

The Weakening of Judgement: Johan Huizinga (1872–1945) and the Crisis of the Western Legal Tradition

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Introduction

Johan Huizinga's *In de schaduwen van morgen. Een diagnose van het geestelijk lijden van onzen tijd* (*In the Shadow of Tomorrow. A Diagnosis of the Spiritual Ills of Our Time*), together with his last work, *The World in Ruins*, written when he was already prisoner in an internment camp, can be placed, right from its title, among the works 'flowing from the gathering storm and its aftermath in Europe following the rise of the National Socialist Party in Germany' (Midgley 2012: 113). Huizinga's book was one of the best witnesses of the crisis of the Western legal tradition in the first half of the twentieth century, denouncing the ideological deformations of public law theories, instrumental to the construction of a simplified and authoritarian conception of sovereignty and power (see Colie 1964: 613; Kammen 1987: 255–80; Wesseling 2002: 485).

The book was published in October 1935. In his very short Preface, dated 30 July, the author says that it was an elaboration of an address delivered in Brussels on 8 March of the same year (Huizinga 1935a; Huizinga 1935b; Huizinga 1936a: 9). This means Huizinga probably wrote his book in a short period during the summer of 1935, which explains not only the discursive character and instant style of the text but also its indulgence on facts and reasons of the narrowest actuality.¹ The origins of the book can be traced to the conference on *L'avenir de l'esprit européen*, organized by the French Committee for European Cooperation and held in Paris in October 1933, in which Huizinga participated (Huizinga 1934: 64–5). 'The timing of this conference was pertinent', Anne-Isabelle Richard recently wrote²:

The experience of the First World War had led to many works about the decline of European culture in the immediate aftermath of the War. The early 1930s saw a second wave of this type of work. By 1933 the Great Depression had been raging for a few years and had affected even the strongest economies. Hitler had come to power and was about to announce Germany's withdrawal from the League of Nations. The nations of Europe tended 'to retreat behind their borders'.

Huizinga was the first to take the floor, among the thirty intellectuals assembled in the conference and to answer the questions put by its chairman, Paul Valéry. Defending the role of history, ‘*tandis qu’il s’agit de l’avenir*’, he said: ‘*L’histoire que j’aime, ce n’est pas cette histoire de parade qui sonne le clairon et qui prétend donner des leçons à l’humanité pour l’avenir. J’aime le passé pour lui-même et, au fond, je crois que le passé d’il y a mille ans n’est pas beaucoup plus loin de nous que le passé d’aujourd’hui, de l’heure où nous sommes entrés dans cette salle.*’³ So, in the perspective of a socialist ideal, Huizinga evoked ancient, Medieval and modern roots of the European spirit, emphasizing the role of humanism and particularly of Grotius, the great Dutch jurist who gave the humanistic idea its best expression in legal and political terms, working for the incoming centuries and for the survival of fundamental principles. He also said that one had to first ask under which of the above forms the European spirit still existed, then if it had taken new forms previously unknown, and of what principles it lived, stressing that it seemed to him that none of its past forms had completely lost its meaning or force. The Christian ideal, the philosophical idea of a common humanity and of a law of nations, the ethical need for harmony and peace, the consciousness of a common civilization made of all the wonders of mind from poetry to political economy – all these concepts and these feelings – Huizinga said, were alive and contributed to make the Europeans desire the true unity of the old part of the world that was theirs (see Huizinga 1950: 265).

That was Huizinga’s response to the crisis of the European spirit, against nationalism and its caricature of the true patriotism, in the anguishing year 1933, ‘*en cette année angoissante*’. Europe and, with it, European civilization were under threat, and only a reaffirmation of morality could save it from barbarity⁴:

L’Europe d’aujourd’hui se trouve exposée à plus d’une force qui la menace d’un retour à la barbarie Le progrès technique a permis une rapidité et une solidité d’organisation des masses dont profitent la folie et le crime aussi bien ou mieux que la sagesse et le droit Un affaiblissement inquiétant des principes éthiques, dans la vie des nations comme dans celle des individus, n’a cessé de se faire jour. Quand on compare l’idéal professé par les nations de l’heure aux conceptions qui ont animé les grandes époques du passé, le contraste saute aux yeux. C’est le bien-être économique, la puissance politique, la pureté de race, qui ont pris la place des aspirations généreuses de liberté ou de vérité d’autrefois. Réalisme, dira-t-on, au lieu d’illusions et de fictions. Le fait reste que ces vieux concepts avaient une valeur éthique manifeste et générale. C’est la pratique de la morale, après tout, par les communautés comme par les individus, qui, seule, pourra guérir notre pauvre monde si riche et si infirme.

Two years later ‘Huizinga’s best-selling book, *In the Shadows of Tomorrow*, came out’ (Richard 2012: 247). The great Dutch historian

described what he saw as the ailments of contemporary society: moral decline, technocracy, ‘heroism’ and ‘puerilism’. The ‘door that gave access’ to these weaknesses was nationalism. Although the book only claimed to be a diagnosis,

Huizinga also indicated a (largely undefined) remedy: spiritual regeneration. This spiritual regeneration did not just apply to individuals but also to societies and states. As did many in the interwar period, Huizinga saw a special role for international law in preventing war. In line with Dutch views on international relations going back to Grotius ..., Huizinga argued for an international moral standard. (Richard 2012: 247.)

