

LEGAL OPINION

Regarding the Hilma af Klint Foundation

A. BACKGROUND

1. The Hilma af Klint Foundation (hereinafter referred to as "the Foundation") was established in 1972 by Vice Admiral Erik af Klint (hereinafter referred to as "the Founder").
2. In connection with the establishment of the Foundation, the Founder established the Foundation's statutes—see Appendix 1.
3. According to the statutes of the Foundation (see § 2, first paragraph, third sentence), the head of the af Klint family, or the person of the family designated by the head of the family af Klint, is to serve as the ex officio chairman of the Foundation's board.
4. Erik af Klint, who is the grandson of the Founder, became the head of the af Klint family in 2010, and since 2023, he has served as the chairman of the Foundation's board for a second term.

B. THE ASSIGNMENT

5. Erik af Klint has inquired:
 - a. To whom may the works be shown?
 - b. Which paintings, if any, may be disposed of, and for what purpose?

C. RESPONSE TO THE QUESTIONS

C 1. To Whom May the Works Be Shown?

6. § 4 of the statutes provides the following:

“The board shall make the works available to those seeking spiritual knowledge or to those who can contribute to ensuring that the works fulfill the mission that Hilma af Klint’s spiritual guides intended. The board shall take care to ensure that the works are made available only to persons who have a sympathetic attitude towards the Foundation’s purpose and for whom misuse can be ruled out.”

7. As indicated by the wording of the first sentence of § 4, the board must make the works available to those either seeking spiritual knowledge or who can contribute to the works fulfilling the mission intended by Hilma af Klint’s spiritual guides. Additionally, the second sentence of § 4 imposes further requirements on those to whom the board may make the works available.

8. In my assessment, the provisions in both sentences of § 4 imply that the board, with all members present, must conduct a thorough interview with any individual wishing to view the works. Without such an interview, the board cannot determine whether the individual meets the criteria set out in § 4. Therefore, the works should not be made available to anyone unless the board has conducted an interview and is convinced that the individual both seeks spiritual knowledge or can contribute to the fulfillment of the mission intended by Hilma af Klint’s spiritual guides and has such a sympathetic attitude towards the Foundation’s purpose that misuse can be ruled out.

The board is responsible for the management of the works according to § 1. Section 3, last sentence, of the statutes specifies that this responsibility includes the supervision and care of the works. This responsibility naturally applies when the works are made available to someone under § 4.

9. I must emphasize that the provisions of § 4 remain applicable and must be adhered to in the management of the Foundation (see Chapter 2, Section 1 of the Swedish Foundations Act). This means that the works cannot be displayed to the public, whether temporarily through loans to various exhibitions or permanently in a museum. This would violate the provisions of § 4. The

same applies to both digital and physical displays and the sale of reproductions of Hilma af Klint's paintings.

C 2. Which Paintings May Be Disposed of, and for What Purpose?

10. According to § 1 of the statutes, the Foundation's purpose is to preserve and manage the works. This provision includes a prohibition against the disposal of the works.

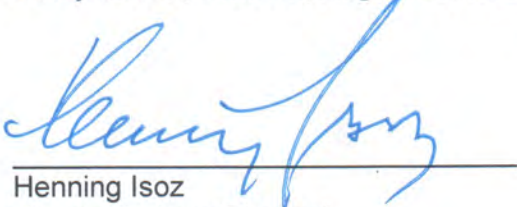
11. Regarding the paintings numbered 1-193 (created before 1916), this prohibition is further emphasized in the first paragraph of § 5.

12. However, the second paragraph of § 5 includes an exception to the prohibition against disposal as stated in § 1. This exception applies to "the later part of the works" or paintings created after 1915, numbered 194-1193.

13. The third sentence of the second paragraph of § 5 reads as follows: "Individual paintings [...] may, if deemed appropriate, be disposed of and thereby made available to the public to raise funds to facilitate the care and maintenance of the remaining parts of the works."

14. The provision in the third sentence of § 5's second paragraph indicates that individual paintings from the later part of the works may be disposed of to raise funds to facilitate the care and maintenance of the remaining parts of the works. This provision should be read in conjunction with § 1. The application of the exception should therefore be restrictive. In my opinion, when this exception is invoked, the underlying motive must primarily be to raise funds to ensure the care of the remaining works. It should be noted that individual paintings intended for disposal under this exception must, of course, be displayed to the public prior to their disposal, notwithstanding the provisions of § 4.

Saltsjöbaden, Sweden, August 29, 2024



Henning Isoz
Former Judge of Appeal