Genes Are the New Black: Racism and ‘Roots’ in the Age of 23andMe

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Abstract: Although there is much discussion in scientific and law journals regarding direct-to-consumer genetic testing (DTCGT), there is a paucity of philosophical-ethical examination of how such services threaten to repeat the essentialist, racial-projects of the past. On the one hand, testing for ancestry can be cathartic: for those lacking familial history as to when and how they came to be where they are, DTCGT can offer powerful access to their lineage and identity-formation. On the other hand, DTCGT inevitably reinscribes problematic epistemologies of race—even when the companies claim that their tests can be tools to combat white supremacy. Tracing the roots of biological essentialism back to Aristotle, through the invention of raza as cocreator of modernity, and up to critical race theories today, provides a strong foundation to examine the nascent race-thinking underlying DTCGT. Borrowing heavily from Paul Taylor and Charles Mills, but also enlisting scholars from other disciplines, such as Ifeoma Ajunwa (law), Alondra Nelson (sociology), and Troy Duster (genetics), provides the broad scope necessary for thoughtful, agile engagement of that which is ameliorative, unethical, and even dangerous—for all of us—in the age of 23andMe.

Introduction

Direct-to-consumer genetic testing (DTCGT) companies infiltrate our evolving sense of self in a manner that is virtually unrecognized and uniquely nefarious. They market themselves as an indubitable, technological Pythia, providing a simplified description of our past and a prophetic one for our future, at the intersection of that which has traditionally defined our own-most identity: our body and blood, our physical person and the stories we tell about where we come from and how we
came to be. Recently they added righteousness to their portfolio, providing reparation for those whose familial histories were erased by past white supremacists, and dismantling the fragile identities of contemporary white nationalists.

The following challenges these claims, concluding that they are at best Pyrrhic, and at worst a dangerous racial project. The examination proceeds in three parts. First, to understand the nascent racial epistemology operative in DTCGT, we trace its history: from the proto-essentialist account of natural slaves in Aristotle, through the invention (and weaponization) of raza as the cocreator of modernity, up to today’s critical race theories. With this in place, three potential justifications for DTCGT will be examined: (1) a tool against racism, (2) an opportunity to connect with one’s (stolen) past, and (3) a tchotchke, plain and simple. The discussion will briefly turn to a concomitant concern: that DTCGT companies provide for, and their prosumers facilitate, an exponentially-increasing erasure of privacy on a global scale, while enabling new forms of (racial) discrimination. Concluding that such companies reinscribe, popularize, and profit from problematic modes of race-thinking, while producing no defensible raison d’être save a serotonin-inducing snake-oil, it is difficult to see a way forward for them. For everyone else, the imperative is clear: either we learn from the uniquely destructive history of prior racial-projects in order to craft more agile solutions for preventing new ones, or we will find ourselves accomplices in DTCGT, enacting predictable future tragedies.

**Beware Sellers of New Antiques**

Although it is anachronistic¹ to argue that our current concept of race existed prior to the last few centuries, this has not stopped many from proclaiming Aristotle as its intellectual progenitor.² It is not hard to see why, for Aristotle’s Politics practically begins with him declaring that “it is not difficult to behold” the relationship between an individual’s nature and their capacity for (self) governance, both according to reason (tō logō) and fact (“that which has come to be,” ek tôn ginomenōn): “For ruling and being ruled are not only of things necessary, but also of things advantageous, and directly from birth some have been separated out for ruling, others for rule.”³

Yet even if slavery were as old as patriarchy, that would not make it right. Thus Aristotle investigates the justness of slavery, proceeding according to two all-too-Aristotelian maxims: nature provides for that which is necessary, and nothing which is by nature can be unjust.⁴ Given that the polis is not a human artifact but part of a natural kind (genos), nature provides what the polis needs to do its work (ergon) and achieve its end (telos). Thus, for slavery to be just, it must be necessary for the polis and there must be slaves by nature (kata phusin). This means that slavery by chance—that is, slavery as practiced during Aristotle’s time—is unjust.⁵
Aristotle’s arguments concerning natural slaves have struck readers as uncharacteristically shoddy. This is because he repeatedly seems to beg the question regarding whether slaves are necessary or whether “natural” slaves exist. Although properly examining the arguments is not possible here, we might sum them up as follows: nature must provide a ready supply of individuals who are indistinguishable from other humans (even though they must be sub-human for their enslavement to be just), in order to do jobs which require slaves (even though there were very few “slave jobs;” slave and free worked side-by-side), because such slave jobs are necessary for the polis to function (even though he admits that the polis potentially could function without them). The section is so muddy that Aristotle’s “defense” of natural slavery begins to look like an argumentum ad absurdum: tasking himself with finding a just form of slavery, he fails—because there isn’t one.

Nevertheless, the modern era witnesses many attempts to project literal racism back onto Aristotle’s proto-essentialist framework and his ethnocentric/ethnographic comments, with the unlikely result that he becomes a cause célèbre for white supremacists (claiming him as their academic pedigree) and academics (blaming him for white supremacy). But by hearing “race” when seeing “slavery,” such attempts are effectively a centuries-long study in apophenia: ancient slavery was radically different from its modern, color-coded metastization. Neither the practice of slavery nor the bigotries of the ancient world were dispositive or hereditary per se; as Williams says, “what made ancient slavery . . . remarkable was the ready way in which a person could change from one of these identities [i.e., slave or free] to another.”

