



WHY THE DREYFUS AFFAIR DOES AND DOESN'T MATTER

Steven Lubet

Reviewing

LOUIS BEGLEY, *WHY THE DREYFUS AFFAIR MATTERS*
(Yale University Press 2009)

ALFRÉD DREYFUS WAS a French artillery officer of Jewish-Alsatian origin who in 1894 was falsely charged with treason for selling secrets to the German military attaché in Paris. The evidence against Dreyfus was appallingly flimsy – based almost entirely on the disputed similarity of his handwriting to a document that had been filched from the wastebasket of the German embassy – but it was bolstered by the virulent anti-Semitism that was then widespread in the French army (and throughout the French Government and the Catholic Church as well). Even after it became fully apparent to the authorities that the real traitor was Major Ferdinand Walsin Esterhazy, the drunken and

Steven Lubet is the Williams Memorial Professor of Law at Northwestern University. All quotations are from WHY THE DREYFUS AFFAIR MATTERS except: (1) Begley's email interview appeared in the Jan. 3, 2010 edition of Haaretz online; (2) the Theodor Herzl quotations are from Amos Elon, HERZL (1975) and Ernst Pawel, THE LABYRINTH OF EXILE (1989); (3) Adam Gopnik made the observation that Esterhazy was an obvious spy in "The Trial of the Century: Revisiting the Dreyfus Affair," The New Yorker, Sept. 28, 2009; (4) Frederick Brown's assessment of the "lunatic" prosecution is in FOR THE SOUL OF FRANCE: CULTURE WARS IN THE AGE OF DREYFUS (2010); and (5) George Bush's remarks at the Islamic Center are posted at georgewbush-whitehouse.archives.gov/news/releases/2001/09/20010917-11.html. French President Emile Loubet was no known relation to this writer. Copyright © 2010 Steven Lubet.

debt-ridden scion of an illegitimate branch of the Hungarian royal family, the Dreyfus case was kept alive by anti-Semitism and forged evidence. Dreyfus was twice convicted by military tribunals. He spent over four years on Devil's Island – most if it in extreme solitary confinement, not even allowed to speak to his guards and often shackled to his bed – before he was pardoned by the President of the Republic and eventually exonerated by a civilian court. The Dreyfus case transfixed French society, dividing the nation into *Dreyfusard* and anti-*Dreyfusard* factions. As leading political and intellectual figures – including Emile Zola, Jean Jaurès, Georges Clemenceau and Anatole France – took up the *Dreyfusard* cause, governments fell and some of the duplicitous officers who engineered the frame-up were exposed and disgraced.

In *Why the Dreyfus Affair Matters*, lawyer and acclaimed novelist Louis Begley argues that the prosecution of Alfred Dreyfus is a relevant historical parallel to the recent “crimes” at Abu Ghraib and Guantanamo. In a concise volume – published by the Yale University Press as part of its “Why X Matters” series – Begley provides a lucid and beautifully written account of *L'affair Dreyfus* from beginning to end. He carefully unravels the bewildering tangle of plots, intrigues, accusations, exposés, resolutions, and manifestos that led to no fewer than seven trials (and even more appeals and petitions) before Dreyfus was acquitted. He also contends that the Dreyfus case is analogous to “the tragic absurdity of the claim the Bush administration used to justify the scandal of its detention system.” Begley is right, of course, that the Dreyfus case is important and should not be forgotten, but his broader contention – that it reveals something profound about the Bush administration's prosecution of the War on Terror – is overdrawn and unpersuasive.

Spanning the turn of the twentieth century – it lasted from 1894 until 1906 – the Dreyfus affair was the first great political trial of modern times, pitting the forces of reaction, privilege and prejudice against those of emancipation, merit, and reason. It played an important role in ending France's, and therefore Europe's, entrenched order and it thus opened the way to government by technocrats and specialists rather than by aristocrats and clergy (although it must be

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said that the new order to follow would in time produce its own anti-Semitic horrors, unimagined by even the most rabid *anti-Dreyfusards*). Very few other trials, if any, have so sharply inflected the history of the West.

The affair began when the French military's intelligence service (known as the Statistics Section) recovered a document from a wastebasket in the German embassy in Paris. The unsigned handwritten statement, which came to be called the *bordereau*, revealed that a French officer had offered to sell vital military secrets to the Germans. Because the *bordereau* mentioned artillery, suspicion soon fell upon artillery Captain Alfred Dreyfus, who was the only Jew attached to the central military headquarters (known as the General Staff). The Statistics Section showed the *bordereau* to several graphologists, who could not agree whether the handwriting belonged to "the suspect." Nonetheless, Dreyfus's "racial" origin was sufficient to turn the case against him. He was arrested, charged with high treason and held incommunicado.

