

## Members Win Lawsuit Against Vorstand<sup>1</sup>

On February 2, hearings were held at the Dorneck-Thierstein District Court, Dornach, in the case of the plaintiffs “Gelebte Weihnachtstagung” (“Living the Christmas Conference”) and “Freie Anthroposophische Vereinigung” (“Free Anthroposophical Association”) and the defendant, the Vorstand of the General Anthroposophical Society, which had lately called itself the Vorstand of the “General Anthroposophical Society (Christmas Conference)”. On February 3, after hearing and deliberating twelve hours of testimony, the district judge, Markus Christ, ruled in favor of the plaintiffs.

He ruled that the “General Anthroposophical Society (Christmas Conference)” – the new society the Vorstand had been in the process of founding for the past year – lacks any legal basis and must be dissolved. He also ruled that the General Anthroposophical Society of which we are all members and which was registered in 1925, is the true, full, totally functional successor of the society Rudolf Steiner founded in December of 1923. (The Vorstand had been disputing all of this and was in the process of dissolving this society in favor of its new society). In addition, the Vorstand was ordered to pay 58,200 Swiss Franks in reparations to the plaintiffs, and in court costs.

The editor of the “Gelebte Weihnachtstagung” newsletter, Michaela Jordan, gave me a rare eyewitness glimpse of the courtroom proceedings on February 2. The small room was filled by two journalists, two attorneys, some of the plaintiffs, and the Vorstand, in addition to the judge and two lay judges. There were about 15 observers present. Witnesses were allowed in one by one, just to give their testimony. The Vorstand had initially tried to get the case dismissed on the grounds that, since the plaintiffs did not wish to be in the new society, they had no right to sue regarding its legality. The first round of witnesses tried to show that the plaintiffs were mere troublemakers (“Querulanten”), a charge neatly deflected by their lawyer, Dr. Paul Thaler, who stated that the entire Albert Steffen Foundation, Otfried Dörfler (General Secretary of the Swiss society) and other distinguished individuals had also distanced themselves from the Vorstand’s plan, and *they* were probably not all “Querulanten!” It seemed to Michaela Jordan, who is trained in the law, that the Vorstand’s witnesses and lawyer, Dr. Andreas Furrer, were not well prepared and that they relied too heavily on emotionalism and on making their opponents look bad rather than stating facts, and this view was corroborated by other attenders (Goliath probably did not prepare much for the battle with David, either). Michaela Jordan was able to share with Virginia Sease (who greeted her courteously) her view that the Society will flourish again when the Vorstand and members really begin *to talk and listen to each other*.

As surprising and upsetting as it is to many members, this verdict came as no surprise to independent constitution watchers. They had tried in vain to warn the Vorstand not to proceed with the formation of the new society before the lawsuit challenging its legality had been settled. Now the verdict has come, and with it a tremendous loss of face for the Vorstand and loss of confidence among the membership – a situation no member could possibly be happy about, but an opportunity for a new beginning.

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Some will probably never accept the fact that the Vorstand went wrong, whereas others call for its resignation. But surely there is a middle course. Many members find the idea that a judge should settle the fate of the Society particularly painful. “How can the judge rule on our esoteric society?” members have asked. I believe the answer is: He cannot, and he was not asked to. He was merely being consulted about the *legality* of the new society, and that is within his sphere. And that legality is important. In December of 1923, Rudolf Steiner was joining the esoteric *and* exoteric aspects of anthroposophical life – the society and the movement. These equally important aspects were to interpenetrate. Rudolf Steiner spared no pains to enter the Society (founded in December of 1923 as a civil society only) in the commercial register on March 3, 1925, to incorporate it, so it could deal with exoteric issues like holding funds, transacting business, managing property. A society lacking legal sanction would have been totally unacceptable to him.

It is appropriate that this case ended up in court considering that the Vorstand’s starting point in initiating the “General Anthroposophical Society (Christmas Conference)” was a legal one. The Vorstand argued that the registration of the Society in February and March of 1925 had gone awry, and that as a result the Society was not “fully competent to act.” They argued that our present society had never fully established its identity in the transformed legal body of the Building Society to which it had been transferred, but is still only the administrative Building Society, with its name changed to the “General Anthroposophical Society.” The court, after studying all the documents involved, came to the same conclusion as did distinguished law expert Professor Riemer in his legal opinion several years ago: *The identity change from “Building Society” to “General Anthroposophical Society” was quite complete.* This was also the opinion held by members, informed laypeople, and all Vorstaende, even our present one, until very recently. But now the Vorstand claims that the identity change was *not* complete, and that some elements of the society founded at Christmas in 1923 had *not* entered the society registered in 1925. It is these elements that were said to comprise what the Vorstand called the dormant “Christmas Society” – the intended basis for its “General Anthroposophical Society (Christmas Conference)”. The original society, to which Rudolf Steiner had joined his karma, was to be *dissolved!* The Vorstand told members that these steps, together with some statute changes, would unify, invigorate, and lend authority to the Society, bringing it closer to the spirit of the “Christmas Conference Society,” and to Rudolf Steiner’s intentions. However, even while upholding the spirit of the “Christmas Conference Society,” the Vorstand was making the first changes ever made to Rudolf Steiner’s inspired statutes or principles, which *embody* this spirit. Generally speaking, the changes moved power away from the members, to the Vorstand).

The main trouble with the Vorstand’s plan was that the dormant society it intended to reactivate into the new society has no legal existence. Thus, the Vorstand shook members’ confidence in the *real* society (the society the court reaffirmed), promising them instead a new and better society (which the court ruled a fiction).

*Only 543 members* (out of about 650 attendees) voted for the new society in November of 2003, out of a total membership of about 52,000. That is not even a high enough percentage to call for an extraordinary meeting of the Society!

What is going to happen now? A few days ago, the Vorstand declared its provisory intention to appeal; the final decision to be made in about a month, when the judge's brief is out. *I hope that as many members as possible will email, call, and fax the Vorstand asking it not to appeal, but to turn immediately to reassuring members that we can all work together in our familiar original society, the legitimacy and continuity of which has just been upheld. Our society needs our inner and outer work to stay strong and vital.*

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