

## Complaint by Gabriel Kanter-Webber against Peter Baum

### Decision by a panel set up the Code of Conduct of the Board of Deputies of British Jews.

#### The complaint and background

Gabriel Kanter-Webber (**Mr Kanter-Webber**) wrote to the chief executive of the Board of Deputies (the **Board**) on 12 January 2022 concerning what he said was a breach of the Board's Code of Conduct (the **Code**) by Peter Baum (**Mr Baum**). In accordance with the terms of the Code, the chief executive passed the complaint to the chair of the constitution committee who wrote to Mr Baum on 15 January with Mr Kanter-Webber's complaint and setting out the procedure to be followed to address the complaint

The constitution committee set up a Panel of three of its members (the **Panel**) to deal with the complaint in accordance with the Code. The Panel comprises the signatories to this decision.

Mr Baum is a Deputy of the Board. Mr Kanter-Webber is a former Deputy.

Mr Baum has sought to discredit the Panel's integrity and to imply improper interference by the Board in handling the complaint. We address these criticisms in an appendix to this decision.

The complaint made by Mr Kanter-Webber had attached to it 16 recent instances of tweets by Mr Baum, which, Mr Webber said, bring the Board into disrepute under the terms of the Code.

The instances included:

- a statement by Mr Baum claiming that *the Hamas charter of 1988 takes Islamic Nazism to excremental levels.*
- a statement concerning Desmond Tutu that *He kept his gob shut on the thousands of black on black post apartheid killings... a true black coward; and*
- the following statement: *I would like to offer support to Palestinians but I find that I cannot due to their moral indecency and Nazi ideology per their Charters demanding Jew exterminations and the extermination of those assisting the terminally ill sick and mentally and physically disabled children.*

Mr Kanter-Webber's letter of complaint included the following:

*Last time I complained about Peter Baum's racism, there was a six-month delay before my complaint was given even initial consideration. I appreciate that this was before your time*

*at the BoD, however in the interest of transparency I will be publishing this email and its attachment to help ensure that this matter is treated with the speed and seriousness it deserves.*

Mr Baum's response dated 17 January was: *I have no comment to make.*

Following Mr Baum's short response, the chair of the Constitution committee wrote to Mr Baum and Mr Kanter-Webber on 19 January to say that it is clear from Mr Baum's response that the complaint will not be resolved by agreement. The communication went on to say that the Constitution committee considers that there is a case to answer, and that the complaint is neither frivolous nor vexatious, as referred to in the Code, and that the matter will be dealt with by a Panel, comprised of the signatories to this decision.

On the same day Jewish News carried a piece setting out the tweets sent by Mr Baum which were the tweets which form the subject of Mr Kanter-Webber's complaint<sup>1</sup>. It reported that a complaint has been received and is now in the hands of the constitution committee. Accordingly, the email to the parties asked if there were any representations that either of them wished to make in the light of the publication. Later that day Mr Kanter-Webber wrote to say that his complaint was not solely about bringing the Board into disrepute (clause 2.1.7 of the Code) but additionally about obligations of Deputies to treat fellow Deputies, Board employees and others with respect, courtesy, honesty and fairness (paragraph 2.1.3 of the Code) and obligations not to harass, bully or unreasonably discriminate against fellow Deputies, Board employees and others (clause 2.1.4 of the Code).

Mr Kanter-Webber has confirmed that it was he who provided the information to Jewish News.

#### The constitution committee's Panel review

In our view the tweets contain a high degree of abuse about Palestinians and others, and their mores and morality. The language runs directly counter to the Board's moral positions in relation to other communities, respect and cooperation.

It is noteworthy that none of the tweets posted by Mr Baum make any reference to his position as a Deputy or to the Board or to any other Jewish organisation.

Mr Baum does not represent the Board; he is a representative to it and it clear that in his tweets he writes entirely as a private contributor.

Mr Kanter-Webber carried out his threat to publish his email and its attachments to help ensure that this matter is treated with the speed and seriousness which, in his view, it deserves. Mr Baum's views are now in the public domain, or at least in the Jewish public

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<sup>1</sup> <https://www.jewishnews.co.uk/board-investigating-another-claim-of-racism-from-a-deputy/>

domain, and are an embarrassment to the Board and may adversely affect its reputation, when prior to publication, they would not have had such significant exposure or necessarily have been associated with the Board.

### The parties' position

As a tweeter in his own name, prior to the Jewish News publication, Mr Baum's views were, for the most part, his own business. He was generally freely able to exercise his rights to free expression of them. Our view is caveated because Mr Baum ought to have considered that, at some point, he might be identified as a Deputy, as indeed he was. After publication, because of his now public association with the Board, Mr Baum's views have a much greater capacity adversely to affect the Board, because his status as a Deputy is now known, irrespective of whether or not he posts content as a Deputy.

