

The Pending Appeal

On February 3, 2004, at the Dorneck-Thierstein District Court, Switzerland, a group of Anthroposophists won a lawsuit against the Executive Council, which brought constitution proceedings to a halt. The Council has appealed the judgment and taken the matter to the next higher court, the “Solothurner Obergericht”. The appeal will be heard on January 11, 2005.

What led to the lawsuit and what is being contested?

In December of 2002, the Council reactivated an alleged second, inactive GAS, claimed to be the true successor to the society founded at the Christmas Conference in December of 1923, calling it the “General Anthroposophical Society (Christmas Conference)”. In November of 2003, the Council had members vote to dissolve our existing Society (543 members did so, at an extraordinary meeting of the GAS). The Council has stated that our existing GAS is not the true successor of the Christmas Conference founding and was never properly legally registered, when (as first planned in December of 1923) it merged with the Building Society for various practical reasons in 1925, and that it is therefore only “the Building Society with its name changed” – and has only administrative capabilities.

Since these claims had no legal basis, early in 2003 a group of concerned members asked the court to establish that our existing society *is* legally registered and is in every way, culturally and spiritually, too, in succession of the 1923 society and that the inactive second society, the GAS (CC), has no legal existence, hence cannot serve as a basis for the new society the Vorstand was planning.

On February 3, 2004, the court established just that. Here is my translation of key passages from the court’s explanation:

The Court unanimously supports the view of the plaintiffs and the conclusions of the Riemer Legal Opinion¹: A reverse merger² [eine konkludente Fusion] took place [when the General Anthroposophical Society and the Building Society were joined on February 8, 1925]...[from which today’s comprehensive and sole GAS emerged].

Accordingly we cannot follow the view of the defendants that the GAS is only a society with administrative functions. Rather, as the above report clearly proves, the GAS is fully able to protect and serve the interests and goals of the anthroposophical movement.

In conclusion, we rule that not only was a reverse merger entirely possible, but that it actually took place. The Riemer Legal Opinion and the above accounts support this judgment. The society founded by Rudolf Steiner during the Christmas Conference of 1923 according to Article 60ff of the Swiss Book of Civil Law was taken up into the GAS, also a society according to Article 60ff of the Swiss Book of Civil Law, and since that time it has been living in this, the only remaining GAS. The evidence handed in by the plaintiffs as well as the Riemer Legal Opinion, as well as the conviction of all Executive Councils almost up to the pre-

¹ Ordered by the Council and upheld by them until 2001

² A reverse merger is a process by which one legal body joins another, and the one that has come from the outside completely takes over the legal body of the one it has joined, so that the identity of the one it has joined is completely absorbed.

sent – all of these prove that the GAS is the society founded during the Christmas Conference of 1923.

To summarize, this means that the inactive second society the Council wished to reactivate and make our new society has no legal existence, and thus cannot form the basis for a new society, but also that there is no need for a new society, since our present society is complete in every way. That is how the matter stands now. In order to proceed with its constitution plans, the Council will have to win its appeal in January.

The Council has been misstating what the Plaintiffs wished to establish, and what the Court did establish, so it is crucial to go to the document itself. According to the Council, the plaintiffs asked the court to establish that the Society founded at the Christmas Conference in 1923 no longer exists, (positing that it is separate from our present society) and that the court established that. In reality, the court established that the Society founded in December of 1923 *does still exist, within our existing GAS, and that there is no second anthroposophical society.*

I have now finished translating the entire court document and would be glad to make it available. Contact me at cbmarks@taconic.net. Those who have already read the document value having an impartial, dispassionate view of the whole affair. The longest, particularly interesting section of the document goes into great detail concerning the evidence on which the court bases its judgments: historical documents, newsletters, membership cards, testimonies, etc.

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