

Joshua S. Rubenstein featured in *Citywealth* Article on Succession and Stewardship Risks of Activist Art

December 1, 2025

Katten Partner and Global Chair of the Private Wealth Department Joshua Rubenstein is quoted in a *Citywealth* article examining how politically charged art challenges conventional approaches to ownership, governance and long-term care by artists, collectors and institutions.

Speaking to the unique pressures activist works of art place on trusts and estates frameworks, Joshua underscores the practical and fiduciary questions that arise when such works transition from creation to inheritance or gift. As he explains, "Activist art is fine for an artist to create and maintain, but what about passing it on to one's heirs or donees? The rapidly evolving and expanding definitions of, and limitations on, what is and is not art, are straining the ability of estates and trusts to keep up which evolve glacially. Is this 'art' in the first place within the definition in the governing instruments of what a fiduciary is authorized hold?"

Joshua further notes the heightened stewardship burdens these works can entail. "The costs of installing and maintaining such art can be exceptionally high. Does one need to bequeath, in addition to the art, cash sufficient to cover these costs in order for an heir or donee to be willing to accept it? And is such art an appropriate investment for a trustee to hold in the first place?"

Joshua also highlights risks that can affect long-term value and disposition. "Is the installation meant to be temporary or permanent? If temporary, should a trustee be investing in a wasting asset that by definition must create a loss for the trustee? And even if permanent and even if the costs are covered, might the subject matter become politically incorrect or even illegal to sell in the future, potentially rendering the art worthless such as has happened to art containing ivory or petrified remains? At the moment, we have many more questions than answers in this fascinating area."

["The New Politics of Art. Who Gains and Who Loses When Artworks Become Statements,"](#) *Citywealth*, November 26, 2025

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