Mr Baum provided us with a long and detailed note setting out his comments in relation to each of the tweets provided by Mr Kanter-Webber. The notes could not, however, affect the reader of the tweets.

Mr Baum has argued that Mr Kanter-Webber's complaint is vexatious and therefore should have been dismissed in accordance with the terms of the Code. We do not accept that it is otherwise than legitimate to make a complaint about the racist views of a Deputy. Mr Kanter-Webber, however, went further in publicising Mr Baum's tweets in Jewish News. In doing so he did the Board a disservice; without his intervention there was little reason to believe that a connection between Mr Baum's views and the Board would have come to light.

Mr Baum requested an oral representation but gave no compelling reason for the request which was therefore refused.

### Decision

We have not found our responses to be without difficulty. Balancing Mr Baum's right to free expression against his duties to the Board, including not to bring the Board into disrepute, is a difficult balance, particularly in the context of the Board's solidarity, in word and in action, with other minority communities. We recognise that he and the Board have been damaged as a result of the combination of his views and Mr Kanter-Webber's action.

Reaching a decision is rendered more complex because it is likely that Mr Baum's comments may have passed without significant public awareness were it not for Mr Kanter-Webber's decision to share them with Jewish News – an act which guaranteed them publicity which itself has damaged the Board. The reputational damage to the Board resulting from the tweets themselves might not have been significant enough to have upheld the complaint, although, as we say above, Mr Baum tweeted his opinions in his own name thus risking his identity as a Deputy coming to light, as indeed it did.

This means that, while the reputational damage to the Board is now present, and is significant enough to uphold the complaint that his views have brought the Board into disrepute, the actions that have led to this cannot be laid exclusively at Mr Baum's door.

Because, under the Code certain steps can only be taken by the Board's Executive Committee, we are referring our proposed steps to them for action. Our view is that it is not useful to give detailed consideration to the additional charges made by Mr Kanter-Webber.

The steps we propose are:

- Mr Baum be instructed to moderate his language so that he is not the subject of further complaints. Given that he is now associated with the Board in the public sphere, there is direct reputational risk to the Board of further statements that echo the tweets which are the subject of this complaint;
- Mr Baum should not repeat his views on other social media, and should be made aware that the language he has used would constitute a violation of the Code of Conduct, given that he is now known to be a Deputy, and his views therefore carry an association with the Board whether or not he intends this to be the case, since they are antithetical to the work of the Board;
- That any further publication of new material on social media or otherwise which causes damage to the Board will result in much stronger outcomes; and
- That Mr Baum's constituency is provided with a copy of this decision.

It is also our view that the Board should take steps, at least as between Deputies, to make clear that the Board abhors the use of the Code to fight out political differences. And that doing so will also be treated as a breach.

■■■■ ■■■■ (Chair)

21 February 2022

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## Appendix

Mr Baum's concerns in relation to members of the Panel and the Board

Mr Baum says that the chair of the Panel, ■■■■ ■■■■ is prejudiced against him because when, some years ago, Mr Baum was first proposed as his synagogue's representative Mr ■■■■ was obstructive and it follows that his trustworthiness is in doubt. Mr ■■■■ was at the material time responsible for considering the synagogue's application for Mr Baum to be its representative. The synagogue had failed properly to comply with the admission

requirements set out in Appendix B to the Board's constitution. This failure by the synagogue caused delay.

Mr Baum also said that his years on the Board *enabled [him] to understand the political ideology of █████ █████ who would be described as being on the "far left" in modern political terminology and this in itself presumes a prejudice.*

Mr Baum concludes that for the above reasons Mr █████ and Ms █████ should recuse themselves from the Panel.

It is essential to the proper working of the constitution committee that its members' histories and alleged political views should not in any way interfere with their fairness or judgement. We are deeply conscious that we must uphold such standards and act with undoubted integrity. To do otherwise we would lose the respect of the Board and, in particular, of those who appointed us.

Mr Baum's concerns in this respect are ill founded.

Mr Baum complained that the Board's Chief Executive had communicated with his synagogue about this matter. The Chief Executive telephoned the synagogue to alert it, in its interests, to the fact that this matter was to appear in the Jewish press, and not for any other reason

Mr Baum also said that the Chief Executive had communicated with Jewish News about this matter. What occurred was that Jewish News enquired of the Board as to whether a complaint had been made about Mr Baum. The Chief Executive responded that the matter had been referred to the constitution committee and made no other comment.

Neither of these communications was in any way improper.