The American reception of Huizinga's *In the Shadow of Tomorrow*

Translated into English by Huizinga's son, Jacob Herman, *In the Shadow of Tomorrow* received controversial judgements by the American readers. It was first reviewed by Lewis Mumford in *The New Republic*, the liberal magazine founded by Herbert Croly in 1914 (see Seideman 1986). Ironically entitled 'The Shadow of Yesterday', Mumford's review is highly symptomatic of the broad incomprehension with which the book was received in New Deal America, by both liberal and conservative writers. Mumford had already published several books of success like *The Story of Utopia* (1922), *Herman Melville* (1929) and *Technics and Civilization* (1934); he was one of the most influential writers on intellectual movements of the United States.⁵ His review denounces a lack of serious consciousness of the author's intellectual and moral personality. After a brief introduction, devoted to sketching a profile of the book's content, Mumford underlines his 'dissatisfaction' for Huizinga's argument (Mumford 1936: 230):

The first part of this pithily written book examines the nature of the present state of society, and distinguishes it from other periods of crisis in the past. Huizinga has no difficulty in showing that our culture is in a state of disequilibrium, that our superficial mass education, so far for enthroning reason, as the eighteenth century hoped, has only made larger collections of men a prey to irrational suggestion, and that there is a general decline of the critical spirit – a turning away from science and a recrudescence of superstition, quite as marked among the intellectuals as among the submissive millions. On all these symptoms Huizinga has many just things to say ...: he presents, on the whole, an equable exposure of the mental deterioration that has overtaken the modern world. Nevertheless, one follows Huizinga's argument with a growing sense of dissatisfaction: a dissatisfaction that grows out of the suspicion ... that all his values lie in the past, and that he has no sense of fresh emergents in modern society, and no confidence in their capacity to alter our present situation.

Mumford's suspicion and dissatisfaction are clearly based on the fact that Huizinga 'does not trust the new sources of thought and creative power that are actually in existence', because, in his opinion, 'he either shrinks from embracing them or is unaware of their existence', he himself writing 'within the shadow of yesterday' (Mumford 1936: 230). Maybe one could attribute this criticism to that 'unperturbed optimism' that was only possible 'for those who in their social or political creed of salvation think to have the

key to the hidden treasure-room of earthly weal from which to scatter on humanity the blessings of the civilization to come' (Huizinga 1936a: 19). Mumford's review leads to an ideological invective, in which the anti-intellectual dogmatism of his statement, like in some of his letters, 'is simply arrogant and silly', and in which Freud, Marx, Geddes and Wright are the champions of a new era (Mumford 1936: 230–1):

To fail to recognize these forces and ideas, or to misappraise them, is to present a distorted picture of the modern world and to give a belittling view of its creative powers And it is here that Huizinga, despite his many excellent and endearing qualities of mind, fails us. Lacking faith in the forces that are symbolized by Marx, Freud, Geddes and Wright, forces that work toward a new integration of personality and community, the thinker is bound to accept either the brutal, irrational, unifying processes of fascism, or some form of disruptive dualism, which treats body and spirit as separate entities and attempts to cure one without altering the condition of the other The task of men of good will today is not to expose out weakness again The task of the philosopher is rather to fortify our virtues, by reaffirming the positive values of objective thought and rational cooperation: he must be aware of fascism in order that he may help create the dialectic antithesis to its organized tyranny, its mechanized ferocity, its glorified servility. The potential energy of civilization is still much greater than that of barbarism: but it must be released, directed, put to work in the active transformation of the social order. He who stops at a shorter goal is, despite himself, on the side of barbarism.

The philosopher Barbara Spofford Morgan reviewed Huizinga's book together with Hugo Ferdinand Simon's *Revolution. Whither Bound?* under the title *A Choice of Revolutions*. She was probably the only one, in comparing two books that dealt 'with the general malaise of civilization' (Spofford Morgan 1936: 16), Huizinga's anti-fascist work and the 'not unsympathetic to fascism' book of the former German consul general in Chicago (Berman 1936: 221), not to point out their lack of programs of action, emphasizing instead 'the clarification of ideas, out of which, when they have sufficiently cleared, action will arise' (Spofford Morgan 1936: 16). After explaining that Huizinga 'considers the weakening of judgment ..., the misuse of science, the decline of the critical spirit, the deterioration of morals, and the decay of style', taking as a point of departure the defence of knowledge and understanding 'against "the worship of life"', that is against the general anti-rationalistic reaction of his time, Spofford Morgan wrote (Spofford Morgan 1936: 16):

Huizinga is especially concerned with the effects of the anti-noetic principle in politics. The most effective chapter in the book, I think, is 'Life and Battle', in which he attacks the concept of the State as an absolute object on the same philosophical place as the concepts of truth and justice. Summarized all too briefly, his argument is that whereas all action is struggle, in order to be productive the struggle must be between real antitheses. The superstate, however, puts up the false antithesis friend-foe (taken from Carl Schmitt's *der Begriff des Politischen*), an opposition which is purely subjective and consequently anarchical.

She was right; but this clear and penetrating vision contradicts a notably trivial conclusive judgement, based on the supposed retrogressive character of Huizinga's whole argument: 'To demand a return to reason,' she wrote, 'is like sighing for the Garden of Eden, although the Garden of Eden may have had more snakes and poisoned fruits than we are apt to think. To the real optimist the way out of the present morass of subjectivity is a disinfecting of the irrational with intellect – not a return to the extreme of rationality from which we are reacting' (Spofford Morgan 1936: 16).

