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О ПОЯВЛЕНИИ МОНОГРАФИИ И.А.ИЛЬИНА «О СУЩНОСТИ ПРАВОСОЗНАНИЯ»: К ИСТОРИИ ПУБЛИКАПИИ

Аннотация. Интеллектуальное наследие Ивана Александровича Ильина до 2010 года было доступно только на русском, немецком, французском языках. Первой публикацией Ильина на английском стал перевод его диссертационного исследования гегелевской философии, осуществленный Филипом Гриером. Настоящая статья рассматривает вторую публикацию на английском языке и первую работу Ильина как правоведа и добавляет новые данные из архивных источников.

Ключевые слова: Иван Александрович Ильин, правосознание, Вольдемар А. Бари, Рябушинский, личный архив, наследие, Университет штата Мичиган, профессор Полторацкий, частная библиотека, экслибрис, Евгений Евгеньевич Климов, Россия

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ON THE APPEARANCE OF I. A. IL'IN'S MONOGRAPH 'ON THE NATURE OF LEGAL CONSCIOUSNESS': TOWARDS THE HISTORY OF THE PUBLICATION

On the Origins of Il'in's Monograph on Legal Consciousness

Abstract. The intellectual legacy of Ivan Aleksandrovich II'in had, until 2010, been available only in the Russian, German, and French languages, all of which were effectively native tongues for the author. The Grier translation of II'in's monumental dissertation on Hegel was the first appearance of II'in in English. The present article addresses his second appearance in the English language and the first in his capacity as a legal scholar rather than a philosopher and adds new data based on archival sources previously unavailable to our understanding of II'in and his writings.

Key words: Ivan Aleksandrovich II'in, Legal Consciousness, Woldemar A. Bary, Riabushinskii, personal archive, legacy, Michigan State University, Professor Poltoratskii, private library, bookplate, Evgenii Evgen'evich Klimov, Russia

From 1916 onwards Il'in's principal scholarly preoccupation in Russia was with the first "ailment" of the Russian people identified in his celebrated public lecture on patriotism in February 1918: the lack among the Russian people of a mature legal consciousness. His magister dissertation was essentially completed by then. On 5 June 1917 he wrote to his cousin, L. Ia. Gurevich: "I am finishing my book "On the Essence of Legal Consciousness" (it will appear in the autumn)" [1]. By then, however, whatever many have been the position in manuscript, the book was only partly in galley proof and remained so until February 1919. Although some sources have suggested that a printed book existed by 1918, a careful examination of what evidence survives would suggest that these survivals are various forms of galley proofs.

The basis for suggesting that the book as such existed in 1918 appears to be an item catalogued as item 110 in the II'in Library [2]. The catalog entry reads: О сущности правосознания. — [М.]: [1916-1918]. — 110 с. The annotation to the catalog entry records the dimensions of the volume: 14,5 x 21,8. The "binding" is wrappers from the proofs themselves held together by a barbarous piece of black tape or leather scrap. An inscription (probably of R. M. Siehle) in black ball-point pen reads in Russian: "I. A. II'in. On the Essence of Legal Consciousness — Moscow. 1916-1918". A further inscription in Russian says: "In this Moscow edition 10 chapters of the same work published fully in 1956". At the end of each of the ten chapters a date is indicated in pencil (II'in?), as follows:

"p. 13: November 1916; addition: 165;

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p. 22: November 1916;
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p. 33: November 1916;

p. 41: November 1916;

p. 53: November-December 1916;

p. 63: December 1916;

p. 75: January-February 1917;

p. 83: February 1917;

p. 92: end October 1917 (during uprising of Bolsheviks in Moscow);

p. 110: February-July 1918.

Traces of reading: pencil and black ink marks".

The rationale for treating this item as a book would appear to have been: the item was included as part of the II'in library and not the archive; the item was, after a fashion, bound, however primitively; the item was paginated consecutively; Siehle, probably when inventorying the item for shipment to Michigan State University, treated the item as a book and reinforced this impression with his annotations on the item itself.

The rationale for reconsidering this attribution would be as follows: the paper on which the item is printed and the type setting are identical to other galley proofs of this item in the II'in archive; the item was bound up for working purposes, probably as the most complete, if not the last, set of proofs to come from the printing house; the item contains no evidence of having been part of a print run of the final book; the item contains no publication data that would routinely be included in a published book; no record exists anywhere of a copy of this title being published; nothing in the II'in archives or library otherwise indicates that the book on legal consciousness was published in this text, format, or form. Although a comprehensive comparison has not been undertaken, the so-called "reading marks" appear to be more in the nature of proof corrections than emendations placed by a reader.

Why II'in never published his completed manuscript in Soviet Russia can only be the subject of speculation. Many reasons are possible, including financial, difficulties in finding a printing house, and the political climate of the day. More puzzling is the fact that he did not publish the volume in exile. Certainly, he thought about and planned a version devoted to this subject-matter. He wrote to General P. N. Wrangel on 5 April 1923: "In the coming months I will print my books written and forged in a Satanic

smelter, — on the essence of legal consciousness and on the monarchy" [3]. The reference, however, is probably not to the book on legal consciousness written from 1916-18, but to the volume that treats aspects of legal consciousness and appeared at Berlin in 1924.

Il'in's close friend, Roman Martynovich Siehle (sometimes Zile), who knew Il'in from 1928 until his death in 1954 and was in constant correspondence with him, said in a memorial address delivered in 1955: "In 1919 Il'in completes his study on the essence of legal consciousness" [4]; these were delivered in the form of a course of lectures at Moscow higher educational institutions and discussed more than once in sessions of the Moscow Law Society and in private meetings of the Muscovite docents and professoriate. But this book, entitled "Doctrine on Legal Consciousness", has still not appeared. However, this is not merely an invaluable contribution to legal doctrine, but a genuinely new, living word about that spiritual atmosphere which law and State require in order to flourish" [5].

All the evidence suggests that II'in had continued to prepare the publication of his work on legal consciousness up to his death in 1954. The book was not something that he had laid aside and forgotten. His widow, Natalia, guided the Russian-language version of the work, with additional chapters, through press at Munich in 1956 [6]. Siehle's address was perhaps an informed hint that the book was important and forthcoming. A comparison of the galley proofs dated 1919 and the text published in 1956 indicates that the texts are virtually identical.