The initial proceedings against Dreyfus were conducted in secret – for fear of compromising the French agent in the German embassy, rather than out of concern for the rights of the defendant. But word quickly leaked out that a "Jewish traitor" had been arrested. There followed a torrent of anti-Semitic invective in the nationalist and Catholic press. Dreyfus, and Jews in general, were vilified as treacherous, disloyal and un-French. To many, it seemed obvious that only a Jewish officer would have betrayed his country to the Germans for money.

In that poisonous atmosphere, Dreyfus faced a court martial, held only two months after his arrest. Dreyfus's attorney asked that the hearing be opened to the public, expecting to expose the transparent weakness of the prosecution case, but the military judges denied the request. In closed session, the court heard from five handwriting experts, two of whom testified that the handwriting on the *bordereau* was not the defendant's. One of the prosecution experts explained the apparent dissimilarity by insisting that the *bordereau* was an elaborate "self-forgery," in which Dreyfus had cunningly disguised his own handwriting. Fearing the embarrassment of an

acquittal, and acting at the instruction of the Minister of War, the prosecution assembled a confidential file – including forged documents – for delivery to the tribunal without disclosure to the defense. Although that was a blatant violation of French law and procedure – and notwithstanding the fact that nothing in the *dossier secret* actually identified Dreyfus – it was sufficient to procure a conviction. Dreyfus was sentenced to military degradation and life imprisonment on Devil’s Island.

Dreyfus’s public degradation took place two weeks later in the great courtyard of the Ecole Militaire. In front of an assembly of soldiers drawn from every garrison in Paris, Dreyfus was made to stand at attention while the epaulettes, buttons, braids and insignia were ripped from his uniform. After his sword was removed and broken, he was compelled to march around the four sides of the courtyard in a “Judas parade.” Dreyfus resisted humiliation by loudly proclaiming his innocence and patriotism, but a huge mob on the outside of the square drowned him out with shouts of “death to the traitor” and “death to the dirty Jew.”

Soon Dreyfus was on his way to Devil’s Island where he might have died in obscure dishonor if not for the efforts of his older brother Mathieu, who launched a determined campaign for Alfred’s vindication in the courts and in the arena of public opinion. It was Mathieu who eventually enlisted such notables as Zola and Clemenceau to the *Dreyfusard* cause.

In a stroke of good fortune, the Statistics Section was taken over in 1895 by the painfully honest Lieutenant Colonel George Picquart, who recognized the weakness of the evidence against Dreyfus and re-investigated the case. Picquart discovered a document – the *petit bleu*, also recovered surreptitiously from the German embassy – that unequivocally implicated Major Esterhazy. That should have been enough to end the entire affair, if only French military justice had been rational and humane. But rather than admit error and release Dreyfus, Picquart’s superiors instead dug in their heels, choosing to protect the traitorous Esterhazy rather than liberate the innocent Jew.

“What do you care that that Jew is on Devil’s Island?” General

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Charles-Arthur Gonse asked of Picquart. “His possible innocence is irrelevant. Such matters ought not enter into consideration.” Because Picquart would not agree that innocence was irrelevant, he was transferred away from Paris to a series of remote and dangerous posts. His replacement, the oleaginous Major Joseph Henry, then began creating a series of forged documents – one of which became known as the *faux Henry* – that would be used to reinforce the case against Dreyfus while implicating Picquart in a contrived coverup (purportedly in exchange for Jewish money).

In yet another stroke of good fortune, however, a facsimile of the *bordereau* was published in a *Dreyfusard* pamphlet. It somehow came to the attention of Esterhazy’s stockbroker, who immediately recognized his client’s handwriting and informed Mathieu Dreyfus. Mathieu in turn denounced Esterhazy in the press, thus shaming the military into reopening the investigation of Alfred’s case.

Once again it seemed as though the tide might be about to turn in favor of the *Dreyfusards*, and once again the military closed ranks against the Jew. The treacherous Esterhazy was quickly cleared by a friendly court martial – in reality, a reverse kangaroo court – and the courageous Picquart was imprisoned on suspicion of accepting bribes from a powerful Jewish “syndicate” or conspiracy.

