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NO ANGEL: AN ANALYSIS OF MEDIA COVERAGE OF NADJA BENAISSA IN THE U.K., U.S. AND GERMANY

by

ELIZABETH ANN CANTRELL

Under the Direction of Marian Meyers

ABSTRACT

The media's portrayal of HIV has taken a number of different forms since the disease was first discovered over three decades ago. HIV has been portrayed as an epidemic and a disease affecting homosexuals and immigrants. Its transmission has also been portrayed as a criminal offense. In August 2010, the German singer Nadja Benaissa was arrested for passing on HIV to a former partner and exposing two other men. Media constructions of this story draw upon HIV stereotypes because of her drug-using past, her immigrant status and her criminal actions. This media study points to a new discourse centered on the shared responsibility of safe sex. While Benaissa was mostly blamed for transmission, the media at times suggested that safe sex concerning HIV was not entirely dependent upon HIV-positive individuals.

INDEX WORDS: HIV/AIDS, Nadja Benaissa, News, Media, Gender, The other

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ELIZABETH ANN CANTRELL

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Master of Arts

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Elizabeth Ann Cantrell
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Table of Contents:

Acknowledgement ……iv

List of Figures ……vii

Introduction ……1

Research Questions ……3

Literature Review ……3

HIV/AIDS and Women in the West……4

Women as Sexual Images ……5

Women as Victims of Crime…….. ……6

Women as Criminals ……8

The Media's Construction of Gender ……..9

HIV and the News ……11

Criminalization of HIV and the News ……14

Women, HIV/AIDS and the News ……17

"The Other" ……19

Methodology ……..22

Findings ……28

Benaissa as the Other……..29

Benaissa as dangerous ……31

Benaissa as selfish ……34

Benaissa as remorseful ……36

Benaissa as a celebrity ……38

Safe sex as Benaissa's sole responsibility ……41

Safe sex as shared responsibility ……..43

Benaissa versus the prosecution/media ……..46

Victim versus perpetrator ……47

Conclusion ……..49

Bibliography ……56

List of Figures

Figure 1: Sources by Type and Country ……26

Introduction:

In April 2009, shortly before a concert with her all-girl band No Angels, Nadja Benaissa was arrested in Frankfurt, Germany, for having sexual intercourse with a former partner, who learned of her status from Benaissa's aunt and after seeing a doctor learned that he was HIV positive as well. It was later discovered that Benaissa had sexual relations with two other men without telling them she was HIV-positive. Benaissa was 26-years-old when she was held under arrest for "urgent suspicion that the accused had unprotected sexual intercourse with three people in the years 2004 and 2006 without telling them beforehand that she was HIV positive" ("No Angels Singer in Jail," 2009, paragraph 1). While Benaissa was tried for potentially infecting all three men, only the infected partner (who remained anonymous in media reports other than being described as an art dealer and former boyfriend of Benaissa's) actually testified and the case of one of the men was never heard. The arrest immediately gained the attention of the public and the media as the accused was arrested at the entrance of the venue where she was about to perform in front of many of her fans (Friedrichsen, 2010).

The trial took place over the course of a week and half in the middle of August 2010. Under the direction of the district attorney in Darmstadt Ger Neuber, several witnesses were brought forth to condemn Benaissa, including an HIV expert and the main plaintiff, the man who contracted HIV. The HIV specialist testified that Benaissa more than likely infected the man because the two strains of HIV were very similar. The infected man claimed that Benaissa had ruined his life and told her that she had created a lot of suffering in the world. The defense attorney Oliver Wallasch brought forth two former partners of Benaissa's who testified that she did disclose her HIV-positive status to them and they accordingly practiced safe sex, in attempt

to show that Benaissa was not always so reckless (Friedrichsen, 2010). Wallasch also read a statement by Benaissa, where she apologized for her actions and expressed regret over her negligence. After her statement was read, both the prosecution and defense asked for a lenient sentence because she expressed remorse. On August 26, 2010, Benaissa was found guilty of exposing two men to HIV (one of the men's cases was never heard due to time constraints), and she was sentenced to a two-year suspended sentence, receiving a period of probation instead of jail time (Erdem, 2010).

Media attention in Europe and the U.S. over the trial raised questions over who is responsible for safe sex. As media attention in Europe (and the around the world) grew, so did criticism of the media and the prosecution. HIV activists argued that her HIV-positive status should not have been made public, and that Benaissa was portrayed unfairly in the media. Moreover, HIV activists argued that Benaissa was not solely responsible for using protection ("German Pop Star Gets Two Year Suspended Sentence," 2009).

Benaissa is not the first person to be convicted for passing on HIV, but she is the first woman to be reported in the news for having been convicted for passing the disease one through sexual intercourse. There have been a number of cases over the past three decades, but most of these cases featured men passing on HIV to women. In these instances, the men were portrayed as villains, while the women were viewed as victims. There have also been cases were women were charged or convicted for passing on HIV to their children during childbearing. There have also been cases were female medical physicians were charged with negligently infecting patients with the disease through blood transfusions *(www.avert.org/criminal-transmission.htm).*

Benaissa's portrayal in the media is important because previous studies (Faludi, 1991) have shown that the media strongly influence how people think. The ideas in the media often support the ideologies of those in power (Althusser, 1971; Faludi, 1991). In supporting the ideas, values and beliefs of those in power in the media also represents and constructs images of subordinate groups or people who are marginalized in society (Hall, 1997).

The goal of this research is to analyze the media's representations of Nadja Benaissa from her arrest in April 2009 until after her trial. This media study will present a textual analysis of online coverage of the case from a feminist theoretical perspective using critical discourse analyze and grounded theory. More specifically, this textual analysis will analyze the portrayal of Benaissa and what this portrayal says about women, gender, and HIV/AIDS, by exploring coverage in the U.S. and Europe.

Research Questions:

This study will focus on the following research questions:

1. How did U.S., United Kingdom and English-language versions of other European online news sources depict Benaissa from her arrest in April 2009 to three months following her conviction in late August 2010?

2. What are the implications of this coverage?

3. What were the discourses surrounding her arrest and trial, and what did these discourses say about Benaissa's role?

Literature Review:

Even before Benaissa's HIV status surfaced, she already stood out in Germany as a pop star with the band No Angels. She was raised in the city of Lagen in the region of Hesse,

Germany by a Moroccan father and a mother who is a Serbian with German citizenship. Growing up in what Benaissa described as a devout Muslim home, she is a minority in a predominately Protestant country (Der Spiegel, 2008).

Before joining the band No Angels, Benaissa had a troubled past that included an unexpected pregnancy and a drug addiction. A crack-addict during her teenage years, Benaissa tested positive for HIV when she was only 16 years old in 1999 during a routine test administered because of her pregnancy. Benaissa's contraction of HIV was unrelated to her drug addiction and she received the disease from a former sexual partner (Friedrichsen, 2010).

Shortly after giving birth to a daughter, Benaissa was discovered on the German television reality show "Popstars." Benaissa and four other women formed the singing group No Angels as a result of the show. The band enjoyed success from 2000 to 2003 and was hailed as the most popular girl band from Germany and as the German version of the Spice Girls. They broke up in 2003 and regained moderate popularity in 2006 when they got back together ("No Angels Singer in Jail," 2009).

In 2009, Benaissa's past surfaced and was eventually blasted across German and international news. One of her former partners discovered that he was HIV positive and his strain of the disease proved to be the same as Benaissa's. The former partner reported that he and Benaissa had sexual relations for a period of three months in 2004. He and Benaissa both acknowledged that a number of these times were without protection (Hall, 2010). After failed negotiations between the man and Benaissa's publicity team, the man brought the case against her, and she was arrested. From there, the most intimate details of her sexual life were aired on German television news and blasted across print media (Friedsichsen, 2010).

HIV/AIDS and Women in the West:

Studies show that HIV/AIDS is no longer a disease affecting mostly gay males and that the demographic of young black women is the fastest growing population affected by the disease in the U.S. (Ward, 1993). While only 12 percent of women in the U.S. are black, black women make up 52 percent of women with the disease (Ward, 1993, p. 413). In 2005, studies showed that the number one cause of death for black women between the ages of 24 and 35 was HIV/AIDS (Gentry, 2007, p.4). In 2007, 1,971 white women tested positive for HIV, while 7,207 black women tested positive (CDC surveillance report, 2007).

In Germany and most of Western Europe, HIV is highest in homosexual and immigrant populations. In 2005, the number of cases in Germany alarmingly increased by 20 percent over the past decade, and 60 percent of these cases were homosexual males (Bernard, 2005). Research shows that HIV is also a problem with immigrant populations, particularly immigrant populations from sub-Saharan Africa and also with drug-using populations in Eastern Europe. In 2000, research showed that the number of cases in drug-using populations was steadily growing (Hamers, Infuso, Alix, and Downs, 2003).

Women as Sexual Images

The image of women in entertainment and television has changed over the years, but women are still portrayed as sexual objects (Ross & Byerly, 2010). Through the 1960s and '70s, women were defined by the male gaze or how men looked at and objectified women (p. 19). Since then, the image of the woman as tough and independent, but still beautiful has become more common. These women are still sexual beings, but they are assertive and in control (p. 25). In another study, Stephanie Genz (2009) found inconsistencies in the portrayal of women

as hero figures. She asserted that shows like “Buffy the Vampire Slayer,” portrayed hero figures as independent and strong but also in a very sexualized manner (p. 33).

Rosalind Gill (2007) also argued that even journalists have a hard time not referring to women as sexual beings. She stated that news articles almost always described women according to their physical appearance and applied some type of evaluation of their looks. There was, at least, a description of a woman’s hair or eye color (p. 117). She claimed that “women’s age and marital status are routinely commented upon in news reports … their physical appearance obsessively picked apart by journalists” (Ross, in Gill, p. 117).

Gill (2007) said that advertisers have used this sexual image of women to sell products. In the past, women in advertisements were beautiful, but docile and submissive. More recently, women were cast as independent and strong but also sexually assertive. Thus, Gill said that images did not come off as derogatory but still perpetuated the concept of women as sexual creatures. The advertisement worked because women believe that they could “gain control through the commodification of their appearance” (p. 89).

Not all media sources used the image of an empowered sexual creature – some advertisements instead depicted women as victimized sex objects. In one of the few pieces that look into this classification, Julie Stankiewicz and Francine Rosselli (2008) argued that women were often portrayed as victims by showing them in an act of violence, being overpowered by a man, as lifeless, being tricked or in bondage (p. 584). While the vast majority of advertisements only depicted women as sex objects, about 15 percent also portrayed them as victims (p. 585). The authors described one advertisement for Custo clothes: “A woman stares straight ahead, expressionless, as a man holds her body against him and moves his hand up her uncovered leg

… The man in the picture is clearly sexually aroused the woman seems to be feeling either fear, or nothing at all" (p. 579). The woman was both sexually desired by the man and controlled by him, clearly casting her as a victim.