That the pre-moderns did not have epistemological access to race-thinking seems inescapable due to there being no word in any language corresponding to “race” before the sixteenth century. Although prior instances are extant (notably in English), the true inaugural occurs in 1611, when raza appears as an entry in the first Spanish language dictionary. Yet the idea does not emerge fully formed: raza is defined as distinguishing both breeds of horses and those of Moorish or Jewish ancestry (pejoratively—“en mala parte”).

This bears emphasis, as raza marks the first in a series of mutations characterizing the future history of race. By explicitly linking the age-old practice of grouping people into Us and Them with the equally age-old awareness of heredity known through animal husbandry, Taylor calls this “less a new interpretation of race than the founding interpretation, introducing the raza idea to examine social difference and to depict difference and subordination as natural conditions.” Already in 1611 Europe is searching for a proto-genealogical marker to assist it with, in Mills’s formulation, the “politicoeconomic project of conquest, expropriation, and settlement.” By substituting a naturalized distinction for a theological one, raza represents a powerful tool for European-Christian supremacy, and the prototype
for later white supremacy: being anti-Jew is contingent on thy neighbor’s baptism, 
but anti-Semitic is forever.\textsuperscript{13}

The idea of naturalized human hierarchies takes time to develop. As modern biology studies heritability and invents taxonomy, Europe debates whether whites and non-whites stem from a single, primordial ancestor (monogenism), or whether each has its own proverbial Adam (polygenism).\textsuperscript{14} Such an arcane debate ostensibly would only bother scholars, yet the ramifications for white supremacy are profound: as with Aristotle regarding barbarians,\textsuperscript{15} and pre-\textit{raza} Europe concerning heathens,\textsuperscript{16} whether race is essential determines, at least in theory, the kinds and severity of racial-projects whites may justifiably implement. The list of those who tackle the problem proves its significance, including not just scientific luminaries (e.g., Linnaeus), but also preeminent philosophers (e.g., Hume).\textsuperscript{17} As a result, race-thinking spends much of the next two hundred years as a pseudo-scientific observation of \textit{variety}, finding that perceived differences between races are in fact the inessential effects of external forces like climate and socio-political conditions. Thus, the overarching epistemological character of this period can be described as a naïve and abstract \textit{egalitarianism}, however odd it may sound given the terrible racial projects that accompany it.\textsuperscript{18}

A second shift coincides with the latter part of the eighteenth century, as race-thinking mutates from observations of \textit{naturalized} variety to solidifying as \textit{rationalized} otherness.\textsuperscript{19} Or, borrowing from Foucault, racial projects begin instituting rigid hierarchies when “racial purity replaces that of racial struggle.”\textsuperscript{20} The true intellectual architects of rationalized race-thinking are not Aristotle, Linnaeus or Hume, but Kant, Jefferson, and Hegel.\textsuperscript{21} The debate over monogenism is all but eclipsed by what Taylor calls the \textit{typological synthesis}: stratifying difference according to supposedly heritable characteristics and assigning them \textit{worth}.\textsuperscript{22} To take just one example (for they are Legion): to explain how it is that Roman slaves often achieved high levels of learning, Jefferson remarks coolly, “But they were of the race of whites. It is not their condition then, but nature, which has produced the \textit{distinction}.”\textsuperscript{23} Applying themselves enthusiastically to this theoretical framework, such preeminent figures help justify the racist domination (via physical enslavement-\textit{cum}-eugenics) seen in the nineteenth and early twentieth centuries, and lay the foundations for the racist hegemony that follows.

This third shift toward hegemony moves from \textit{rationalizing} difference to \textit{politicizing} it. Emancipation leads to disenfranchisement—both clear misnomers, as one has to have something for it to be taken away. And so on: the closer we get to the present, the more covert racist projects replace overt ones. The general public increasingly learns that race is a social construct, with the ironic (yet predictable) result that racism takes clandestine forms (e.g., "color blindness"). This eventually leads to the assertion that race—or “race,” as it increasingly appears wrapped in
prophylactic scare-quotes—is obsolete (e.g., “post-racial”), or even that any discussions of “race” could itself be racist.24

We find ourselves today, as will be argued, in the midst of an additional epistemological shift—though less innovative, more a mashup of Race-Thinking’s Greatest Hits. As the public becomes more captivated by genetic testing, DNA and race elide, producing naturalized observations (e.g., there’s more variation within races than between them). Yet the popularity of DTCGT, combined with vast misunderstanding about epigenetics, gives rise to new rationalized, essentialist accounts (e.g., “Can’t Seem To Get To The Gym? Maybe Your Genes Are To Blame!”), and new forms of politicized disenfranchisement (e.g., genetic discrimination). From an epistemological standpoint, race-thinking ultimately appears to move in a circular fashion, rather than progressing in any significant sense. But more on this later.

At each stage, one can see how certain types of race-thinking necessarily prefigure certain types of racial projects. Or, following Omi and Winant, racial formation—“the sociohistorical process by which racial categories are created, inhabited, transformed, and destroyed”—is both the precondition for, and is enacted through, “historically situated projects.”25 This situatedness renders moot attempts to project race and racism onto premodern sources. But race-thinking and racial formation are not simply a facet of modernity. They are the sine qua non of modernity itself. Taylor describes this mutual codependency bluntly: “Modernity and Race helped bring each other into being, and they sustained and spurred each other on through different stages of development.”26 Mills agrees: “Far from being lost in the mists of the ages, [the Racial Contract] is clearly historically locatable in the series of events marking the creation of the modern world by European colonialism . . . we live in a world which has been foundational shaped for the past five hundred years by the realities of European domination and the gradual consolidation of global white supremacy.”27

With this (brief) genealogy in place, we now turn to contemporary views on race, concluding that Taylor’s radical constructionism provides a theoretically robust and practically useful toolbox for dealing with the racial projects imposed by DTCGT. To get there, we will examine three alternative modes of race-thinking, and Taylor’s arguments concerning their limitations.

