

'Outrageous Provocation': Media Reporting of Intimate Partner Homicide in Ireland

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This chapter argues that news reportage of violent crime in Ireland perpetuates gender stereotypes, particularly in its portrayal of women and its construction of binaries of 'deserving' and 'undeserving' victims. It is argued that an overemphasis on the particularities of individual cases occludes the wider social context of violence against women, particularly in the context of intimate relationships. We illustrate these themes with reference to the print media coverage of one particular case: the murder of Jean Gilbert in her home in Dublin in August 2007 and the subsequent trial and conviction of her husband, David Bourke, for this crime. The wider context of the extent of intimate partner violence is explored with reference to available Irish figures and to key messages from research in this area.

Media reporting of violence against women

Media representation of violence against women has been the subject of some exploration, with commentators critiquing the representation of female victims of violent crimes and of perpetrators, who are predominantly male. It is argued that in cases where women are perceived to

deviate from 'conventional' roles as heterosexual, mothers and/or suitable wives, media reportage reveals an underlying or, in some instances, more overt message: that these women are held to be in part to blame for the violence inflicted on them. One of the most commonly invoked examples is that of the female rape victim whose sexual history is held up for scrutiny or whose mode of dress is implicitly critiqued as somehow causal in her sexual assault.

Critics have argued that media reporting of violence against women tends to individualise the issues: acts of violence are portrayed as isolated 'events' and inordinate attention is paid to 'stranger danger' rather than to the much more prevalent form of violence – that perpetrated by someone known to the victim, usually in the context of an intimate relationship. An effect of this myopic coverage is the occlusion of a wider discussion of the structural and cultural context in which violence takes place. Limited attention is paid to potentially salient issues such as patriarchy, economic inequality, class or racism. Some have argued that the media is implicated in the maintenance of these unequal power structures through its portrayal of violence against women in a way that supports the status quo and its failure to highlight issues of inequality at structural levels.

Irish media reportage of violence against women

Studies of media reporting of crime in Ireland have found that news coverage is skewed by the disproportionate attention paid to extreme or atypical offences and through the unsophisticated portrayal of victims and offenders.¹ There has been little published material that specifically focuses on news coverage of violence against women, particularly in the context of intimate partner relationships.

¹ M. O'Connell, 'Is Irish public opinion towards crime distorted by media bias?', *European Journal of Communication*, vol. 14, no. 2, 1999, pp. 191–212.

This chapter seeks to redress this imbalance by focusing on the media coverage of female murders in Ireland in the context of intimate partnerships. The term 'intimate partner homicide' or IPH used throughout refers to the killing of an individual by a current or former spouse, cohabitant or sexual partner. Despite the gender-neutral nature of the term and as with other non-lethal forms of intimate partner violence, IPH is, in the vast majority of cases, perpetrated by men, with women as victims.

This chapter explores the newspaper media reporting of one particular case: the murder of Jean Gilbert by her husband in August 2007. While the chapter will focus on this case, reference will be made to the wider context of IPH by exploring key issues highlighted in the literature and with reference to the Irish statistics in this area over the thirteen-year period from 1995 to 2008.

Analysing the news

Following methodologies that have been employed in previous studies of media reportage of violent crime, specifically those involving domestic violence and sexual assault, the news coverage of Gilbert's murder and Bourke's trial and conviction for this offence was analysed. The digital archives of four Irish newspapers – *Irish Independent*, *The Irish Times*, *Evening Herald* and *The Sunday Times* (Irish edition) – were searched under key terms including the name of the victim, first name, surname and both these together. To ensure that no article was excluded on the basis of misspelling, the search parameters also included variations of spellings of the names. While the digital archives include articles that appeared in the print editions of these newspapers and those only published online, the analysis applied only to the former.

The search yielded thirty-five articles published in the period 29 August 2007 to 2 May 2009, broadly corresponding with the dates of Gilbert's murder and Bourke's trial and subsequent conviction for murder in April 2009. The articles

pertaining to May 2009 included a report from a journalist critiquing the portrayal of Gilbert at the trial and in the media coverage of it.

Media reporting of the life and death of Jean Gilbert

Jean Gilbert was murdered in her home in Castleknock, Dublin, on Tuesday 28 August 2007. She was stabbed four times in the back with a kitchen knife by her husband, David Bourke, in front of their three children. Gilbert died of her injuries in hospital later that day. Bourke was arrested for the murder of his wife when gardai attended the scene. These events were reported in the newspapers in the subsequent days under headlines such as:

Murder charge pending over fatal stabbing²

Husband charged with murder of his wife³

The news stories provided some detail, reporting on the known facts of the case.