Marvin McCord Lowes, reading the book for *The American Review* in December 1936, puts it among the 'works of a generally leftist and collectivist nature', emphasizing, however, that the 'earnest, wide-ranging, and somewhat overlong book' had been 'widely praised in the Catholic press' (McCord Lowes 1936: 251). After making good translations from Sheng Cheng's *Ma mère* and *Ma mère et moi* (Sheng-Cheng 1930; see Messner 2015: 231–2 and 243), and from Paul Rival's *La reine Margot* (Rival 1930), Lowes (1903–60) became the managing editor of *The American Review*, the literary journal established in 1933 by the pro-fascist editor Seward Collins (1899–1952), who was the former editor of *The Bookman* (see Stone, Jr. 1960; Diggins 1972; Tucker 2006; Copsey 2011). Before starting his collaboration with *The American Review*, Lowes wrote several reviews for *The Bookman*, devoting himself both to a strong defence of anti-Soviet literature and to a sarcastic criticism of pro-socialist and anti-capitalist writers.

Lowes's writings in *The American Review* cover all the years of the journal's brief life, from June 1933 to January 1937, and show an exasperated attempt to satisfy Collins's desire for his chimeric support to fascist and authoritarian movements. One can find the same words in praise of authoritarian principles, and of course in blame of 'works of a generally leftist and collectivist nature', in almost all Lowes's contributions. One of the best examples is Lowes's review of a pro-fascist biography of Napoleon III, *Napoleon III. The Modern Emperor* (1933), written by the far-right polygraph Robert Sencourt (pen name of Robert Esmonde Gordon George, 1890–1969), a close friend of T. S. Eliot and a Catholic supporter of Franco during the Spanish Civil War. Talking of a man who was, in Sencourt's words, 'in every sense the modern man ... the man of the present hour,' Lowes agreed with the biographer in identifying the French emperor as 'a forerunner of our modern dictators' (McCord Lowes 1934: 620–1):

'Plebiscites, dictatorship founded on direct national choice without the intermediary of parliaments ... are among the governing ideas of 1933, exactly a hundred years after Louis Napoléon wrote them down and published them in his little yellow pamphlets'. And in fact, until a few months before his reign ended in disaster, Napoleon III stood firmly upon the authoritarian principle. He believed in a central and absolute authority; he believed that the masses should not be allowed to 'dominate men of ideas'; he believed in 'the free instinct of a people accepting the guidance of authority'. He put these beliefs into action by abolishing the French parliament ... and by reigning for sixteen years as an absolute monarch. In this, and in a particular sense, he was indeed modern.

The same spirit dominates other of Lowes's reviews, even when they were not devoted to defend the monarchic principle, or to condemn collectivism, but only to praise the

modern colonialist conquerors, to introduce the biographies of political leaders such as the Irish prime minister De Valera, to flatter American writers such as Ford Madox Ford, to discuss the great pities of American education or to exalt the values of rural America. Among Lowes' polemically engaged writings we may remember especially a sarcastic review of Bertrand Russell's *In Praise of Idleness* (1935), whose title is the quintessence of a heavy polemic: *Pious Hopes and Drunken Assumptions* (McCord Lowes 1935), and another one against John Strachey's *The Menace of Fascism* (1933), judged by Lowes just as a book 'devoted to explaining to the British workman why he is putting himself at the mercy of "Fascism", and why "Fascism" is bad, a thing of 'little immediate interest for American readers'.⁶

One can understand what such a reviewer might say about Huizinga and his denounce of the decline of Western civilization. Lowes blames the lack of a specific prescription for a cure of the modern cultural crisis, and especially the 'conspicuous prejudice' arising 'from an insufficient consideration of the very various and conflicting elements in the modern Fascist movements' (McCord Lowes 1936: 252). Anyway, his ideological orientation did not prevent Lowes to sufficiently resume the content and the scope of *In the Shadow of Tomorrow*, even if the reviewer was evidently disagreeing with 'Dr. Huizinga's explanation of the modern crisis', which he saw as 'in essence a simple one', which is the dead-end of almost complete anti-intellectualism and anti-rationalism reached by the Romantic movement, 'with a consequent abolition of moral values which no civilization can withstand' (McCord Lowes 1936: 252).

The impact of Huizinga's book on European culture: The French translation and Gabriel Marcel

Not only in America but also in Europe the book received mixed reviews. A German translation, made by Werner Kaegi, was published in Switzerland in 1935 (Huizinga 1935b; Huizinga 1948: 7–149; see Kaegi 1946; Strupp 2000; Krumm 2011: 157–68), and a Spanish translation soon appeared in 1936, in the *Biblioteca de Revista de Occidente* edited by José Ortega y Gasset (Huizinga 1936b). A French translation (1939–46) was published with a Preface by Gabriel Marcel and with the title *Incertitudes. Essai de diagnostic du mal dont souffre notre temps* ('Uncertainties. A Diagnostic Essay on the Illness of Our Time') (Huizinga 1939–46; see Boone 2008: 32).

Marcel agreed with Huizinga, sharing his point of view on the decline of Western civilization and stressing that the first merit of his little book was the steadfast courage with which the author wondered in the presence of the great paradoxes of the modern world. Marcel had no doubt that Huizinga was perfectly right in thinking that the crisis from which humanity suffered in those days was without a precedent in the past (see Marcel 1939–46: 7–8). The crisis, in Marcel's opinion as well as in Huizinga's view, was due to a generalized lack of faith in timeless values and un-discussed principles. The gradual disappearance of these values and norms, of which in most cases nothing but a purely verbal residue survived any longer, had as a tragic consequence the fact that the historical development, considered as a whole, had lost all meaning and no longer had a direction. '*Cette époque*', Marcel wrote, '*apparaît aux jeunes générations, dans une*

*très grande partie de l'Europe, comme un âge sénile, et je ne crois pas exagérer beaucoup en disant qu'elles tendent à soumettre le credo démocrate et scientifique du XIXe siècle au même verdict que portent les nazis sur la république de Weimar?*⁷ That's why Marcel put an emphasis on the need for a new universalism, writing a passage that had a strong prophetic significance:⁸