We can split the scholarship between those who emphasize the non-existence of “race” (skeptics) and those who believe race actually names something (realists).28 For the former, we will look at two types: those who find race-thinking to be so fraught as to recommend avoidance (eliminativism), and those who stave off total avoidance under the auspices that it may be useful in the short term (quasi-racialism).

One might sum up eliminativism as follows: why are you still using the r-word? This pernicious construct is a failure of thinking—there literally is no such thing.
Yet the word still possesses so much potency that if employed “without quotation marks or some other explicit qualifier,” it counterproductively reinforces the “deep implicit meanings this term possesses for the majority of its users” (hence the prophylactic scare quotes). In short, given that “race” is the most successful lie ever fabricated, and one of the most powerful forces ravaging the planet today, we should embark on “a deliberate and self-conscious renunciation of ‘race’ as a means to categorize and divide humankind” rather than reenacting the “pious ritual in which we always agree that ‘race’ is invented but are then required to defer to its embeddedness in the world and to accept that the demand for justice requires us nevertheless innocently to enter the political arenas it helps to mark out.”

Our second skeptic, the quasi-racialist, shares the eliminativist conviction that “race” fails to name any existing thing, but focuses more on its enduring power. To illustrate how quasi-racialists view race, Taylor avails to myths: their power endures not by convincing anyone of their factual accuracy, but in their ability to express something both meaningful and ineffable. Myths keep us in their thrall because we continue to extract meaning from them, continue to tell them, and continue to enact their rituals—they have power because they have power. “Race,” like all enduring myths, continues to exert enormous control over our lives regardless of being objectively false. Thus, quasi-racialists propose that “before we demand a moratorium on the myth’s falsehoods,” we might be better served if we “work through the details of the myth and the culture that it supports.” This explains how they can espouse seemingly paradoxical statements, like “Races have no ontological status. . . . There is literally no object referred to” and “[t]he issue is not the fact but the terms of asserted reference.” In short, if treating “race” as if it is real helps us understand its power, in order that we might more effectively dismantle such power, then the outcome justifies the approach.

For the realists, of the many options—including those who say there may yet be biologically distinct groups called races—we will focus on communitarianism: the idea that race names the historical maintenance of ethnically- or culturally-distinct breeding groups. Different “patterns of acculturation maintain the genetic distinctiveness between groups,” and these groups become what we call different races. Given that bodies and bloodlines always have, and continue to, exude meaning, then races develop and self-perpetuate as an (un)conscious expression of the universal Us and Them mentality discussed previously. The argument is tautological: socio-economic forces tend to pressure ethnic/cultural groups to remain homogenous and avoid miscegenation, and homogenous groups tend to create socio-economic incentives which encourage their members to avoid miscegenation. But one need not hear “pressure” as pejorative: Taylor emphasizes that such sorting, while initially due to isolation, eventually expresses itself both as “belonging to a state or society” and through “beauty, desirability, sex, and reproduction.”
Although recognizing merits in each, Taylor considers them insufficient. Concerning eliminativism, Taylor worries that in its most stringent form, it is naïve (effectively saying if we ignore it, the monster will go away) or counterproductive (by insisting both that “race” does not exist, and that “race” exerts nigh omnipotent powers over everyone, eliminativism threatens to appeal only to postgraduate degree holders). Although finding quasi-racialism more nuanced, Taylor illustrates its shortcomings through an example familiar to anyone who has tried to explain racism to a color-blind racist.

Quasi-racialists—like everyone worried about systemic racism—tend to arm themselves with data illustrating racism’s effects. If employed during a discussion with a color-blind racist, the latter individual often dismisses such data with the bromide that it is meaningless because races don’t exist anyway. Taylor argues that the skeptic could achieve her goals if she “disposed of the red herring presented by the color blindness advocate’s ontological argument. . . . How better to do this than to talk explicitly, straightforwardly, about what human agency has made? Why stop with talking about what it has ‘made’?”

As for communitarianism, Taylor’s primary issue lies in their focusing on groups rather than populations. This is not simply semantics: the communitarian account treats race as a type of club, denoting a level of both self-identification and self-awareness for its members. Populations, as externally imposed categories, require neither assent nor awareness from the individuals they encompass. Individuals can choose what significance (if any) accompanies their being, e.g., African American or Somali or Haitian, but they have no control over the historical and contemporary systems in the US that categorize them all as black—and that determine what being black means. By focusing on groups, communitarianism fails to capture a vital reality of race: people are subject to all manner of discrimination and violence based on (perceptions about) their nationality, culture, beliefs, accent, etc., but they are also targeted just because they “look like X.”