It was in response to these events that Emile Zola published his famous essay *J'accuse*, demolishing the case against Dreyfus, denouncing the persecution of Picquart, revealing the creation of the *faux Henry*, and exposing Esterhazy as the real traitor. The reaction was volcanic. *J'accuse* sold over 200,000 copies within days of publication, building public support for Dreyfus among many of France’s intellectual and political leaders. But not in the military. In his capacity as Minister of War, General Jean-Baptiste Billot summarily rejected the claims of *J'accuse* and brought criminal libel charges against Zola for defaming the military court that had cleared Esterhazy. The case was rushed to trial within six weeks, and, after various highly irregular procedures, Zola was convicted and sentenced to a year in prison. The writer fled to London.

Even with Zola in exile and Picquart incarcerated, political pressure continued to build on Dreyfus’s behalf. In June 1899, the Cour

de Cassation (France's highest court) reversed the verdict against Dreyfus and ordered the military to hold a new trial. Dreyfus was transferred from Devil's Island to the military prison in Rennes, where the second court martial took place.

Virtually all of the evidence against Dreyfus had already been discredited as either bogus or insubstantial. The defense attorneys therefore anticipated a fair trial and a certain acquittal, but they were badly mistaken. The trial was held "amid an orgy of anti-Semitic insults," and one of the defense attorneys was shot and wounded in an unsuccessful assassination attempt. In the words of an official observer, the military tribunal allowed the prosecution to introduce "apocryphal or touched up documents, inaccurate translations, twisted testimony, foolish or made-up gossip" and other material that was "certain to produce an irrational result."

The Rennes court was under enormous pressure from the military brass to confirm the defendant's guilt and therefore, as Dreyfus later put it in his memoir, the "truth had the weight of the number of stripes on the sleeve of the uniform." Following nearly a month of hearings, Dreyfus was re-convicted by a vote of five to two, the majority adding that they also found "extenuating circumstances" (evidently a French military euphemism for the conviction of an innocent man). Dreyfus was sentenced to ten years imprisonment, although the court recommended that he be spared another ceremonial degradation.

The second guilty verdict was transparently absurd, and ten days later Dreyfus was pardoned by President Emile Loubet. Dreyfus nonetheless pursued an appeal and, although it took nearly seven years, his conviction was eventually reversed by a unanimous vote of the Cour de Cassation. The court also voted 31-18 against remand for a third trial, thus finally and fully clearing Dreyfus of the false charges.

The story ended relatively well from a historian's perspective, with most of the heroes more or less recognized and some of the villains more or less disgraced. Zola was pardoned and returned to acclaim in France; he was interred in the Pantheon after his death. Esterhazy fled the country and died in exile. The perfidious Henry

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committed suicide. Picquart was reinstated in the military, rising to the rank of brigadier general, and was later appointed Minister of War. Dreyfus, too, was reinstated in the army and awarded the *Legion d'Honneur*. And while his later military career never fully recovered, he served with distinction during World War I, reaching the rank of lieutenant colonel. Dreyfus died in 1935, attended by his family at his home in Paris. French anti-Semitism was at least temporarily abated (although it would return with a vengeance during the *Vichy* regime). The *Dreyfusard* – and Jewish socialist – Leon Blum was twice elected prime minister in the 1930s.



But what of Begley's insistent comparison of the Dreyfus Affair to the "crimes and abuses of the Bush administration, committed in the course of its pursuit of the war on terror"? Is it true that Bush's misdeeds "dwarf those of which the French army's General Staff became guilty in its implacable persecution of Captain Alfred Dreyfus"? Is it actually helpful to suggest a parallel between the Dreyfus case and the contemporary War on Terror?

It is understandable that Begley, a Harvard-educated lawyer and retired partner at a major international law firm, would be wary of military tribunals, and he is surely right that they must be carefully monitored by civilian authorities in every era. Sometimes, however, a military tribunal is the appropriate forum for a trial. In the Dreyfus case itself, for example, a court martial was certainly the right locus for the prosecution of an artillery captain charged with selling secrets to a foreign power. The great injustice to Dreyfus was not that he was tried by a military court, but rather that the court's judgment was thoroughly corrupted by anti-Jewish prejudice. For Begley's analogy to hold, therefore, he would have to show that the Guantanamo tribunals have been motivated by equally racist designs – not simply that the tribunals have been ruled unconstitutional or that the prisons have been degrading and unfair, but also that the victims were chosen on the basis of religion. Although Begley may consider this proposition self-evident – he called it "undisputed" in a newspaper interview – he has offered scant proof to support it.

