

What *e/se* is going on in the General Anthroposophical Society!

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This newsletter is an independent and private initiative on current and historical questions and affairs concerning the General Anthroposophical Society and its environment. Each author is solely responsible for his articles. Unlabelled articles originate from the publisher himself. Editor: Thomas Heck. Impressum at the end of this issue.

Was the General Anthroposophical Society founded at the Christmas Conference?

Dear friends

This question may sound strange to many members - especially in non-German-speaking countries - but in fact it is one of the central questions about which there is no common consciousness in our Society. It may be considered important that this question should be clarified before the secular return of the Christmas Conference in 2023/24 is considered.

As a contribution to clarifying this question, the article *"Myths of the constitutional question: 'Amalgamation by conclusive action'"* (page 2), which was sent with the following cover letter to the leading members and responsible persons of our Society.

Further contributions on this topic can be found on the website www.gv-2018.com

With kind regards

Thomas Heck

Dear Friends

*"It is not intentions (**nor views!**) ... but the **objective truth** that matters. And one of the first duties of an esoteric student is not merely to say what he believes to be true, **but to feel obliged to check that what he says truly is the objective truth.**" (Rudolf Steiner)*

Do you believe that the General Anthroposophical Society was founded by Rudolf Steiner at the Christmas Conference or do you know that this was not the case?

"In seven years' time it will be 100 years since the General Anthroposophical Society as carrying body of the School of Spiritual Science, formed by Rudolf Steiner, was founded at the Christmas Foundation Conference 1923/24." (Paul Mackay at the opening of the Goetheanum World Conference Michaeli 2016)

This statement does not correspond to the facts!

Can you really share responsibility for the fact that this assertion is made again and again by leading personalities in our society? Or do you yourself possibly believe this statement to be correct? Do you believe it because someone told you who you think ought to know (belief in authority) or do you really know it and have convinced yourself of it (verified that it is true)?

The attached article as well as the references mentioned therein may help you to come to your own conclusions regarding the above quote, which continues as follows:

"For only if we serve, in the sense of objective truth, the divine-spiritual powers whose forces pass through this school, will we be able to navigate through all the difficulties that anthroposophy is going to face."

And if this claim is indeed untrue, the effects of decades of repetition thereof are considerable:

"Because untrue statements, even if they stem from goodwill, so to speak, are something that has a destructive effect within an occult movement. There must be no deception in this regard, but only complete clarity."

When people (members) are told "by authority things that are untrue, ... their consciousness is subdued to the dullness of the consciousness of dreams."

With kind regards,
Thomas Heck

Myths of the constitutional question: "Amalgamation by conclusive action".

"The General Anthroposophical Society was founded by Rudolf Steiner at the Christmas Conference 1923/24"

This statement does not correspond to the facts, since it was the "Anthroposophical Society" (Christmas Conference Society¹) that was founded at the Christmas Conference. The "General Anthroposophical Society" is the Johannesbau-Verein (Bauverein²), founded in 1913, which has carried the present name since 8th February 1925 and corresponds to the society of which we are members. It has however been claimed repeatedly that there has been an amalgamation of the two societies and that in this respect the "General Anthroposophical Society" is also the Christmas Conference Society. This is based on an alleged amalgamation by "conclusive action". As will be shown below, this is an unproven theory.

The following can be regarded as clarified today:

- The name of the society founded by Rudolf Steiner at the Christmas Conference was "Anthroposophical Society", not "General Anthroposophical Society"³.
- The "General Anthroposophical Society" is in fact the "Bauverein", founded in 1913, which was renamed on 8th February 1925 and has carried this name ever since.

Brief historical outline

Until 1999, the leadership of the Society held the view that there was only one society, namely the General Anthroposophical Society, and that it had been founded at the Christmas Conference. As a result of the Riemer report (see below for further details), this uniform view was abandoned and from then on it was assumed that originally, two corporations had existed (Weihnachtstagungsgesellschaft and Bauverein), that an amalgamation of these two corporations had taken place, and that the General Anthroposophical Society can therefore be traced back to the Weihnachtstagungsgesellschaft after all. In 2000, a working group was formed to clarify the constitutional question, in which the legal opinion of Furrer/Erdmenger⁴ led to the conclusion that an amalgamation **had not** taken place after all and that the General Anthroposophical Society therefore was **not**

¹ The terms "Christmas Conference Society" ("Weihnachtstagungsgesellschaft") and "Bauverein" are only used here to make a clearer distinction. These are not historically justified.

² Translated: "Building association". This term is used as a short form for the society founded in 1913.

