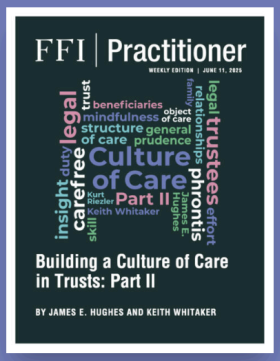
LEGAL

Building a Culture of Care in Trusts: Part II

WEEKLY EDITION • JUNE 11, 2025



© 2025 Family Firm Institute



From *FFI Practitioner*

The second part of this two-part series by FFI Fellow James E. Hughes, Jr., and Keith Whitaker, commissioned by the James E. Hughes, Jr. Foundation, picks up where Part I ends. The authors further explore philosopher Kurt Riezler's work for guidance on creating a "culture of care" among trustees and their beneficiaries.

Go **here** for Part I, and please read on for Part II.

In the first part of this two-part case, we turned to the thought of Kurt Riezler to help us unpack what building a culture of care in the context of trusts can look like.

Riezler was a trusted advisor to the Emperor and Prime Minister of Germany prior to and during the First World War. He later became a philosophy professor in Germany and at the New School in New York. He collected his thoughts on care in a chapter of his book, *Man Mutable and Immutable: The Fundamental Structure of Social Life*.[1]

In Part I of this case, we saw what Riezler calls the main "elements" of care (mindfulness, effort, and concern).[2] We also explored his analysis of the "basic structure of care." This structure involves care being care for something alive, thereby weaving a mutual relation between the person who cares and the one cared for. This basic structure has immediate application for the role of trustee.

While Riezler wants to speak of the immutable structure of mutable care, for much of the rest of his chapter he focuses on the "matters" of care, great and small.[3] It seems characteristic of care that small cares proliferate and cover up great cares. Especially in the context of trusts, since there are so many matters of care, we must regularly remind ourselves to ask, "How can we keep ourselves alive to those matters of the greatest importance?"

"MANY TRUSTEES COMPLAIN ABOUT COMPLIANCE, AND COMPLIANCE FOR ITS OWN SAKE IS WORTH RESISTING. BUT BY SEEING THESE RULES AS HELPING THE TRUSTEE CARE FOR OTHERS BY CARING FOR HIM- OR HERSELF, WE CAN THINK ABOUT COMPLIANCE—AND ITS PROPER LIMITS—IN A MORE HUMAN LIGHT."

© 2025 Family Firm Institute

For example, among these matters of care, people care for themselves. Riezler wonders whether care for others may antedate our care for ourselves.

Here too is an insight for trustees: Trustees focus a great deal on the basic needs of beneficiaries, such as their health, education, maintenance, and support. But trustees also worry about their own basic needs. Trustees have personal liability. They may face angry beneficiaries, beneficiaries with chemical dependencies, family conflict, and costly administrative mistakes, not to mention unforeseen financial reverses. "What about me?" the trustee pleads. "Could we please have some rules?" The growth of legal rules and compliance springs directly from the cares that beset the trustee for her- or himself. Many trustees complain about compliance, and compliance for its own sake is worth resisting. But by seeing these rules as helping the trustee care for others by caring for him- or herself, we can think about compliance—and its proper limits—in a more human light.

A further matter of care that Riezler explores is the "We," the community that care creates. As he explains, "The community is a community only in the concern of its members."[4]



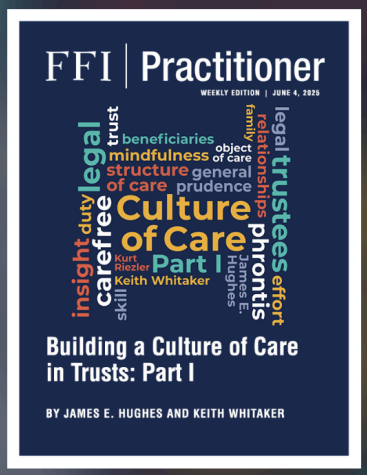
This is a powerful insight for people living with trusts. A trust is a community, most simply, a community among the settlor, the trustee, and the beneficiary. There may be many beneficiaries or even several classes of beneficiaries. In many trusts, this community includes people dead and people as yet unborn. All those who have an "interest" in the trust, hence care about the trust, make this community. The trustee must care for them all: this way, a culture of care underlies and gives meaning to the duty of impartiality. The life enhancement of this beneficiary—and distributions for his or her life enhancement—takes place within the context of this community. This is one of Riezler's key insights: care makes a world.