Women as Victims of Crime in the Media:

Women (and other vulnerable groups) were usually portrayed as victims over men. Chris Greer (2007) stated that when dealing with crimes (particularly sex crimes) the media liked to deal with ideal victims that incited sympathy from the reader. He asserted that the victims that received the most news coverage are vulnerable, defenseless, innocent and worthy of sympathy (p. 22). Women, children and elderly people fell into this category and men that are victims typically received less coverage. Greer even asserted that female children got more coverage than male children, because young girls were more likely to be viewed as vulnerable (p. 23).

Typically women have been portrayed in the news as victims of crime rather than perpetrators. News publications spent a disproportionate amount of coverage on sex crimes against women (Benedict, 1992). A study of print coverage of sex crimes by Keith Soothill and Sylvia Walby (1991) showed that news coverage of these incidents was not reflective of the actual number of sex crimes committed. In some years, the number of these incidents decreased while the number of news stories increased (Soothill & Walby, 1991, p. 21). Their research also showed that coverage tended to paint the women as victims of crazed sex fiends (p. 30-32). Rapists were typically portrayed as aggressive sex-craved men, and women were depicted as weak and unsuspecting victims (Benedict, 1992). In this depiction, men were cast as aggressors, whereas women were cast as passive receivers of violence by men. Thus, women were weak and vulnerable in the news (Grabe, et al., 2006).

Reality television shows perpetuated these images of women as victims. In reality-based crime shows like “America’s Most Wanted” there was a disproportionate view of women as victims of rape, murder, and abduction. Crimes were usually very violent and full of sexual abuse; men were perpetrators and women were victims. The shows argued that the world was a dangerous place for women simply because they were weak and vulnerable (“Reality crime TV: Perpetuating ‘women as victims’ fears,” 2000).

While the media often portrayed women as victims, they also depicted women as somehow at fault for the crime. Research by Helen Benedict (1992) showed that news coverage of women involved in some type of sexual scandal waivers between painting the women as incapable of controlling the situation and somehow responsible for the situation (p. 3-6). Benedict investigated media coverage of a brutal and highly mediated rape case of a 28-year-old investment banker in New York. The woman, who was jogging through Central Park at night, was brutally raped by a gang and left for dead. While the media did portray her as a beautiful victim of savage beasts (p. 193), news coverage also questioned why a woman would be jogging after dark in Central Park. News coverage partly blamed the rape on the woman and her “failure” to execute proper judgment (p. 195).

Women as Criminals in the Media:

Cases where women committed crimes were usually explained away by the news media by insanity, dysfunction or overwhelming and irrational emotions. Yvonne Jewkes (2004) claimed that female criminals were depicted as lost in their emotions or their own dysfunction. She stated that in cases where women killed their children, they were depicted as controlled by sudden burst of emotions or a biological dysfunction like post-partum disease (p. 130).

Grabe et al. argued that in cases that could not be easily explained away and where female criminal acts betrayed gender expectations, the media depicted the women harshly. Women were expected to be vulnerable and in need of protection, but they were also expected to be compassionate and motherly (p. 141). Thus, women who committed particularly heinous crimes, such as murdering their children, challenged these conceptions and were treated harshly in the media. The authors argued, "Women who commit crimes that can be explained in a way that does not threaten patriarchal ideology receive so-called lenient media treatment. On the other hand, women who commit crimes that challenge gender expectations might receive unforgiving media treatment" (p. 143). Mothers like Andrea Yates, Khoua Her and Susan Smith, who all murdered their children, were portrayed as evil because they betrayed their role as good mothers (p. 142).

Despite any depiction of women as deceitful, dysfunctional or evil, reporters were uncomfortable dealing with the actual details of sex crimes (Jewkes, 2004). Jewkes argued that in cases of sexually abuse in particular, the media failed to describes female perpetrators' actions the same they would a man's. Jewkes argued that in doing so, the audience then fills in the blanks and make the crime even worse: "the prudish and partial representation of women's involvement in rape and murder encourages the public at large to dip into the cultural reservoir of symbolic representations and 'fill in the gaps,'" (p. 131).

Drew Humphries (2009) stated that television writers disproportionally depicted women as criminals, reflecting stereotypes about women as dysfunctional murderers. Humphries claimed that in "Law and Order," women were portrayed as murderers typically acting out of some sexually motivated desire: "Female killers may start out as good gals, but screenwriters

rely heavily on masculine assumptions about women's sexuality to define bad characters. This entails efforts to sexualize motives and/or to paint murders as the work of disturbed or dysfunctional women" (p. 71). In many of the plots, women were deceitful and manipulative and motivated by jealousy or sexual revenge.

The Media's Construction of Gender:

The media frame the news according to certain assumptions of society, and news involving women is no exception. Frames in the media are ways of interpreting and making sense of the world for the audience. Karen Ross argued that this sense-making often involved a patriarchal interpretation of the world. Ross (2010) claimed, "News frames constitute highly orchestrated ways of making sense of social (including gendered) relations which encourage a commitment to share a particular interpretation of and ways of seeing the world which are entirely partial and preserve the male-ordered status quo" (p. 93). Ross asserted the media plays a significant role in re-enforcing certain perceptions and interpretations of the world. These interpretations often contained negative stereotypes or stigmas concerning women (Ross, 2010, p. 91-93).

The framing of women in the news is affected by assumptions within the context of a patriarchal newsroom. Stuart Allan (1998) argued that the news was configured according to what was newsworthy by patriarchal standards. An example of this was the distinction between hard and soft news. Allan claimed that hard news, based on "expert" knowledge and made for male audiences, was held above soft news as being more important and accurate. Soft news stories were de-valued human interest stories related to traditionally feminine topics of health, fashion, beauty and childcare (Allan, 1998, p. 132). The portrayal of women was affected by the

preference of journalists and editors for hard news. Allan stated, “Such frameworks of interpretation…invariably work to delimit women’s voices, especially when they are feminist voices, to those which are ‘manageable’ with the tacit rules of inclusion and exclusion held to be indicative of ‘newsworthiness” (p. 135). Essentially, the representation of women was managed and squeezed into a frame of newsworthiness influenced by patriarchal assumptions about women.

For example, Lauzen, Dozier & Horan (2008) claimed that prime-time television subtly maintained the roles that women were suppose to have. While men in prime-time shows were depicted as ambitious, adventurous and career-oriented, women were portrayed as emotional and more concerned about relationships than jobs (p. 6). In the news media, men’s lack of emotion appeared as the norm. This “objective” world of men appeared superior to the biased and irrational world of women (Allan, 1998, p. 121). Through these narratives, men and women were instructed on their gendered roles. Men were logical, scientific and credible while women were emotional, intuitive and sometimes lacking credibility (Kitzinger, 1998, p. 187).

Another role of women was the sexual object of men. Stankiewicz & Rosselli (2008) explained “A woman’s value lies largely in terms of her appearance and sexuality. In addition, women are things to be looked at rather than actors with their own sexual desire” (p. 587). The authors argued that the possible effect of these images on men was also significant. Inundated with this idea that women were for sexual pleasure, men could subconsciously use these ideas to justify rape and sexual harassment (p. 587).

Feminists have noted that women react differently to media images. Since women are presented with different and often contradictory images, they often chose between these

images. The media presented traditional roles and sometimes “emancipatory” images, and women chose between these images in their public and private lives (Damian, 2006, p. 92).

HIV and the News:

Over the past three decades, news coverage of HIV/AIDS has increased. Coverage grew steadily in the 1980s as medical experts, the government, and the public gained a greater understanding of the disease. HIV/AIDS gained its greatest amount of news coverage and publicity as the gay disease targeting mostly gay males (McAllister & Kitron, 2003). Over the years, reporters received praise for their coverage of HIV/AIDS as a gay disease. For example in 1997, David Sanford, a reporter for the *Wall Street Journal*, received the Pulitzer Prize for his coverage of HIV/AIDS and his editorial on his own personal experience with HIV (Sandford, 1997).

Analysis of HIV/AIDS media coverage showed that the disease is often portrayed as a disease of powerless minority groups. Portrayal of HIV was noticeably more negative than the portrayal of other diseases in the media. Matthew McAllister and Uriel Kitron (2003) argued that one of the first media-promoted ideas about the origins of HIV/AIDS in the U.S. was that it entered the U.S. through Haitian immigrants. In their textual analysis of HIV and its representation in print media, they propose that in the early 1980s, the disease was identified with certain social groups such the negatively-perceived Haitian immigrants. McAllister and Kitron (2003) explained, “In 1981 and 1982, [Morbidity and Mortality Weekly Report] published accounts of heterosexual drug users, Haitians immigrants, and hemophiliacs with immune suppression. Although medicine now knows that specific behaviors rather than specific demographic characteristics determine the risk of infection with HIV, groups considered

‘deviant’ to the mainstream are the ones most strongly linked with AIDS” (p. 46). The authors went on to say that this representation was upheld within print media by newspapers such as the *New York Times* and *Washington Post* in the 1980s (p. 57-59).

The strongest rhetorical theme in the media around HIV/AIDS was that it is a “gay disease.” The media first identified the disease as a form of cancer that affected homosexual males, said Cindy Kistenburg (2003). Kistenburg argued that the media, and other institutions, portrayed the disease from the beginning as a disease of an already stigmatized minority (p. 14). In the media, the disease was linked early on to a gay lifestyle (Myrick, 2003, p. 65), as is evidenced by the *New York Times* article, “Rare Cancer Seen in 41 Homosexuals,” (Altman, 1981). In the article, the disease was described as solely a gay disease and was also depicted as a growing threat to the gay community.

This depiction of HIV/AIDS as a disease affecting homosexual males was consistent with the media’s framing of HIV/AIDS as affecting socially deviant groups. Homosexual intercourse was depicted as dangerous and unnatural through the construction of gay males as carriers of disease, which further stigmatized gays (Seidman as in Myrick, 2003). The concept of being a deadly germ carrier also alienated gay males from society because a germ was perceived as foreign to a human body (Patton, 1985).

According to Steven Konick (2003), media framed HIV into the following classifications: policy issue; plague; scientists’ fight; disease of nonmainstream groups; caring society and times are getting better; uncaring society; and AIDS as business opportunity (p. 30).

