

# Arts

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KEIZO KITAJIMA AND YUKIKO KOIDE PRESENTS

In 1999, Keizo Kitajima photographed the apartment in Chicago where, unknown to others, Henry Darger created illustrations and a novel that drew attention after his death.

## The Genealogy of a Recluse's Legacy

By ROBIN POGREBIN

When the janitor-turned-artist Henry Darger died in Chicago at 81 in 1973, leaving a single room crammed with his colorful illustrations, a 15,000-page book and no immediate surviving relatives, Darger's landlord began showing, sharing and selling his work.

For decades, the landlords, Nathan and Kiyoko Lerner, have been credited with rescuing Darger's creations from the scrap

Distant relatives of the artist Henry Darger want to wrest control of his works from the landlords who saved them.

heap and promoting them in a way that gained Darger an international reputation as an outsider artist.

"Most landlords would have been, 'Let's rent the room, get out the dumpster,'" said Andrew Edlin, a leading Darger dealer. "Nathan Lerner spent 25 years protecting

his legacy. If not for him, we would never know about Darger."

But now distant relatives of Darger — tracked down by a collector of vintage photography — are making a legal claim to that legacy, asserting the landlord did not have the right to pluck and profit from Darger's

art. They filed a "petition for determination of heirship" in an Illinois probate court last month; a hearing in Cook County is scheduled for Feb. 23.

"We're asserting the rights of the family — taking any and all action to restore his legacy," said Christen Sadowski, a Darger relative. "To understand that someone took what was his life's work and has capitalized on it — it's about righting a wrong."

The dispute focuses attention on how leg-  
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KIYOKO LERNER AND ANDREW EDLIN GALLERY/ARTISTS RIGHTS SOCIETY (ARS), NY

## The Genealogy of a Recluse's Legacy

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aces and copyrights are handled after the death of artists who lived largely solitary lives. In this case, a 2019 article in a Northwestern University law journal questioned whether, under Illinois and federal law, the landlords were correct in assuming the rights.

But the landlords, Lerner, a photographer who died in 1997, and his wife, Kiyoko, a classical pianist, have long said Darger made clear that he didn't care whether they kept his work or discarded it.

Kiyoko Lerner did not respond to messages. Her lawyer, Eric E. Kohns, said in an email that he and his client are reviewing the probate documentation and "have no comment at this time."

Darger, completely unknown in his lifetime, drew attention after his death because of the reach of his imagination, which created, through pictures and words, fantasy worlds far removed from the wearisome routines of his daily life.

Prized for the ambitions of his outsider, or self-taught, art, his work is in the collections of the Museum of Modern Art, the American Folk Art Museum, the Art Institute of Chicago and the Smithsonian. One of his illustrations on paper reached an auction price of \$745,076 at Christie's Paris in 2014.

"Darger was a genius," said Michael Bonesteel, the editor of "Henry Darger: Art and Selected Writings," published by Rizzoli in 2000. "He was very possibly the greatest outsider artist in America."

Born in 1892, Darger had a difficult childhood; his mother died when he was 4. When he was 8, his father put him in an orphanage before himself going to a poor house because of an injury. At 12, Darger was transferred to the Lincoln Asylum for Feeble-Minded Children, from which he made three attempts to escape, finally succeeding at the age of 17.

He worked as a hospital custodian in Chicago and came to be known as a hermit, who muttered to himself so loudly that people on the other side of doors thought he had visitors.

In a 2004 documentary about Darger, "In the Realms of the Unreal," Kiyoko Lerner describes him as "reclusive."

"He did not want to speak to anybody and he didn't want anybody speaking to him," she says in the film, adding that "he read morning and evening papers and would look into garbages" and that "he never talked about anything but weather — never."

It was only when Darger had moved to a nursing home a year before he died that Nathan Lerner and a neighbor, David Berglund, went to empty his room and discovered hundreds of watercolor, pencil, colored and carbon-traced drawings, most of them stitched into three enormous "albums," as well as seven typewritten hand-bound books.

His scenes were both fanciful and violent — little girls with penises; children being gutted, crucified and dismembered. To understand these images, one has to read Darger's voluminous writings, Bonesteel said, and to know about his early life.

"He was very likely sexually abused in those institutions and adults really became his enemy throughout his childhood, because they did nothing but betray him," Bonesteel said.

"The artwork without the writings is only half the story," added Bonesteel, who in 1985 wrote a piece on Darger — "Chicago Original" — for Art in America that introduced him to the broader art world.