Ce n'est, dit à peu près M. Huizinga, que sur la base d'une conception métaphysique de la vie qu'il sera possible d'édifier une notion de vérité d'où se laissent dériver des normes morales indiscutées. On ne saurait mieux dire. Mais le mot métaphysique n'a de sens qu'à condition de viser un enjeu intelligible de la vie et d'impliquer par conséquent la restauration de l'antique notion de salut, d'un salut qui ne saurait venir du progrès entendu à la façon du XIX^e siècle En d'autres termes, c'est l'universalisme qu'il faut restaurer – non sans avoir réfléchi sur les raisons profondes pour lesquelles le XIX^e siècle involontairement l'a trahi, pour lesquelles plus précisément le rationalisme véhiculé par la Révolution française a frayé la voie à des particularismes qui s'érigèrent en mystique et en fait se mirent au service de l'irrationnel le plus destructeur. Mon diagnostic de philosophie qui ne contredit au reste en rien celui de M. Huizinga consisterait à déceler au cœur même de l'idée d'universel une ambiguïté qui peut devenir mortelle tant que la réflexion ne l'a pas mise à nu. Le triomphe, momentanément, nous en sommes sûrs, de l'entreprise hitlérienne, en refaisant dans le mensonge et dans le sang une Europe que l'idéologie démocratique et wilsonienne n'avait su que dissoudre, nous présente comme une anticipation caricaturale, inversée et hideuse, d'un impérium qui s'établirait non sur des abstractions où fermente l'hypocrisie, mais sur l'ardente unité d'une foi. L'Europe est à jamais perdue, et avec elle tout ce qui peut donner à la vie son sens, son contenu, sa plénitude, si la Chrétienté une ne ressuscite pas sous des espèces encore impensables – après quelles convulsions, quelles hécatombes, quels séismes?

Marcel's call for a new spiritual climate was combined with the dual belief that any return to the past was impossible and that the achievements of science were to be retained, provided that they could be justified and substantiated by a moral revolution. Failing that, humanity could not but flow back to a bestial condition, seconded by the use of new tools of destruction and extermination, *'des jouets de mort dont l'homme ne sait encore se servir que pour diffuser l'hébétéude et pour perfectionner les techniques d'extermination.'*⁹

The Italian readers under fascism and after the Second World War

In Italy a translation from the English edition, later attributed to Barbara Allason (1877–1968), was published in 1937 by the young Giulio Einaudi.¹⁰ It seems that the Italian translation has to be assigned, instead, to one of Huizinga's best friends, the anti-fascist economist Luigi Einaudi, who was the father of the publisher Giulio and

became the first president of the Italian Republic after the Second World War, from 1948 to 1955. We owe this information to a letter of 6 December 1937, where Huizinga says to Luigi Einaudi: 'It is only now I learn that you did the translation yourself.'¹¹ It had been Einaudi, in fact, who previously had asked Huizinga for a French or English translation, in order to take it as a basis for the Italian edition, for which Huizinga adapted the Preface written for other translations from the Dutch original edition.¹²

The Italian edition appeared with the title *La crisi della civiltà*, expressly approved by Huizinga.¹³ It was under this title that the work was reviewed by Delio Cantimori after the Second World War, once the publisher Einaudi issued in 1962 its first reprint. Cantimori had already reviewed the German translation in 1936,¹⁴ defining Huizinga's book 'a pathetic *laudatio temporis acti*' and referring to its author with a mocking attitude: 'Nothing satisfies him: it is the fate of writers who want to be concerned with politics without thinking that this is a serious matter, which does not admit the beautiful spirits nor the beautiful souls.'¹⁵ Nothing more and nothing better could we have expected from the fascist Cantimori, who in the same year 1936 translated, introduced and published an anthology of writings of the Nazi theorist Carl Schmitt (Cantimori 1936b). What one could have expected instead, after more than a quarter century and from the post-communist Cantimori, was a retraction. But this never came, not even in 1962, when Cantimori wrote the introduction to the reprint of Einaudi's 1937 edition. That essay is so reticent that even today one cannot read it without feeling a legitimate disdain, before the revival of the reviewer's 'intolerance' and 'impatience', only falsely attenuated, and instead still lingering in spite of repeated and reverent praise for the 'memory of the great and ingenious historian, the elegant scholar, the refined writer, the brave and firm man' (Cantimori 1962: VII). I think the following passage is proof enough:¹⁶

La posizione dello Huizinga è chiara: il suo punto di vista si può paragonare a quello di chi stia in una garitta di guardia elevata su tre pilastri, composti di materiali eterogenei, ma concorrenti nel dar stabilità alla sua base. Fuor di metafora: 1) Valori etici fondamentali del cristianesimo, in un senso molto vicino a quello del celebre *Perché non possiamo non dirci cristiani* del Croce; che ad alcuni puritani la concezione di Huizinga possa sembrare poco moderna e cattolicheggiante, e ad alcuni cattolici romani in senso tradizionale possa sembrare un po' troppo puritana, è cosa secondaria. 2) Patriottismo civico olandese, fatto di gusto per la lingua, il sentimento, i costumi, e di senso della tradizione; è un 'patriottismo del piccolo Stato' che si identifica in sostanza con quell'altro 'patriottismo europeo', riducibili l'uno e l'altro a un legame saldissimo con quella patria ideale cosmopolitica e liberale, abitata da quella aristocrazia intellettuale nella quale e per la quale operò e scrisse tanto spesso Huizinga. 3) Fedeltà ai criteri e ai valori tradizionali della tradizione filosofica e storiografica positiva e razionale, il che non escludeva, se pur aliena da prese di posizione confessionali, senso del religioso e del trascendente; fedeltà ai canoni della ricerca attenta e precisa e della oggettività e imparzialità, come pure dell'esame sistematico e spregiudicato del materiale che si è impreso a studiare, e della narrazione suggestiva ed evocativa Certo, nel libro di Huizinga ci son tante righe che appaiono profetiche. Ma la catarsi non è

