

NATION

PAUL CRAIG ROBERTS

Two recent developments are forcing Americans to rethink their definition of privileged. A naturalized U.S. citizen from Egypt is suing the federal government to have his racial classification changed from "white" to "Black," and the U.S. Army's top enlisted man is asking that he be treated the same as female aviator Lt. Kelly Flinn.

In American culture it has been traditional to think of "the rich" as privileged. This perception is based on income or wealth and not on class-based legal privileges such as those that conferred special standing on aristocrats. The "privileges" of the rich consist of luxury homes, cars and vacations, private schools, domestic help, and good doctors and lawyers. Moreover, this basket of goods and services is not reserved to a legally defined group. Anyone who succeeds in life through hard work or luck can participate in the lifestyle.

Today most Americans still think of privilege in terms of money, but "affirmative action" is slowly redefining the concept. Over the past 30 years a new kind of privilege has taken root in our soil. It is akin to the old aristocratic privilege based on family lineage, but instead of being class-based, the new privilege is based in race and gender. Those defined by the U.S. government as "preferred minorities" or "protected minorities" have legal rights denied to other Americans.

Currently, the preferred categories are: Black, American Indian/ Alaska Native, Asian and Pacific Islander, Hispanic, and female. Those who can fit themselves into one or more of these categories are entitled to their proportionate share of federal, state, and local contracts regardless of low bid, to their proportionate share of jobs, training programs and promotions regardless of test results, seniority and performance, and in most states to

After privilege, a new apartheid?

their proportionate share of university admissions regardless of standard measures of achievement and merit.

In other words, they are privileged. Affirmative action proponents deny this. They claim protected minorities are only being given a helping hand to make up for the discrimination they have suffered at the hands of the hegemonic white male.

The problem with their argument is that protected minorities are not endeavoring to have themselves reclassified as white in order to join the hegemonic power structure. But some who are currently classified as white are trying to get themselves reclassified as Black.

Mostafa Hefny, an Egyptian immigrant, is suing the federal government for denying him privileges by classifying him as white. He says his classification as white "is not scientific" and is keeping him from obtaining jobs, grants, scholarships and loans he would be able to get as a preferred minority.

Mr. Hefny says he is of Nubian descent and that Egypt is in Africa, which makes him as much an African-American as any. His clincher is: "I was born and raised in Africa," while most benefiting from the designation were not. His lawsuit, filed in federal court in Detroit, asks relief for the suffering he has endured for being classified as a white man simply

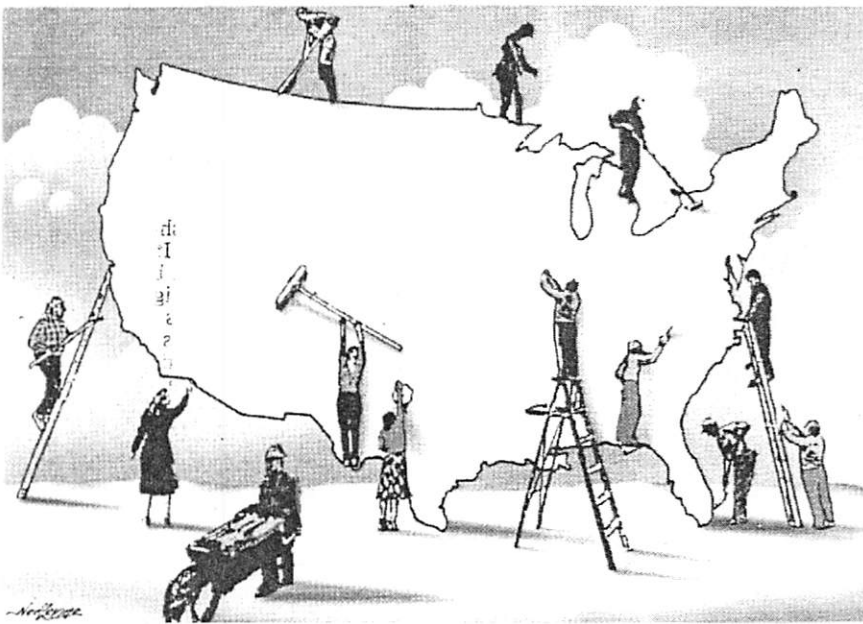
because the U.S. government has the illogical notion that all Egyptians are white.

Sergeant Major of the Army Gene C. McKinney faces essentially the same charges as Lt. Flinn faced. Observing her escape from military law, he is asking for equal treatment. This has thrown a wrench into his court-martial. Can the military treat a black male differently from a white female?

The Constitution says no, but the Constitution has been replaced by privilege. Normally, race privilege trumps gender privilege. In law school admissions, for example Black and Hispanic males get preference over white females. But this hierarchy of privilege breaks down in matters of sexual offenses such as adultery, where the female can only be a victim. Consequently, neither the Senate Majority Leader nor feminist members of the House have risen to complain of Sgt. McKinney's "harsh treatment." Immunity for sexual offenses is a privilege reserved for the female gender.

As the genders are definitely different, Sgt. McKinney cannot sue for re-classification, but race can be arbitrary as Mr. Hefny has made clear. Indeed, 17 years ago when the Supreme Court was watering the roots of racial privilege, Justice John Paul Stevens predicted that "if the national government is to make a serious effort to define racial classes by criteria that can be administered objectively, it must study precedents such as the First Regulation to the Reich Citizenship Law of Nov. 14, 1935."

It is a paradox that racial classification and racial privilege are the direct results of the civil rights movement. Where will we go from here?



Paul Craig Roberts is a nationally syndicated columnist.