³ <http://gv-2018.com/name-wtg/>

⁴ Lawyer Prof Dr Andreas Furrer, Zurich and Dr Jürgen Erdmenger, Brussels. Newsletter No 18 of 28 April 2002.

the Christmas Conference Society. It was assumed that the latter continued to exist as an orphaned corporation, although no general meetings had been held for more than 70 years, no executive council had existed since 1963, no members had been admitted for more than 70 years and thus hardly any members were left⁵. There had never been any awareness of this supposedly separate existence during the period from 1925 to 2002. With the Extraordinary General Meeting at Christmas 2002, this orphaned and allegedly still existing society was to be "revived". Two groups of members sought judicial clarification against the actions of the Executive Council. After the courts had failed to agree with the arguments of the Executive Council even in the second instance, the Executive Council explained⁶ in 2005 why the judgments were actually wrong and justified this with a statement from March 2005⁷, commissioned from the lawyers Furrer and Erdmenger. Nevertheless, the Executive Council has itself referred to this judgment (which it had regarded as wrong) from then on and since 2005 has put forward the opinion that an amalgamation had taken place and that the General Anthroposophical Society therefore is the Christmas Conference Society after all. Paul Mackay claimed that this had been established "by Swiss jurisdiction" and Justus Wittich stated in 2014 that this was the case "from the point of view of the competent cantonal courts"⁸.

This much for a brief outline. The following will be clarified and presented below:

- why the assumption that an amalgamation had taken place is an unproven theory,
- why the Riemer expert opinion does not carry any value of knowledge and
- that the judgments as well as the reasons for those judgments by the courts principally cannot have any value in the sense of true findings.

The theory of an "amalgamation by conclusive action" ("Fusion durch konkludentes Handeln")

"In general, a theory is knowledge gained by thinking as opposed to knowledge gained by experience"⁹. Experiential knowledge can be gained from a historical event by means of reports, documents or other "traces" or results left behind by it. No such evidence exists with regard to a possible amalgamation of the "Anthroposophical Society" (Weihnachtstagungsgesellschaft) and the "General Anthroposophical Society" (renamed Bauverein): There are neither reports nor documents, nor any other suitable indications. The course of events between the Christmas Conference and the General Meeting in 1925 is well documented, and the legal actions necessary for an amalgamation would certainly have left enough "traces", since both bodies would have had to pass resolutions at general meetings and a written amalgamation agreement would also have been necessary. There is no indication of any such event or agreement, even if one assumes that not all formal necessities were adhered to at that time.

⁵ In 2002, Marjorie Spock was perhaps the last living member of the original Christmas Conference Society. The Executive Council, which itself was neither a member nor an officer of the Executive Board of this Christmas Conference Society, had been commissioned by the latter to carry out the reconstitution! Source: Justification of the judgement by the Dorneck-Thierstein District Court, judgement of 2/3 February 2004, page 18.

⁶ Declaration by the Executive Council dated March 19, 2005, published in Nachrichtenblatt No. 15, April 8, 2005.

⁷ The wording "on behalf of the Executive Council" makes it clear that this is not an independent statement, but a partisan statement by the Executive Council. This also applies to the expert opinion drawn up by the legal representatives of the Executive Council in 2002 (Newsletter No. 18 of 28 April 2002), which is to be regarded as a partisan rather than an independent expert opinion, not least because of its solution orientation. Until recently, this statement was to be found on the Goetheanum website. We have no knowledge of other publications.

⁸ The quotes are reproduced in full below.

⁹ See Wikipedia.

Therefore, according to the current state of facts, there is no empirical knowledge of an amalgamation of the two bodies and if such an amalgamation is nevertheless to be assumed, it would consequently be dependent on the formation of theories.

It is now claimed that the amalgamation took place by "conclusive action" and that this explains the lack of supporting documents.

What is a "conclusive action" (konkludente Handlung)?

A conclusive action is one which clearly shows that the acting person consciously intends to perform a certain legal act without making a declaration of intention or concluding a contract, either orally or in writing. If, for example, someone takes a newspaper out of the kiosk display and puts the money on the counter, this constitutes a conclusive action which creates a sales contract. Similar things often happen in everyday life. It is however hard to imagine that a complex legal process, such as the amalgamation of two associations or legal entities, could take place by conclusive action. It should not be overlooked that the person performing such a conclusive action must always be aware of the significance of this action. An amalgamation which happened "by mistake" and remained unnoticed for more than 70 years is simply impossible. This means that both the members of the Christmas Conference Society and the members of the Bauverein should have been aware¹⁰ that an amalgamation had been decided and implemented. There is no record of that. Moreover, as explained above, there was no possibility, not even implicitly, to take such a decision.¹¹