As we know, Dreyfus was prosecuted almost entirely because he was a Jew, and the case against him was pursued even after it was glaringly obvious that he was innocent. In its zeal to punish the “Jewish traitor,” the French military was even willing to ignore conclusive evidence against the real culprit – to the extent of staging a rigged court martial in order to exonerate Ferdinand Esterhazy – for the sake of maintaining the frame-up against Dreyfus. As the historian Frederick Brown put it, the vindictive prosecution of Dreyfus was premised upon a “lunatic argument.” As the case became “increasingly detached from reality, Dreyfus’s guilt had become a dogma to be preserved by any means.” At one point, the chief investigator for the Statistics Section donned a false beard in order to attend a secret rendezvous with Esterhazy, where they conspired to concoct additional phony evidence against the Jew. No such intentional deceit has been attributed to the Bush administration.

While it is undeniable that there have been serious human rights abuses at Abu Ghraib prison and injustices at Guantanamo, there is no reason to think that the United States government has purposely framed any of the detainees. However badly the government has treated its prisoners, and no matter how defiantly it has held them without the necessary due process, there has been no known resort to counterfeit documents or perjured testimony. We have seen no American equivalents of the suppressed *petit bleu* or the fraudulent *faux Henry*.

There are other differences as well. Dreyfus was persecuted on the bigoted assumption, held at the highest reaches of the military, that all Jews were inherently disloyal to France. No comparable level of institutional racism underlies the administration of Guantanamo (although some individual guards or interrogators are no doubt bigots or brutes). It is true that almost all of the detainees are Muslims – but religion was incidental to the arrests, not the motive behind it. For better or worse, the United States has been waging a war in two Muslim countries, as well as with al Qaeda, so of course the prisoners taken in those wars have been Muslims themselves. Many of the prisoners may have been wrongly singled out (often

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having been fingered by other Muslims), but not on account of their faith.

This is not to say that there has been no anti-Muslim prejudice in the United States in the years since the attacks on the World Trade Center and the Pentagon. As Begley points out, many Americans have had “no trouble believing that the detainees at Guantanamo ... were terrorists simply because they were Muslims.” But those are the sentiments of the ignorant mob (egged on by too many talk-radio instigators), not of the government itself, which has from the earliest days after 9/11 taken considerable care to distinguish terrorism from Islam. On September 17, 2001, President Bush declared, in an address at the Islamic Center of Washington, D.C., that “Islam is peace,” and he exhorted his fellow citizens to treat Muslims with respect. Those who mistreat or attempt to intimidate Muslims, he said, “represent the worst of humankind, and they should be ashamed of that kind of behavior.” Perhaps Bush did not go far enough, and, unfortunately, not all Americans heeded his words. But the government has not, as Begley seems to contend, reflexively treated Muslims as “outsiders and disliked and distrusted minorities.”

Consider the case of Major Nidal Malik Hasan, the U.S. Army psychiatrist who has been indicted for murdering 13 of his fellow soldiers at Ft. Hood. Hasan’s superiors had long known that he was in communication with the radical Yemeni-American imam Anwar al-Awlaki, and that he had even sought guidance on whether a Muslim-American soldier could justifiably kill his own comrades. Nonetheless, no action was taken with regard to Hasan until his well-documented disaffection erupted into fatal gunfire. The American military never treated Hasan as the French treated Dreyfus. In fact, the closer parallel would be to Esterhazy who, as one recent critic observed, was so obviously a security risk “that only the geniuses of military intelligence” could have failed to see it. Perhaps due to incompetence and perhaps for fear of appearing discriminatory, the U.S. Army likewise discounted the numerous warning signs in Hasan’s behavior. Far from persecuting Hasan for his religion, the military chose to ignore clear signs of the risks he posed – and with

tragic consequences. (True, there have been counter examples of Muslim soldiers treated with undue suspicion by the military, and Hasan is only one case. But Dreyfus, too, was only one case, which makes the affair even less comparable to the current situation in the United States.)

Thousands of Americans have been killed by terrorists who were acting in the name of Islam; the danger is real, and real precautions must be taken to guard against similar attacks in the future. There is today an anti-American Jihadist movement, active from Brooklyn to the Philippines; but there was no anti-French Jewish conspiracy in 1894. There are today radical imams who openly preach “death to America,” and who inspire their followers to bring explosives onto airplanes; but there were no *fin de siecle* rabbis who called for “death to France.”