venuta come l'aspettava Huizinga: anche perché catarsi non c'è, una sola e unica catarsi, come molta gente, compreso lo Huizinga stesso, sembra ritenere ovvio e accettato che ci possa essere; e non c'è neppure una serie di catastrofi e di catarsi, come fanno gli storici. Tuttavia, non è poco, ripetiamo, aver fatto sentire quanto fosse immane la barbarie razzista incombente, presentando gli orrori di quel che era alle porte, avvertendo tutti il meglio che si poteva 'gridando sui tetti'.

Cantimori's double review represents and synthesises a debate that in Italy, if we except the worst examples,¹⁷ had many lukewarm readers of Huizinga's book and few who were capable of understanding and appreciating its stern warning. Among the first ones one may recall Mario Manlio Rossi (1895–1971) and Vittorio Foa (1910–2008) (Rossi 1939; Foa 1998: 442–27 and 776–9; see Endrizzi 2006: 206–7), and also Ranuccio Bianchi Bandinelli (1900–75), who shared Huizinga's diagnosis, whilst blaming him because he did not have towards the future a new faith, that could be only 'of social nature' (Bianchi Bandinelli 1976: 45); among the other ones not only the anti-fascist intellectuals assembled in the rising federalist movement (Carta 2006: 216) but also conservative Catholics such as the Jesuit father Angelo Brucculeri (1879–1969), who wrote a favourable review in the journal *La civiltà cattolica* (Brucculeri 1938; see Endrizzi 2006: 208).

Things changed very little after the Second World War. With few exceptions, ambiguity remained the main characteristic of the Italian readers of Huizinga's historical and philosophical writings. After Carlo Antoni (Antoni 1940: 191–210), Carlo Morandi especially gave room to criticism in his introduction to the Italian translation of *Der Mensch und die Kultur*, Huizinga's failed conference in 1938 Vienna (Huizinga 1938). Blaming Huizinga for his 'lack of a strong theoretical basis', for his 'simplistic philosophy' and for his supposed contradictions, he repeated an ambiguous judgement, midway between appreciation for the author's humanism and emphasis on the limits of Huizinga's denounce of the crisis of Western civilization.¹⁸ It was a wrong, deeply superficial, unjust criticism, misguided by a total misunderstanding of the role of the 'aesthetic element' in Huizinga's historiography, and by the ignorance of what 'the value of the human being' meant for a man who had been able to perceive the inner aspects (both moral and intellectual) of the social crisis and who in 1933, as rector of the University of Leiden, challenged Nazism by denying the participation at an international conference to Johann von Leers, who was famous for his anti-Semite theses (see de Boer 1993: XXXVII).

If we leave out a few relative exceptions (Cordiè 1941; Petrocchi 1944; Chabod 1948; Morpurgo Tagliabue 1949), it is only between the end of the 1960s and the beginning of the 1970s that Ovidio Capitani, in his introductions to Huizinga's autobiographical and methodological writings on history (Capitani 1967, 1974), gave 'the best interpretation' of Huizinga's work (Manselli 1973), blaming the 'substantially concord choir of criticisms and perplexities, that was extraneous to the opposed signs of contrasting ideologies' in Italy, before, during and after the Second World War (Capitani 1974: IX). He could remember that even a distinguished scholar such as Corrado Vivanti, reviewing in 1967 the Italian translation of Huizinga's *My Way to History*, blamed its adhesion 'to extremely retrogressive cultural positions, even

professed between 1934 and 1937' (Vivanti 1967: 284). It was a condemnation, as Capitani wrote, 'say in the manner ... Croce and Antoni and their minor followers were firing, even in the Fifties, the dissenting views about "historicism" of Italian idealistic philosophy'.¹⁹

More recently, Daniela Coli has put in relation the idea of Croce, that 'culture is more than civilization', with Huizinga's on the *Fundamentals of Culture*, stressing that there was an ideal type of *Kultur* shared by many personalities like Mann, Croce, Weber, Löwith, Wittgenstein, Sorel, Aron and Huizinga (Coli 2002: 39; see Weintraub 1969). And talking about the common membership of Croce, Mann, Ortega y Gasset and Huizinga to a school of thought that the center had the idea of freedom, Girolamo Cotroneo has underlined that in 1935 Huizinga wrote to denounce 'the danger of cultural irrationalism', and to affirm that 'it would not come as a surprise to anyone if tomorrow the madness gave way to a frenzy'.²⁰

Intorno a questi autori, i quali, come Croce, denunciavano la 'rozzezza' e la 'stupidità' dei tempi (ma anche la loro ferocia: nel 1930 Croce parlava dell'odierno antistoricismo, impregnato di attivismo, 'tutto sfrenatezza di egoismo o durezza di comando, il quale par che celebri un'orgia o un culto satanico'); intorno a questi autori, dunque, ha finito con il crearsi – si pensi al giudizio che nel 1936 Delio Cantimori dava di Huizinga ... – una triste leggenda: che alla resa dei conti, essi fossero – magari 'oggettivamente' – filofascisti; dimenticando o trascurando il fatto che la loro analisi, anche se coinvolgeva spesso, soprattutto in Huizinga (ma anche in Ortega e in Croce) il comunismo (sovietico), era soprattutto diretta contro l'incultura, la volgarità intellettuale di cui il fascismo – come l'uomo-massa di Ortega – menava vanto. Ben altri erano allora gli autori che alimentavano la cultura fascista o criptofascista: basta ricordare i nomi di Oswald Spengler, di Ernst Jünger, di Carl Schmitt...