Cullen (2003) said that HIV was described in metaphorical terms, creating victim-perpetrator paradigm and making HIV-positive people “the other.” Cullen claimed that the

disease was described in war terms, as a struggle, battle, invasion and fight. Doing so, the media portrayed the disease as a foreign invader that needs to be kept out (Sontag, in Cullen, 2003, p. 68). In this way, HIV became more than a disease. It became a battle between a victim and perpetrator (p. 69). Metaphors were also used by the media to describe HIV-positive people as deviant, promiscuous, homosexual, victims or survivors (Lupton, in Cullen, 2003, p. 69)

Metaphors were also used to conceptualize the disease as a plague, instilling in the Western world the idea that "non-plague" populations could not get the disease. Karpf (1988) stated that the media perpetuated the idea that HIV was a disease plaguing the gay community. Aroni (1992) argued that describing the disease as a gay disease made society think about HIV in terms of certain groups instead of personal responsibility. He asserted: "The dominant image of a person living with AIDS is still that of a male homosexual suffering from a sexually transmitted disease as a direct result of his sexual practices. This runs the risk of focusing on risk-groups rather than risk-behaviors and sexual practices" (p. 137).

More recently, the coverage of HIV has shifted away domestic stories of male homosexuals to stories of AIDS as a global epidemic. In the U.S. beginning in the late 1990s, the media focused less on domestic cases and more on the disease as a global problem. By 2001, at least 40 percent of the articles included a global aspect, mostly involving Africa (Brodie, 2003, p. 4). Between 1981 and 1986, only 1 percent of the HIV coverage in the U.S. was focused on HIV in Africa. Between 2000 and 2002, coverage increased to 19 percent (Brodie, 2003, p. 5).

Criminalization of HIV and the News:

There has been an increasing criminalization of HIV in the U.S., Europe and Australia. In most western countries, there have been efforts to control the spread of HIV through increased

education and public health movements, but there has also been a move to punish people for the spread of the disease (Persson & Newman, 2008, p. 630). One study noted that in England and Wales, people have been able seek criminal punishment for passing on HIV since 2003 and that at least 20 cases have been taken to court. Most of these cases involved guilty pleas and resulted in two to three years in jail (Dodd, Bourne & Weait, 2009, p. 136). In U.K. cases, the court applied established laws (Dodds, et al. 2005); in the U.S., new laws were developed in several states to deal the transmission of HIV (Gallerty & Pinkerton, 2006). The most cases occurred in the U.S. with 300 people being prosecuted between 1986 and 2001 (Weslander, 2006).

In Germany, individuals can seek criminal action against a former sexual partner who infected them with HIV and knew at the time that she or he had the disease, but did not inform them of this fact. Since a court decision in Germany in 1988, people who knowingly expose a sexual partner to HIV can be prosecuted under the penal codes 223 and 224 for bodily injury and aggravated assault (Bernard, 2010). According to section 223, anyone who causes harm to the health of another person can be prosecuted and punished with five years of jail time or a fine. If the person is prosecuted under section 224, certain conditions must be met, including the use of a weapon, “by means of treatment dangerous to life,” and “by sneak attack,” (Federal Law Gazette I, p. 945, 1998). Since 1988, statistics show about 20 prosecutions and 15 convictions in Germany (Bernard, 2010).

Most cases in the U.S. dealt with men passing on HIV to women. One of the infamous cases was that of Nushawn Williams. Despite knowing that he had HIV, Williams slept with approximately 47 women in a small town in New York state and at least 28 women in New York

City. Williams infected at least 14 women and an additional 10 more former partners were diagnosed with the disease although it was not proven that these cases were related to Williams. In 1999, he received a 12-year sentence for his actions (Shevory, 2004). In 2004 in Washington state, Anthony Whitfield was sentenced to 178 years in prison for exposing 11 women to HIV and in 2006 Robert Richardson was charged with exposing five women (Weslander, 2006). Another highly publicized case was that of a man named Gaeten Dugas who supposedly slept with more than 2,500 people and caused one of the first HIV epidemics in North America (Gladwell, 2000).

In one of the few media studies on the criminalization of HIV, William Shevory asserted that Williams was depicted as an evil perpetrator by the media, stirring up fear in New York and around the U.S. Shevory (2004) stated, "I don't believe that Williams was the deliberate and knowing transmitter of HIV that he has often been characterized as … Nushawn Williams was, in fact, used as a poster child for increased criminal sanctions" (p. xx). The media portrayed Williams as an evil criminal, knowingly infecting women with the disease and even purposefully trying to pass it on. This idea of man who knowingly created a micro-epidemic spread fear in the public and garnered future support for the criminalization of the disease (Shevory, 2004).

The media has portrayed this criminalization by casting the HIV-infected as "the other" and a perpetrator, and that person's sex partner as a victim. Persson and Newman (2008) wrote that the media was initially the grounds for casting HIV as a disease of the "other" – of homosexuals, drug-users and immigrants. Coverage then shifted away from this traditional framework as HIV was viewed as a chronic, manageable disease and not a death sentence. With the increasing criminalization of the disease, the media shifted back to the original framework

of victim and perpetrator. Persson and Newman (2008) stated, “And with it has come a revival and reframing of the old familiar discourse of ‘innocent victims’ and ‘guilty others’ so prevalent in early news reporting,” (p. 640).

Within this old paradigm, a new aspect of the victim-perpetrator concept has arisen: a focus on heterosexual transmission of HIV. Persson and Newman (2008) found following the criminalization of HIV in Australia, that the media increased their focus on heterosexual men and women with stories that were more personal than previously in an attempt to develop “emotional identification or dis-identification” with the characters (p. 640). The authors stated: “This special attention to heterosexuals could be taken to signify that, in contrast to the often nameless, faceless gay men in domestic HIV news, heterosexuals affected by HIV *matter* and are deserving of sympathy. This is certainly true in stories about HIV-positive heterosexual women” (p. 640). Thus, with the increasing coverage of HIV as a crime, there was also an increasing focus on the personalities and lives of the victims. The stories focused less on populations like drug-users or homosexuals, and instead created narratives for those involved (p. 640).

In most of these narratives, women were portrayed as the victims of men. Persson and Newman (2008) stated that women who contracted HIV from their male partners were portrayed as victims of deceitful men who mistakenly trusted these men. In coverage of these cases in Australia, the U.S. and Canada, the men were depicted as sex-crazed and deceitful, while the women were portrayed as powerless victims. For example, in one case a couple was tested for HIV and the man was positive, while the woman was negative. The man forged negative results and convinced the woman to have sex with him on the basis of those results, eventually infecting her. The man was portrayed as a horrible, sex-crazed monster, and the

woman appeared as a helpless victim. There was seemingly nothing she could do to prevent being infected by her partner (p. 645).

Women, HIV/AIDS and the News:

There is a noticeable lack of news coverage of HIV/AIDS as a disease affecting women. Kistenburg (2003) argued that the disease was portrayed as a gay disease not only because it initially affected mostly gay men, but because the gay male community was a very visible and cohesive group. Kistenburg asserted, "Not only were gay men already relatively organized as a group, they also had greater access to health care, making them more visible in the eyes of the public. But as a result, others affected by AIDS—persons of color, IV drug users, and women (often those of lower socioeconomic status)—remain largely invisible, as they always are, to the dominant culture" (p. 17).

Treichler and Warren (1993) claimed that the mainstream media have portrayed HIV/AIDS as a disease affecting mostly gay men in its early years. They further said that the subject was untouched by feminist scholars and that women were largely left out of the discussion of HIV/AIDS. Treichler and Warren stated that this lack of media coverage actually contributed to the number of women with the disease because women and their doctors assumed that they were not at risk. They noted that while the Centers for Disease Control (CDC) and other health agencies through the 1980s and into the 1990s described the disease as "an equal opportunity virus" (p. 109), the media and mainstream American society failed to recognize the disease as anything more than a threat to gay males. As a result, women were not regularly tested by their doctors and women did not consider the possibility that they might contract HIV/AIDS (p. 111).

Media analysis of HIV-positive women in the news revealed that these women were usually portrayed in a negative light and with a strong stigma. Valerie Sacks (1993) found that there are a number of discourses surrounding women with HIV in the media, most of which were negative. She stated that the media often portrayed HIV-positive women as prostitutes or promiscuous (p. 66). She also claimed the media's portrayal of HIV-positive mothers defined them either as good or bad mothers (p. 66). Kitzinger similarly argued that the media portrayed most HIV-positive women in a negative light as either drug-users, sex workers, or as failed mothers because their disease prevented them from raising their children (Kitzinger, 1996)

"The Other":

Antonio Gramsci was one of the first scholars to define the concept of the inferior "other," or the "subaltern." Gramsci (1992) argued that the subaltern lack political power because their class, race, or religion places them on the margins of society and mark them as inferior to the ruling class. For Gramsci, this concept of the subaltern was tied to his concept of hegemony and political power structures. By classifying the subaltern as inferior, the ruling classes maintained their political power and control. The subaltern was thus groups of individuals without political power (Smith, 2010).

Said (1978) stated that the West's depiction of the "Orient" or the Middle East asserted Western authority over the Orient. Throughout history, Europeans and then Americans have depicted the Middle East in books, art and political strategies as populated by romanticized, beautiful characters and sometimes as rationally inferior beings (p. 47). A modern orientalist would think that Arabs are "camel-riding, terroristic, hook-nosed, venal lechers whose undeserved wealth is an affront to real civilization" (p. 108). Whether the depiction was positive

or negative, the very act of depicting another culture was a process of asserting authority over that culture, Said added, because if the Westerner was not judging "the other," the Westerner still believed that he or she could create a portrait of another culture due to Western intellectual superiority (p. 151). Through its representation of the Orient, Westerners created distinctions and barriers between the West and "the other" that were inherently hostile (p. 45). The assumption was that the observing culture was superior than "the other" being observed (p. 207), as when the academic described the Orient.

Said further claimed that this inferior "other" can be found within western society in the form of minorities, women, and other groups. Said argued that "the other" really represented groups that were non-white and viewed as a lower class:

> Along with all other peoples variously designated as backward, degenerate, uncivilized, and retarded, the Orientals was viewed in a framework constructed out of biological determinism and moral-political admonishment. The Orientals was linked thus to elements in Western society (delinquents, the insane, women, the poor) having in common an identity best described as lamentably alien," (p. 207).

According to Said, these groups were viewed as non-citizens and "the other" within their own culture.

Gayatri Spivak (1988) critiqued the simple concept of Orientalism for inaccurately portraying "the other" as a simple, homogenous group. Spivak attacked the notion of casting the subaltern as one group, when it is, in fact, a very heterogeneous group (p. 84). Spivak also argued that Marxist delineations between classes within a society were also not enough to encompass the idea of the subaltern or the oppressed. She said that the Marxism division between classes according to labor structure ignored the international division of labor and many other facets of the heterogeneous subaltern (p. 84).

