

# Law after July 22, 2011: Survivors, Memory and Reconstruction

Peace Research Institute Oslo (PRIO)  
PO Box 9229 Grønland, NO-0134 Oslo, Norway  
Visiting Address: Hausmanns gate 3

www.prio.org  
Facebook: PRIO.org  
Twitter: PRIOupdates

ISBN: 978-82-343-0268-8 (print)  
978-82-343-0269-5 (online)

Cover photo: Ann Kristin Lindas / KMD via  
Flickr / CC BY-NC



**Kristin Bergtora Sandvik**  
PRIO & UiO

**Ingunn Ikdahl**  
University of Oslo (UiO)

**Kjersti Lohne**  
University of Oslo (UiO)

**Maja Viktoria Spigseth Vestad**  
University of Oslo (UiO)

**Anniken Sørli**  
University of Oslo (UiO)

**Marit Moe-Pryce**  
Peace Research Institute Oslo (PRIO)



# Law after July 22, 2011: Survivors, Memory and Reconstruction

**Kristin Bergtora Sandvik**

*Peace Research Institute Oslo (PRIO)*

*University of Oslo (UiO)*

**Ingunn Ikdahl**

*University of Oslo (UiO)*

**Kjersti Lohne**

*University of Oslo (UiO)*

Peace Research Institute Oslo (PRIO)  
Hausmanns gate 3  
PO Box 9229 Oslo  
NO-0134 Oslo, Norway  
Tel. +47 22 54 77 00  
[www.prio.org](http://www.prio.org)

PRIO encourages its researchers and research affiliates to publish their work in peer-reviewed journals and book series, as well as in PRIO's own Paper and Policy Brief series. In editing these series, we undertake a basic quality control, but PRIO does not as such have any view on political issues. We encourage our researchers actively to take part in public debates and give them full freedom of opinion. The responsibility and credit for the hypotheses, theories, findings and views expressed in our publications thus rest with the authors themselves.



This work is licensed under CC BY 4.0. The contents can be shared and processed for free, provided that the author is credited correctly, indicating whether changes have been made, and without suggesting that the licensor endorses the use of the work.

ISBN: 978-82-343-0268-8 (print)  
ISBN: 978-82-343-0269-5 (online)

Cover design: [www.medicineheads.com](http://www.medicineheads.com)  
Cover photo: Ann Kristin Lindaas / KMD via Flickr / CC BY-NC

# Contents

<b>Acknowledgements</b>	<b>6</b>
<b>1. Introduction</b>	<b>7</b>
<b>2. A Socio-Legal Approach to the Aftermath of Terrorism</b>	<b>10</b>
<b>3. Survivors and the Law</b>	<b>12</b>
<b>4. Memorials and Commemorative Work as Contested Processes</b>	<b>17</b>
<b>5. Regulating Reconstruction: The Government Quarter</b>	<b>23</b>
<b>6. Towards a Socio-Legal Research Agenda</b>	<b>28</b>
<b>Bibliography</b>	<b>29</b>

# Acknowledgements

The work on this paper has been funded by the Research Council of Norway (RCN)/SAMRISK for LAW22JULY: RIPPLES (Rights, Institutions, Procedures, Participation, and Litigation: Embedding Security). With thanks to the editors, Research Assistant Maja Viktoria Spigseth Vestad, Postdoctoral Researcher Anniken Sørli and anonymous peers.

# 1. Introduction

---

On July 22, 2011, Anders Behring Breivik killed eight people through the bombing of the Government Quarter in Norway. He subsequently drove to Utøya, where he massacred 69 adults, youths and children at the summer camp for the Norwegian Workers' Youth League (AUF). Thousands of people – survivors, bereaved families, relatives and family and friends of the victims and survivors – remain directly affected by the event to this day. The legal proceedings against Breivik are largely complete. In 2012, he was found guilty of violating Sections 147 a and b and Section 233, subsection 1 and 2 of the Norwegian Criminal Code by committing premeditated murder under particularly aggravating circumstances and was sentenced to 21 years in preventive detention (*forvaring*) with a minimum term of ten years. In 2016, Breivik won a case against the Norwegian state for human rights violations in connection to prison conditions, but subsequently lost the appeal the following year. Appeals to the Norwegian Supreme Court and the European Court of Human Rights (ECHR) were rejected in 2017 and 2018. This form of punishment allows the convicted person the right to request parole after the minimum term has been served, which Breivik did in the autumn of 2020. The request will be considered by the District Court in spring 2022.