Bourke's trial took place in the Central Criminal Court over a period of seven days in March 2009 and was covered widely in the media. Twenty-five of the thirty-five articles analysed dealt with the trial and Bourke's eventual conviction for murder by jury verdict. The majority of these pieces were news reports of the trial, presented under such headings as:

Murder trial told of affair between victim and lover⁴

Bourke 'driven to kill wife by outrageous provocation'⁵

Decision to re-ignite old flame led to a terrible fate⁶

² *Irish Independent*, 30 August 2007.

³ *The Irish Times*, 31 August 2007.

⁴ *The Irish Times*, 26 March 2009.

⁵ *Irish Independent*, 28 March 2009.

⁶ *Irish Independent*, 31 March 2009.

During Bourke's trial the court heard evidence from his defence that an 'ordinary marriage' had been disrupted by Gilbert's decision to **rekindle an old romance** and to end her twelve-year marriage to Bourke. While Bourke did not deny that he had stabbed his wife to death, he argued in mitigation that he had been 'outrageously provoked' by Gilbert's alleged actions. The accounts of Gilbert's 'affair' dominated the media coverage of the case and Bourke's defence was widely reported.

The headlines in ten of the twenty-five news items relating to the trial referred to Gilbert's alleged affair in some way, with relatively less attention being paid to the actual circumstances of her murder. For example, the court heard evidence on the cause of death and the nature of injuries from the state pathologist, but this evidence received far less coverage (it was reported in just two articles, at the end of both pieces) than Bourke's 'outrageous provocation' defence. The following excerpt appeared at the end of an article entitled: 'I gave my daughter her toast. Then I stabbed my wife with a steak knife':

The extent of the injuries inflicted on Jean Gilbert had already been detailed by the State Pathologist Professor Marie Cassidy. The 45-year-old woman had died from blood loss and shock as a result of four stab wounds to her back. The deepest measured 14.2 cm. And, as the knife went through her body on each occasion, it had cut through the aorta, both lungs, the spleen and left kidney. It took the pathologist 45 minutes to list the injuries.⁷

It has been noted elsewhere that the voice of the victim, in this case absent through death, is symbolically absent in the court process. The trial judge, Barry White, seemed similarly persuaded by Bourke's account of his marriage and one article led with the following direction from the judge to

⁷ *Evening Herald*, 25 March 2009.

the jury: 'The court is here to judge law, not moral failings'.⁸ The implication, of course, was that the victim was less than moral. Indeed, so persuasive was Bourke's account of events that Brenda Power, a columnist for the *The Sunday Times*, was prompted to write an opinion piece ('How much is too much?') that was highly critical of the victim:

What on earth was she thinking? Gilbert was married with three small children, the youngest of whom hadn't even started school. Her husband didn't beat her or cheat on her, and kept her in sufficient comfort that she didn't have to go out to work, although she was thinking about getting a job once her third child was in school. Maybe if she'd had a job she wouldn't have had time to dwell on the inevitable shortcomings of her suburban, middle-class existence, which must have looked so drab compared with that Oriental odyssey.⁹

Put simply, the tenor of much of the coverage of Bourke's trial for the murder of his wife characterised him as a 'cuckolded' husband (a term used by Bourke in his own defence) and Gilbert as an adulterous, irresponsible woman who really had it coming. Even articles that challenged Bourke's account of his ordinary marriage failed to acknowledge, or indeed to entertain the possibility of, a context of violence in the marriage. Just one article made any attempt to interrogate critically how Gilbert was portrayed and to challenge Bourke's depiction of a 'happy marriage'.

On 2 May 2009 *The Irish Times* printed a feature piece by Ann Marie Hourihane entitled 'The Jean Gilbert we knew'. To counter the perceived misportrayal, Gilbert's family and friends documented some of the suffering she had

experienced within an abusive and violent relationship and challenged the manner in which she had been portrayed in both the court and the media. One of Gilbert's friends was quoted:

In the absence of Jean's voice she was portrayed as a caricature. To listen to a portrayal of this so-called happy marriage was very upsetting.