Conclusion

Opposition to Carl Schmitt and to his *Der Begriff des Politischen* (1927) characterizes Huizinga's book.²¹ We may look at the chapters entitled *Life and Battle* and *Regna Regnis Lupi?* which constitute a real essay on the crisis of politics and public law tradition in the West. Against Schmitt's polemological theory of law and politics, Huizinga recalls the 'extremely simple reasoning' by which the German theorist eliminates from interstate relationship 'any and all elements of human malice', by the vindication 'of the impeccability of political hostility in general or, in other words, of the good right of a state to wage war for its own interests' (Huizinga 1936a: 118–19). Schmitt's simplistic reasoning is therefore laid bare and deprived of a true conceptual significance in the close Huizinga's rebuttal (Huizinga 1936a: 119–22):

To do this all that is necessary is to construct an *a priori* which places the State as an absolute independent object on a level of philosophical equivalence with the spiritual domain to which the concept of truth and justice belong. This is what Carl Schmitt, with great ingenuity, has set out to do in his treatise, *Der Begriff des*

Politischen. The discussion opens with the following words: ‘The essential political distinction is that between Friend and Foe. It gives human actions and motives their political meaning. All political actions and motives can, in ultimate instance, be traced to this distinction. In so far as the opposition is not to be derived from other characteristics, it corresponds as a political concept to the relatively independent characteristics of other contrasts: good and wicked in the ethical domain, beautiful and ugly in the æsthetic, useful and harmful in the economic; it is, at any rate, an absolute category...’ Now, it seems to me that in the construction of the political as an absolute category we have a case of an express and implicitly admitted *petitio principii* If it were admissible that in general the opposition friend-foe were of the same category as the others mentioned above, it would indeed follow that in the political field for which this opposition is held to be decisive, the friend-foe opposition would over-ride all other oppositions. ... Is not this over-rating the power of the logical argument as such, in a manner which is strongly reminiscent of the infancy of scholasticism? Is not the thinking of this shrewd jurist from the outset caught in the most vicious of vicious circles?

Caught in the most vicious of vicious circles, Schmitt – as a prophet of political totalitarianism standing by the advocates of war for war’s sake – could not recognize ‘that the theory of the absolute nature of the political, rooted in and governed by the friend-foe opposition, meant ‘a defection from the spirit leading far beyond the sphere of a naïve animalism to a Satanism which sets up evil as a beacon and a guiding star for a misguided humanity’ (Huizinga 1936a: 127). It was, if not ‘the end of law’, as in one of his vicious verbal jokes: the end of the Western legal tradition. That’s why Huizinga also attacks directly the vulgar concept of the omnipotence of the State and of the so-called ‘Reason of State’, depriving once more of every significance Schmitt’s key-formula ‘friend-foe’ (Huizinga 1936a: 143–4):

‘The State can do no wrong’. So runs a political theory which at present enjoys a popularity extending far beyond the sphere of the Modern Despotism. The State, according to this view, cannot be considered bound by the moral standards of human society. All attempts to submit it to the verdict of ethical judgment must break down on the absolute independence of the political as such. The State stands outside all ethics. One might ask: above all ethics too? Perhaps the theorist of the amoral State will avoid affirming this. He will take recourse to the construction of the political as an absolute category solely governed by the friend-foe opposition, that is to say by an opposition which merely expresses danger and obstruction and the striving to eliminate them. For as we have pointed out before, ‘friend’ in this opposition means no more than potential foe. The State must be solely judged, therefore, by its achievement in the exercise of Might. Though the particular construction is novel, the theory of the amoral State itself is anything but new. With more or less justification it can be said to derive from thinkers like Machiavelli, Hobbes, Fichte and Hegel. In history itself the theory finds seemingly valuable support. For it is true that history shows little else than greed, lust for power, self-interest, and fear, as the motives governing the actions of States against

and amongst each other. The age of systematized absolutism summed up such all motives under the term *raison d'état*.

Huizinga recalls that in former centuries the contrast between *ethos* and *kratos* (to phrase it in the same terms of Friedrich Meinecke's *Staatsräson*) (Meinecke 1924), or between Christian political theories and practice of power, was viewed as the perennial tragedy of violence and injustice 'of a State which failed to sanctify itself'; but the principle that States and governments owed the duty to live after the precepts of justice remained unimpaired: 'The State could not be permitted to dissociate itself from morals' (Huizinga 1936a: 145). That's why as a reaction against the early modern 'realistic' political theories, a new conception of international law and order grew up on the foundations of Christian ethics and juridical theory, regarding the nations 'as the members of a community in duty bound to observe the same mutual respect and rules of conduct as law demands from individual members of a community of human beings' (Huizinga 1936a: 145–6).