(As an aside, creating a "world" or the community of the "we" does not mean that all personal differences or conflicts disappear. To take one example that a colleague shared with us, not only is it not uncommon for beneficiaries and grantors to disagree, grantors often disagree with themselves at different points in their lives, requiring the trustee to balance the grantor's new desires, the grantor's wishes as expressed in the trust, and the needs and interests of the beneficiaries. Ultimately, the trustee or court must help this community find its way, even if that way does not please every member of the community equally.)

© 2025 Family Firm Institute

Riezler discusses many other "matters of care," including tools, machines, merchandise, money, jobs, even the earth and one's homeland.[5] Each of these is worth thinking about, in itself and in the context of trusts.

Sidebar



"Building a Culture of Care in Trusts: Part I"

FFI Practitioner
by James E. Hughes, Jr. and Keith Whitaker

Thank you to FFI Fellow James E. Hughes, Jr., and Keith Whitaker for this two-part article series, commissioned by the James E. Hughes, Jr. Foundation. In these articles, the authors reflect upon the meaning of "care" and how it is exhibited and can be developed through trusts, using their own experiences and the work of philosopher Kurt Riezler.

READ MORE

But we'll take up only the last "matter of care" he discusses: "holy things." These are the matters of care that provide a "horizon" to our "world."[6] They are what matters most or what's beyond price, things that can't be traded or exchanged, things that we look up to with reverence and treat with respect. Some families catalogue these "holy things" as what we have called "spiritual capital."

In the context of trusts, these matters of care include the very duties of the trustee and the laws governing trusts. They may also include the wishes of the trust creators, such as expressed in the trust document (itself a sort of "holy writ"), or a written "letter of wishes." They include the personal values of the beneficiaries, as well as the beneficiaries' lives, the lives of their children, and that nebulous but powerful force we call "family." To feel the power of these holy things, imagine asking a grantor to think about his trustee as he does his health care proxy. "If I were your health care proxy," a trustee might say to a grantor, "I would want to know what you would want me to do, in a crisis, when you are not available to direct your own care. Your directions would depend upon what you consider most important. Likewise, with a trust for your descendants, if you are not present or competent to direct me, what considerations should guide how I care for your children?" These are just a few of the "holy things" that a culture of care must account for.

The somber topic of death or disability brings us to one last insight from Riezler's rich article on care that is worth considering in the context of trusts.

© 2025 Family Firm Institute

> "BUILDING A CULTURE OF CARE, THEN, INVOLVES HELPING BENEFICIARIES PERCEIVE AND REACH A STATE OF CAREFREENESS, AT LEAST TO THE DEGREE THAT THEY CAN."

As we have seen, for Riezler, care is not an end. It is not for its own sake. It is for the sake of someone or something else.

But for what, in relation to this someone or something else? For its "good"? But good for whom? Or for what? Care may save something. Or protect something. Maybe it heals someone, or helps someone heal him- or herself. Health is a clear goal, as is learning. But many times even health and learning are for other things rather than ends in themselves. Does life amount to care upon care, endless care?

No, for as Riezler points out, care points to two other possibilities. One of course is carelessness.[7] This state characterizes much of our modern relationship to the earth, machines, and even other people. What Riezler wrote about care is meant to militate against this pervasive carelessness.