The Role of Woldemar A. Bary

On or about 30 November 1917, Woldemar (Vladimir) Aleksandrovich Bary (30.09.1887-23.12.1979) transferred to I. A. II'in the sum of "8,000" [7]. This entry in the Bary accounts served as the grounds for suspecting that II'in (and Bary) were involved in a plot against the Soviet Government and the Bolsheviks and that these funds were intended to be passed on by II'in to someone in support of White armies in southern Russia. II'in's explanation was simple: the monies were a gift from Bary to help him publish his book. Which book(s)?

At the time of the gift, Il'in was working on two major projects: the first was his dissertation on Hegel, intended to be printed in three volumes but later combined into two; the second was his work on legal consciousness. By late November 1917 both works were known to be in galley proofs. Il'in customarily did not confine himself to making technical corrections on his galleys; he would polish the prose and insert sundry refinements of the text at this stage. He did, in fact, engage in a measure of rewriting. The funds from Bary, in other words, could have been intended to help defray printing costs of one or the other, or both, books.

How Bary and II'in came to be acquainted is not disclosed by the available materials. They were not far apart in age (about a four-year age difference) and of the same generation. The Bary firm was, it would seem, successful and profitable in its various engineering activities, well regarded for the innovation and quality of its boilers and other products, and known throughout the Russian Empire. Whatever the precise details, Bary was actively supporting the White Guards and not well disposed to the Bolsheviks.

He may have been willing to lend material support to the White movement; his firm was ultimately nationalized by the Soviet authorities in 1918 and 1919.

Il'in is known to have experienced difficulties with printers during 1917. Whether these were financial issues or others is not a matter of record. Nor is it clear how advanced the composition of the Hegel volumes was between 30 November 1917 and the ultimate delivery of the books for the Il'in dissertation defense on 19 May 1918 — a period of five and a half months with Christmas and Easter holidays in between and the disruptions of the incipient civil war and armed conflict. Even under normal circumstances the setting, proofing, and printing of the two large Hegel volumes and the setting and proofing of the essays on legal consciousness, whether at the same printing house (which seems unlikely) or not, was an heroic achievement. Unless the 8,000 "rubles" was flagrantly extravagant in comparison with its alleged purpose (which seems not to have attracted the attention of the Moscow Revolutionary Tribunal or the investigator as being the case), Bary is owed a considerable debt by intellectual and legal history for his role in helping two important contributions to ultimately appear.

The Bary (sometimes: Bari) family originated in France and removed to Lithuania and then Russia proper. Woldemar A. Bary was the son of Aleksandr Veniaminovich Bary (1847-1913), a citizen of the United States and Russian entrepreneur-engineer. Born in St. Petersburg, according to family legend A.V. Bary was the godson of Alexander Humboldt (1769-1859). A. V. Bary personally knew and corresponded with Karl Marx (1818-1883), As a result, he attracted the attention of the III Section of the Imperial Russian Police. He emigrated from Russia to Switzerland in 1862, where he graduated from the Zurich Polytechnic, and then went sometime between 1865 and 1870 to Detroit and Philadelphia in the United States, where he founded an engineering firm. In 1875/76 he won a competition to design pavilions for the World Exhibition in Philadelphia commemorating the centennial of United States independence. Bary befriended the Russian delegation to the Exhibition, especially Vladimir Grigorievich Shukhov (1853-1939), and in 1877 was elected a corresponding member of the Pedagogical Council of the Imperial Technical School in St. Petersburg. In that same year the Bary and his wife, Zinaida, of German extraction but with roots and relations in Russia, returned to St. Petersburg. Bary co-founded "Bary, Sytenko & Co." to build equipment for the oil industry. Several years later he established a firm called the "Technical Office of Engineer A. V. Bary". The firms flourished. A. V. Bary's widow, Zinaida (15.02.1854-18.02.1940), inherited the business in 1913. When the firm was nationalized by the Russian authorities in 1918-19, it was Zinaida's property that was taken [8]. The settlement ultimately reached with respect to the nationalization of the Bary property resulted in tax litigation in the courts of the United States [9].

Woldemar Bary was one of ten children. He was directing the Bary interests in 1918 on behalf of his mother. He was taken into custody by officers of the All-Russian Extraordinary Commission against Counter-Revolution, Sabotage, and Speculation on Sunday, 14 April 1918. The United States Vice Consul, John A. Lehrs, was summoned by telephone during the search of the Bary home and appeared while the search was underway. Lehrs lodged a formal protest that the search was being performed without the United States Consulate General having been notified. According to Lehrs, the search

produced "... a great amount of correspondence ... most of which was returned later in the day; ... four revolvers and ... two swords, one of them a present to Countess Lanskaya from the Cossacks, having an inscription to that effect engraved upon it" [10]. Lehrs repaired at once to the office of the Extraordinary Committee, where he was received by Feliks Dzerzhinskii. Lehrs demanded to see the charges against Woldemar Bary. This request was declined until instructions were received from the Council of People's Commissars. Later that same day Lehrs met at 17:00 hours with the People's Commissar for Foreign Affairs, Grigorii Chicherin, to lodge a verbal protest "... against the house of an American citizen being searched without the knowledge of the Consulate General", to request a meeting with Woldemar Bary, and to be apprised of the charges. The Vice Consul was notified by telephone that evening of the charges, confirmed by letter the following day: "supplying officers with money for the purpose of joining the counter-revolutionary troops of Kaledin and Korniloff in the Don district ... storing of fire-arms without license ... [and] purchase and storage of false documents" [11].

The following day Lehrs met with Woldemar's brother, Victor, and his sister, Catherine Bary, who was engaged to marry Vasilii Vasilevich Krivoshein, charged in the case together with Woldemar Bary and Ivan A. Il'in. Victor Bary knew that Woldemar was in communication with officers and "helped them out with money", had "suspicions that these officers were connected with some counter-revolutionary movement", and therefore had objected strongly "... to those officers calling on his brother at their office". Victor believed that Woldemar in giving money to officers had "... acted merely out of charity". As for the revolvers, Victor Bary said that these had been "... purchased and borrowed from friends for the purpose of self-defense, which was of vital necessity in connection with the attempt the anarchists made on Victor Bary some time ago". Victor knew nothing of the false documents, but Lehrs believed these documents had been explained to him by Woldemar in an earlier conversation. Woldemar had said that "... he would procure for himself a false document which would enable him to leave Russia at the last moment as a Russian citizen".