Spivak added that subaltern groups use a vocabulary that is outside the speech of those in power, and thus the subaltern are unlikely to be heard by those in power, whether in the Third World or within Western society (p. 93). Spivak argued that the subaltern only come into the dominant or mainstream discourse when being described by a third party that was not representative of the subaltern. Thus, the subaltern was always described by a third party, and the likelihood of their voice being heard was low (p. 102).

Mohanty (1991) also stated that oppressed groups were not homogeneous, and that someone who was "the other" was often defined by an intersectionality of race, class, and gender (p. 5). Mohanty argued that a concept of "imagined communities" was helpful when thinking about repressed groups, because this imagined community can then include women outside of the Third World. She stated that "imagined communities" of repressed groups were not necessarily defined by geographic borders, but instead by the way that outsiders think about and frame these groups: "Rather, it is the way we think about race, class, and gender – the political links we choose to make among and between struggles" (p. 4). Thus, a black woman in the U.S. or Europe can be a part of a repressed group because of the *way* that she is thought about within society (p. 4). Furthermore, women with ties to third world countries belong to this group because of their race, gender, and class. Mohanty stated:

> In addition, black, Latino, Asian, and indigenous peoples in the U.S., Europe, and Australia, some of whom have historic links with the geographically defined third world, also refer to themselves as third world people. With such a broad canvas, racial, sexual, national, economic, and cultural borders are difficult to demarcate, shaped politically as they are in individual and collective practice. (p. 5)

Mohanty further argued that a woman in a position of power does not dismantle the societal conditions that place women in the group of the "other." She stated that the

construction of domination and exploitation was not binary, and thus there was not necessarily one group in power and one that was dominated. If overt subjugation was the case, then a woman rising into this group of power would tear apart this binary caste system (p. 71). Unfortunately, the subjugation was more subtle and the subjugated group was not so homogeneous. Women can rise and fall within societies, but the caste system will remain because of the way oppressed groups of women are viewed and portrayed, regardless of their individual stature (p. 73). Indeed, even though Nadja Benaissa had achieved national acclaim in Germany as a pop star, as a Muslim and HIV-positive women, she was still "the other."

By studying the media coverage of Benaissa, one can see what the societal expectations for women with HIV are in society, and whether those expectations may differ between the U.S., U.K. and Germany. The media's framing of Benaissa throughout the arrest and trial presents not only a unique view of HIV, but also society's view of the woman's responsibility concerning safe sex.

Methodology:

This study uses a textual analysis of the English-language online news coverage of Nadja Benaissa in publications and websites founded in the U.S., U.K., and some German publications with English translations. Sources from the U.K. and Germany were used because they were the only ones written in English from Europe. U.S. publications were used because the majority of HIV-related criminal cases happened in the U.S. The analysis will begin with Benaissa's arrest in April 2009, go through her trial, her conviction in August 2010, and will end three months after the trial in November 2010. This textual analysis will use critical discourse analysis and grounded theory with a feminist theoretical perspective as a framework for analysis.

Within critical discourse analysis (CDA), discourse is more than just words, sentences or phrases strung together; discourse is the power structure within language that helps to create societal institutions and perpetuates these institutions. Sara Mills (1997) wrote that discourses were defined by the "discursive parameters" set by others institutions: "Discourses…do not occur in isolation but in dialogue, in relation to or, more often, in contrast and opposition to other groups of utterances" (p. 10). Mills used the example of the environmental organization Greenpeace and the United States government to explain how opposing discourses can define institutions. Greenpeace and other environmental advocacy organizations decided to use more scientific language to avoid seeming biased and, in response, the government adopted a more environmentally-friendly tone instead of a stiff scientific tone. Mills argued that the discursive tone of one organization affected the discursive tone of another organization and even affected the actual institution and how it operated (Mills, 1997, p. 10).

Discourse analysis allows researchers to discover how language and the structure of discourse reflect larger societal and cultural assumptions within texts. It goes further than basic textual analysis by analyzing language within a larger social construct (Joey, 2010, p. 590). The way that a sentence, paragraph, or article is structured conveys a particular meaning that may not be overtly apparent. The structure of the language within a newspaper article may (and almost always does) include certain assumptions imbued by the author or the larger institution. Discourse reflects the entire structure of society, an organization's role in that society, and individual's place in that organization. Without a study of discourse, researchers are unable to unravel the complexities of a society. Phillips and Hardy (2002) note the importance of

discourse analysis: “Without discourse, there is no social reality, and without understanding discourse, we cannot understand our reality, our experiences, or ourselves” (p. 2).

Critical discourse analysis is an adaptation of discourse theory mainly conceptualized by Norman Fairclough. What is important about Fairclough’s adaptation for this media study is that CDA evaluates language according to the larger social context of “dominance, discrimination, power and control” (Wodak, in Bloommaert & Bulcaen, 2000, p. 447). Fairclough analyzes how language reflects and perpetuates these dynamics of society through three dimensions. The first dimension is discourse as a text. An example of this is the use of passive verbs in newspapers as a means of blurring political actors and de-emphasizing the actions of the agents with the texts. The second dimension is discourse as discursive practice where discourse is viewed as something that is created and circulated throughout society (Bloommaert & Bulcaen, 2000, p. 447). The third, and arguably the most significant dimension, is how discursive change illustrates hegemonic changes. Fairclough (1999) argued that discursive changes reflected changes in power, dominance, and discrimination within a society.

This research will also employ a feminist theoretical perspective to study the news discourses associated with Benaissa. There are a wide variety of specific feminist theoretical perspectives, from a liberal feminist perspective that emphasizes the equality of women and men in the political and public sphere, to Marxist feminist theoretical perspectives that attempt to restructure the core principles of Marxism to include feminist theories (Abbott, 2005, p. 31-34).

While there is no single feminist theory or perspective, feminist research essentially holds women and other disenfranchised groups as an important point of focus. Feminist

research emphasizes the importance of women and gender within the research and seeks to empower women and change societal assumptions about gender (Cook & Fonow, 1986). In opposition to traditional research forms, feminist research recognizes a variety of voices that traditionally are silenced and allows for new ideas that may have been previously repressed or ignored (Lykes & Coquillon, 2006).

Feminist research also acknowledges that certain traditional methods of research are imbued with masculine and patriarchal schools of thought. Traditional research tends to privilege male perspectives and ignores other ways of understanding. Issues such as race, class, and gender are typically ignored. Feminist researchers argue that even important movements such as the Enlightenment are from a patriarchal framework that ignores the feminist perspective (Ramazanoglu & Holland, 2004, p. 24).

In using grounded theory or the constant comparative method, the news discourses will be analyzed to produce categories that reflect patterns within coverage. The constant comparative method is designed to create categories that come from the texts rather than from the bias or ideas of the researcher (Glaser & Strauss, 1967, p. 103). The method uses four steps: (1) Comparing incidents applicable to each category; (2) Integrating categories and their properties; (3) Delimiting the theory and (4) Writing the theory (Glaser & Strauss, 1967, p. 105). During the first stage of coding and creating categories, the researcher writes down any personal ideas when they occur to distinguish between his or her ideas and the texts (p. 107). While the first stage involves coding and the constant comparison between the researcher's notes and the text, the next step involves integrating these notes into categories (p. 108) and the third step involves reducing the categories so that they can be applied to a wider variety of

situations (p. 110). The final step involves creating an overall theory that applies to all of the texts in the analysis (p. 113).

The goal of this study is to examine media texts for their discourses on Benaissa. Using grounded theory and critical discourse analysis methods, this textual analysis will examine how the U.S., U.K., and German online news sources portrayed Benaissa in light of her HIV status, criminal charges, and her role as "the other." The textual analysis will involve online articles associated with Benaissa pulled from the internet using LexisNexis and the Google search engine. Each article will be read a number of times in order to identify themes using the constant comparative method. A total of 59 articles, blogs or editorials were found and analyzed. These include 15 in the U.S., 40 in the U.K. and four in Germany (see figure 1). The following phrases were used to search for the articles: Nadja Benaissa; German pop star; No Angels; HIV/AIDS and German singer. All articles in English from Europe and the U.S. were used in the study.

Country	Number of Articles Found	Type of Article	Number by type
United States	15	Blog News	3 12
United Kingdom	40	News Tabloid Editorial	16 15 9
Germany	4	News Editorial	3 1
Total			59

This media study will analyze the following research questions: How do U.S., United Kingdom and English-language versions of other European online news sources depict Benaissa from her arrest in April 2009 to three months following her conviction in late August 2010? What are the discourses surrounding her arrest and trial? What do these discourses say about Benaissa's role, as well as expectations in society for HIV-positive woman? And what are the implications of these discourses for HIV-positive women?

Fifteen articles were found in the U.S. from the *New York Times*, *Huffington Post*, *Associated Press*, *Entertainment Weekly*, *Washington Times*, *Time*, *New York Daily*, AOL news, and CBS news. Forty articles were found from BBC News, *Metro*, *Reuters*, *Telegraph*, *Daily Mail*, Channel 4, *The Mirror*, Digital Spy, *The Times*, *The Independent*, and *Guardian*. BBC news, *The Times*, *Guardian*, *Reuters* and the *Telegraph* are news publications, while *Metro*, *Daily Mail*, *The Mirror*, Digital Spy, and the *Independent* are entertainment sources or tabloids (Boaden, 2004; Kiss, 2008; "The UK's other paper of record," 2004). A search for English versions of German articles pulled 4 articles from the following online sources: *Der Spiegel, Bild, Deutsche Welle*, and *The Local*, all of which are considered news sources.

Both news sources and blogs were used. Blogs are different from online news because they are typically written in a diary-style format and often include the opinions of the writers. Blogs are also interactive and contain a space for readers to leave commentary (Dilip & Qing, 2010). With all of the blogs, only the words of the authors were analyzed. Any additional posts made by readers were not included in the content analysis.

While Benaissa's actual trial only took about one week in August, coverage of her arrest and the months following her trial provide a more accurate portrayal of her situation. By

analyzing her arrest in April 2009, her trial in August 2010 and three months following the trial, this year and half long period gives a more complete image of the narratives and discourses constructed by the media.

Articles during this time period were printed and then read and coded multiple times looking for themes. Using Glaser and Straus's grounded theory approach, the articles were first read for similar words, sentence structures, descriptions and themes. These were then compared to create categories from the text. The data was analyzed for variance and consistency. Thus, the articles were analyzed not only for similarities, but for differences between the texts. The rare themes are also analyzed as a separate category.