The Riemer report

In "Anthroposophy Worldwide" 9/1999, Paul Mackay reproduced an assessment of the constitutional problem by Prof Riemer¹², which was a written reproduction of the contents of a telephone call¹³. In "Anthroposophy Worldwide" 3/2000, this assessment then appears under the heading "Legal Opinion". As is generally the case with expert opinions, all underlying bases for judgement were listed. These show that no written documents were available for evaluation, not even the Statutes. The society, which was founded in 1923/24, is not referred to by its real name, but only by "Christmas Conference Society". The expert opinion was based on the following assumptions:

- 1) *The Christmas Conference Society was founded in the period from 24 December 1923 to 1 January 1924, whereby it can be assumed that it was formed as an association within the meaning of Art. 60ff. of the Swiss Civil Code ZGB.*
- 2) *On 8 February 1925, the name of the existing association "Association of the Goetheanum of the School of Spiritual Science" [Bauverein] ("Verein des Goetheanum der Freien Hochschule für Geisteswissenschaft"), which had already been on the commercial register for some time (also in accordance with the meaning of Art. 60ff. of the Swiss Civil Code), was changed to "General Anthroposophical Society" (GAS), and at the same time the composition of the association's executive council was changed so that its executive council and the executive council of the Christmas Conference Society became identical. The changed name was subsequently entered in the commercial register.*

¹⁰ Certainly, not all members would have had to agree, but each member would have had to be given the opportunity to participate, by corresponding invitation to a general meeting with an indication of the agenda.

¹¹ Nobody has yet explained how a decision in such a case could have been taken by conclusive action or how this might be possible at all. Moreover, until at least 2004 there had been no known case in Swiss legal history of an amalgamation of corporations by conclusive action.

¹² Prof Dr Hans Michael Riemer, until 2005 Chair of Private Law at the University of Zurich and recognized legal expert for association law in Switzerland.

¹³ See "Anthroposophy worldwide" 10/1999, p. 6: "According to Paul Mackay, no written expert opinion by Hans Michael Riemer exists. He has however agreed in writing to the reproduction by Paul Mackay."

- 3) Ever since then, the association has had a uniformed existence under the name "General Anthroposophical Society" (GAS). This uniform association life under the name "General Anthroposophical Society" refers particularly to General Assemblies, the acquisition of membership, the Executive Council and the Association's assets, as well as to external relationships.

This is far too little information for a viable assessment, the actual events are not taken into account and the legal assessment is thus also formulated rather vaguely:

"In my opinion, it is ... more obvious and also more appropriate to assume a conclusive amalgamation ..."

Even though "legal opinion" was chosen as the heading, these are merely considerations based on insufficient information and by no means a well-founded expert opinion. Moreover, it remains a mere theory here as well, since the question of whether, how and when an amalgamation actually took place or could have taken place was not posed in the first place.

The Processes around the Constitutional Question in 2003 and 2004

Since 2005, the leadership of the Society has claimed that "...it has been determined by Swiss jurisdiction and is legally final and binding for the future", that an amalgamation has taken place (the complete quote: see below).

Swiss jurisdiction most certainly meets the highest standards and its judgments are of great importance. This also applies to the judgments referred to here. The only problem is how to refer to them and how to use them:

1. Self-acquired knowledge is substituted by a foreign knowledge, without revising the original own knowledge and without emulating the "foreign" knowledge. Due to the general reputation of the court, one's own knowledge is replaced by the (alleged) court decision and made one's own. That's nothing other than "belief in authority". In addition, the Executive Council, which had its own insights and confirmed their correctness even after the proceedings had been concluded in 2005, nevertheless adopted the "alleged court knowledge" as its own, even though it contradicted its own findings!^{6,7} Consequently one must actually speak of a belief in authority against better knowledge!
2. It is in the nature of civil proceedings that *only* the facts presented by the parties may be taken into account by the court¹⁴. In civil proceedings, the court has no mandate to clarify the facts objectively; asking questions and conducting proceedings "must not lead to the facts being established ex officio"¹⁵. The primary objective is to resolve the dispute. It follows clearly from this that a judgment arising from civil proceedings cannot be ascribed a general value in terms of knowledge or truth.