At this point, the matter took a sudden and unexpected turn. Catherine Bary succeeded in arranging a meeting with her brother Woldemar when the Vice Consul was unable to do so. She used the good offices of the investigator in the case, a Mr. Vengrov, who seemed to want to ingratiate himself with Woldemar and Catherine. On 16 April Victor Bary informed Vice Consul Lehrs that a confidential offer had been received: Woldemar Bary would be released if Victor Bary paid 150,000 rubles (the exchange rate about this time was twelve rubles to the United States dollar). Victor Bary reported the offer to his lawyer and to the Vice Consul.

In the meantime, Vice Consul Lehrs pressed Chicherin to arrange a meeting with Woldemar Bary. At 21;00 hours Lehrs received a telephone call at home from Woldemar Bary to say that Investigator Vengrov would grant a meeting at once. They had forty-five minutes together. Lehrs was shown Bary's dossier in which he observed papers and notes in Bary's handwriting purporting to account for money being spent for dispatching officers and members of a strike force to the south. Woldemar Bary's explanation was that the money was contributed during the early days of October 1917 when the strike force members were not considered to be counter-revolutionary. The investigator said that had the

United States Consulate not intervened, it would have been easy to destroy the evidence; however, the Consulate having protested the search and arrest, the Extraordinary Committee was keen to prove that there were grounds for the measures taken against Woldemar Bary. The investigator promised not to refer to this compromising evidence and to regard the Vice Consul's interview with Woldemar Bary as unofficial. He further suggested that the Vice Consul make an application to Leon Trotsky and request that Woldemar Bary be released on surety to the Consulate General.

Vengrov then left Bary and the Vice Consul together alone: "Mr. Bary told me that his case was very serious and that he implored the Consulate and the Embassy to take immediate measures to release him" [12].

Lehrs did not trust Vengrov and was "... inclined to think that he is dishonest". On 17 April Lehrs was informed through official channels that he might see Woldemar Bary at 12:00 hours on 18 April. Lehrs replied that Catherine Bary already had a meeting with her brother, but did not disclose his own meeting with Woldemar. In the meantime, Consul Maddin Summers on 16 April 1918 had informed the Secretary of State of the United States, Robert Lansing (1864-1928), through the United States Consul at Vladivostok, about the arrest of Woldemar Bary by cablegram and sought instructions: "Have demanded Bary be allowed counsel and that member consular staff be present trial ... Shall I inform Government of serious displeasure United States Government if American citizen convicted and punished by Revolutionary Tribunal. Similar cases are likely to arise in the near future".

The United States Consul General in Moscow, DeWitt Clinton Poole, approached a Russian sworn Attorney, Aleksandr Semenovich Tager, to act as defense counsel in the forthcoming proceedings. Lehrs did indeed attend the public session of the Investigative Commission attached to the Moscow Revolutionary Tribunal on 30 April 1918, where Tager acted on behalf of Bary and Nikolai Konstantinovich Murav'ev represented II'in. Illness prevented II'in from attending, who submitted a medical certificate to this effect. Murav'ev sought to separate the accusation against II'in from those accusations against the other three defendants. The Tribunal denied this petition.

Tager then petitioned the Investigative Committee attached to the Revolutionary Tribunal to consider the proceedings to be an inquiry and to launch a fully-fledged preliminary investigation, releasing the defendants in the meantime while the preliminary investigation proceeded. Vice Consul Lehrs supported this petition. The Investigative Committee decreed to satisfy the petition and to refer the case for further investigation to the Political Section of the Investigative Committee. Bary was released on surety to Vice Consul Lehrs. In his three-page letter to Ambassador Francis on 30 April 1918, then in Vologda, reporting the latest news, Maddin Summers added a postscript in hand: "Bary was released today on bail" [13].

Lehrs believed that the charges against Woldemar Bary were part of an extortion scheme with respect to the Bary family. He lodged complaints to this effect and apparently succeeded in having two officials of the Extraordinary Commission arrested. This led to an interesting issue of international law which Dewitt Poole raised with the Consular Corps in Moscow. The Revolutionary Tribunal requested that Lehrs

appear "in the case of attempted extortion growing out of the Bary case". In Poole's view, international law was "perfectly clear" that a consular officer cannot refuse his evidence in a criminal case provided the official business of his office is not discussed. Poole sought instructions from Washington on the matter, but in the meantime the Revolutionary Tribunal was advised that Lehrs would be permitted to give his testimony to a commissioner sent to the Consulate General of the United States for that purpose. It was, Poole said, "highly desirable that Lehrs should give his testimony which will be very damaging to those who originally instigated the charges against Bary …" [14].

When Lehrs was reassigned to Vologda later in June 1918 as a result of a contretemps with Karl Radek, the United States Consul in Moscow, DeWitt Poole linked the Bary Case with his concerns about the personal safety of Lehrs. Poole reminded Ambassador Francis that "... Lehrs was instrumental in connection with the Bary case. As one of these was a special investigator of the Extraordinary Commission against Counter Revolution, which is an instrument of pure terror, I have been fearful for some time that Lehrs might become the victim of some act of revenge" [15].

The subsequent movements of those released on surety are obscure. By 15 June 1918 Poole referred in a letter to Ambassador Francis to the "... military side of the Krivoshein group" and that "negotiations between that group and the German representatives here have taken on a much more definite character within the past few days". The Krivoshein Group had apparently been addressed by a German colonel in uniform who promised troops "... to support a coup d'etat against the Bolsheviks" [16].

Bary did not remain in Russia to tempt the fates of the Revolutionary Tribunal. He reportedly escaped from Moscow disguised as a woman [17] and made his way back to the United States, presumably via Vladivostok, for on 5 March 1919 he married Natalia ("Nina") Mikhailovna Anikin at the United States Consulate in the City of Vladivostok. He did not appear for his trial in December 1918, nor did his codefendants, except for Il'in [18].

After returning to the United States, Bary made the acquaintance in the early 1920s of the Ukrainian aircraft designer and inventor, Igor Sikorsky (1889-1972), who later founded Sikorsky Aviation Corporation. The Sikorsky helicopters became and remain world renowned.