There are a couple limitations to this study that should be noted. One of these limitations is that only articles written in English could be used and thus a vast number of German articles were ignored. This study definitely does not include the bulk of German articles and gives a better perspective on coverage of Benaissa in the U.K. and U.S. This study is also limited to online coverage and thus any articles that were not online could not be used. This study represents a small percentage of the articles on Benaissa during this time period.

The main question explored in these articles was: how was Benaissa portrayed in the U.S., U.K. and Germany. Subquestions explored were: how is HIV portrayed in light of Benaissa's trial and what are the discourses surrounding the trial and her portrayal.

Findings:

The following themes emerged while studying the 47 stories about Nadja Benaissa, her arrest and her trial: Benaissa as "the other"; Benaissa as dangerous; Benaissa as remorseful;

Benaissa as a celebrity; safe sex as a shared responsibility; safe sex as Benaissa's sole responsibility; Benaissa as a victim; victim versus perpetrator and Benaissa as selfish.

Benaissa as "the other"

In about half of the articles, Benaissa was described as "the other" by either depicting her as a racial minority, a drug-user, or both. This depiction was consistent through the U.S. and U.K. coverage with 6 U.S. articles, 14 U.K. articles and 2 German articles depicting her in this manner. This depiction is also prevalent in both news sources like the *New York Times* and tabloid/entertainment sources like the *Daily Mail*.

Throughout the coverage in news sources in the U.S., U.K. and Germany, she was described as "half-Moroccan," "half-Serbian," or in other ways not fully German. Benaissa's ethnic background was described for the reader, despite its lack of relevance on her trial or conviction. In a *New York Times* stated that Benaissa "was born in Frankfurt to a Moroccan father and a Serbian-German mother" (Mackey, 2010, paragraph 6). While in some of the articles her mother's origins were left out or her mother was only described as German, her father's Moroccan background was usually included. This type of description was also consistent in U.K. news sources. They described her as "half-Moroccan" and "half-German," (Connolly, 2009) and in *Reuters* she was said to have been born to a German mother and Moroccan father ("Girl Band Singer Confesses to Unprotected HIV Sex, 2010).

In news coverage in the U.S., U.K. and Germany, Benaissa's drug using background was frequently referenced. While Benaissa received HIV from a sexual partner and not the use of drugs (Booth, 2011), the media continually referenced this dark past, further signaling her role in society as "the other." In a *Der Spiegel* piece that was later referenced in the *New York Times*,

the journalist argued that Benaissa's life was full of "many low points" (Mackey, 2010, paragraph 6). The author goes on to say that she was "drinking and smoking marijuana at 12 or 13 and addicted to crack by the age of 14" (Mackey, 2010, paragraph 6). Tabloids such as the *Daily Mail*, the *Mirror* and news sources like the *Guardian* and the *Telegraph* also referenced her past saying she was addicted to crack as a teenager, (Turnbull, 2010; Hall 2010; Booth 2011)

In an article by the *The Guardian*, her Muslim background was tied to her use of drugs and her transmission of HIV. The reporter claimed that her strict upbringing in a Muslim household lead to Benaissa's rebellion and a promiscuous lifestyle. Hannah Booth stated, "Sex was a taboo subject at home – if characters kissed on television, her father would switch it off. 'Anything I liked, he hated. He thought I was off meeting boys when I wasn't. It made me more defiant, and I started doing things just to spite him'" (2011, paragraph 5). Booth followed this strict depiction of her home life with her downfall into drugs and sex: "She got in with the wrong crowd, smoked, drank alcohol and lost her virginity at 14" (2011, paragraph 6).

In a small percentage of the articles (5), Benaissa was described as possessing a rare strain of HIV. As proof that Benaissa's former partner received HIV from Benaissa and not anyone else, a scientist was brought into the trial to testify that both individuals had a very rare strain of HIV that was only found in a small minority of Germans (Booth, 2011). While most news sources that described the strain did not attribute the disease to western Africa, a few sources, including the *Associated Press*, specified that this strain was from Africa. The *Huffington Post* (2010) stated that both Benaissa and the man were "suffering from a rare strain of the virus that was first found in western Africa," (paragraph 14). The *Telegraph* also cited the statement from the HIV specialist who said, "Both were suffering from a very rare

type of the virus that was first found in western Africa," ("HIV-positive German pop star 'should not be jailed," 2010, paragraph 8). While few articles identified where the strain was from, the combination of Benaissa's Northern African ancestry and her rare strain of HIV further positioned her as the "other."

Benaissa as Dangerous:

The vast majority of the articles in the U.S., U.K. and Germany described Benaissa as a danger or threat to society by claiming that she had sex with three men knowing she had HIV. Only a few articles mentioned that Benaissa believed that she could not pass on the disease to the men. Most articles instead focused on her crime and her admission of guilt. Early news and tabloid coverage pointed to her ten-day detention following her arrest that was supposedly to keep her from passing on the disease. This type of coverage again signified her threat to society.

Over 60 percent of the U.K. articles denoted Benaissa as a threat to society by using language such as "intentionally infected," ("German pop singer tried over HIV allegation," 2010) and "knowingly infecting a lover with HIV," (Chart-topping girl band member arrested, 2009). Also, in these articles, the reporters used some variation of the legal terms "dangerous bodily harm," "aggravated bodily harm," or "grievous bodily harm" to describe the charges against Benaissa, thereby designating her as a danger. A writer for the tabloid *Metro* stated on August 16, 2010, in the middle of the trial that, "She is also accused of causing dangerous bodily harm by having unprotected sex despite knowing she was HIV-positive, a charge to which she has pleaded guilty" (German pop singer tried over HIV allegation, 2010, paragraph 1). A reporter for the *Telegraph* described her actions even more negatively: "Benaissa, 28, a member of the

popular German girl band No Angels, kept her diagnosis a secret and knowingly exposed several men to the virus," (German pop star escapes jail after failing to tell lovers she was HIV positive," 2010, paragraph 1). Benaissa was portrayed as a danger because she kept her disease a secret and knew that she was exposing the men to HIV.

While all of the articles discussed Benaissa's crime of having sexual relations while knowing she had HIV and subsequently passing on the disease, a number of the U.K. news and tabloid articles painted her as a biological threat that could be continuing to spread the disease unless stopped. The early articles in April 2009 did so by giving credence to the claims of the prosecutor and former boyfriend. In online coverage by the BBC news in April 2009, the writer depicts a dramatic arrest where Benaissa was taken away right before a solo performance, so that she could do no more harm. The reason for the subsequent ten-day detention, "the prosecutor's office … said Ms. Benaissa had been detained because of 'urgent suspicion' that she slept with three people between 2004 and 2006, without telling them she was HIV-positive," ("German star arrested in HIV case, 2009, paragraph 5). The *Guardian* said that Benaissa was placed in jail because of a "risk of recidivism," or repeating the crime (Connolly, 2009). Although the accusations by the three men pertained to crimes committed almost four years earlier, the article made it seem that she was an immediate threat. Another BBC news article describing her arrest and quoted the prosecutor as saying: "'She was well aware that any unprotected sexual contact can lead to the virus being passed on," ("German star charged in HIV case," 2010, paragraph 5), thus depicting her as intentionally and knowingly passing on the disease.

These depictions in the U.K. tabloid and news services also depicted her as a danger by beginning the articles with her accusations or convictions. Throughout the time period, about 50 percent of the articles started out with the accusation against her or her subsequent conviction. The early articles in April 2009 typically began with a phrase similar to "Benaissa is suspected of having unprotected sex with three men without informing them she was HIV-positive "German star arrested in HIV case, 2009, paragraph 1). The articles during the trial began with Benaissa's admission of guilt. The *Reuters* article on August 26, the day Benaissa was convicted, began with, "A German pop singer who confessed to knowingly exposing two men to the risk of HIV after finding out she had the virus was convicted by a court on Thursday of grievous bodily harm," (Girl-band star escapes jail over HIV infection, 2010, paragraph 1). The following paragraph described her suspended sentence and possible sentence of ten years that she did not receive. It also included the prosecutor's decision to give her a lenient sentence (Girl-band star escapes jail over HIV infection, 2010). A number of other articles begin the same way, either mentioning her conviction of grievous bodily harm or acknowledging her admission of guilt. By beginning the articles this way, the media emphasized Benaissa's transmission of HIV to a former partner and presented her as a danger to society.

The U.S. news and entertainment sources portrayed Benaissa as even more dangerous than U.K. sources. With the exception of four articles, all of the U.S. stories began with Benaissa's crime of passing on HIV to a former partner. *Entertainment Weekly* (2010) began the article by arguing that Benaissa "escaped" jail time for a crime that deserved a heavier sentence. The reporter Brad Wete stated, "Nadja Benaissa, one-fourth of the German pop girl-group No Angels, has managed to avoid serious jail time after a serious offense. After being

arrested last April, the 28-year-old singer confessed to knowingly exposing two men to the risk of HIV knowing she'd had the virus since she was 17," (Wete, 2010, paragraph 1). The reporter set up her crime as serious offense that did not receive the proper punishment. He further portrayed her as a dangerous criminal by saying that Benaissa had know since she was 17 that she had the disease. CBS news also presented Benaissa in a similar manner pointing out that Benaissa knew for awhile that she had HIV, "From the time she was 16 years old, German pop star Nadja Benaissa knew she had HIV … But that didn't stop the singer from having unprotected sex with at least three partners since then" (Katz, 2010, paragraph 1). Both of the writers seemed to argue that because Benaissa knew she had HIV for close to a decade, she held more responsibility for her actions. Thus, she came off as more of a dangerous criminal who was fully aware of the consequences of her actions. *New York Daily News* similarly stated that Benaissa's actions made her the opposite of the title of her band, "One of Germany's biggest pop stars has admitted she's no angel. Nadja Benaissa, of the best-selling girl group No Angels, told a German court on Monday that she knowingly exposed multiple men to the HIV virus without telling them she was a carrier" (Hartenstein, 2010, paragraph 1). Benaissa's intentions and actions were depicted as malevolent and she was thus depicted as a danger to men.

Benaissa as selfish:

The U.S., U.K. and German articles portrayed Benaissa as selfish by highlighting her reluctance to reveal her status because of the negative effect it would have on her career or daughter. The *Telegraph* stated that Benaissa "told the court that she had not wanted to jeopardize her career by revealing her condition" ("German pop star escapes jail after failing to

tell lovers she was HIV positive," 2010, paragraph 7). The *New York Times* said that Benaissa concealed her infection out of her worries "about what a revelation would do to other members of the group" (Mackey, 2010, paragraph 8). *Reuters* also claimed that Benaissa hid her infection from partners and the public for fear of the public's reaction. Benaissa's fear over what would happen to her band and her daughter if she revealed her disease was more important to her than the lives of her partners (Erdem, 2010).