The article contained further powerful testimonies from friends and family of what was by any measure an abusive relationship:

The troubles in Jean's and Bourke's marriage were not recent, or sparked by her relationship with Robert Campion, as Bourke subsequently claimed in court, but had festered for 10 years before her death.

Bourke asserted during his trial that he and Jean had an 'ordinary marriage'. But her friends had become increasingly worried about her physical safety immediately before the murder.

She [Jean Gilbert] said her life with David had been hell for years. That he was controlling, manipulative and that she had concerns about his behaviour with the kids.

Various authors have explored the media reporting of crime and highlighted how certain crimes and 'stories' gain media prominence over others.¹⁰ 'Newsworthy' stories contain elements of drama, immediacy and titillation. Furthermore, access to information on crimes is determined by certain structures – in this context, those of the court process in which the perspective of the defendant is put

⁸ *Irish Independent*, 28 March 2009.

⁹ *The Sunday Times*, 5 April 2009. In this article, the term 'oriental odyssey' seemingly refers to the fact that Gilbert was a Buddhist and allegedly intended to travel to Japan at some unspecified stage.

¹⁰ K. Boyle, *Media and Violence: Gendering the Debate*, London: Sage, 2005.

forward and the (deceased) victim is marginalised. These characteristics are demonstrated in this case.

The main thrust of the media coverage of the trial presented Gilbert as a woman worthy of blame and Bourke as a man who was severely provoked, to such an extent that killing his wife was understandable. The final act of physical violence perpetrated on Gilbert is presented as an isolated event, with limited reference to any wider context of abuse within the relationship. Further, the wider context of intimate partner violence is occluded by an overall failure to draw any meaningful links with other cases of IPH widely reported on in that period. These include Rosie Patterson, a woman stabbed to death in front of her two-year-old child by her ex-partner in Clonakilty, County Cork, in April 2007; Ciara Dunne and her two children, aged five and two, killed at their home in County Wexford by her partner before he hanged himself in April 2007; and, perhaps most prominent in media headlines at the time, the trial and subsequent conviction of Joe O'Reilly in July 2007 for the murder of his wife, Rachel, at their home in north County Dublin.

Intimate partner homicide

IPH has achieved recent notoriety in Irish society with media coverage of high-profile homicides such as those described above. As the horror of a woman's often brutal death is detailed across the print media, the question of 'who could have subjected someone to this violence?' is in most cases very quickly followed by 'why?' when a partner or ex-partner is subsequently charged and prosecuted. With each murder a degree of public outrage is engendered, often fuelled by intense media scrutiny of all parties involved. Rarely is the murder of the woman by her current or former intimate partner located in the context of an abusive and controlling relationship. This is a significant and critical omission, particularly given empirical evidence from international research. Simply stated, women are more at risk from those closest to them – their current or ex-partner

– than all other categories of assailants combined.¹¹ This finding is also borne out by the Irish homicide statistics.

Prevalence and nature of IPH in Ireland

Jean Gilbert is one of the 154 women killed in Ireland over a thirteen-year period that commenced in December 1995 and concluded in December 2008, when Sharon Whelan and her two daughters, seven-year-old Zsara and two-year-old Nadia, were found dead in their burnt-out house on Christmas morning. Of those 154 cases, 108 have been resolved, by which we mean that the case has been concluded with a conviction (95 cases); the homicide of the victim was followed by the suicide of the perpetrator (12 cases); or the chief suspect was acquitted (1 case). Turning to the unresolved cases, thirteen (8 per cent of the 154 female homicides) are awaiting trial, while no charges have been brought in the remaining thirty-three (21 per cent) cases.¹²

In fifty-four (50 per cent) of the 108 resolved cases, the woman was killed by her partner or ex-partner, while a further forty (37 per cent) involved someone else known to the victims, other than their partner/ex-partner, including brother, son or neighbour. Therefore ninety-four (87 per cent) of these women knew the person who killed them. The intimate nature of these killings is reflected in a number of other ways. Contrary to the commonly held belief that the home is a safe haven from the potential dangers of the outside world, the overwhelming majority of female homicides occur either in the victim's home, in the perpetrator's home or in a home shared by both.¹³ During

¹¹ P. Jaffe, N. Lemon and S. Poisson, *Child Custody and Domestic Violence: A Call for Safety and Accountability*, Thousand Oaks, CA: Sage, 2003.

¹² *Women's Aid Femicide Media Watch*, Dublin: Women's Aid, December 2008.

