

## **The Second Court Upholds the First Judgment Against the Constitution Plans of the Board of Directors of the General Anthroposophical Society**

As many of you know, the Board of Directors of our society in Dornach intends to dissolve our existing 80-year-old society, which is our continuity with Rudolf Steiner and the Christmas Conference, and replace it with a proposed new society officially called General Anthroposophical Society (Christmas Conference) and based on an alleged second inactive GAS which they say recently came to light and is in true continuity with the Christmas Conference.

On January 12, 2005, a day after hearing the Board's appeal, the Solothurn High Court announced that it concurred with the first judgment made a year ago by the Dorneck-Thierstein District Court. On February 23, the Solothurn Court issued an explanation of the judgment.

**"We have established that the General Anthroposophical Society (Christmas Conference) is not a society according to Article 60ff in the Swiss Book of Civil Law."**

On February 3, 2004, the Dorneck-Thierstein District Court had already ruled the same way. **No evidence was found by either court for the existence of the inactive second society** which was to serve as the basis for the Board's GAS(CC), so the GAS(CC) has no legal existence, either. The term "Christmas Conference" may make up a part of its name, but it has no legal existence, let alone any continuity with the Christmas Conference. **It is our existing General Anthroposophical Society which has now been judged by two courts to be in full succession of the society founded during the Christmas Conference, and to be completely legal and fully capable of running the society, esoterically as well as exoterically.** It goes without saying that the exoteric, as crucial as the esoteric, must include full compliance with the Swiss legal system.

That judgment came as no surprise, since, even before hearing the appeal, the court had already told the Board and their lawyer Dr. Furrer that the judges agreed with the first judgment and therefore asked them to drop the appeal, which they wanted heard, nevertheless.

Please note, to begin with, that despite countless corrections, the Board continues to misrepresent the object of the lawsuit. The lawsuit was *not* brought to prove the nonexistence of the society founded in 1923/24, but to prove the nonexistence of the Board's recent *claimed, artificial* society [*Gesellschaftskonstrukt*] known as the General Anthroposophical Society (Christmas Conference).

The court also makes clear that members rights were violated when they were not allowed full participation in the December 2002 members' meeting on the basis of their membership cards alone. According to the court, when the Board tried to get them to commit to the proposed GAS (CC) with a separate signature by withholding the meeting participation rights that were legally theirs already anyway until they signed was *putting them under duress (Noetigung)*. A sizeable number of members refused to sign such a document under such circumstances and thus did lose full participation rights. Dr. Furrer then claimed that since

they had not committed themselves to the Board's proposed new society, they were not entitled to bring a suit regarding its existence. The court declared this action of Dr. Furrer's to be close to malfeasance [*Rechtsmissbrauch*].

### **Are You Against Continued Legal Action? Then Please Let the Board Members Know!**

The Board is now considering whether to take the appeal on to the Supreme Court, even after two clear rulings.

If you feel that this would be a useless and wasteful course, if you feel that the Society has already been harmed enough in the eyes of the world by this legal battling and that all resources should now finally be focused on doing the important work of Anthroposophy within the **existing, original and true society**, call, fax, or write the Board at the following addresses:

[sekretariat@goetheanum.ch](mailto:sekretariat@goetheanum.ch), phone: 011 41 61 706 42 42 or fax, replacing last four digits with 43 14. or To the Vorstand, Goetheanum, Postfach 41 43, Dornach 1, Switzerland.

### **Why did the Plaintiffs Bring this Suit? What are they Trying to Prevent?**

- the destruction of spiritual continuity
- the disavowal of the 80 years of living history of the General Anthroposophical Society
- the illegal usurpation of the identity of their society
- the dissolution of their society through its fusion with a legally nonexistent society
- the denial of the right of members fully to participate in society affairs.
- the creation of -- unanthroposophical – authoritarian power structures
- the pretense that the constitution was undertaken for the sake of society reform
- continual falsifications
- the distortion of Anthroposophy

This is what the plaintiffs, represented by Lawyer Dr. Thaler put up nearly 300,000 Swiss francs to prevent. These objectives, notably the main objective -- maintaining spiritual continuity with the Christmas Conference --, have now been achieved through two court judgments. The first court judgment may be downloaded from the Gelebte Weihnachtstagung website [www.888GOYA.org](http://www.888GOYA.org) . The second is summarized below.