To establish the course of events, the Norwegian parliament set up a fact-finding commission, known as the “22 July Commission” or the “Gjørv commission”. Their report (NOU, 2012: 14) identified serious structural weaknesses in Norwegian public safety infrastructure. The report concluded that the “[A]uthorities’ ability to protect the people at Utøya failed.”<sup>1</sup> This conclusion gave rise to broad public discussion and scrutiny of organizations involved in public safety – especially the police force. A large number of legal reforms and legislative changes have been implemented because of the terrorist attack. In order to develop and improve Norway’s emergency preparedness and crisis management capabilities, changes have been made to the Norwegian Police Act, the Norwegian Security Act, the Norwegian Passport Act, the Norwegian Weapons Act, the Norwegian Fire and Explosion Protection Act, the Norwegian Customs Act, the Norwegian Criminal Code and the Norwegian Criminal Procedure Act (the list is not exhaustive). Despite these extensive legal changes, there is no socio-legal literature about the effects of July 22 beyond the areas of criminal and security law. While the consequences of July 22 continue to manifest themselves through new legal processes, the role of the law in the light of July 22 as an extraordinary event has received little academic attention.

The legal proceedings against the perpetrator of the July 22 attacks were a unique event in the modern Norwegian criminal justice system. The Norwegian legal system has not been faced with such serious crimes against so many victims and with as much at stake for the rule of law since World War II. While the legislative changes and legal processes within criminal law and national security have been thoroughly examined in Norwegian-language academic literature

---

1. This and all other direct citations in this paper are the authors’ translations.

---

(Folkvord, 2016; Laugerud & Langballe, 2017; Ryssdal, 2011), the numerous civil law processes that have followed in the aftermath of July 22 have barely been subject to academic analysis. In order to begin to bridge this knowledge gap, this paper outlines a socio-legal research agenda.<sup>2</sup> Formal legal processes tend to commence only when conflicts and disputes have escalated and it has not been possible to resolve them through other means. This means that academic analysis of the use of law to deal with grievances and resolve disputes will be comparatively late additions to the academic literature on any given issue. Our contribution is an early analysis of processes that are still ongoing. The purpose of this paper is to contribute towards an increased understanding of the role of the law – and the sociology of law – in the face of extraordinary events such as those of July 22.

A well-functioning administrative state governed by the rule of law is a cornerstone of liberal democracy. In the context of the Norwegian welfare state, the law constitutes a central instrument of governance. This is a form of social-democratic legality based on the concepts and premises of equal opportunity, equitable distribution of wealth, participation and trust (Ikdahl, 2020; Ikdahl & Strand, 2016; Kinander, 2005). Through its constitutive capacity, the law gives rise to authoritative interpretations and narratives about the past while also establishing normative conditions for the future. The law defines a violation and passes a judgment on what happened and the events that took place. While the law itself emphasizes neutrality as a core value, legal arguments and decisions are also contested social processes and may therefore be subject to socio-legal analysis.

This paper explores the socio-legal ripple effects of the July 22 terror attacks – in relation to survivors, their families and the bereaved, commemorative work and urban reconstruction. We investigate how the law is administered, practiced and mobilized in the processes relating to criminal injuries compensation, the creation of memorials and the rebuilding of the Government Quarter. As such, we are interested in law as a tool for governing the allocation and limitation of rights by the bureaucracy – and the court’s role in re-examining the administration and exercise of public authority and settling disputes concerning memorialization and reconstruction. We are interested in how the law balances the *ordinary* and the *extraordinary* in its reaction to July 22 and how various parties bring the law into play in the struggle over the official narrative surrounding July 22. We describe how the Norwegian state and the legal system have mainly chosen ordinary institutions, rules and processes in response to the extraordinary events on July 22 and how this shapes and limits the categories of “victims,” with consequences for rights claiming and legal mobilization.