Bary joined Sikorsky [19] and became initially the Treasurer and later Vice President of Sikorsky Aviation, helping to facilitate the company's relocation from New York [20] to Pennsylvania. Upon retirement, Bary lived in Bushkill, Pennsylvania, for the remainder of his life. Bary acquired a number of United States patents, including for an apparatus for electrolytic protection of vessels against corrosion (No. 2,193,667: 12 March 1940); an inflatable dome structure (No. 2,837,101: 3 June 1958) [21]; and a closed track airport (No. 3,173,634: 16 March 1965). After Nina Bary's death, Woldemar Bary remarried in 1973 Valentina Bary (24.09.1904-29.10.2002) [22].

Riabushinskii

In Il'in studies the name of Vladimir Pavlovich Riabushinskii (1873-1955) is deservedly celebrated for his role in arranging the publication in Paris of Il'in's treatise on the axioms of religious experience. Both Riabushinskii and Il'in had collaborated with P. B. Struve in publishing the Paris daily newspaper Возрождение [Renaissance] and co-signed Struve's letter of resignation dated 17 August 1927 [23]. He also was a frequent contributor to Il'in's Русский колокол [The Russian Bell] [24].

The Riabushinskii family, however, was previously associated with II'in in their capacity as printers. The surviving proofs of II'in's work on legal consciousness bear the stamp of «Товарищество типографии Рябушинских» [Partnership of Riabushinskii Printing House] [25].

The Il'in Personal Archive

It is well established that Il'in hoped and expected that his personal archive and library would one day return to the University from which he graduated and by which he was employed. That this actually happened was the outcome of a carefully conceived and executed program by Il'in himself, his wife, Natalia, and his friends who survived him. Having been taught a severe personal lesson by having his Hegel dissertation manuscript, notes, and materials confiscated in Austria at the outbreak of the First World War, which then had to be rewritten or reconstructed, all the evidence suggests that Il'in took care to retain and preserve his papers and his books for posterity. This was consistent with his general view set out in an article entitled "A Matter of Keeping" [26]: "Our archives and museums should never be transferred in ownership to foreign powers. We ask them to help us to keep them. We request acknowledgement, respect, and hospitality, but not seizure. That collected should have one purpose — return to Russia, unified and liberated".

When Il'in died on 21 December 1954, all author's rights and rights of inheritance passed to his widow, Natalia Nikolaevna Il'ina. She was not abandoned and forgotten in widowhood, as all too often can happen. Il'in's pupils and friends of the family gathered in support. On the second anniversary of his death these individuals created an informal association known as the "Ivan Aleksandrovich Il'in Society" [27]. A constitutive document was drawn up which set out their purposes and aims: to render all and every assistance to the cause of keeping and preserving, publishing and republishing, and disseminating the works of Professor I. A. Il'in, as well as to promote the extensive dissemination of his ideological legacy".

The founders, in addition to Natalia Il'ina, included Elena Fedorovna von Baumgarten (1891-after 1970), who then lived in Zurich; Roman Martynovich Siehle (1900-1971), who lived in Germany; Aleksei Aleksandrovich Kvartirov (1911-1989), who resided in Geneva and then relocated to the United States; and Konstantin Evgen'evich Klimov (1896-1974), who lived in Canada.

Baumgarten was a medical doctor and director of a clinic in Zurich where II'in was treated and eventually died. By 1956 she was a pensioner.

Siehle was a pupil who had been a follower of Il'in since 1928 in Berlin. He intended to write a book about Il'in (and may have preserved papers for that purpose) and served as the permanent secretary of the Society.

Kvartirov had been a pupil of Il'in in Berlin. Together with his sister, Marina, they helped the Il'ins successfully depart Germany for Switzerland in 1938. Both Marina and her husband, Mikhail Georgievich Deriugin (1914-1982), a clergyman in the Russian Orthodox Church Abroad, were members of the Society.

Konstantin Klimov was a noted musician, professor of music at Laval University in Quebec, and brother of the artist and art historian, Evgenii Evgen'evich Klimov (1901-1990). The Il'ins had helped the Klimov family, who had emigrated from Russia in 1921, during their relocation after the Second World War to Germany and Canada.

The initial Society members drafted an Appeal to Russian émigrés to help preserve the Il'in legacy. Specific projects were mentioned, including the need to publish manuscripts unpublished, to reissue works long out of print or destroyed, to assemble his various articles and reissue them in collected form, and in general to prepare and publish a complete collected works of Il'in. The Society was exceedingly cautious and careful in selecting individuals who might wish to be associated with them. Ultimately the following became members: A. D. Bilimovich (United States); Professor V. S. Il'in (cousin of Ivan Aleksandrovich, Venezuela); Professor Alfred A. Swan (Swarthmore and Haverford colleges, United States); Professor P. D. Il'inskii (United States); Archpriest Mitrofan Znosko-Borovskii (Morocco); E. E. Klimov (Canada); G. A. Alekseev (United States); G. V. Ofrosimov (Switzerland); F. A. von Shultess (Switzerland); Archpriest Sergii Shchukin (United States, Canada); G. V. Mesniaev (United States); I. N. Gorianov (Germany); A. I. Buld (United States); M. A. and M. G. Deriugina (Austria); R. M. Trakhtenberg (Switzerland); A. A. Tenson (Germany); A. N. Tsurikov (Germany); and V. A. Boss (Switzerland).

A number of measures were taken simultaneously. Some of Il'in's books and manuscripts began to be published, including the work on legal consciousness. It was decided to microfilm part of the collection. Nine microfilms were made, containing about 10,000 pages with additional notes; in all, about one-seventh of the archive. Four copies were made of the microfilms. Where should the microfilms be stored? This was all being undertaken during the Cold War when there existed literally a nuclear balance of terror. The Society members feared the consequences of a nuclear conflict. It was decided to disperse the microfilms around the world. One would remain in Switzerland with Natalia Nikolaevna Il'ina, and another in New York with Kvartirov. But New York began to be viewed as unsafe — a likely target in the event of a nuclear conflict. It was decided that a "backwoods" site would be appropriate in the United States: East Lansing, Michigan, was the choice.

In 1961 Natalia's health began to deteriorate rapidly. She needed constant supervision and care. The Il'in apartment was vacated; all the Il'in belongings, including the library, archive, and everything else, were packed in boxes and stored in the Baumgarten clinic in Zurich; Natalia herself was placed in a home, where she passed away in 1963. The Commonwealth then began to seek a permanent site for the archive and library. A number of possibilities were considered and rejected (Columbia University in New York was rejected by Natalia because she was not impressed by the curator of the archive; the Russian Museum in San Francisco was in a wooden building, which was not deemed sufficiently safe; the Hoover Institution at Stanford University was prepared to accept the archive provided that after 30 years title to the materials would pass to the Institution, which was absolutely contrary to Il'in's wishes). Zurich itself was a possibility, but there was no appropriate building.