Taylor’s own radical constructionist account operates in a manner familiar to everyone, given we daily swear allegiance to a similar construct: money. Money—literally the cash in one’s pocket or the numbers on one’s paycheck—is a social construct. It is not valued as having some physically objective worth, based say on the paper or the ink. Rather, money obtains epistemically objective and real worth, based on the historical and contemporary systems that invest it with meaning. The same is true of race. Likewise, races, while having no independent or objective worth, nevertheless command epistemically objective meaning, based on the historical and contemporary systems that invest them with meaning—specifically, as “probabilistically defined populations resulting from the white supremacist determination to link appearance and ancestry to social location and life chances.” This means both that races exist, and that though they might not necessarily determine my racial identity (being my own choices and perspectives vis-à-vis preexisting social forces), they necessarily determine the kinds of identities ascribed to me (by individuals and social forces).
More simply, “we need the concept of race to help us note and track the consequences of racism,” and we cannot opt out any more than we could opt out of money.\textsuperscript{43}

\textbf{Not-So-White Supremacists}

This summary of ancient proto-essentialist and contemporary racial epistemologies helps us parse the double-speak of DTCGT companies, particularly concerning two types of racist-thinking: invisibility and camouflage. Invisibility describes the manner in which individuals become secondary, or erased, to the recognizable characteristics defining them as X (e.g., locking the doors when driving through a black neighborhood). Camouflage names the “normative invisibility” of the “average” person, ignoring or erasing that “average” always means \textit{white male} (e.g., statistics showing that average household wealth has increased).\textsuperscript{44}

DTCGT companies adopt such camouflage when they make statements or cite research as to the social construction of races belying their objective reality.\textsuperscript{45} By claiming that race is a purely historical artifact and fabrication—\textit{everyone’s the same, nothing to see here}—these companies gleefully employ racial camouflage \textit{qua} researchers, assuming that if the “average” person understood this, we would all be better off.\textsuperscript{46}

DTCGT companies redouble this racial camouflage when they claim their products can help combat racism. The argument seems inevitable and unassailable: \textit{prove to a bigot that their blood is not “pure,” and they cannot maintain the cognitive dissonance required for white supremacy}. The last few years have seen many examples of white supremacists live-broadcasting their DTCGT results publicly, predictably displaying uncomfortable, ludicrous reactions (and mental contortionism) when they receive their less-than-“pure” results.\textsuperscript{47}

The problem with such arguments is that they pretend to operate in a vacuum. First, no one is more adept than white supremacists at banishing would-be cathartic “discoveries.”\textsuperscript{48} The most cursory knowledge of historical or contemporary racist-projects shows that biological evidence has little to do with their implementation. Second, the consequences of white supremacy exist regardless of one’s interpretations of one’s individual genomes, and to claim otherwise is to promote color-blindness. Racial invisibility exists every time an individual is identified as X due to their appearance; bigots don’t ask first for Ancestry.com results. It is difficult to swallow arguments claiming that DTCGT will result in general color-blindness, and bizarre to claim this as an improvement—let alone to imply that this could eliminate the inherent danger of Living While Black. Finally, by claiming that one’s identity can be determined/reinforced/subverted \textit{via biological tests}, the companies reaffirm that identity—including racial identity—\textit{is based in biology}. Even by promoting themselves as ameliorative vis-à-vis racism, they require fraught epistemologies of biological racism to prove it.
The racial problem with DTCGT companies is not, as some have argued, primarily that “the more we suggest that biological differences between groups matter—and that is exactly what these companies are suggesting—the more the archaic concept of race is perceived . . . as being legitimate.” Neither is it that, as the companies have argued, such tests help us eradicate the legitimacy of race-thinking. Neither of these positions involves robust conceptions of race, nor are they effective means of combatting racism, for both employ racial invisibility and camouflage, obscuring those (beneficial and detrimental) racial-projects which are still operative.

Catharsis

On the most charitable account, such companies help those who have had their familial histories erased by an oppressor reconnect with their ancestral heritage. At first glance, this seems praiseworthy—even decolonial—given that the racist project of stripping enslaved Africans of their families and their history was so systematic and successful as to be considered a tool of genocide. Therefore, the ability to help individuals of African descent discover their roots via DNA arguably would constitute a slight reversal of the racist project sometimes called the African Diaspora.

If “root-seeking” may facilitate an infinitesimal reclamation of a person’s stolen heritage, then ipso facto it deserves thorough consideration. Nelson does just that: drawing on a number of different theoretical models and traditions, collecting ethnographic data, and becoming a root-seeker herself, she attempts to draw a cohesive, holistic picture of the complicated collision of personal/communal identity and genetic “proof” experienced by individuals in the US and UK of African descent. As she puts it,

test results are valuable to ‘root-seekers’ to the extent that they can be deployed in the construction of their individual and collective biographies. Root-seekers align bios (life) and bios (life narratives, life histories) in ways that are meaningful to them. These users of genetic genealogy interpret and employ their results in the context of personal experience and the historically shaped politics of identity . . . actively draw[ing] together and evaluat[ing] many sources of genealogical information (genetic and otherwise) and from these weave their own ancestry narratives.

Nelson concludes that, rather than “reducing them to genetic determinants . . . genetic genealogy testing provides a locus at which ‘race’ and ethnicity are constituted at the nexus of genetic science, kinship aspirations, and strategic self-making.” In this way, her article offers an undoubtedly unintentional, yet no less powerful, defense of DTCGT companies: “The decision to employ genetic testing for genealogical purposes could be viewed as a sign that test-takers are confident about
the underlying assumptions of this form of genetic analysis as well as in naturalist conceptions of human difference.” Indeed, when one recognizes that this could only occur against the backdrop of a recent, profound shift in the root-seeker’s (qua black) perception of medical/biological/genetic testing—from betrayal and wariness (e.g., Tuskegee) toward trust and affirmation (e.g., The Innocence Project)—and one wonders why DTCGT companies don’t include her in every press release.