The media also highlighted Benaissa's selfishness by showing the pain and suffering of the victim. The U.K. press depicted the man as completely broken as a result of receiving HIV. As stated earlier, the man was described almost entirely by his suffering. *Der Spiegel* said that the man's life has become unhinged because of the disease and made it clear that he has not come to terms with the disease or Benaissa. The source said that the man referred to Benaissa disparagingly as "her over there" and with "loathing and thinly veiled hate" (Friedrichsen, 2010, paragraph 23). The rest of the media also portrayed the man as unhinged and suffering. The *Guardian* said that the man turned towards Benaissa during his testimony and told her that she created a lot of suffering and misery in the world (Connolly, 2010). In another *Guardian* article, he is reported to have shaken his fist at her in anger (Connolly, 2010). Sources in the U.S. depicted the man as emotionally suffering as well. The *New York Times* reported that he turned to Benaissa and told her, "'You have created a lot of suffering in the world,'" (Mackey, 2010, paragraph 5). By describing the man as bitter and in emotional pain, the media painted Benaissa as selfish. If she hid her disease to protect her daughter and career, but did not infect anyone, she would not seem so selfish. Because she drastically damaged another person's life, she appeared as even more self-centered and negligent.

Benaissa as remorseful:

Both U.K. news sources and tabloids at times portrayed Benaissa as remorseful and repentant. While articles were rife with references to Benaissa as a danger to society, these same articles also noted her remorse over her actions. Although tabloid articles were more likely to label her behavior as "irresponsible" while referencing her remorse, both news and tabloid articles used almost the exact same wording to describe her repentance. *Now*, a celebrity news and style magazine, pulls language from her testimony in court to describe her remorse over her "irresponsible" act: " 'I am sorry from the bottom of my heart … I would love to turn back the clock, but I can't,'" ("HIV positive popstar found guilty of causing bodily harm to ex-lover, 2010, paragraph 4). The tabloid *Metro* used almost the exact same language, "The 28-year-old has apologized for her actions, claiming she was 'sorry from the bottom of my heart' for not informing her ex-boyfriend she was HIV-positive," ("German pop star Nadja Benaissa has escaped jail, 2010, paragraph 3). BBC news also reported that Benaissa was also "sorry from the bottom of (her) heart," (Court to deliver verdict on HIV popstar Nadja Benaissa, 2010, paragraph 3). The news sources varied very little from the tabloids in quoting Benaissa as they pulled from her testimony. The *Telegraph* used slightly different language with a paraphrase stating that Benaissa never wanted to pass on HIV to her partners. All of these articles in referring to her remorse did not depict her as a heartless murderer.

The description of Benaissa as repentant in the media implied that her crime was an unintentional and careless action. A number of sources used her remorse to indicate that Benaissa's transmission of HIV was unintentional. In a BBC news article, the paragraph on Benaissa's remorse was immediately followed by a section entitled "cowardly act." The writer

stated, “The singer said she had not told anybody about her disease because she was afraid of the consequences for her career – which she conceded was a cowardly act” (“Court to deliver verdict on HIV popstar Nadja Benaissa, 2010, paragraph 5). By combining her remorse and her argument that she hid her disease because of the fear of how the disease would affect her career, the act of passing on HIV appeared unintentional. She did not attempt to pass on the disease to her former partner, but was “cowardly” and failed to tell him. Other news and tabloid articles depicted Benaissa’s crime in a similar fashion. In the *Telegraph*, the writer alluded to Benaissa’s wish that she could turn back time and take back what she had done to her former partners. By showing Benaissa as remorseful and her crime as unintentional, the media depicted her as more careless than malevolent.

U.K. articles also referred to her remorse as a reason for her lenient sentence, portraying her as negligent but not malicious. The *Telegraph* reported that the prosecutor and the Benaissa’s defense attorney argued for a lenient, two-year suspended sentence because of her remorse over the crime (“HIV-positive German popstar ‘should not be jailed,’” 2010). A *Reuters* article reported that both sides asked for a light sentence, “both the state prosecutor Peter Liesenfeld and her defense has asked the courts for the suspended sentence … Liesenfeld cited her confession and her expression of remorse as reasons for a lighter sentence,” (“German pop star gets suspended sentence in HIV case,” 2010, paragraph 4). References to her suspended sentence and the prosecutor’s recommendation that she deserved a light sentence without jail time, portrayed her as negligent or careless in her sexual relations. They did not, however, depict her as evil or maliciously attempting to pass on the disease.

A smaller percentage of articles portrayed her as remorseful and repentant over dangerous by referring to her grief. As stated earlier, about 50 percent of the U.K. articles started with Benaissa's crime or her conviction; 13 articles included or begin with her admission of guilt and her remorse, portraying her in a sympathetic light. A *Guardian* article began with, "The lead singer of Germany's best-selling girl band wept today as she apologized to her former sexual partners for failing to disclose to them that she was carrying the HIV virus" (Connolly, 2010, paragraph 1). By starting the article in this manner, the writer set the tone for the rest of the story. Instead of Benaissa being a criminal, she was a remorseful, tearful woman the reader can sympathize with instead of judge or hate.

Benaissa as a celebrity:

In all of the U.K. sources Benaissa was said to be a celebrity or a pop star. Both tabloid and news sources described her with adjectives including "pop star" ("HIV-positive German popstar 'should not be jailed," 2010), "successful" (Yeoman, 2009), and "popular" ("German pop star escapes jail after failing to tell lovers she as HIV positive," 2010), thereby emphasizing her celebrity. *The Times* described Benaissa as "a singer with Germany's most successful girl band," (Yeoman, 2009, paragraph 1). *The Guardian* stated that Benaissa was "the lead singer of Germany's best-selling girl band" (Connolly, 2010, paragraph 1). U.K. sources also compared her to British singers and bands to equate her celebrity to more local pop stars. *The Telegraph* compared Benaissa's band No Angels to a successful U.K. group, Girls Aloud ("German singer Nadja Benaissa accused of infecting man with HIV," 2010), while the *Times* compared the band to the Spice Girls (Yeoman, 2009). The tabloid the *Mirror* compared Benaissa to Cheryl Cole (Turnbull, 2010), a singer and dancer and member of the band Girls Aloud. Like Benaissa, Cheryl

rose to fame after competing on a reality television show for a role in a pop band ("Popstars 'vote blunder' denied," 2002). By comparing Benaissa to Cheryl, the publication set Benaissa up as a celebrity.

U.K. news and tabloid sources narrated her rise to fame, further portraying her as a celebrity. Stories painted a picture of her as an overnight success. A writer for the *Metro* reported that Benaissa quickly became a star after winning the reality talent show Popstars and went on to sell more than five million records (Turnbull, 2010). The *Daily Mail* reported that she "shot to fame in 2000 when she won Popstars," and describes her as a chart-topping singer in the headline ("Chart-topping girl band member arrested," 2009, paragraph 6). Stories such as these implied a meteoric rise to fame that established her as a huge celebrity. Stories also included her recent solo career; the reformation of No Angels in 2007 and their attempt re-gain their success through the Eurovision contest, a television show that pitted European pop bands against each other in singing competition (Hall, 2010).

The *Sunday Times* described her quick rise to fame and argued it was overwhelming for the pop star: "Benaissa, 26, mother of one, became a celebrity overnight when she and four other young women won the first German series of the talent show Popstars in 2000 … Their popularity was such that in 2002, Ms. Benaissa spoke publicly of her worries that the group may have become too famous" (Yeoman, 2010, paragraph 5). Benaissa, the article continued, worried that the public would get tired of the band because their music and images were all over the newspapers, television and radio.

Some sources cited her celebrity as the reason for her trial and the overwhelming media coverage. The *Guardian* argued that Benaissa's trial received excessive coverage because of her

celebrity: “Ger Neuber learned that a young woman had been arrested because she allegedly infected one of her partners with HIV. Her name did ring a bell with him. He asked his daughter. Yes, she’s famous, the daughter replied” (Rennefauz, 2009, paragraph 2). The prosecutor then prepared a press statement about Benaissa’s arrest and charges and provided a number of interviews. The media ignored an embargo requested by Benaissa’s lawyer to prevent the public from hearing about her crime early on (Rennefanz, 2009). Thus, Benaissa’s celebrity led to intense and extensive coverage of her trial. The *Guardian* argued that Benaissa’s celebrity and her dramatic rise and fall from fame contributed to the media’s coverage (Booth, 2011).

U.S. news and entertainment sources also portrayed Benaissa as a celebrity using similar language. Benaissa is described using adjectives that point to her success and her fame. For example, she is described as a “pop star” and part of “the best-selling girl group,” (Hartenstien, 2010, paragraph 1). The *Huffington Post* described her as a “pop princess” and part of “Germany’s most popular musical act of the era,” (Rudder, 2010, paragraph 2). Sources also referred to her as a “celebrity,” “singer” (Mackey, 2010, paragraph 1) or “musician” (Slackman, 2010, paragraph 1).

As with the U.K. sources, U.S. news and entertainment sources explained Benaissa’s quick rise to fame to illustrate her celebrity. The *New York Times* blog described her ascent from the streets to a successful music career: “She said that she was drinking and smoking marijuana at 12 or 13 and addicted to crack by the age of 14 … She then learned during a pregnancy screening that she was infected with HIV. Later, when her career suddenly took off – No Angels sold five million records after winning a talent contest on German television a decade before – Ms. Benaissa said that she concealed her infection” (Mackey, 2010, paragraph

7). As with the U.K. sources, the blog writer used Benaissa's past to illustrate her climb from a drug-addict living on the streets to pop star, idolized by thousands of young girls. *Time* magazine also emphasized her rise to fame by describing how Benaissa and four other women beat more than 4,000 hopefuls to join the band and became an overnight success (Moore, 2009).

