

BRENDAN BAIN AND THE PRICE OF REPUTATION

Brendan Bain won a pyrrhic victory in Jamaican court against the University of the West Indies. He got three months salary. And UWI had breached his freedom of expression.

Driving through downtown Kingston, past the leading newspaper's offices, my colleagues dissuaded me from stopping, going upstairs, and spooking the editors: "Duppy come fi visit!"

"Duppies dupe UWI," a smug Jamaica Gleaner headline three years ago had termed the 30 or so NGOs who'd written the University saying Bain had lost the moral capacity to lead the regional HIV response.

The paper contacted several of us, and verified we existed. But the credibility of those with small voices is as easily made as it is broken by our so-called "epistemic institutions," those that control what people know and think.

The paper's sad gesture was part of a fascinating social response to uncommon bravery by another epistemic institution, UWI—which I habitually ridicule for exactly the opposite, its deliberate fogeyishness and bureaucracy.

Its old-boy doctor-leaders had summoned the integrity to fire one of their own, in response to complaints by sex work groups, people with HIV, small NGOs, gays, people whose voices don't normally count.

In fact, whose freedom to express themselves, or sometimes even assert their opinion, is often resisted.

In another response to Bain's

firing, Christians, dressed in black, had gagged themselves and held campus protests about his free speech.

What speech was this?

UWI had given the medical professor a post-retirement contract to continue leading Mona-headquartered, United States-funded human resource development initiatives created through the regional HIV co-ordination mechanism, PANCAP.

They valued Bain enough to offer him TT\$39,000 a month; and he represented the University in regional HIV decision making forums.

A year before, the Trinidadian doctor—so soft-spoken that I had long assumed, when I worked for his initiative, that he was gay—had surprised everyone. He accepted an invitation from some other institutions, ones that get to say both what's real and what's cosmic.

Churches, which were fighting to keep laws that criminalise gay sexual expression on the books. Bain became an expert court witness in a Belize case that eventually found such laws unconstitutional.

To the court he "testified that there is a higher degree of HIV and cancer among men who have sex with men," a Jamaica Observer news story last week reported. And my media frustration rose in my temples again.

But perhaps journalists who've consistently failed to report what Bain actually told the court should be forgiven. The testimony that got the regional groups with the small voices and



COLIN ROBINSON

caisott2@gmail.com

stigmatised reputations so upset is really, really hard to report in a daily newspaper. I myself am stumped.

Essentially, Bain—as an expert, remember—offered the court two descriptions of intimate behaviour: one between a man and a woman; and one between two men.

The first hit key things most modern adults know happen: kiss, fondle, vaginal, oral, anal, orgasm.

The second, without a single reference to any study, or any quantification whatsoever, ends up in a very different world of keywords like fist, rim, golden, felch, and I left some out.

In the Caribbean, many of our institutions still adhere to the colonial ethos that devaluing some people's humanity over others—especially on the basis of sex—is how we should build a moral society.

But PANCAP, like other institutions that plan and fund the global HIV response, holds as a principle that cultural work, to transform the groups most vulnerable to HIV into ones believed to hold human dignity, is critical to ending the epidemic.

As Bain's written testimony—and its groundless effort to stigmatise non-heterosexual sex—started circulating in mid-2013, many in the HIV field lost confidence in his reputation.

PANCAP's leaders sought to engage him on his extraordinary court testimony but, instead of having a dialogue, he stepped aside from his leadership in the body.

International donors who controlled the UWI programme's pursestrings grumbled openly. Yet, Jamaican media—and Bain's attorneys at trial—sought to minimise these concerns as some small, questionable groups! The groups whose decency Bain had already painted as questionable with his "expert" authority. In a case about their rights to sexual self-expression.

No one had prevented Bain's court testimony, which he made clear was in his personal capacity, however much of his authority came from the University.

But everyone who thought he needed to go agreed that he'd hurt the regional HIV response, and damaged the University's reputation.

Most onlookers, though, relied on the story being told in the press. That narrative was that uppity gays' undue influence was threatening academic freedom.

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UWI bargained with Bain. He promised to leave his contract early. Then changed his mind. So they released him from it. Bain sued UWI. He wanted his job back. Five kinds of damages. Pay beyond the date funding was pulled, after the drama his testimony incited. And, surprise: A finding UWI had defamed him. A declaration his rights to freedom of expression were breached. His professional credibility had been threatened.

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He was subjected to stigma. Witnesses testified to their outrage at his treatment. Wow!

At the end of the day, I got to feel proud of UWI, who made some historically powerful affirmations of its commitment to the people with the small voices.