

Letter to the Editor of “News for Members”

To the Editor:

As a member of the *Living the Christmas Conference/Gelebte Weihnachtstagung* group, I would like to bring more focus to Joan Almon’s article “Legal Action Against the General Anthroposophical Society” (NfM 2006/2). Focusing closely on *all* events, issues, and sources important to anthroposophical life is what we are all about, and this is vital to being a responsible Society member capable of making meaningful decisions.

First, though, an outcome not available when Joan Almon’s article went to press: The attempt made on July 11 to settle the new lawsuit out of court ended inconclusively. Bodo von Plato, who was representing the Council there this time (Paul Mackay was traveling) did not feel able to accept the plaintiffs’ proposal, yet did not suggest changes or a counterproposal, either. The case has been rested until fall. There is still hope that it might be settled out of court, if dialogue becomes possible.

Joan Almon merely mentions that the LCC won the case against the Council. Yes, it did – the original case and also the Council’s appeal. Members should know why two courts decreed the Council’s constitution plans unlawful. As succinctly as possible: The Council claimed that our existing society was not the true and complete successor of the society founded in December of 1923, but that a hitherto inactive and unknown second society was the true successor, which the Council reactivated and called the “General Anthroposophical Society (Christmas Conference)”. The courts declared (as many members had suspected) that, no, our present GAS *is* in full succession of the 1923 society, and that the Council’s claimed dormant second society lacked any legal basis, and therefore did not exist. The court records and other documents relating to the suit were first and most fully made public by the LCC and never sufficiently made known and discussed in the Society at large.

Joan Almon writes that the LCC fills “meetings with their own motions with the result that other work cannot be accomplished.” Perhaps, since now two courts have sided with the LCC against the Council, we should consider the possibility that those LCC motions weren’t simply “their own” but objectively and vitally important to all Anthroposophists, and perhaps, if the rejected motions asking to discuss and clarify the constitution issue in advance had been considered *part* of the “work ... [to] be accomplished”, this very costly and divisive lawsuit of 2004 and 2005 could have been avoided. Plenty of members knew the Council’s constitution plans lacked a legal basis, and could not commit to the Council’s planned new society, but they were not heard. They were, in fact, deprived of their member’s right to vote at the December 2002 meeting.

One of the motions not accepted for the April 8 meeting, Joan Almon says, “implies that the Council has not been acting according to the law.” It is a *fact* that the Society is not abiding by Swiss law. The reason Paul Mackay gave for not hearing that motion and some of the others is that the Council is automatically required to act according to Swiss law, so that discussions or votes on this would be pointless. But that completely bypasses the real issue: The starting point is, the Council *isn’t* abiding by Swiss law, and don’t the members have a right to hear, discuss, and vote on that issue?¹

Regarding responsibility for the costs of the lawsuit – it is set down in black and white in the court judgment (which, again, could have been made more accessible) that the six Council members are

¹ The right of members to hear, discuss, and vote on their motions is guaranteed in Article 67, Paragraph 1 of the Swiss Book of Civil Law. The Council’s obligation to hold meetings in accordance with the way they are announced so that members may prepare in advance is set forth in Article 67, Paragraph 3. (The extraordinary meeting of April 8, 2006 was announced in writing to members as being for the express treatment of the previously denied motions; yet at the meeting they were not treated at all, but simply all downed by the Council’s countermotions – no discussion allowed).

responsible, and not because the LCC or anyone else *wants* them to be, but because Swiss law *specifies* that they are, as losers in the lawsuit. The Council's proposed society, the GAS(CC) cannot pay because it does not exist. The members who expressed their belief in this society by vote in December of 2002 cannot be made responsible, because we no longer know exactly who they were; many did not vote that way, and most Anthroposophists by far weren't even at the meeting; many had never heard about the issue. Thus, by court decree and logically, responsibility for these costs passes to the six Council members who alleged the existence of the nonexistent society, and had already had members vote them its executive council²

Joan Almon writes that the proposition that the Council pay court costs out of its own pocket "has received very little member support." But member support has no bearing on this at all, since the court *decreed* that the Council members must pay.

The past lawsuit had to be brought because the Council could not be persuaded in any other way that it was following an illegal course. This current lawsuit is brought for similar reasons. The wholesale suppression of member motions is not lawful, not wise psychologically and not worthy of Anthroposophy. All six of the suppressed motions were requests to Council members that they abide by the law, and it is well known that when troubling issues are not openly dealt with, they fester. Leaders need to be able to deal with diversity of opinion; they need to welcome member interest in *every* phase of Society life.

I say together with Joan Almon that "the Society's freedom and life are at risk", though for different reasons. It is currently at risk because we have a governing body that seems to see no need to abide by laws and rules, to inform fully, and to engage in healthy give-and-take with *all* members, all of which is essential not only to the practice of Anthroposophy, but to the conduct of any responsible group.

Joan Almon says that she "cannot discern what they [the LCC] really want." I refer her and other readers to www.888GOYA.org, which includes English pages. In these you may find, along with background information, the entire court ruling, and the six motions central to the new lawsuit. In all of this, the LCC clearly sets out what we "really want" – namely the open, democratic society Rudolf Steiner had in mind in December of 1923, in which the esoteric and exoteric (the former movement and former society) are one. The LCC is sometimes accused of negativity, but this is a positive goal! Yes -- rules, principles, and bylaws have esoteric dimensions, and disregarding them is no mere technicality, and sadly hampers esoteric work.

I will be glad to answer questions on the issue. Rudolf Steiner calls on us to make our own judgments. We can only do that when we are fully informed.

Christiane Marks (cbmarks@taconic.net) , Copake Falls, New York August 7, 2006

² The February 24, 2005 judgment of the Solothurn High Court, points 4 and 5, lists the Dorneck-Thierstein Court and Solothurn Court costs together as 49,750 franks, the damages due the first court and the second court together as 51,000 franks. In both instances it states "*Virginia Sease, Heinz Zimmermann, Paul Mackay, Bodo von Plato, Sergej Prokofieff, and Cornelius Pietzner are jointly responsible for the payment [of these sums]*".