If Grotius's 'shining example' didn't prevent the theorists of political amorality to emphatically deny 'both the Christian and the juridical grounds for a moral law and a code of duty for the State' (Huizinga 1936a: 146), it allowed Huizinga, in a close dialogue with Gerhard Ritter, to discuss the 'moral autonomy' of the secular State, an expression that Ritter himself had employed in order to define the historical background of the Reformation in Germany. Huizinga was impressed in a very favourable way by Ritter's dictum, that the 'age-old tradition' had not yet completely disappeared from English politics while the great Continental nations generally admitted 'the purely biological ... character of all striving for worldly power without any great qualms of conscience', were 'all essentially medieval-Christian thoughts' (Huizinga 1936a: 147). (In a letter Ritter made clear to Huizinga 'that the term "moral autonomy" should not be understood as implying an unqualified acceptance of the amoral State on his part', and furthermore, that he regarded 'the persistence of mediaeval conceptions of "eternal right" in English political thought rather as a superiority over Continental ideas than as a sign of backwardness'.)²²

Huizinga's idea of the crisis of the Western legal tradition appears with a major evidence at this point, where he blames the ominous notes coming from the voice of practical politics of his time: 'On the occasion of the solemn installation of a new chair for German law', he recalls, 'the Reich Commissioner for Justice is reported by the Press to have stated "that it was not true that one could make politics by appealing to a certain idealistic justice. It was high time to have done with the ludicrous theory that anything less than the hard necessity of assuring the position of the State could determine what is and what is not justice. The earth belongs to the heroic, not to the decadent!"' (Huizinga 1936a: 149–50). 'The State, then, according to these views', Huizinga concludes, 'may do anything and everything. No falsehood, no deception, no breach of trust, no cruelty, whether against outsiders or nationals, can be held against it as wrong when it serves its own ends thereby. It may combat the enemy with any means useful to its purpose and go to any lengths, including such fiendish extremes as bacterial warfare' (Huizinga 1936a: 150). The final message of Huizinga's book, that one more time sounds like a prophecy, goes to the most dangerous of all tendencies in

the crisis of the Western civilization, as ‘the denial of every principle of truth, honour and justice as *universal* human principles’ (Huizinga 1936a: 152–3).

Notes

- 1 See, for instance, what Huizinga says about the *Normandie*, the gigantic French ocean liner which entered into service on 29 May 1935 and held the Blue Riband for the fastest transatlantic crossing, taken by Huizinga as an example of puerilism (Huizinga 1936a: 171).
- 2 Richard 2012: 243. The final quotation into single quotation marks is from Paul Valéry’s opening address (reprinted in Valéry 2010: 171).
- 3 Huizinga 1950: 261–2. (‘The history I like, is not this parade of history that sounds the bugle and pretends to give lessons to mankind for the future. I like the past itself and, basically, I think the past thousand years ago is not much farther from us than the past today, in the time we walked into this room.’) All translations mine.
- 4 Huizinga 1950: 266. (‘Today’s Europe is more exposed to a force that threatens it of a return to barbarism Technical progress has allowed a speed and an organizational strength of the masses of which benefit the madness and crime as well or better than the wisdom and law A worrying weakening of ethical principles in the lives of nations as in that of individuals, has continued to emerge. When comparing the ideal professed by the nations of the present time to the conceptions that animated the great epochs of the past, the contrast is obvious. It is the economic well-being, the political power, the purity of race, who took the place of the generous aspirations of freedom or truth of the past. Realism, it will be said, instead of illusions and fictions. The fact remains that these old concepts had in general an obvious ethical value. It is the practice of morality, after all, by communities as by individuals, which alone can heal our poor world so rich and so infirm.’)
- 5 On Lewis Mumford (1895–1990) and his optimistic idea of humanity as ‘organic humanism’, see Miller 1986; Miller 1989; Hughes and Hughes 1990; Halton 1995.
- 6 McCord Lowes 1933: 493. See Thomas 1973; Thompson 1993; Hodgson 2010; Rees 2016: 188: ‘The publication of John Strachey’s *The Menace of Fascism* was the signal for many echoing alarms and excursions on this theme.’
- 7 Marcel 1939–1946: 9–10. (‘This time appears to younger generations, in a very large part of Europe, as a senile age, and I do not think there is much exaggeration in saying that they tend to subject the democratic and scientific creed of the nineteenth century to the same verdict that Nazis give on the Weimar Republic.’)
- 8 Marcel 1939–1946: 12–13. (‘It is, nearly said Mr. Huizinga, only on the basis of a metaphysical conception of life that it will be possible to build a notion of truth from which to derive undisputed moral standards. We cannot say it better. But the word *metaphysical* has meaning only provided it aims to an intelligible challenge of life and to involve therefore the restoration of the ancient concept of salvation, a salvation that could not come from progress as conceived in the nineteenth century In other words, it is universalism that must be restored – not without having thought about the underlying reasons why the nineteenth century unwittingly betrayed it, why specifically rationalism conveyed by the French Revolution spawned the way to particularities that were erected in mystique and actually began serving the most destructive irrationality. My diagnosis of philosophy that after all

doesn't contradict in any way that of Mr. Huizinga would be to detect at the heart of the universal idea an ambiguity that can become fatal as long as thought has not exposed it. The triumph, momentary, we are sure of Hitler's enterprise, by remaking through lies and blood a Europe that democratic and Wilsonian ideology could only dissolve, appears to us as a caricatural anticipation, reversed and hideous, of an imperium which would establish itself not on abstractions where hypocrisy ferments, but on the fiery unity of faith. Europe is forever lost, and with it everything that can give life its meaning, its content, its fullness, if Christianity does not resurrect in still unthinkable forms – after what convulsions, what slaughter, what earthquakes?')