In late 1963 or early 1964 a new plan emerged. K. E. Klimov suggested that Aleksei [28], the son of E. E. Klimov, also a member of the Commonwealth, who was completing his studies of Russian language and literature at Michigan State University under the direction of Professor Poltoratskii, be considered a possible guardian together with his professor. Inquiries were made of Poltoratskii. He was amenable. The University would be asked to cover the costs of transporting the Archive from Europe to the United States. In October 1965 Poltoratskii traveled to Zurich to meet with the Swiss members of the Society. The meeting went well, Poltoratskii was invited to join the Society, and Poltoratskii's negotiations with the Director of the Michigan State Library, Richard Chapin, proceeded smoothly and successfully. Poltoratskii reported the conditions would be as follows:

- 1. The Archive would not be sold to nor bestowed upon Michigan State University, but would be provided to the University for temporary use;
- 2. After the liquidation of the Communist regime in Russia, the Archive should be transferred to Moscow University;
- 3. Il'in's books should insofar as possible be kept together and not distributed throughout the collection;
- 4. A small portion of Il'in's correspondence should remain under seal and be used only upon the expiration of a designated period of time;
- 5. The materials of the Archive should be kept in conditions normal for such materials;
- 6. Poltoratskii would be assigned to watch over the keeping and use of the materials;
- 7. The Michigan State Library would pay the expenses for transporting the Archive and Library to East Lansing from Zurich.

Of these conditions, only the second caused some discussion. What might the "liquidation of the Communist regime in Russia" mean exactly? The phrase was ambiguous and might give rise to difficulties in the future. It was decided that the "fall of communism" should be understood to mean the

absence of a one-party dictatorship pursuing such goals as world revolution, or the establishment of Communism, Socialism, or Anarchism all over the world; the permanent establishment of a national Russian governmental system; clear guarantees that national political opinion, scholarly research and teaching, and religious and church activities, were to enjoy complete freedom [29].

On behalf of the Society, Elena Fedorovna Baumgarten took over the discussions with Michigan State. She was now in advanced years and wished nothing more than to bring the matter to a conclusion. Michigan State accepted the conditions laid down by the Society. Roman Zile agreed to pack the Archive and books for carriage. An inventory was prepared to ensure that nothing was lost. The shipment arrived in East Lansing in 1966. For three years it was kept under seal until the construction of the new library premises was completed. In 1969 the materials were transferred to the Department of Rare Books and Manuscripts in the Library.

Professor Poltoratskii in the meantime had accepted an invitation to join the University of Pittsburgh [30]. He nonetheless complied with his obligations to watch over the Archive, undertook his own research in the materials, and published a number of works on Il'in, including a biography. In 1990 Poltoratskii traveled to Leningrad to deliver lectures on Il'in. These were received with great acclaim, but he fell ill there and passed away in his Leningrad hotel.

The perestroika processes underway in Russia brought II'in and his works for the first time to the attention of the Russian general public. The ultimate intention of the Society began to be realized: the publication of the Complete Collected Works of II'in. This became possible because Aleksei Klimov, the student of Poltoratskii and now Professor of Russian Literature at Vassar College near New York, undertook the immense task of making a full inventory and photocopies of the entire II'in Archive. These were carried over in batches to Iurii and Olga Lisitsa and served as the basis for publishing the Complete Collected Works of II'in, of which 29 volumes have appeared to date.

The individual now acting for the Society was Tamara Mikhailovna Poltoratskaia. She agreed to the reinterring of the remains of Ivan and Natalia II'in in the cemetery of the Don Monastery in 2005. It was natural that the Archive, comprising some 70,000 pages of material, should follow. The materials were received for processing in Russia on 27 May 2006 and were transferred on 20 November 2006 to the custody of the Department of Rare Books and Manuscripts of the Moscow University. The books (630 titles) came in two lots, in 2006 and in 2008. The mission of the Society, solemnly undertaken in 1956, was successfully completed to the credit of all concerned a half century later.

The II'in Private Library

The II'in family were book people who esteemed books to study, acquire, and treasure. We know little of the II'in personal library in Moscow prior to their departure nor the extent to which they carried books into exile as part of their luggage. II'in's own property was confiscated in 1923 by Decree of the Soviet Government; what property precisely fell victim to the decree and whether books were part of that property is not a matter of record. Evidently there were personal "confiscations" of professorial libraries.

The story is told by Il'in of an incident in the Institute of Philosophy arising out of the Bolshevik practice of seizing professorial libraries and distributing the books among their members. One Bogolepov, a pupil of Ozerov, had seized the latter's library; Riazanov-Goldendakh had taken the library of S. N. Bulgakov; someone else had taken Novgorodtsev's books [31]. Russian scholars were generous in lending books to one another; the seizures made it difficult to say with accuracy from whose personal library a particular title had originated.

Before departing abroad in 1922, Il'in had given to the Library of Moscow University fifteen books and offprints, six autographed. Additional Il'in materials had been acquired incidentally with the personal archives of S. N. Shil' (1863-1928) and A. S. Akhmanov. These have been added to or linked with the Il'in Archive and Library and are recorded in the Catalog of the Il'in Library. What the Il'in Library might have become had the Il'ins either remained in Russia or had possessed the financial resources to acquire books on a substantial basis can only be imagined. Il'in did succeed in removing all of his books from Germany to Switzerland, and presumably the Library remained intact while in the United States.

The affection and emotional attachment of Il'in for his library is evident in two respects: special bindings and his exlibris. His Hegel dissertation is present in the Library in a fine leather binding, probably Russo/German, without a binder's label but plainly superior work. A number of volumes, bound at Zollikon, Switzerland, bear a binder's ticket or mark. The exlibris designed by Klimov (see below) for the Il'ins together is pasted in to about two-thirds of the volumes and was doubtless printed cliché in Switzerland. The idea of having an exlibris may have originated with the designer; the fact that the Il'ins greatly loved and admired the exlibris is demonstrated by the simple fact that they used the bookplate extensively in their library — a library that they intended one day should return to Russia.