I am no fan of the Bush administration’s cavalier disregard for international law, and I am professionally proud of the lawyers who have represented Guantanamo detainees all the way to the United States Supreme Court. But let us be fair. The excesses at Guantanamo and elsewhere were committed in the sincere pursuit of national self-defense, while the crimes against Alfred Dreyfus were committed out of gratuitous prejudice.



In a book titled *Why the Dreyfus Affair Matters*, it is baffling that Begley fails to mention one of the most enduring consequences of the case. Theodor Herzl is known today as the father of modern Zionism, but in 1894 he was a young playwright and journalist living in Paris. An affluent and highly assimilated Austro-Hungarian Jew, he covered the Dreyfus trial for the Viennese newspaper *Neue Freie Presse*. Herzl was one of the few reporters allowed inside the courtyard to witness Dreyfus’s degradation. He was impressed by the defendant’s resolute claim of innocence, and was horrified by the display of naked anti-Semitism. In his dispatch to Vienna, Herzl wrote of the “bloodthirsty cries” from the mob that surrounded the square, and the repeated calls of “death to the Jews.” His cautious editors, fearful of rousing the growing number of local anti-Semites, neutered the report to read “death to the traitors.”

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Herzl, however, knew what he had seen. An innocent man had been condemned for the crime of being a Jew. “And where?” he asked. “In France. In republican, modern, civilized France, one hundred years after the declaration of the Rights of Man.” “The Dreyfus trial,” he wrote, “made me a Zionist.”

Thus converted, Herzl organized and served as president of the First Zionist Congress, held in Basel in 1897. His tireless work on behalf of Jewish self-determination led to his death in 1904 at the age of forty-four, but he had by then set in motion the movement that would eventually lead to the founding of the state of Israel. Historians now debate whether the Dreyfus trial was in fact the spark that led to Herzl’s rejection of assimilation, or merely the last straw following his experience with anti-Semitism in Vienna. But even as legend, the Dreyfus Affair undoubtedly played a central role in the spread of Zionism among European Jews.

Louis Begley is a Holocaust survivor who is deeply concerned about the safety of the Jewish people. He is also a severe critic of Israeli policy in the West Bank and Gaza. In an email interview with the Israeli newspaper *Haaretz*, he responded to a question about the Herzl omission by explaining his view that Israel’s “violations of human rights [have] put Jews in worldwide peril.” Begley is of course entitled to his political opinions, but it is still nearly unfathomable that *Why the Dreyfus Affair Matters* makes not a single reference to Herzl, and includes no meaningful discussion of Zionism or the establishment of Israel.



Several years ago, a French exchange student enrolled in my seminar on Litigation Strategy. I know it is a stereotype, but she was charming, thoughtful, stylish, opinionated, given to philosophy, and somewhat disdainful of most things American. When the time came for students to submit topics for their final papers, she informed me that she wanted to write about the Rosenberg case. I was slightly surprised and also impressed. None of my American students had ever suggested writing about the prosecution of Julius and Ethel Rosenberg and, frankly, I would guess that most of them were at best only dimly aware of it.

So I asked my French student why she had chosen the Rosenberg case, and how she had known about it. “It is part of the curriculum in every French secondary school,” she told me. Now I was really surprised. Why did they study the Rosenberg case in high school? “In France,” she explained, “we had the Dreyfus case, and the Rosenbergs were the American equivalent.” Or so she had been taught.

There are of course some passing similarities between the 1894 court martial of Alfred Dreyfus and the 1951 Rosenberg trial. In both cases, Jews were accused of betraying their country to a foreign power; both prosecutions were accompanied by a good deal of xenophobic hysteria; and both cases eventually inspired popular demonstrations and international protests in support of the accused. But the resemblance really stops there.

Alfred Dreyfus suffered a terrible injustice and an awful ordeal, but no one today doubts his innocence. Nor does anyone question Dreyfus’s unshakeable devotion to France. The Rosenbergs, in contrast, were devoted members of the American Communist Party. Julius Rosenberg – perhaps with Ethel’s assistance or perhaps only with her assent – recruited others to the Party, and illegally provided sensitive military and industrial information to the Soviet Union both during and after World War II. In 1950, Julius and Ethel, as well as their friend Morton Sobell, were arrested and charged with providing the Soviets with “the secret of the atomic bomb” based on documents that had been smuggled out of the Los Alamos National Laboratory.