- 9 Marcel 1939–1946: 14. ('death toys which man still doesn't know how to use, except to spread the stupidity and perfecting the extermination techniques').
- 10 Huizinga 1937; a revised edition was made in 1938; the attribution of the Italian translation to Barbara Allason appeared only in Huizinga 1962.
- 11 Johan Huizinga to Luigi Einaudi, Leiden, 6 December 1937 (Document nr. 11, in Endrizzi 2006 and Carta 2006. (With some errors of the Editors, they believe, for instance, that a French translation never appeared): 'My dear Einaudi, You could not have offered me the Italian edition of my little book in a more delightful way So both my wife and I want to express our warmest thanks to you and to your son. It is only now I learn that you did the translation yourself. This is an honour quite weighing down the small boy I just shore of. The printing looks nice and I like the simple title page and cover. If you should see reviews of the book worth reading either for blame or praise, I should be grateful for being enabled to read them.')
- 12 Johan Huizinga to Luigi Einaudi, Leiden, 13–15 September 1937, with attached the English text of the Preface for the Italian edition (Documents nr. 8 *a–b* and nr. 9, in Endrizzi 2006 and Carta 2006): 'My dear Einaudi, It was a pleasant surprise to me to receive the press-proofs of the translation of my book. I had not yet expected them at all As far as I can make out at a rapid glance the translation has been admirably done. There is no French edition! At least I do not know anything of it. You may call the Italian edition something peculiar, because it is the only one made after the English text, which I consider as an improvement of the original. It was made by my son, in constant collaboration with me. Shall give you the new preface I wrote for the Czech and Norwegian edition under way of publication, and shall try to add a phrase for the Italian public. Your son may expect it in a few days, or rather I shall send it you to Dogliani'; 'I wrote the Preface yesterday and am including it. If it does not suit you, especially the phrase you wanted, please suggest alteration.'
- 13 Johan Huizinga to Luigi Einaudi, Leiden, 3 October 1937 (Document nr. 10, in Endrizzi 2006 and Carta 2006): 'My dear Einaudi, I fully approve the frontispiece you sent me. The original edition published October 1935 by H. D. Tjeenk Willink & Zoon, Haarlem beard the title: *In de schaduwen van morgen, een diagnose van het geestelijk Lijden van onzen tijd*. Suppose you got all right my approval of the proofs you sent me. Yours cordially, J. Huizinga.'
- 14 On Cantimori's controversial cultural parable see Berengo 1967; Miccoli 1970; and Sasso 2002: 178; more recently see D'Elia 2007; Simoncelli 2008; Di Rienzo and Perfetti 2009 and Chiantera Stutte 2011.
- 15 Cantimori 1936a: 383; Cantimori 1962: VIII (reprinted in Cantimori 1991: 315); see also Cantimori 1971: 343–64.
- 16 Cantimori 1962: XXIX–XXX and XXXI–XXXII. ('Huizinga's position is clear: his point of view is like that of someone who is in a high guard sentry box on three pil-

lars, composed of heterogeneous materials, but competing in giving stability to its base. Metaphors aside: 1) fundamental ethical values of Christianity, in a way very close to those of the famous *Perché non possiamo non dirci cristiani* of Croce; that to some Puritans Huizinga's conception may seem a little modern and pro-Catholic, and to some Roman Catholics in the traditional sense may seem a bit too Puritan, that's secondary. 2) Dutch civic patriotism made of taste for the language, the sentiment, the costumes, and the sense of tradition; it is a "patriotism of the small state" which in essence is the same with that other "European patriotism", both reducible to a very solid relationship with the ideal cosmopolitan and liberal country, inhabited by the intellectual aristocracy in which and for which so often Huizinga worked and wrote. 3) Loyalty to the criteria and values of positive and rational philosophical and historiographical tradition, which did not exclude, though devoid of confessional claims, the sense of the religious and the transcendent; fidelity to the canons of careful and precise research and objectivity and impartiality, as well as the systematic and free examination of the material that one is studying, and the striking and evocative narration Of course, in Huizinga's book there are so many lines that appear prophetic. But the catharsis has not come as Huizinga expected: because there is no catharsis, the one and the same catharsis that many people, including Huizinga himself, think is obvious and accepted that there may be; and there is even a series of disasters and catharsis, as historians know. However, it's not without importance, we repeat, that he did feel how huge was the looming racist barbarity, foreseeing the horrors of what was coming, warning everybody the best that he could "shouting on rooftops").

- 17 Capasso 1943, remembered by Garin 1953: XXVIII, only as 'a document of a mentality and of a custom'.
- 18 Morandi 1947: XX–XXI. For a similar criticism see Garin 1953: VII and XV, with judgements that oscillate between praise ('Huizinga ... was the most noble defender of freedom in dark times, from his chair, in his books, in his prison') and blame, mostly underlining Huizinga's 'lack of logic strongness', 'fundamental theoretical weakness', and the 'great fragility' of works like *La crisi della civiltà* and *Homo ludens*.
- 19 Capitani 1974: IX. Similar views, although expressed less explicitly, in Eco 1973.
- 20 Cotroneo 2002: 29–30. ('Around these authors, who, like Croce, denounced the "brutality" and "stupidity" of the times (but also their ferocity: in 1930 Croce spoke of "today's anti-historicism", impregnated with activism, "all licentiousness of selfishness or command hardness", which "seems to celebrate an orgy or a satanic cult"); around these authors, therefore, a sad legend has ended up being created – think of the judgement given on Huizinga in 1936 by Delio Cantimori ... – that at the end of the day, these authors were – maybe "objectively" – pro-fascist; forgetting or ignoring the fact that their analysis, even if it often involved (Soviet) communism, especially in Huizinga (but also in Ortega and Croce), was primarily directed against the lack of culture, the intellectual vulgarity of which fascism – as Ortega's mass-man – was the leading boast. Others indeed were the authors who fed the fascist or crypto-fascist culture: just remember the names of Oswald Spengler, Ernst Jünger, Carl Schmitt.')
- 21 Huizinga read it in its third edition (Schmitt 1933), the year Schmitt joined the Nazi Party; see Schmitt 2007. On Schmitt's controversial life and works see Scheurman 1999 and Müller 2003. See also Krumm 2011: 227.
- 22 Huizinga 1936a: note *. Huizinga refers to Ritter 1934.

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