Ovchinkina gave a rough classification of the books in the Il'in library as follows: (1) belles-lettres, principally Russian and Russian-émigré titles: 76 authors, 266 titles; (2) history, principally Russian, including in foreign languages: 69 authors, 110 titles; (3) art: 34 authors, 72 titles; (4) religion and theology: 16 authors, 19 titles; (5) philosophy: 10 authors, 14 titles [32]. The number of titles on philosophy and law is striking for being so few.

As a reader Il'in took full advantage of his books. He made marginal notations frequently in pencil or in pen. Among those frequently appearing in Russian were: "Russia", "people", "triviality", "nonsense" [33]. Natalia Il'ina was more reserved in her observations, usually confining them to two horizontal marks in the margin or, rarely, a notation; these occurred principally in books on history or in those devoted to the poetry of Pushkin, Lermontov, or Zhukovskii. For those interested in reading patterns, the Il'in collection promises rich insights.

The Il'in library and the predominance of belles-lettres and Russian history within it provide occasion to consider their friends and acquaintances, many of whom presented books to the Il'ins. Among their dearest friends was the writer Ivan Sergeevich Shmelev (1873-1950). They did not know one another in Russia; they met in Berlin and maintained a lively correspondence. Shmelev routinely sent warmly inscribed books to the Il'ins. Among composers and musicians the Il'ins were close to the Medtners from

their days in Moscow. Il'in had defended the works of Emilii Karlovich Medtner (1872-1936) [34] vigorously against critical attacks launched in the press by Andrei Belyi (1880-1934; pseudonym of Boris Nikolaevich Bugaev) in 1917 and actively promoted Nikolai Medtner's music. It was entirely appropriate that the jubilee volume published to honor Nikolai Medtner (1879-1951) should reproduce three of Il'in's critical appreciations [35]. They corresponded frequently from 1915 until Medtner's death. The Il'in copy of Medtner's book is extensively annotated.

The Klimov family became close to the Il'ins through the Medtners. Il'in accepted and used the exlibris designed by E. E. Klimov, assisted the Klimov family materially after the Second World War, endeavored to arrange exhibitions of Klimov's paintings in Switzerland, and sought to develop patronage for his works. When the Il'ins traveled on holiday, especially during the interwar period, they arranged to spend time with these individuals.

Others with whom II'in corresponded and accepted as friends included: the actor and director, Konstantin Sergeevich Stanislavskii (1863-1938); the painter Mikhail Vasilevich Nesterov (1862-1942), who had produced a remarkable image of II'in; the composer Sergei Vasil'evich Rachmaninoff (1873-1943); Baron Petr Nikolaevich Wrangel (1878-1928); Aleksei Aleksandrovich von Lampe (1885-1967); and Boris Aleksandrovich Nikolskii (18?-1969).

Although on several occasions Il'in vigorously denied being a poet, he wrote verse frequently from his student years at Moscow University on in to later life. A number of his verses have been considered to be worthy of publication [36].

On the II'in Bookplate

The initials "E.K." (the same in Russian and English) conceal the identity of a bookplate designer unknown to Western bookplate literature yet appear on the bookplate design belonging to Ivan and Natalia II'in.

The initials stand for Evgenii Evgen'evich Klimov, known in Canada and the United States as Eugene Klimoff (he preferred the soft "ff" in the English spelling of his surname, as have so many Russian émigrés, to the Library of Congress transliteration "v" — technically more correct). Klimov was born on 8 May 1901 in the City of Mitau, then part of the Baltic segment of the Russian Empire. His father was a lawyer. Upon completing his secondary education at Novocherkassk in 1918, he enrolled at the Don Polytechnic but was forced by the Russian Civil War to interrupt his studies. He enlisted in the Russian Navy, serving at Novorossiisk and Sevastopol, and by some miracle escaped the mass repressions experienced by the White Russian forces after the fall of the Crimean Peninsula. In 1921 he was permitted as a native of the Baltic region to return to Riga, Latvia, where he was accepted for further studies by the Latvian Academy of Arts. Upon graduating in 1929, he worked as a teacher of art and art history at the Lomonosov Lycée, a Russian-language institution, in Riga. He offered instruction in drawing and art history.

He traveled frequently during this Latvian period, including abroad, completing his own graphics and paintings and visiting art museums. He studied techniques of icon painting under the direction of a master who worked in the Old Believer tradition, Pimen Sofronov, and took part in a group project to decorate a church with frescos. Exhibitions, museum work, and study groups were part of the cultural milieu for the Russian community of Latvia, and he took an active role in these.

In 1944 he was invited to the Kondakov Institute in Prague, a center for icon restoration, and in 1945, three months after the Soviet Army occupied Czechoslovakia, fled with his family to the American occupation zone of Germany. There in a Bavarian village he spent four years. He resettled in Canada in 1949, choosing by reason of his command of the French language to base himself in Quebec. He resumed his teaching career in art history, private art lessons, Russian language instruction, public lectures, and frequent appearances in the Russian émigré press. During the 1960-70s he visited Europe often, and the Holy Land in 1964. An automobile accident took his life on 29 December 1990 in his ninetieth year [37].

So far as the record discloses, the bookplate for the Il'ins is the only one known to have been designed by "E.K." [38]. Eugene Klimoff first met Ivan Aleksandrovich Il'in in 1931, when Il'in visited Riga to deliver some public lectures. Although Il'in returned several times more for this purpose, friendship with the Klimoff family (as opposed to being acquaintances) developed from 1935, when Il'in spent much of the summer at a large dacha in rural Latvia that the Klimoffs had rented. Surviving correspondence suggests that the Il'in bookplate was not commissioned from the artist, but rather was a gift, perhaps an expression of gratitude for assistance extended by the Il'ins to the Klimoffs when they were refugees after the Second World War in Germany. Il'in sent food parcels from Switzerland together with touching letters of support and encouragement during those difficult times.

In a letter dated 13 January 1949 [39]. Il'in promises to send E.K. a picture of the Kremlin palace. This would suggest the scheme of designing a bookplate was underway. On 17 August 1949 Il'in commented on a draft design rather severely. By the time of the third letter the Klimoffs were in Canada. Il'in gave a detailed critique in early Spring 1950 on a further version which implied that the final design had not been agreed. Perhaps the final version was done in late spring of 1950. A letter of April 1950 from Il'in requests quite a different bookplate design (an eagle on a cliff), but there is no indication that E.K. ever attempted a design along these lines.