- **The plaintiffs' case is upheld. The Court decrees that the General Anthroposophical Society (Christmas Conference) is not a society in the sense of Article 60 ff. in the Swiss Book of Civil Law. The Board's claimed GAS(CC) cannot be the society founded in 1923, because this society was totally taken up into our present 81-year-old GAS and continues to live in it.**

- **The registry office of Canton Solothurn... is ordered to delete the name of this society from the register when this judgment goes into effect.**
- **The defendants owe the courts a total of 49,750 Swiss franks for which the six Board members are jointly responsible.**
- **The defendants owe the plaintiffs 51,000 franks.**

The Board of Directors now has to decide if it will appeal again, taking its case to the Swiss Supreme Court, the *Bundesgericht*. The decision may be made in time to be announced at the March 19<sup>th</sup> General Members' Meeting in Dornach. The deadline for making it is late March.

If you would like more background on this and other society developments and current events, visit the new LIVING THE CHRISTMAS CONFERENCE website at [www.888GOYA.org](http://www.888GOYA.org). or contact us. The full name of the society is LIVING THE CHRISTMAS CONFERENCE, Society for the Preservation of the General Anthroposophical Society of 1923 and 1925. It does not rival the GAS, but, as the name suggests, has the vital function of preserving it.

### **Could you Help with Legal Fees?**

Certainly there is still a lot of work ahead in order to give Anthroposophy the best possible home from which it can spread, but Rudolf Steiner's unique esoteric/exoteric form of 1923, in which this can happen, has been saved, and affirmed so far been by two courts. It is possible that the Board might appeal again, but in view of the Society financial crisis outlined in the *Nachrichtenblatt* (3/2005) by treasurer Cornelius Pietzner, it seems less likely.

Thus far, the plaintiffs have put up 300,000 Swiss franks to preserve the Society. If the Board wins the final appeal, the plaintiffs will owe another 50,000 franks. Even if the plaintiffs win, they will only get back 50,000 franks.

If you can help with legal fees, please make checks out to "Gelebte Weihnachtstagung" marking them "c/o Ursula Ruchti/lawsuit" and send them to GELEBTE WEIHNACHTSTAGUNG, 8810 Horgen, Bockenweg 31, Switzerland.

## **The Receptive Ear**

In “The Receptive Ear” 888GOYA is making available to members and friends of the General Anthroposophical Society a forum for expressing their thoughts, concerns, and viewpoints to the anthroposophical public, and especially to the Board of Directors in Dornach. It is the purpose of “The Receptive Ear” to provide space for meaningful encounters and constructive dialogue.

If you would like to take part in this open forum, please send your contributions to the editors at the below address by regular mail, fax, or email. Don’t forget to sign them and include your address. LIVING THE CHRISTMAS CONFERENCE (GELEBTE WEIHNACHTSTAGUNG) Bockenweg 31, CH-8810 Horgen, Switzerland. Fax ++ 41 44 725 80 15, email [administration@888GOYA.org](mailto:administration@888GOYA.org).

*“When members truly understand Anthroposophy in their hearts,  
these hearts will beat in unison,  
without heads knocking into each other.”*

Rudolf Steiner,  
Christmas Conference lecture,  
December 26, 1923, 10 A.M.Lecture.

Dr. Michaela Jordan

**Background Information**  
**Regarding the Current State of the General Anthroposophical Society**  
**Available at**  
**888GOYA.org**

## **The Constitution Process**

### **Questions Frequently Asked by Puzzled Members**

Why were membership cards not honored at the December 2002 Members Meeting in Dornach as the passports to full meeting participation they legally are? Why did members have to sign a separate document committing to the Board's new society or lose their vote?

Why did the Board have a second legal opinion drawn up so soon after ordering (and at first fully endorsing) the Riemer legal opinion which stated that there was only one society? Why did the Board fly in the face of accepted legal procedure and have the second opinion drawn up by its own legal adviser, Dr. Furrer? This was a case of conflict of interest, and one of the reasons why the courts did not accord nearly as much weight to the second than to the first legal opinion. Predictably, the second legal opinion came to a different conclusion, that of the two-society theory, the theory the Board needed to proceed with its plan.

Why did the Board have members vote to dissolve the society on November 15, 2003, when the legality of their alternative society was still being challenged in court?

Why didn't the Board proceed more slowly with the constitution plans and give members the opportunity to understand and participate in these crucial decisions?

Why have the anthroposophical media published so few details about the constitution procedure and the court procedures? Many members complain that they feel the Board considers them children rather than full-fledged, co-responsible adult members, they have gotten so little information.

Why couldn't the Board determine in advance that its constitution plans had no legal basis, before this had to be proved by two expensive time-consuming lawsuits which damage the Society internally and in the eyes of the public? How could the Board lead us out onto such a brittle legal limb?

Why, above all, was the whole cataclysmic process embarked on in the first place?

Note: Those American members who would like to read the Board's presentation of its constitution plan may find it in the Spring 2003 "News for Members".