There are several problems with this defense. First, the argument implicates such companies in the same quasi-racialist thinking and projects that they claim to challenge. As Outlaw laid out decades ago, the significance for one’s identity, the evidence of an effect (if any) on one’s thinking, and even the “fuzzily-bounded” constitution of one’s membership within a race is wildly complicated:

Thus, at the conceptual heart of investing genetic information with worth qua identity is the implicit-yet-operative empiricist perspective that one’s (racial) identity is appropriately (or sufficiently, or essentially) found in material, and, “like knowledge about the natural world, can be attained through a kind of detached, dispassionate observation.” This is the basis for what many in the scientific community have lamented about the public’s perception of genetic research: both the white supremacist and the anti-racist are guilty of impoverished, empiricist assumptions about humanity whenever the former responds excitedly and the latter with apprehension upon hearing about studies which show empirical differences between races. Arguing that empirical claims and evidence are insufficient for grounding both a shared sense of humanity and a basis for ethical engagement, Yan (citing Wittgenstein) proposes that “it is the communal, shared ‘form of life’ that forms the basis of a common humanity.” Yan’s work thus tracks closely to Nelson’s findings. On the one hand, empirical (genetic) information is both a helpful tool (against historical, racist invisibility) and an insufficient basis (requiring inscription into and alongside familial and folk knowledges) for racial and ethnic identity—leading, as often as not, to “genealogical disorientation” or “genealogical dis-ease.” On the other hand, the fragility of both positions vis-à-vis white supremacy is illustrated in every racist atrocity: just as the empirical fact of species membership has failed to arrest the white supremacist, so too the (perceived lack of) “shared ‘form of life’” has justified the white supremacist. Though the prosumption of DTCGT kits may offer some sense of reinscribed, shared identity
for those whose past has been wrongly stolen and erased, that such reinscription requires confirmation via empirical “facts”—which are themselves based upon arbitrary, classical race-thinking—should strike everyone as, at best, fraught and, at worst, Pyrrhic.

Second, the companies are woefully ill-equipped to provide useful, accurate information. The reason is obvious: most DTCGT prosumers are affluent estadounidenses, thus overwhelmingly of white, European descent. This often leads to incorrect—even insulting—results. For example, as of ten years ago, one genetic testing company divided “ancestry” into the four classical racial categories: African, Native American, East Asian, and European. As of two years ago, 23andMe had only seventy-six Koreans in its entire database. And as of this writing, 23andMe lists the entirety of “North, Central, and South America” a single group: “Native American.”

Unsurprisingly, DTCGT companies respond that the solution is more subscribers. One may assume that, as the databases increase, so are the results “improved,” but in a manner which belies their claims to accuracy generally, and drips with irony individually: e.g., the numerous accounts of folks taking multiple companies’ tests and receiving different results, of identical twins taking the same test and receiving different results, and of a single person taking the same test twice receiving different results. If the only solution for an inherently racial project is coerced membership in the dataset by those who don’t even prosume the service—and thereby dissolution of a pillar of democracy (privacy) and of medical ethics (informed consent)—then the cure is much worse than the disease.

Tchotchkes

If all else fails, DTCGT companies might reply, they have a right to exist as a novelty. Anyone can sell tchotchkes, as long as said tchotchkes don’t hurt anybody, and as long as the consumer (or, in this case, the prosumer) is aware of the dangers inherent to them. Therefore, contra caveat emptor, this argument is valid only if DTCGT are both innocuous and the purchaser can be considered competently consenting.

The non- or even anti-innocuous nature of DTCGT will be left to the penultimate section, where the prevalence of discriminatory practices based on DNA results will be described briefly. The question of whether prosumers (and everyone else) may be seen as consenting or informed would take the present project too far afield, as it would require looking at both the vast medical ethics literature on informed consent since Nuremberg, and the hoary legal-philosophical work on privacy since Locke. Yet even if both of these arguments didn’t fail, DTCGT companies have rejected this defense strategy outright. With slogans like “Discover Yourself,” they are unambiguously as to their august pretense—given that Linnaeus defined “Homo” simply as “Nosce te ipsum” in his Systema Naturae, one imagines each company briefly considered γνῶθι σεαυτόν, only rejecting it after
market testing showed it came across as elitist. Although the larger companies are backing away from such language, it is to quote rather than to exaggerate their self-estimation as “new” phenomenological-scientific Pythias.

Genes Are The New Black

Having not only failed to defend themselves, but also having reinscribed the racial project they claim to avoid or combat, it remains briefly to examine the effects of allowing DTCGT companies to continue. The fact that they willfully, wantonly disintegrate the privacy of entire populations, all without informed consent (it seems impossible à la the Lochner Era of labor law to “consent” to such), is an issue which would require an additional, manuscript-length examination. In addition, there is the growing realization that, rather than educating individuals regarding their health and well-being, DTCGT both fails to properly elucidate the significance of the genome vis-à-vis epigenetics, and reinforces an outdated and erroneous view of DNA as fate.

More to the point: DTCGT companies constitute a clear and present danger to everyone within marginalized groups—including those who are not their prosumers, even those who do not identify (but could be “identified”) as members of such groups. Bizarrely, although many are aware that such companies have assisted law enforcement in high-profile cases, they are woefully ignorant that a genetic database needs to cover “only 2% of the target population to provide a third-cousin match to nearly any person”—and, the top two companies have already achieved this threshold. Add to this that DTCGT companies share their prosumers’ “anonymized” data with government and law enforcement entities, sell it to major pharmaceutical companies, and the absolute inability to avoid security breaches or deanonymization of the data—then everyone’s privacy is already compromised.