The other possibility is carefreeness.[8] This is not the same as being careless: quite the opposite. Carefreeness is the delight, the joy, the sense of freedom, that rises above our care-ridden life.

Many people imagine that trust beneficiaries are carefree. In fact, most of them (like most of us in general) are fairly careless. Money pretends to trade away our cares and exchange them for relief. But this relief is not freedom. Insofar as a serious life involves some care, it is spiritual emptiness.



© 2025 Family Firm Institute

Building a culture of care, then, involves helping beneficiaries perceive and reach a state of carefreeness, at least to the degree that they can. Carefreeness resembles the state of "flow":[9] it belongs to activities in which one feels one has engaged one's true strengths, in something meaningful to oneself and others, losing the sense of time in the enjoyment. It also means enjoying such activities in the knowledge that much of life is care, and that carefreeness is earned. It is an enlightened beneficiary that can view his or her material resources as a means to enjoying carefree moments and can know what that means. This realization is part of true life enhancement.

To help a beneficiary see this possibility, the trustee must first see it for her- or himself. (If the trustee has not yet realized this experience personally, this is where his or her "moral imagination" can be illuminated by reading, such as through the works of Emerson or Thoreau.) Perhaps this is the fundamental lesson when it comes to considering the preparation of trustees for the work of building a culture of care. Such trustees must know and love the "holy things" of the trust relationship. They must be diligent in the work of building this culture, recognizing that it is always for the sake of these others, while in mutual relation to the trustee. But, as diligent and careful as trustees must be, they must also have tasted what it means to be carefree, to be able to point the ready beneficiary beyond the horizon of care.

References

[1] Riezler, Kurt. *Man Mutable and Immutable: The Fundamental Structure of Social Life*. Henry Regnery Company, 1950.

[2] Hughes, James E., Jr. and Keith Whitaker. "Building a Culture of Care in Trusts: Part I." *FFI Practitioner*, June 4, 2025. https://digital.ffi.org/editions/building-a-culture-of-care-in-trusts-part-i/.

[3] Riezler, *Man Mutable and Immutable*, 142.

[4] Riezler, *Man Mutable and Immutable*, 145.

[5] Riezler, *Man Mutable and Immutable*, 142–151.

[6] Riezler, *Man Mutable and Immutable*, 29, 151-152.

[7] Riezler, *Man Mutable and Immutable*, 138.

[8] Riezler, *Man Mutable and Immutable*, 159–185.

[9] Csikszentmihalyi, Mihaly. *Flow: The Psychology of Optimal Experience*. Harper & Row, 1990.

© 2025 Family Firm Institute

About the Contributors

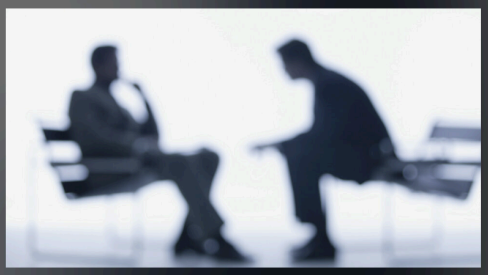


James E. Hughes, FFI Fellow, is the author of *Family Wealth: Keeping It in the Family*, and of *Family: The Compact Among Generations*, as well as co-author of many books in the field of family wealth. Jay was the founder of a law partnership specializing in the representation of private clients. In 2021, The James E. Hughes, Jr. Foundation (**www.jehjf.org**) was founded in Jay's honor. He can be reached at **contact@JEHJF.org**.



Keith Whitaker, PhD, is the founding director of Wise Counsel Research Foundation. An educator who consults with leaders and rising generation members of families with significant wealth, he also serves select families as an independent trustee. He can be reached at **keith@wisecounselresearch.com**.

Related Editions



"An Interview with Jay Hughes"

READ MORE



"Trust Owned Family Enterprises: Pitfalls and Practical Suggestions when Naming Trustees who also Serve on Board of Directors: A Case Study" by Patricia Annino

READ MORE

© 2025 Family Firm Institute