A variant of the bookplate also is illustrated here. Correspondence in the archive suggests there may have been another, probably without the name of Il'in's wife. Natalia Nikolaevna Il'ina was a noted historian in her own right. Her work criticizing theories of the Scandinavian origins of the Russians appeared at Paris in 1955 and was reissued in Russia in 2010 [40].

The bookplate has only recently become known to Russian bookplate collectors [41]. A copy has been presented by Alexis Klimoff to the Special Collections Division of the Moscow University Library and is found in 461 books in the II'in private library. The dimensions of the bookplate are 7.5 x 9.2 cm. (P1) [42].

COMMENTS AND BIBLIOGRAPHY

- [1] Il'in, Собрание сочинений: Дневник. Письма. Документы (1903-1938) [Collection of Works: Diary, Letters, Documents (1903-1938)], p. 92.
- [2] See I. L. Velikodnaia (ed.), Каталог библиотеки Ивана Александровича Ильина [Catalogue of the Library of Ivan Aleksandrovich Il'in], I. V. Ovchinkina, comp. (2011), pp. 58-59.
- [3] Letter of I. A. Il'in to P. N. Wrangel, 5 April 1923, cited in V. G. Bortnevskii, Избранные труды [Selected Works] (Leningrad, 1999), р. 134.
- [4] Zile was aware of galley proofs dated February 1919 and emendations thereon, although the essence of the work seems to have been completed by spring 1918.
- [5] The text of the Zile address to the Russian All-Military Union on 1 May 1955, held in Casablanca, is published in Il'in, Собрание сочинений в десяти томах [Collection of Works in Ten Volumes] (1993), II(2), p. 416. Zile's observation is not consistent with what he later indicated on the bound proofs of this book reposing in the Il'in private library, which would suggest that Zile's notes on the bound proofs were made not in 1955, but ca. 1966 when the materials were being inventoried and packed for shipment to the United States.
- [6] Il'in, О сущности правосознания [On the Essence of Legal Consciousness] (Munich, Tipo. I. Pochaevskii in Munich, 1956. 223 р. See note 4 above, item 111. This volume was republished in full in Il'in, Собрание сочинений в десяти томах [Complete Collection of Works in Ten Volumes] (1994), IV, pp. 149-414.
- [7] The entry in the accounts actually does not specify the currency. Russian sources have treated the sum as being in rubles. Exchange rates at the time, judging from United States Embassy correspondence, fluctuated from ten to twelve rubles per dollar. If the sum was in rubles, Il'in was given roughly between US\$650 to \$800, which would be more or less consistent with what seemed to be the cost of printing his dissertation. If the sum were in dollars, it would have been extravagantly in excess of printing expenses.
- [8] Zinaida Bary was a United States citizen by virtue of her husband, A. V. Bary's, naturalization. She entered the United States on 16 October 1925 via Rotterdam and two years later executed a one-page will bequeathing all her property, wherever situate, to her son, Woldemar A. Bary. She died in New York County; her will was not offered for probate until June 1958; Letters Testamentary were granted to Woldemar Bary on 8 May 1959.
- [9] See Estate of Bary v. Commissioner, 24 T.C.M. 1790 (1965); affirmed: 368 F.2d 844 (1966).

[10] J. Lehrs, "Memorandum re Woldemar Bary's Case", David R. Francis Papers, microfilm edition, Reel 9. The Memorandum was composed on 17 April 1918 and sent on to Ambassador in Petrograd on 19 April 1918.

[11] Ibid.

[12] Ibid. The Moscow press was conversant with what was happening with Bary and Il'in and reported in some detail on the substance of the charges. See Свободная Россия [Free Russia], no. 16 (17 April 1918), p. 3; no. 17 (18 April1918), p. 4, reproduced in И. А. Ильин: Собрание сочинений. Дневник. Письма. Документы (1903-1938) [I. A. Il'in: Collection of Works. Diary. Letters, Documents (1903-1938)] (1999), pp. 586-587.

- [13] Letter Summers to Francis, 30 April 1918. David R. Francis Papers, microfilm edition, Reel 9.
- [14] Letter of Poole to Francis, 7 June 1918. Ibid.
- [15] Letter of Poole to Francis, 1 July 1918. David R. Francis Papers, microfilm edition, Reel 10.
- [16] Letter of Poole to Francis, 15 June 1918. Ibid.
- [17] A. Palomino, "From Russia With Love: An Immigrant's Story", The Joint Archives Quarterly, XXIII, no. 1 (Spring 2013), p. 1. The Bary Family Archives are held at the Joint Archives of Holland, Michigan. The Certificate of Marriage between Woldemar Bary and Natalia Anikin was issued by the American Consular Service in Vladivostok; the marriage ceremony was performed by the Rev. John F. Smith, of the YMCA, who was authorized by the laws of the State of Ohio to perform such a ceremony.
- [18] Bary published "The Engineering Industry in the U.S.S.R.", Nature, CXLVIII, no. 3749 (6 September 1941), p. 283; Engineering, 15 August 1941.
- [19] According to Bary's obituary, he "founded the Sikorsky Aircraft Corporation of Stanford, Conn., in 1921, sold it to Pratt & Whitney and became vice president of the Sikorsky Division. He built the first amphibious aircraft and was a pioneer in amphibious aircraft transport. In later years he was a consultant for major airlines. He was a member of the Greek Orthodox Church of Delaware Water Gap". See The Pocono Record, 24 December 1979, p. 14, col. 1. A biography of Sikorsky indicates that Sikorsky Aero Engineering Corporation was formed on 5 March 1923 with temporary offices at 114 East 25th Street, New York City, and Woldemar Bary acting as Treasurer. Very possibly Bary, Sikorsky, and others operated as an unincorporated entity or within another corporate personality prior to 1923. Sikorsky arrived in the United States on 30 March 1919. See F. J. Delear, Igor Sikorsky: His Three Careers in Aviation ([1969]), pp. 89-98.
- [20] The United States Census for 1940 (reported 19 April 1940) records Bary and his wife resident in New York City and Bary earning a salary of US\$1,300 per year. Bary lived in Bushkill, Pennsylvania, for nineteen years prior to his death, which would place his arrival there about 1960.