¹³ M. Aldridge and K. Browne, 'Perpetrators of spousal homicide: A review', *Trauma, Violence and Abuse*, vol. 4, no. 3, 2003, pp. 265–276.

these thirteen years, home was the location for ninety-five (62 per cent) of all 154 female homicides, with that figure rising to 88 per cent when the location of resolved IPH cases is measured.

The intimate nature of IPH is further reflected in how these women die. International research indicates that women are more likely to be killed with the perpetrator's bare hands, for example by strangulation, by asphyxiation or by being viciously beaten to death. Where a weapon is used, it is usually a knife. Stabbing, beating and strangulation are considered more intimate forms of violence than shooting. These findings are certainly borne out in the Irish data, with stabbing, strangulation and vicious assaults accounting for 30 per cent, 28 per cent and 18 per cent respectively of all female homicides. In many cases multiple methods are employed. In some cases the level of violence used by men when they murder their partners or ex-partners is also significantly and disturbingly higher than when they kill any other known or unknown victim; the term 'overkill' has been used to describe homicides involving multiple blows and other methods that greatly exceed what is needed to ensure death.

Many of the Irish IPH cases are characterised by overkill, reflected in multiple methods (strangulation and stabbing; vicious assault and stabbing; vicious assault and strangulation; multiple [30 to 99] stab wounds; and violent use of implements such as a wheel brace, lump hammer or brick). However, the most significant factor common to IPH cases is a prior history of domestic abuse or intimate partner violence (IPV). This warrants further investigation.

Intimate partner violence

IPV has been found to be the most consistent feature and strongest risk factor for IPH. In fact, in 65 to 70 per cent of cases where the woman is killed by her male intimate partner and 75 per cent of cases where the man is killed by his female intimate partner, their prior relationship

reflected a history of IPV, perpetrated by the male against the female partner.¹⁴ When a woman kills her husband, boyfriend or estranged partner, she is far more likely to be acting in self-defence in response to violence perpetrated by the man.¹⁵ As such these murders would *not* appear to be associated with a once-off event where the man just 'snaps' and acts out of character or indeed where he is 'outrageously provoked' as Bourke argued in his defence; rather, they are more likely to be characteristic of a previously abusive relationship. The strength and simplicity of this risk factor makes awareness-raising an important activity.

Conclusion

This chapter has demonstrated that newspaper reporting of violence against women, particularly in the case of intimate partner homicide, presents a largely uncritical and unrepresentative view of victims and violence. This is evident with reference to individual cases, such as the murder of Jean Gilbert, and to wider media coverage.

The available research literature presents clear messages regarding the context in which IPH occurs, particularly regarding the significance of a prior history of violence. The extent of known IPH in Ireland is a concern that receives attention in public discourse, but the picture presented is partial and fails to draw links between violence within relationships and ultimately homicide. It is argued that redressing this imbalance involves presenting the wider context in which IPH occurs and critically analysing the representation of victims and violence within the media.

¹⁴ J. Campbell, N. Glass, P. Sharps, K. Laughon and T. Bloom, 'IPH: Review and implications of research and policy', *Trauma, Violence and Abuse*, vol. 8, no. 3, 2007, p. 246.

¹⁵ J. Campbell, P. Sharps and N. Glass, 'Risk assessment for intimate partner homicide', in G. Pinard and L. Pagani (eds), *Clinical Assessment of Dangerousness*, Cambridge: Cambridge University Press, 2001, pp. 136-157.

As the media play a key role in influencing public knowledge and perceptions, the presentation of depersonalised or caricatured images of female victims of violent crime only serves to reduce public understanding of this important issue, provoking victim-blame and doing little to address the risk of similar violent deaths in the future. Media reportage can locate the answer to the question posed earlier – Why did this happen? – in a number of ways. It can support a popular and perhaps more palatable view that there are mitigating factors that in some way excuse this violent crime: he was provoked, she was having an affair, she was abandoning the family (all incidentally invoked by David Bourke as mitigation and uncritically reflected in most of the media coverage). Or, instead of questioning the integrity of the victim, the media could question the context of the relationship in which a man murders his intimate partner in cold blood and in front of his children. By locating the debate in this area we move immediately away from reflecting on whether the victim was ‘deserving’ or ‘undeserving’ and instead attempt to engage with the unsavoury issue of intimate partner violence and the repercussions of this experience for the woman, her children and wider society.