Although this may seem academic, even conspiratorial, it has already resulted in new forms of discriminatory practices. And this dovetails with the above discussion of DTCGT companies’ proclamation that they offer a tool against racism—thus engaging in racial camouflage while supplying a tool for racist invisibility. Roberts offers a succinct description of this dissonant collision—or collusion—“the biological explanation for racial disparities provides a ready logic for the staggering disenfranchisement of people of color . . . as well as the perfect complement to color-blind policies implementing the claim that racism has ceased to be the cause of their predicament.” Thus, the very same racial-thinking which taught white people to look to biology for predicting worth for the last four centuries, today allows for similar prejudicial soothsaying—which is neither prohibited by US law, nor capable of remedy through torts.
This last point has been most articulately laid out by Ajunwa in her writings concerning genetic discrimination. Although the US (and others) have attempted ostensibly forward-thinking legislation like the Genetic Information Nondiscrimination Act (2008), nevertheless such laws prove an old adage about the relationship between government on the one hand, and corporate/technology interests on the other: Congress is always 20 years behind. Indeed, Ajunwa notes that “there has been an increase in reported instances of genetic discrimination in each following year” since GINA was signed. Following Foucault, Ajunwa finds the temptation for such abuses practically inevitable, as the relationship between the presumed agency afforded by genetic testing and the Foucauldian concept of biopower—a concept that both explains the growing prevalence of genetic testing and bolsters the argument that the State holds a responsibility to further delineate boundaries for an employer’s use of genetic information—further illuminates the origins of genetic discrimination.

This temptation toward discrimination is based in an idea already discussed, whose history is interlaced with race-thinking: biological essentialism. Ajunwa cites numerous examples, showing “how much more facile technology has made genetic discrimination.” She summarizes thus:

The essentialist view of genetic information has led to the ubiquity of genetic testing and the popular belief that such testing is always beneficial . . . the prevailing belief is that genetic testing empowers individuals, conferring both the agency and the knowledge necessary to make crucial decisions about one’s health and the health of one’s future children.

She concludes regarding this trend that “the combination of genetic essentialism and genetic determinism has led to ‘genetic coercion’ . . . the overwhelming economic, social, and moral compulsion to scrutinize and police the genome that an individual experiences.”

Her conclusion is supported by an ever-increasing number of individuals and groups who believe the use of genetic testing alongside racial profiling is not just the future of personalized medicine, but also ethically necessary given the predicted improved health outcomes—in spite of decades of research proving the existence of both biologically significant racial categories and DNA racial markers to be non-existent at best, red herrings at worst. That such racially deterministic and medically positivistic thinking has increased rather than decreased is due to the oracular mystique assigned to the gene, beautifully (and terrifyingly) described by Nelkin and Lindee as “transformed”:

Instead of a piece of hereditary information, it has become the key to human relationships and the basis of family cohesion. Instead of a string of purines and pyrimidines, it has become the essence of identity and the source of social difference. Instead of an important molecule, it has become the secular equivalent of the human soul.
As stated previously, the application and significance of such racial-projects are only possible due to particular types of race-thinking. Whenever DTCGT companies, or their prosumers, dismiss such concerns, they belie the privilege of their particular socio-historical situatedness. Even when DTCGT companies drop the pretense of enacting either cathartic or anti-white-supremacist racial-projects, and instead defend themselves as merely bringing a product to market that is inherently benign, their argument is dependent not upon logic but upon time and place. One would need be unconscionably ignorant to fail to recognize the “practical usefulness” of such tests, e.g., historically, for the US’ legal implementation of the “one-drop” rule, or, contemporarily, for the more radical elements under Prime Minister Narendra Modi’s India, etc.—pick your ethnically- or racially-charged situation, introduce DTCGT tests, and try not to imagine a Guernica-esque horror-show. After all, if 23andMe proudly proclaims (as it recently does) that it now includes the Dai in China, why not the Rohingya in Myanmar?

Conclusion

If DTCGT companies are to continue to exist, let alone to defend themselves against the dual critiques of being dangerous and in need of herculean oversight, they first need to come up with a consistent, anodyne explanation for who they are and what they do. They are not simply tchotchkes—both according to their own marketing as products which “help” people in various ways, and due to their inherently insecure storage of our most private data (even before any discussion of their selling our supposedly “anonymized” DNA), and due to the fact that they mislead the public at large regarding medical positivism and genetic determinism. They are not tools which effectively combat any form of race-thinking, at best serving only to solidify conceptions of race which are detrimental while quieting those which are necessary. On the most charitable account, they offer a glimpse into the heritage stolen from members of historically disenfranchised and oppressed groups, particularly the tens of millions of descendants of the worst racial-projects conceived by white supremacy. Nevertheless, this proves Pyrrhic, given that in the process they undermine a bedrock of medical ethics (informed consent) and a pillar of would-be near-just societies (privacy), allowing a tiny fraction of a population to compromise everyone else via simple triangulation. Indeed, it is difficult to imagine any raison d’etre which could allay the above concerns without effectively eradicating their entire business model. But, at the very least, the time is over when we could play Captain Renault, acting “shocked, shocked!” every time there is yet another example of their dangerous amorality—and hopefully we will come up with a thoughtful, agile solution to this ostensibly benign racial-project before it helps facilitate yet another tragic, preventable racist nightmare.

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Notes

1. E.g., Isaac 2004; McCoskey 2012. For a more historical view, see Kennedy et al. 2013 and Snowden 1971.

2. In the following, I will present the standard reading of Aristotle’s account of “natural” slaves. However, this should not imply that I agree with that reading. I have a manuscript under review at the moment which argues the opposite: that Aristotle’s “defense” of (natural) slavery has been misread by most of the history of Western philosophy, with disastrous results. Nevertheless, that Aristotle was appropriated to such ends is indisputable, and to fully problematize that appropriation would take this project far beyond its current focus.