Most significant was Darger's 15,000-page graphic novel with an equally lengthy title — "The Story of the Vivian Girls, in What Is Known as the Realms of the Unreal, of the Glandeco-Engelman War Storm, Caused by the Child-Slave Rebellion." The novel describes an epic war between the innocent children of Abbiennia and the violent adults of Glandelinia.

The Vivian sisters, daughters of the Abbiennian emperor, try valiantly — with the help of Captain Henry Darger — to rescue the children threatened by the adult troops.

In one panel, amid flying objects, girls flee adults seeking to strangle them; in another, children find refuge from a roaring tornado.



DAVID BERGLUND, VIA KIYOKO LERNER AND ANDREW EDLIN GALLERY

"Darger is almost like a Homeric figure," said Edlin, who owns the Outsider Art Fair. "Not only are the artworks phenomenal and inventive, but this is an epic tale he invented. It's battle after battle, good versus evil, the Vivians against the Glandelinians. And it's all the more poignant because Darger himself is known to have had such a destitute life. It is often posited that he was trying to reclaim his own innocence."

The Lerner's brought the work to the attention of the photograph collector Ruth Horwich, a patron of the Hyde Park Art Center, where she helped propel Darger's first exhibition in 1977.

Contemporary collectors became more familiar with Darger's work through the "Disasters of War" show at MoMA ES. 1 in 2001, which also featured Francisco de Goya as well as Jake and Dinos Chapman.

In 2008, Intuit: The Center for Intuitive and Outsider Art in Chicago opened a permanent exhibition focusing on the contents of Darger's living and working space.

Perhaps the largest holding of Darger's work lies with James Brett, who in 2009 established the Museum of Everything, a traveling exhibition of self-taught artists.

In 2010, the American Folk Art Museum showed "The Private Collection of Henry Darger," featuring several pieces donated to the museum by Kiyoko Lerner.

These days, Darger's works sell privately for as much as \$800,000. In addition, several pop artists continue to be inspired by him, including the musician David Byrne, who has described Darger's work as "a perfect mythical narrative — mythical in the sense of touching a deep reaction in us, not mythical in the sense of the work or his life being untrue."

The Darger relatives — most of them first cousins twice or three times removed — were recently tracked down by Ron Slattery, who helped discover the work of Vivian Maier, a nanny and street photographer whose estate was similarly disputed by family members and has yet to be settled.

Slattery, a Chicago collector, strongly believes that artists' estates should be handled by their legal descendants. "After all the research it just seemed like the right thing to do," Slattery said. "How can you let that just sit there?"

Slattery brought to the Darger family's attention a 2019 article by Elyssa Westby, a lawyer in the Northwestern Journal of Technology and Intellectual Property that questioned the rights to the Darger estate.

Titled "Henry Darger's 'Realms of the Unreal' — But Who in the Realm Is Kiyoko Lerner?" the article said "Lerner's title to the copyrights is contestable" under the federal Copyright Act and the Illinois State Probate Code.

The article argues that the gifting of the materials to the Lerner's was complicated by possible issues regarding Darger's mental state; by contradictory remarks he made about throwing all his work away and by the fact that even if the tangible property had been transferred, the underlying copyrights would not necessarily have been



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transferred as well.

"Even if a presumption was made that no heirs exist or that any located heirs would have been entirely disinterested," Westby writes, "there is still a chain of succession that bequeaths Darger's estate and copyrights to the Lerner's."

Whether Darger was close to his cousins and his aunts, Westby added, is largely irrelevant, given that "courts have interpreted inheritance statutes with little regard to 'feelings of kinship.'"

With the help of HeirSearch, a forensic genealogy research company, the family members identified 50 Darger descendants who are named in the probate papers. "For us, it's always been about family," Sadowski said, adding that the family is tight-knit and feels it is important to stand up for one of their own, though they didn't know him per-

Clockwise from top, sprawling images with multiple characters, like these battle scenes, were typical of Henry Darger's work; the 15,000-page novel found in his Chicago apartment; "Untitled (She Got to Sit on Ringo's Lap)," from around 1966-7; and Darger around 1970.

sonally.

Edlin, the dealer, however, said no one should lose sight of the fact that Kiyoko Lerner has shown "a lot of respect and reverence for the work."

Similarly, Bonesteel said: "I've always thought Kiyoko's ownership of the Darger material could very easily be challenged. But in lieu of anybody else being around to claim it, I guess she has every right to claim it."

"It rubs me the wrong way when descendants two or three generations down the line decide to cash in — it's just a greedy thing and I find that really distasteful," he added. "Kiyoko and Nathan have done great work. That is not to say they haven't made money on the work. In a way, they deserve to make money because they made the effort to preserve it for posterity."