Safe Sex as Benaissa's Sole Responsibility:

Most of the discourses in the U.K. and Germany surrounding Benaissa's case indicate that she was solely responsible for passing on HIV to her partner. All of the discourses within her trial hinged on whether or not Benaissa actually physically infected the men (Hall, 2010) or what her punishment should be ("No Angels singer admits to sex while HIV positive," 2010), but there was little to no questioning of whether or not Benaissa was responsible for the crime or whether the man held some responsibility because he too had unprotected sex. The underlying assumption in over half the articles was that Benaissa was responsible for passing on the disease. This assumption would make sense in Germany or the U.S. where there were actually laws that make knowingly passing on HIV a crime, but this law doesn't exist in the U.K. Despite the lack of a law, the U.K. sources seemed willing to simply accept that Benaissa's actions were criminal. The U.K. tabloid and news sources were full matter-of-fact descriptions of Benaissa's crime, with no reference to the fact that her actions were not a crime in the U.K. or many other countries. The *Metro* stated that Benaissa "is alleged to have had unprotected sex with three men between 2004 and 2006 without telling them she has the virus," (Popstars winner held for 'giving lover HIV'" 2010, paragraph 2). While the reporter questioned the validity of the accusations by adding "alleged," he or she did not question the validity of the crime. The

tabloid the *Mirror* said that "A girlband singer escaped jail yesterday for infecting an ex-boyfriend with HIV through unprotected sex" (Turnbull, 2010, paragraph 1). By saying that she "escaped" jail time for "infecting an ex-boyfriend," the writer not only argued that Benaissa was responsible for the infection, but also implied that she deserved jail time. An entertainment reporter for the *Digital Spy* wrote that "Nadja Benaissa has admitted in court to engaging in unprotected sex with a former partner even though that she knew she was HIV positive at the time," and added that she "concealed her medical condition, despite knowing that she had the virus since 1999" (Harp, 2010, paragraph 3). The reporter assumed that HIV is something that should not be concealed and that Benaissa had a responsibility to tell her partners about her disease.

Most of the U.K. and U.S. sources also left out part of Benaissa's court statement where she claimed that the responsibility lies partly with her former lovers, placing the blame on Benaissa and removing responsibility from her former partners. In her court testimony, Benaissa said that while she was careless and was sorry for her past actions, her partners had some responsibility for safe sex. Only one source included this part of Benaissa's testimony. The *New York Times* said that Benaissa questioned her sole responsibility, telling the court "I also thought that my respective partners also bore some of the responsibility to talk about and contribute to preventing infection by using condoms," (Mackey, 2010, paragraph 8). The rest of the U.S. and U.K. sources completely ignored this part of her testimony, instead focusing on her remorse and admittance of guilt. In an *Associated Press* article, Benaissa said that she was sorry and that she did not handle the virus properly ("German Pop Singer Tried Over HIV Allegation," 2010) and in a *Guardian* article, the reporter quoted from Benaissa's testimony saying that she

was “sorry from the bottom of my heart,” (Connolly, 2010, paragraph 2). As with the rest of the sources, these publications only included her remorse over the situation and ignored the fact that Benaissa actually questioned the responsibility of her former partners, thus questioning the discourse of Benaissa bearing sole responsibility for safe sex.

Safe Sex as Shared Responsibility:

A small minority of the news sources in the U.K. voiced concerned that the sole responsibility was placed on Benaissa. Seven articles included perspectives from HIV activists that questioned the responsibility of Benaissa to prevent the transmission of the disease. In an article covering an interview with Benaissa, a writer for the *Guardian* points out that Benaissa believed everyone was responsible for their actions: “’The responsibility lay clearly with me. I should have insisted on protection, as I knew I was HIV positive. But, generally speaking, I think individuals should take responsibility to protect themselves, because you never know who has HIV” (Booth, 2011, paragraph 28). While Benaissa did not remove any responsibility from herself, she argued that people did have a responsibility for their own safe sex. The *Telegraph* gave voice to AIDS activists and their argument that Benaissa should not be solely responsible: “The Deutsche Aids-Hilfe group argued that the question of whether her partners also carried a share of the responsibility had been neglected” (“HIV-positive German popstar ‘should not be jailed,’” 2010, paragraph 10). The *Telegraph* quoted the spokesman for the same organization: “If the responsibility for prevention is put entirely upon women and HIV-positive people, we are not recognizing the combined responsibility of the two people” (“German pop star escapes jail after failing to tell lovers she was HIV positive,” 2010, paragraph 10). The representative explicit said that Benaissa should not bare the entire responsibility for prevention.

Ten articles in the U.S. also dealt with the idea of dual responsibility. *Time* magazine noted that AIDS activists have criticized the burden put on Benaissa for prevention and transmission. The journalist quoted a spokeswoman for Deutsche AIDS-Hilfe: "When it comes to consensual sex, whether protected or unprotected, we talk about shared responsibility" (Moore, 2009, paragraph 7). In the blog the *Huffington Post*, another spokeswoman for the organization was also quoted: "If the responsibility for prevention is put entirely upon women and HIV-positive people, we are not recognizing the combined responsibility of two people" (Noelting, 2010, paragraph 20).

Three editorial pieces in the U.K. and one in Germany also argued for dual responsibility when it comes to safe sex. The *Guardian* editorial piece questioned whether Benaissa was actually the perpetrator and the former lover was a victim: "Casting Benaissa's non-disclosure in purely moral and ethical terms is an over implication of responsibility for HIV prevention. As a woman – and a recently diagnosed young woman at the time of the alleged acts – Benaissa should not have had to carry the burden of HIV prevention solely on her shoulders" (Bernard, 2010, paragraph 10). Der Spiegel's editorial piece, asked "who was responsible for safe sex," and said that "men tend to leave contraception up to women, be it prevention of an unwanted pregnancy or avoiding infection. Their sex partners often seek to excuse their behavior with the argument that they were young and were drunk," (Friedrichsen, 2010, paragraph 16). With this questioning, the writers changed the discourse surrounding Benaissa and removed some of the burden of the prevention and transmission from her. They argued that safe sex is not solely dependent on the woman, or HIV-positive person, but both partners. The BBC blog "Have Your Say" asked the readers to comment on whether or not Benaissa was solely responsible for the

transmission of HIV. The writer asked in reference to a new partner, “Isn’t it for them to check with the person they’re sleeping with for the first time? If you have unprotected sex, don’t you take your chances?” (Atkins, 2010). The writer thus opened up a dialogue about the responsibility of Benaissa versus the responsibilities of her partners.

An even smaller portion of U.K. sources addressed differences between the law in the U.K., Germany and the U.S. An editorial piece in the *Guardian* noted that while in Germany it is a crime to have sex and not disclose HIV-positive status, there is no explicit law in the U.K. She stated, “The law is rather different here – there is no law that explicitly spells out anything to do with HIV, and despite common misconception, no law that compels anyone to announce their status” (Edemariam, 2010, paragraph 2). She added that the law in the U.S. has been much harsher and that a HIV-positive man was prosecuted and jailed for spitting on someone and attempting to pass on the disease, despite the fact that HIV cannot be passed on through saliva (Edemariam, 2010). By discussing different versions of the laws, the writer opened up a discussion about whether or not the laws were fair and whether or not Benaissa was solely responsible. The writer thus created a discourse around the concept of shared responsibility of safe sex that was missing from the rest of the texts.

While only one article pointed out the differences between the U.S. and German laws and the lack of a similar law in the U.K., four other U.K. and U.S. articles did explain German law. The *Guardian* explained that “under German law the crime of failing to disclose you have HIV to someone before having sex with them carries a prison sentence of between six months and 10 years. If the victim dies as a result of infection the sentence can extend to life imprisonment” (Connolly, 2010, paragraph 14). The *New York Daily News* also explained that in

Germany a person can be convicted and put in jail for not telling a partner that he or she has HIV before having sex (Hartenstien, 2010). Identifying the parameters of German law, the writers did address the fact that the laws on HIV transmission vary around the world. They failed to go beyond these facts and present more lenient laws around the world.

Benaissa versus the Prosecution/Media:

Seven U.K. articles and one German articles contained there a narrative of Benaissa versus the prosecution and media. A *Guardian* editorial about the prosecution's media-savvy depicted the prosecutor first reaching out to the media, and then colluding with the German media to broadcast Benaissa's HIV-status: "Recognizing the media interest, the prosecutor prepared a press statement … a media storm broke loose and (the prosecutor) gave several interviews to TV stations and newspapers, rare behavior for a prosecutor," (Rennefanz, 2009, paragraph 1). The editorial stated that because of the prosecutor's actions and the subsequent media storm, Benaissa was labeled as HIV-positive and guilty before the trial even began. The editorial also noted that she been arrested and held for ten days because of "urgent suspicion" by the prosecution that she would commit the crime again. Also the headline of the editorial piece "The singer and the prosecutor," juxtaposed Benaissa against the prosecution. A German editorial also said that Benaissa was up against five men – a circuit judge, a chief prosecutor, an official solicitor and two detective superintendents (Friedrichsen, 2010) and stated that the men met together before the arrest and decided to give the case such a high profile: "During that fateful meeting in Darmstadt, the five men agreed on how they would proceed in the case of the German pop singer Nadja Benaissa" (Friedrichsen, 2010, paragraph 3). The editorial implied the different men were scheming together to create an unfair, highly publicized trial.

In six different U.K. texts and the same *Der Spiegel* article, Benaissa was presented as a victim of the prosecution and media. *Der Spiegel* stated that the five men planned an arrest in the most public way possible and made her look like a criminal in front of her fans: "Benaissa was arrested near the entrance to the club, where fans were waiting in line for tickets – a move clearly intended to stir up publicity" (Friedrichsen, 2010, paragraph 2). *Der Spiegel* also argued that Benaissa was a victim of the German media, citing one article where the tabloid Bild asked the question of how many men had Benaissa infected and then reassured its readers by stating "'Now Benaissa is in pre-trial detention on suspicion of aggravated battery, to protect other men against infection!'" (Friedrichsen, 2010, paragraph 8). The editorial argued that the German media depicted Benaissa as a HIV-infecting criminal, using her body as a biological weapon. An article by the *Guardian* claimed although Benaissa was taken into custody out of fear that she would infect more people, the prosecution and police knew about the case two years before. It asked "why did they not arrest her earlier" (Rennefanz, 2009, paragraph 4).

Victim versus Perpetrator:

The former boyfriend who was infected by Benaissa was cast as a faceless victim with no information about him except his pain and suffering. U.K., U.S. and German sources give little information on the man. He was described as a former sexual partner (Connolly, 2010) or ex-boyfriend ("HIV-positive pop star 'should not be jailed,'"2010) in most of the U.S. and U.K. sources. In fact, most articles gave little to no information on the man. In a small number of sources, there was more information about the man including his job as an art dealer (Booth, 2011). About 30 percent also described the man by the suffering inflicted on him by Benaissa. The Guardian included a description of him turning to Benaissa during his testimony and saying,

"'you have unleashed a lot of misery into the world'" (Connolly, 2010, paragraph 9). The *New York Times* included a similar line from his testimony, "'You have created a lot of suffering in the world'" (Mackey, 2010, paragraph 5).