The Rosenbergs and Sobell were brought to trial in Manhattan in 1951, before a United States District Court. Although a good deal of anti-Semitism was directed at the Rosenbergs from certain quarters – vilifying the “Commie Jews” – it is notable that both the presiding judge, Irving Kaufman, and the lead prosecutor, Irving Saypol, were themselves Jewish. The star witness against the defendants was Ethel Rosenberg’s brother, David Greenglass, who had been a technician at Los Alamos. Greenglass testified under a grant of immunity that Julius had recruited him to participate in an espionage ring, and that he had provided secret information to Julius

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through a Communist Party courier. There were many irregularities in the trial – prosecution witnesses were heavily coached and favorable evidence was withheld from the defense – but there was nothing approaching the blatant frame-up of Dreyfus.

The Rosenbergs were convicted by a jury and sentenced to death. (Sobell got 30 years.) In pronouncing the sentence, Judge Kaufman opined that the Rosenbergs' betrayal had emboldened the Soviets, and had thus led to the Korean War and the ensuing deaths of thousands of Americans. That was a grotesque exaggeration, necessary to justify the unprecedented death penalty for peacetime espionage. Nonetheless, it is now beyond dispute that Julius Rosenberg was indeed a Soviet spy, although Ethel's role is less certain. Both Rosenbergs were executed at New York's Sing Sing Prison on June 19, 1953.

It is easy to understand why the French would want to equate the Dreyfus affair with the Rosenberg case. The comparison makes France look good. Not only can they point to a purported anti-Semitic frenzy in the United States, but they can also claim that the French response was ultimately superior. Although it took over a decade, Dreyfus received justice and, more importantly, anti-Semitism was unmasked and discredited. The Rosenbergs were treated far differently in the United States. Despite international calls for clemency – from Pope Pius XII, Jean-Paul Sartre, and Albert Einstein, among others – President Eisenhower refused to commute their sentences (even after receiving Ethel's heartbreaking plea for mercy on behalf of her two small children). The federal courts repeatedly turned down their appeals. When Supreme Court Justice William O. Douglas issued a temporary stay during the summer recess, the full court reconvened in emergency session in order to vacate the stay and hasten the Rosenbergs' execution. To this day, there has been no acknowledgment by the United States government that the executions were unwarranted or that anti-Semitism played any role in the prosecution.

Thus, it could be claimed – as my student did – that both France and the United States had grappled with anti-Semitism in their judicial systems, and that France had dealt with the issue more fairly

and forthrightly. There is just one problem. Albert Dreyfus was completely innocent and Julius Rosenberg (at least) was definitely guilty. Dreyfus was a patriotic artillery officer; Rosenberg was an unrepentant spy. I tried to explain this to my student. I directed her to *The Rosenberg File*, by Ronald Radosh and Joyce Milton, first published in 1983, which made the compelling case for Julius's guilt. I told her about the *Venona* project, made public in 1995, in which decoded Soviet cables clearly identified Julius as a Soviet spy. None of that made any difference to her. The cases were similar, she insisted. The French were committed to learning the lessons of the Dreyfus affair, and American ought to feel the same way about the Rosenbergs. I do not know how the Rosenberg case is currently taught in French secondary schools – although my student probably graduated somewhere around 2000, well after the revelations of Julius's guilt – but it is certainly obvious that the Dreyfus affair continues to have a profound grip on the French psyche. Despite all contemporary scholarship to the contrary, my student felt compelled to find an American analog to the Dreyfus case, if only for the sake of expiation.



Intellectuals are drawn by their nature to historical comparisons, invariably searching for the roots of contemporary injustices in the miscarriages of the past. United States history, alas, provides plenty of fodder for such exercises – the Alien and Sedition Acts, post-Reconstruction lynch law in the South, the Palmer Raids, the Japanese internments, the McCarthy era, and most recently the War on Terror – but the parallels are too often strained and imprecise. All injustices are destructive of human dignity and therefore similar in certain regards, but the Dreyfus affair is relevant to the War on Terror only at the highest level of generality: military tribunals can be unreliable and xenophobia is dangerous and wrong. Beyond that, the comparison fails. So yes, the Dreyfus affair remains important after over a century, just as Guantanamo will also continue to matter for many years to come. But the two are not related as directly as Louis Begley wants us to believe.