

### Case 13

Kazimir Malevich, a Russian artist of the early Soviet era, was the world-renowned founder of the Suprematism Movement, one of the earliest developments in abstract art. In 1927, Malevich brought more than one hundred of his works to Berlin for an exhibition. Called back suddenly to the Soviet Union before the close of the exhibition and fearful of the increasing persecution of artists during Stalin's rise to power, he left his artwork in Germany for safekeeping with his friend Hugo Härin. As Malevich feared, abstract art was repudiated during Stalin's regime. Malevich was arrested and ostracized. He was never able to leave the Soviet Union to collect his work.

After Malevich's death, his family scattered and fled from village to village to escape Stalin's purges. In 1958, Hugo Härin sold 36 pieces of Malevich's work to the Stedelijk Museum in Amsterdam for \$29,000. In 1996, Malevich's heirs requested the return of his works, but the museum refused their request. After numerous subsequent attempts by the family to reclaim the art, the Museum informed them in 2003 that it would not return Malevich's works, nor would it continue communication with the family. That same year, the Stedelijk loaned fourteen Malevich works to two US museums: the Guggenheim Museum in New York City and the Menil Collection in Houston. In 2004, Malevich's heirs filed suit in US District Court, seeking the return of the paintings on loan to US museums. Four years later, the Malevich family and the Stedelijk Museum announced that the dispute had been amicably resolved out of court. The family received five million dollars and five paintings, with the balance of the collection remaining in Amsterdam.

The international loan of art masterpieces plays an essential role in cultural exchanges among nations. The practice is considered so critical to international relations and national interests that the US Department of State provides immunity to foreign museums that loan art to US institutions, thereby protecting the works from seizure. Congress has also enacted laws to protect stolen works of art on loan from foreign museums against claims for seizure by legitimate owners.

Since the Malevich case, foreign museums have been less willing to loan works to US museums, fearing costly and embarrassing legal battles with claimants of plundered works. Although the works themselves are protected from physical seizure by the State Department, US courts offer two ways for owners to pursue their claims: owners may sue for return of plundered artwork, or for monetary compensation for the value of the art. American museum directors have asked Congress to pass more stringent laws to protect disputed works on loan from legal claims.

Opponents of more stringent legislation raise troubling concerns. The enhanced regulation would prevent legitimate owners from reclaiming their rightful property. An exemption to the legislation is included, but only for owners of property seized by the Nazis in World War II.

Supporters of stronger legislation argue that making loans of art riskier for foreign museums deprives people in the US of the opportunity to learn from other cultures. They claim that museums are limited in their responsibility to remedy social injustices, particularly if doing so denies global art and culture to the public.