages women but devalues caregiving generally, and this ultimately, in the long run, harms the bottom line. Some businesses are beginning to realize that work-family “balance” needs an entirely new frame.

For example, a recent sociological study of a “Results Only Work Environment” (ROWE) found that giving employees control over the hours of their work and the location of their work, provided they get their work done, alleviated work-family conflicts and increased job satisfaction.<sup>41</sup> A recent op-ed in *The New York Times* even claimed that the idea of a universal basic income could find a serious hearing in the United States if we followed the example of other countries considering the experiment, like Finland and Canada. (In November 2015, the Finnish government proposed paying 800 euros per month to every adult.) Among other benefits, a universal basic income or UBI would be a way to compensate for all that unpaid care work, so often done by women.<sup>42</sup>

At a moment when the “unfinished business” of reforming the workplace is getting some much needed attention—and some innovative new approaches—the high tech option of egg freezing seems ironically regressive.

Justice is ultimately about giving everyone their due, not only the privileged few with access to egg freezing. Ultimately, I think affirmative action is not the right analogy for egg freezing. I think a better analogy would be to say egg freezing is like giving—or *selling*—iPads to a few gifted third graders when the entire school lacks the structure to effectively teach all of its students to read. Surely, some women will benefit if they freeze their eggs when they are young enough and they beat the odds when it’s time to thaw and fertilize. But egg freezing’s role in the feminist quest for equality in the workplace is marginal, at best.

## Endnotes

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