Although it has already been clarified that the judgments are fundamentally unsuitable as a substitution for knowledge, it must be pointed out that the judgments say nothing at all about whether an amalgamation took place or not. The possibility of an amalgamation is only mentioned in the "deliberations" made by the court and set out in the so-called grounds for judgment, without clarifying whether such an amalgamation would have been at all possible in this specific case.¹⁶

¹⁴ Even information or expertise held by the court but not provided by at least one of the parties may not be included in the judgment. This, and also the maxim that the court may not conduct its own investigations, is important for the neutrality of the court, because any additional information could benefit one of the parties and the impartiality of the court would thus be called into question.

¹⁵ See Principles of Negotiation (Art. 55 ZPO), for explanations see:
<https://www.lexwiki.ch/prozessmaximen-zivilprozess/>

¹⁶ This clarification could not have been made by the court itself; it would have been the task of one of the parties to demand it. That did not happen.

Paul Mackay's statement of 19 March 2005¹⁷:

"According to Swiss jurisdiction it is thus legally conclusive and also binding for the future that on 8th February 1925, the association which Rudolf Steiner founded during the Christmas Conference on 28th December 1923 was merged into the association which at that time had already existed since 1913."

and the Declaration by Justus Wittich of 2014¹⁸:

"From the point of view of the competent cantonal courts, the legal conduct of the Executive Council and the members of the Anthroposophical Society over the decades had led to a "conclusive amalgamation" of the General Anthroposophical Society (founded during the Christmas Conference 1923/24) and the Bauverein."

How is it to be seen if the Executive Council of an anthroposophical society substitutes its own knowledge for the belief in authority in relation to a judgment from a civil lawsuit, which even in principle, as has been described, has no objective truth content, and rates it higher than the existing and correctly recognized own judgement of knowledge whilst this "adopted" view of knowledge completely contradicts one's own knowledge?

Summary

1. The assumption that an amalgamation of the corporate bodies of the Christmas Conference Society and the General Anthroposophical Society (former Bauverein) had taken place is pure theory, the legitimate assumption of which is still not supported by any substantiated documents or evidence.
2. With regard to the question of a possible amalgamation, the Court judgments do not make any statement, direct or indirect.
3. The grounds for the judgment of the courts are unsuitable as a replacement for one's own knowledge (as a substitute for knowledge), since they are merely considerations.
4. Judgments - and thus also the grounds for those judgments - from civil proceedings are unsuitable as a substitute for knowledge for reasons of principle alone.
5. The Riemer report does not constitute sufficient proof of an amalgamation.

Thus, there is no basis or evidence to support the theory of a conclusive amalgamation. On the contrary, it may be assumed that no such event has taken place and could not have taken place. This is also clearly demonstrated by the aforementioned legal opinion of Erdmenger and Furrer⁴ as well as their opinion on the judgments of the cantonal courts of March 2005⁷.

Conclusion

Quite apart from all these remarks, the question remains how it is possible that in anthroposophical contexts one's own judgement can be replaced by the judgement of a court? For these issues are questions of knowledge and by no means purely legal questions, the clarification of which can be left to experts and courts who only possess incomplete information.

At this point it is worth remembering the serious obstacles that arise for anthroposophical work when acting on untrue and unclear foundations, and being "of good faith" does not help to remedy this situation. Rudolf Steiner has repeatedly drawn attention to this and to the devastating effect of untruth in the context of spir-

¹⁷ Nachrichtenblatt No. 15, 8 April 2005

¹⁸ In "Anthroposophy Worldwide" 1-2/2014: Justus Wittich also confuses the two societies in this statement: At Christmas 1923/24 the "Anthroposophical Society" was founded and the "General Anthroposophical Society" is the renamed Bauverein from 1913!

itual science¹⁹. In addition, when people are told "by authority things that are untrue, their consciousness is subdued to the dullness of the consciousness of dreams"²⁰.

"Because untrue statements, even if they stem from goodwill, so to speak, are something that has a destructive effect within an occult movement. There must be no deception in this regard, but only complete clarity. It's not intentions that matter, because it's often very easy for a person to have those, but **objective truth** is what really matters. And one of the first duties of an esoteric student is **not merely to say what he believes to be true, but to feel obliged to check that what he says truly is the objective truth**. For only if we serve, in the sense of objective truth, the divine-spiritual powers whose forces pass through this school, will we be able to navigate through all the difficulties that anthroposophy is going to face."²¹

Thomas Heck

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Please note

«Deepening Anthroposophy»

An independent newsletter for members of the Anthroposophical Society and friends of anthroposophy

Responsible: Thomas O'Keefe, Email: deepening@use.startmail.com

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¹⁹ z.B. GA 205, 1987, p. 238ff.

²⁰ GA 198, 1984, p. 125

²¹ GA 270a, w.Y., p. 129. Highlighting by the author.