- [21] See L. Wiegler, "Tearing into the Metrodome: Are Other Air-Pressurized Stadiums Unsafe and Outmoded?", Scientific American, 20 January 2011.
- [22] The Holland Sentinel [Holland, Michigan], 30 October 2002. Valentina Bary was born in Dubno, Russia, and emigrated from Czechoslovakia to the United States in 1968.
- [23] The letter is reproduced in full in A. V. Lomonosov, «Возрождение» [Renaissance], in A. N. Nikoliukin (ed.), Литературная энциклопедия Русского зарубежья. 1918-1940. Периодика и литературные центры [Literary Encyclopedia of the Russian Abroad. 1918-1940. Periodicals and Literary Centers] (2000), II, p. 67.
- [24] See V. V. Sapov, «Русский колокол» [The Russian Bell], in ibid., p. 397.
- [25] The stamp appears on p. 49 (dated 16 November 1917) and p. 65 (dated 21 February 1918) of a set of galley proofs amateurishly bound together, probably by Il'in himself, for working purposes.
- [26] See Il'in, «Дело хранения» [A Matter of Keeping], in Il'in, Собрание сочинений в десяти томах [Collection of Works in Ten Volumes] (1999), IX-X, p. 412.
- [27] See on this episode Olga V. Lisitsa, «Миссия содружества имени Профессора Ивана Александровича Ильина» [Mission of the Professor Ivan Aleksandrovich II'in Commonwealth], in S. V. Kornilov (ed.), Идейное наследие И. А. Ильина и современность: Сборник научных трудов [Ideological Legacy of I. A. II'in and Modern Times: Collection of Scholarly Works] (2008), pp. 29-40. The term "society" is a loose translation here of what would be more literally and properly conveyed as "commonwealth". The organizers, it would seem, deliberately chose a vague term that would enable them to pursue a common aim without being required to register an organization under Swiss law, with all the costs, technicalities, risks, and formalities such a body would entail.
- [28] Aleksei, or Alexis, Klimoff (b. 1939) is Professor Emeritus of Russian Studies at Vassar College (1971-2012) and sometime Professor of Russian in the summers at Middlebury College (1981-1997) in Vermont. He received his B.A. and M.A. at Michigan State University and Ph.D. at Yale University. He is the editor of One Day in the Life of Ivan Denisovich: A Critical Companion (1997); co-author of The Soul and Barbed Wire: An Introduction to Solzhenitsyn (2006) (with Edward E. Ericson); among others.
- [29] This was the formulation set out in the Letter from E. de Baumgarten to the Director of Libraries, Michigan State University, Richard E. Chapin, dated 7 May 1965. Reproduced in [C. H. Haka], The Ivan Aleksandrovich Il'in Papers and the Michigan State University Libraries. East Lansing, Michigan: Michigan State University, [2013], p. 10.
- [30] Professor Nikolai Petrovich Poltoratskii was born at Istanbul, Turkey, brought up in Bulgaria, attended the Sofia Russian Gymnasium, and attended various universities in Bulgaria, West Germany, and France, specializing in philosophy, Russian studies, and history. He arrived in the United States in

1955, specialized in Soviet studies, headed the Russian program at Michigan State University for nine years and more than twenty years at the Unniversity of Pittsburgh. See Haka, ibid., p. 8. His scholarly publications included a biography of Il'in published in the Russian language at Tenafly, New Jersey, in 1989.

[31] See A. M. Sharipov, Русский мыслитель: Иван Александрович Ильин. Творческая биография [Russian Thinker: Ivan Aleksandrovich Il'in. Intellectual Biography] (2008), p. 89.

[32] I. V. Ovchinkina, in note 5 above, p. 12.

[33] Ibid., p. 13.

[34] M. Ljunggren, The Russian Mephisto: Study of the Life and Work of Emilii Medtner (Stockholm, 1994). Emilii was a Russian publisher and influential member of the Russian symbolist movement.

[35] The three essays by Il'in were: "A Study of Medtner"; "Medtner's Fairy Tales"; and "Sonata Form in Medtner", published respectively in R. Holt (ed.), Nicolas Medtner (1879-1951): A Tribute to his art and personality (London, [1955]), pp. 163-188.

[36] V. I. Lafitsky, Богарне: судьбы и загадки истории [Beauharnais: Fates and Mysteries of History] (2d ed.; 2013), pp. 124-126; N. N. Leont'eva and N. T. Tarumova (comps.), «Поэзия Московского университета: от Ломоносова и до ...» ["Poetry of Moscow University: From Lomonosov up to ..."] (2011), pp. 290-292.

[37] Biographical data is drawn from A. Klimoff, Eugene Klimoff. Selected Works (Riga, 2006) and correspondence with Alexis Klimoff, who was kind enough to share recollections of his father with me.

[38] Alexis Klimoff has a dim and perhaps unreliable recollection that his father may have undertaken a woodcut or wood engraved bookplate in the late 1940s or early 1950s, but no copy, if it was ever made, is known to have survived.

[39] Iu. T. Lisitsa (ed.), И. А. Ильин. Собрание сочинений. Письма. Мемуары. 1939-1954 [I. A. Il'in. Collected Works. Letters. Memoirs. 1939-1954] (1999), р. 34.

[40] N. N. Il'ina, Изгнание норманнов: очередная задача русской исторической науки [Banishment of the Norsemen: Routine Task of Russian Historical Science (Paris); reprinted in V. V. Fomin (ed.), Изгнание норманнов из русской истории [Banishment of the Norsemen from Russian History (2010), pp. 19-136: "The Norman theory does not give a satisfactory explanation of those events which disturbed our country in the ninth century and were noted in the early news of the Russian chronicle". Ibid., p. 120.

[41] The first illustration was as the cover design for two previously unpublished works by Il'in on State structure and constitution for a post-Soviet Russia. See I. A. Il'in, Основы государственного устройства. Проект Основного Закона России [Fundamental Principles of State Structure. Draft Basic

Law of Russia], ed. lu. T. Lisitsa (1996). The bookplate appears in color in a collection of unpublished photographs and archival materials edited by Lisitsa, Иван Ильин и Россия [Ivan II'in and Russia] (1999), p. 160, together with family photographs of the Klimoffs and two pencil sketches by E. K. of II'in. Also see W. E. Butler, "The II'in Bookplate by E. E. Klimoff", The Bookplate Journal, X, no. 1 (N.S., 2012), pp. 34-37.

[42] Each entry in the Catalog of the Il'in Library indicates the presence of any bookplates, labels, or other evidence of provenance, whether of the Il'ins or anyone else. Many are illustrated. Among them is an inscribed copy of a book in French by P. P. Vinogradoff, who held the Chair in comparative law at Oxford University. See note 5 above.

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