3. Politics 1254a22–24. All translations from ancient Greek are mine.

4. Politics 1252b1–3; 1256b20–22; see also Garver 1994, 180; Williams 1993, 113.

5. “It appears then, that it is the character of Aristotle’s defense of natural slavery to defend an institution that is scarcely similar to actual slavery; insofar as political and domestic institutions ought to be strictly natural, such a defense is also an attack” (Ambler 1987, 390).


7. Just to name a few: Eze describes Europe’s white supremacist project as basically the culmination of what Aristotle began (1997, 4), and Baum says that when Europe invented modern race thinking, they had the same thing in mind as Aristotle with the quoted passage from Politics (2006, 244). See also Sassi 2001, 20–1, 120–39.

8. Dobbs both confirms and enacts these two observations—that scholars generally find Aristotle’s arguments incoherent, and that scholars unwittingly hear “race” when they read “slavery”—simultaneously when he says that the slavery section of the Politics “has appeared even to his sympathetic readers as a racist tar-baby” (1994, 87).


10. “La casta de caballos castizos, a los quales fe ñalan con hierro para qué fe an conocidos. Raza en el paño, la hila za qué diferencia de los de mas hilos de la trama. Parece auerse dicho quasi raza: porque raza en lengua Toscana vale hilo, y la raza en el paño sobrepuesto desigual. Raza en los linages se toma en mala parte, como tener alguna raza de moro, o iudio” (de Covarrubias 1611, 1246).

11. Taylor 2003, 41. The origin and etymology of race is a matter of some debate, and although there are earlier appearances in multiple languages, they appear to have little in common save expressing a “group” (e.g., of dogs, of wine, of emotions, of occupations, of women, etc.). Smedley provides many examples, but lacks references to source materials (1993, 36–40).

12. Mills 1997, 54. Boxill spends significant energy rejecting claims by scholars that race was, e.g., invented to justify slavery (2001, 4–24). It is not always clear to me that the usages he examines were meant to be taken so literally. Nevertheless, as far as this project is concerned, by using terms like “searching,” “attempting,” “fabricating,” or “pseudoscience,” I am not implying some vast, conscious conspiracy is at work, but rather that this is how such terms and thinking operate.

15. Although Aristotle describes barbarians as natural slaves, he describes their condition as due to environmental rather than essential factors, e.g., not living in a proper polis. Even the word shows the circumstantial nature of difference: barbaroi comes from an onomatopoeia for non-Greek speakers, viz. “blah-blah people.”
16. Theologically speaking, the equality that accompanies conversion is expressed in the words Christians have used to refer to the overall community: ekklesia, koinonia, communio, Corpus Christi, etc.
17. Eze 1997, 30, 33. The first quote is from Hume’s “Of the Populousness of Ancient Nations,” and the second from his “Of National Characters.”
18. Taylor 2003, 42.
21. Cf. Mills 1997 both for a condemnation of the glaring omission of race in most political philosophy courses (1–5), and for another account of Kant being the true father of the modern concept of race (69–72; 150n66); See Boxill 2001 for a defense of Kant against such claims (448–469).
22. Taylor 2003, 42.
24. “Race-thinking” and “racial project” are amoral categories of things, describing—to paraphrase Omi and Winant—a mental commitment to an interpretation of race, and a practical (whether hypothetical or real) application implementing such, respectively. Omi and Winant also provide a definition of that which turns something from racial into racist: “a racial project can be defined as racist if and only if it creates or reproduces structures of domination based on essentialist categories of race” (1994, 71). Therefore, both this paper and the white genocide are examples of race-thinking, just as Black Lives Matter and Pepe the Frog constitute racial projects. That the members of each pair occupy the same amoral category is separate from the demonstrable immoral status of the latter member of each pair.
28. In the following paragraphs on skeptics and realists, I borrow from scholars who might object to being cited in a summary of an epistemological framework with which they do not see themselves as identifying. In the interest of expediency, I have quoted comments which I find illustrative of the framework under question. Thus, the placement of a quote should not be seen as indicating either that the original author sees herself as a card-carrying member of any particular group, or that I am trying to lump them in with any particular group.
32. Taylor 2003, 94.
34. E.g., Boxill 2001, 1–2; 38–42.
40. Taylor gives the examples of Amadou Diallo and Vincent Chin, though they are Legion. Cf, Taylor 2003, 55–9, 100.
41. Taylor 2003, 109: “If we are willing to say of a piece of paper that is properly implicated in certain social relations that it really is worth a dollar, then we should be willing to say that a person who is properly implicated in certain social relations really is, say, a white person.”
42. Taylor 2003, 86.
43. Taylor 2003, 126. Or, one might summarize this section thus: races are not biological, but Rachel Dolezal can’t choose to be not-white.
44. Taylor 2003, 151–2.
45. The best-known example probably being Lewontin 1972.
46. For example, Duster 2003 shows how, as heredity and genetics research has increased since 1976, so too has the assumption—not just among the public, but in academic publications—that they could be illustrative, even deterministic, concerning crime, mental illness, intelligence, alcoholism, homelessness, etc. (97).
47. The last few years have seen dozens of articles reporting—often reveling—at such, from outlets such as PBS, NYT, CNET, even The Late Show with Stephen Colbert.
49. Caulfield 2018, summarizing Rachul et al. 2011. Caulfield continues: “A consistent, underlying theme is that biological difference matters. These companies are selling a history that is rooted in biological variation, not culture or emotional connection. The clear message is that your genes are closely tied, at some intrinsic level, to who you are as a person.”
50. “Genocide” remains a controversial term, ranging from systematic attempts to completely exterminate a group of blood- or culturally-related individuals, to projects intended to preclude the future possibility of an ethnic or cultural group. Thus, “genocide” has been used to describe very different events: from the Third Punic War, the colonization of the Americas, the Holocaust, and the Armenian, Bosnian, and Rwandan genocides, to the nearly-successful attempt by Franciscan friar and bishop Diego de Landa Calderón to destroy all traces of Mayan writing, similar attempts to ban the teaching/speaking of languages, and other forms of forced suppression/assimilation. Nevertheless, the force and purpose behind all uses of the term should be clear: the systematic attempt to remove a group—whether
literally *qua* bodies, or effectively *qua* identity and cohesion—from the past, present, and future. The African Diaspora is a clear example of this.