Even the editorial piece in *Der Spiegel* that was clearly sympathetic to Benaissa depicted the former partner as a victim. The reporter said that the man's life became "unhinged" as a result of the disease. She referred to his testimony where he says that Benaissa has created so much suffering in the world and said, "When he was asked when he found that he too was HIV-positive, it doesn't take him long to answer, as if the date and place had been burned into his mind: 'Paris, Feb. 7, 2007" (Friedrichsen, 2010, paragraph 23).

There was a clear dichotomy between the depiction of Benaissa as a perpetrator and the man as a victim. While the man was described according to his suffering, in the same articles, Benaissa was described according to her crime. In the *New York Times*, the writer identified Benaissa as a criminal, a drug-user and a remorseful woman while the former boyfriend was only a victim that received HIV from a partner (Mackey, 2010). The German article reported that Benaissa had sex with three different men without telling them that she was HIV positive. While the writer described when the man realized that he had HIV, he did not include Benaissa's realization and, like most articles, does not include how she contracted HIV ("No Angels singer admits to sex while HIV positive," 2010). Essentially, the media included bits and pieces of the different stories to cast Benaissa as the perpetrator and the man as the victim. The *Daily Mail* presented considerable information on Benaissa including her past sex life, her addiction to crack-cocaine, and her rise to fame. The only information about the man was his age and his statement that Benaissa "caused me so much grief," (Hall, 2010, paragraph

6). The selection of the information shared on Benaissa and the former partner clearly cast him as the victim and her as a criminal.

Conclusion:

This study's primary research question asks: How did the U.S., U.K. and Germany depict Benaissa during her arrest and trial? Through this media study, it is evident that she is portrayed not only as both a stereotypical HIV perpetrator, but also as a negligent and remorseful woman. Answering the second research question – what were the discourses surrounding her arrest and trial – more fully explains this fractured picture of Benaissa. The discourses that emerged were: Benaissa as "the other"; Benaissa as dangerous; Benaissa as remorseful; Benaissa as a celebrity; safe sex as a shared responsibility; safe sex as Benaissa's sole responsibility; Benaissa as a victim; victim versus perpetrator; and Benaissa as selfish. These discourses show that some of the coverage is consistent with previous portrayals of HIV-positive people, while some of the media cast Benaissa and her responsibility in a unique and new light. The final research question was: what are the implications of this coverage? The results of this study indicate there is a more comprehensive way of covering trials that investigates the responsibility of both the perpetrator and victim. The media, thus, should look to HIV activists to include this discourse of shared responsibility.

A feminist theoretical perspective holds women and other disenfranchised groups as an important point of focus. Feminist research also emphasizes the importance of gender in research and seeks to change societal assumptions about gender (Cook & Fonow, 1986). This media study looks at Benaissa's gender and minority status as an integral part of the study.

Discourses surrounding Benaissa's drug use and immigrant background were clearly

consistent with previous discourses about HIV. The earliest coverage of HIV portrayed the disease as something that affected disenfranchised minority groups, like homosexuals, immigrants or drug-users (McAllister & Kitron, 2003, p. 46). While Benaissa was not portrayed as a homosexual male, she was portrayed as both an immigrant and a drug-user. U.K., U.S., and German sources emphasized her "otherness" by describing her Moroccan descent (Mackey, 2010) and by referencing the rare strain of HIV that was usually found in western Africa (Booth, 2011). She was further cast as a minority because of her past drug-use. U.K. and U.S. sources noted that Benaissa was living on the streets and using marijuana and crack at an early age (Hall, 2010), a stereotype that was consistent with HIV-positive people in the media (McAllister & Kitron, 2003, p. 46).

Through these discourses, Benaissa was portrayed as "the other," and class constructions about HIV-positive people were thus perpetuated. By emphasizing Benaissa's ethnic background and her drug use, the media cast her as dangerous and "the other." Thus, the constructions of people with HIV as poor and deviant (Konick, 2003, p. 30) continued on in the depiction of Benaissa.

The representation of Benaissa as the perpetrator and her former lover as the victim was also consistent with previous coverage of HIV, particularly the coverage of the criminalization of the disease. Initially, coverage of HIV-positive people cast them as either victims or perpetrators (Lupton as in Cullen, 2003, p. 69), and coverage of HIV as a crime continued this paradigm (Persson & Newman, 2008). In the coverage of Benaissa's trial, she easily fell into the role of perpetrator and criminal while the man was cast as the victim. Her past was described by her former drug use, her life on the streets, her early pregnancy and HIV-

positive status (Moore, 2009; Noelting, 2010). The media highlighted her admission of guilt (German pop singer tried over HIV allegation, 2010) and depicted her as a dangerous figure who knowingly exposed partners to the HIV virus (Connolly, 2009). In contrast, there was very little information about the man except that he was a victim of Benaissa's actions (Hall, 2010). In this way, the media continued the story of the perpetrator against the victim. Benaissa was portrayed as a dangerous woman spreading a disease that destroys another person's life.

In terms of constructions of women in the media, Benaissa's portrayal as "the other" was also consistent with previous conceptions of women as primarily sexual. ("German pop star escapes jail after failing to tell lovers she as HIV positive," 2010). The nature of her crime – exposing multiple men to the HIV virus through sex – highlighted her sexual nature and her willingness to spread the disease for sex.

The media's coverage of HIV as a highly stigmatized disease was consistent with previous coverage. While HIV was usually portrayed as a disease of homosexuals (McAllister & Kitron, 2003) or as an epidemic in Africa (Brodie, 2003, p. 4), the disease always carried a strong stigma (Persson & Newman, 2008). The coverage of Benaissa and her former partners continued on this stigma. Both Benaissa's and the man's lives were portrayed as ruined because of the disease. Benaissa kept the disease from her partner and the public because she feared the consequences of a reputation of being an HIV-positive person ("German pop star escapes jail after failing to tell lovers she was HIV positive," 2010). This lack of admission illustrated that there was still a stigma associated to HIV. The man's portrayal as a suffering victim also showed the stigma related to the disease. The media portrayed him as completely ruined and emotionally distraught over contracting the disease (Friedrichsen, 2010). By depicting the man

as ruined and Benaissa as needing to hide her disease, HIV was portrayed as terrible and something to be ashamed of – thus perpetuating the stigma attached to it.

In other ways, the media's coverage was actually quite different from previous coverage of women and HIV, particularly because the woman was the aggressor in this situation. Most coverage of the criminalization of HIV focuses on men, especially black men, passing on the disease to women. Highly publicized cases like that of Nushawn Williams (Shevory, 2004) and of Gaeten Dugas (Gladwell, 2000) featured men going out and infecting numerous people. Benaissa's case varied from these situations because she is a woman. She was not the victim of deceitful, sociopathic men. Instead, the media described her as dangerous and potentially infecting men with more concern for her own reputation than for the men's health (Connolly, 2009).

Her case also varied from previous coverage of the spreading of HIV because she was framed as remorseful. With males convicted of spreading the disease, the men were portrayed as evil, vindictive and completely lacking compassion for their victims (Shevory, 2004). Benaissa, on the other hand, was portrayed as both dangerous (Connolly, 2009) and remorseful ("German pop star Nadja Benaissa has escaped jail, 2010). She was depicted as extremely sorry for her actions and crying in court over her carelessness ("HIV-positive German popstar 'should not be jailed,'" 2010). Her depiction in the news was a far cry from the depiction of Williams or Dugas. She was not vindictively infecting men, but instead negligently failing to tell three men about her disease – an act for which she appeared to be truly sorry ("HIV-positive German popstar 'should not be jailed,'" 2010).

Through this unusual case, there was a unique discourse about HIV-positive women and their responsibility for safe sex. Unlike previous cases in which perpetrators were framed as evil in attempting to spread the disease (Connolly, 2009), the media created a new discourse in which Benaissa was both responsible for transmission, but remorseful at the same time.

In dealing with this new frame of HIV-positive women, the media offered a fractured depiction of Benaissa and her responsibility. The news media wavered over Benaissa's responsibility. In most articles, Benaissa was depicted as entirely responsible for passing on the disease. The news media stated that Benaissa concealed the disease from her partners (Harp, 2010); clearly implying that she had a responsibility to tell her partners about her disease. They also repeatedly stated that Benaissa "escaped" jail, implying that jail was a deserved and possible punishment for her careless and selfish behavior (Turnbull, 2010). At the same time, and sometimes in the same article, Benaissa was portrayed as remorseful (Connolly, 2009). In addition, a few articles included HIV activists, who argued that the former partner should have used protection (Atkins, 2010).

In giving a voice to HIV activists, the media further disrupted the idea that HIV prevention was Benaissa's sole responsibility. While most of the articles that included the arguments of HIV activists placed their arguments at the end of the article, a small percentage of articles focused on the voice of activists to assert that Benaissa should not be solely responsible for transmission of the disease. In several articles, the journalists quoted a spokesperson from an AIDS group, who stated that in placing the sole responsibility on Benaissa or on HIV transmitters in general, society was not recognizing the dual responsibility of two partners ("German pop star escapes jail after failing to tell lovers she was HIV positive," 2010).

This was a new media discourse surrounding the criminalization of HIV; previous cases represented the perpetrator as solely responsible for passing on the disease and the perpetrator as a scary, malicious monster (Shevory, 2004). While in some articles Benaissa appeared to be a dangerous force, and in most she was seen as solely responsible for transmission, there was an emerging discussion on the possibility of dual responsibility.

With this new discourse, journalists have a responsibility to seek out the voice of HIV activists in these cases and challenge the assumption of sole responsibility of the perpetrator. Journalists also have an obligation to seek alternative voices such as HIV activists, and not rely entirely on the opinions of the prosecutor or the police. By including the opinion of these activists, it is more apparent that there is a discussion over responsibility and not just the assumed responsibility of the perpetrator. In addition, the law on HIV transmission varies between countries. Thus, the media should elucidate these differences so that the audience does not assume that passing on HIV is a crime in every country.

This emerging discussion illustrates that in society HIV-positive people are still mostly responsible for transmission of the disease, but there is a debate over this assumed responsibility. This study is important because constructions in the media reflect and shape the way society thinks (Faludi, 1991). The media also has a role in representing and constructing images of subordinate groups or people who do not fit into the mainstream of society (Hall, 1997). As numerous researchers have found, the media can have a profound effect on the shaping of public opinion (Ross, 2010; Treichler & Warren, 1993; Kitzinger, 1998). Thus, the portrayal of Benaissa in the media is likely to shape the way people think about HIV transmission (Faludi, 1991). From this portrayal of Benaissa, it is evident that HIV-positive

women are responsible for protecting themselves and their partners. It is also clear that there is an emerging dialogue on this responsibility. Conceptions of HIV and the spread of the disease are being re-thought in Western society, and this media study illustrates this idea.

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