52. Nelson 2008, 778n11. Although Nelson’s research only examines people of African descent in the US and UK, she states that her findings could apply to additional diasporic groups, e.g., Irish (Nash 2004) and Jewish (Abu El-Haj 2004).


56. Ajunwa notes that the public’s view of DNA—from depictions of its use in popular shows like *CSI* or *Law & Order*, to its real-life use in cases like the Golden State Killer or more generally for The Innocence Project—is now as the “ultimate sleuth, manifested as the molecular Sherlock Holmes who always and accurately determines ‘whodunnit’... final truth teller, with the power to exonerate and overturn wrongful convictions and to save the lives of those falsely accused” (2016, 80).

57. Outlaw 1997, 277–8. Outlaw further notes that “geographic race” references groups of people “who share distinctive biologically-based characteristics but who are not thereby regarded as constituting a ‘pure’ biological type.” Thus African-descent refers, for him, to specific ethnic groups from the geographical, biological, and cultural “race” of African descent; e.g., Akan, Luo, Wolof, but also African-American, etc. (n24).

58. Yan 2010, 109. Although Yan’s article is focused on different conceptions of cosmopolitanism rather than individual/group identities, he argues convincingly that “empirical observations based on the category of a human *species* are often too ambiguous to provide us with the normative basis that can warrant the condemnation of wrongs such as racism” (112).

59. Yan 2010, 126. See also Reich 2018.


61. Nelson says as much in her reporting on the experience of several root-seekers, in that their various indifference to or preference for certain forms of genetic testing (or, one might interpolate, their explicit attempts to invest the results with more or less significance) “suggest[s] that not just any scientific evidence of ancestry will do. Rather, consumers come to genetic genealogy testing with particular questions to be answered, with mysteries to solve, with personal and familial narratives to complete and seek ‘the right tools for the job’” (2008, 767).


64. Yan 2010, 124. Although Yan’s analysis is quite useful, I find his conclusion—that ‘poetic imagination’ or narrative sense being a more robust conceptual framework for seeing “other human beings as human, i.e., creatures capable of seeing themselves in terms of values, meanings and purposes” (2010, 114)—ultimately to share the same concerns as the other forms of cosmopolitanism he rejects. In particular, it links him to (or he insufficiently extricates himself from) a view of the human moral community based on taste à la Kant’s
“der Geschmack,” along with its storied imperial implications vis-à-vis “savages” (read: those who fail to perceive beauty in a way which illustrates their humanity).

67. Taken from 23andMe’s website, as well as from an individual who prosumed their services and shared their results with the author.
72. Taken from Dynamic DNA Laboratories’ website.
76. As of this writing, 23andMe and Ancestry.com insist that they have not provided law enforcement with access to their data. FamilyTreeDNA has admitted working with the FBI, as well as GEDMatch (though this is a third-party company, not DTC). Cf. Hernandez 2019, Selk 2018.
77. Hirschler 2018.
78. Schneier 2015. Considered one of the fathers of encryption, Schneier has for many years emphasized that there is no such thing as data security anymore. Every day there are additional examples of such reverse-engineering. E.g., Zimmer illustrates the failure of Facebook to do so vis-à-vis its data, showing “the fragility of the presumed privacy of the subjects under study” (2010, 314).
79. Cf. 23andMe’s website “Privacy is in our DNA.”
81. Not only does the Genetic Information Nondiscrimination Act (GINA) not protect individuals in the ways outlined herein, it is acutely evident that not even health care providers understand what it entails, and that Congress has made attempts to curtail what little regulation it offers—which is even more concerning, given that physicians themselves both lack the knowledge and display the biases which make DTCGT dangerous vis-à-vis race and racism. Regarding the former, if “even among physicians, a staggering eighty-one percent are not familiar with GINA protections,” then “there should be a concern that direct-to-consumer genetic testing companies and their consumers may be equally as ignorant” (Ajunwa 2014, 1256, citing Slaughter 2013, 62). See also Nippert et al. 2011 and Bonham et al. 2014. Baer et al. found health researchers were “confused about concepts of race and ethnicity and their link to genetic differences between populations; many treated these concepts as interchangeable and genetically based . . . [and] the younger health researchers tended to put a stronger emphasis on the genetic aspects of race than did the older health researchers” (2013, 62).
82. For relevant examples of the saying, cf. Soo-Jin Lee et al. 2001. The origin of the saying is unclear: although I have heard it expressed many times when discussing technology, intelligence, and law with friends and colleagues who work in said industries, I have yet to find its origin (save in an as-yet unattested quote from Mark Twain about finding himself in Cincinnati at the time of the Apocalypse).

83. Ajunwa 2016, 78.
86. Ajunwa 2016, 82.
88. The old saws about there being more genetic variation within rather than among geographic populations, as well as that there is no gene for race, are backed by reams of research much too extensive to recount. However, Blell and Hunter 2019 provide a good, truncated bibliography of sources.
89. Nelkin and Lindee 2004, 204.

References


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