In terms of methodology, the starting point for this paper is the socio-legal toolbox for the interpretation of various forms of data: secondary literature, media, interviews and observations,

---

2. This PRIO Paper is a modified version of our Norwegian-language article ‘Rettens rolle etter 22. Juli’, *Norsk sosiologisk tidsskrift* 5(3): 28–45.



---

preparatory works, regulations and case law. The point of departure for the paper is a mapping and systematization of all existing Norwegian-language literature concerning July 22, spanning 2011–2021.<sup>3</sup> This has since been supplemented by observations of the discourse on July 22 in the media, especially on the subjects of compensation, commemorative work and reconstruction. With regard to compensation, we have reviewed legislative changes and practices from the courts and the Norwegian Criminal Injuries Compensation Board. Work has also commenced on the collection of empirical data concerning the commemorative work and the rebuilding of the Government Quarter. Here, the main empirical focus so far has been observations of legal processes and interviews with the various parties involved, with an emphasis on special-interest groups. Together, these different types of data provide an empirical basis for this analysis. We must note that these are early analyses of ongoing processes. Rather than delivering final conclusions, the paper outlines a research agenda for the socio-legal ripple effects of July 22.

The paper proceeds as follows. The first part considers a socio-legal approach to the aftermath of terror. The empirical discussion focuses on three core topics:

1. The regulation of financial benefits to survivors, relatives and bereaved families;
2. The legal aspects of the commemorative work, and;
3. The judicialization of the disputes relating to the Government Quarter.

In the final part of the paper, we discuss what this means for the role of law after July 22 and in the face of extraordinary events on a more general level.

---

3. The authors and A. Allvin, unpublished manuscript: 'The 22 July 2011 Norwegian terror attacks as legal process: pointers for legal and socio-legal research'.

---

## 2. A Socio-Legal Approach to the Aftermath of Terrorism

---

How do we reflect on the aftermath of terror attacks and civilian suffering through the prism of socio-legal approaches? Here, the law is understood to be an overlapping system of reciprocal and competing standards and rules. The sociology of law is concerned with how legal practitioners understand the law, but also with the legal consciousness of citizens: how people think and act in relation to the law, how they use, mobilize, manipulate, avoid and resist the law (Sandvik, 2009; Silbey & Ewick, 2000). In other words, the focus of the sociology of law is on how society changes law, how the law changes society and the interactions between the law and society (Mathiesen, 2001).

A key question to ask here is about the *intended* and *unintended* effects of the law, with the former referring to the intended function of the law in society and the latter to the many (often hidden or latent) societal consequences of the law. The intended effects are those expressed in legislature, preparatory works or statements of legislative purpose. The purpose can be vague and difficult to interpret and may express idealistic or factual objectives. The law can also have unintended effects, for example when it obscures the power dynamics in society or where issues that are actually social or financial are defined as legal. A symbolic effect can be achieved when the courtroom is used as a stage, but as such, contested issues may also be removed from the political battlefield. Moreover, the law always interacts with other factors. This means that the effects of law are complex: The fact that legal and factual events occur close together in time does not necessarily mean that they are linked in any meaningful way.

Traditionally, the sociology of law in Norway has been concerned with both social critique and with the law's potential to create social change. It has largely conveyed a *conflict perspective* on law, where law is viewed as an expression of conflicts of interest and as an expression of definitional power in society. In the Norwegian welfare state, legal instruments are key governance strategies; yet, judicialization can also have clear negative effects for individuals and groups that are coerced to engage with legal processes, terminologies and narrow categories of legal identity. For this reason, *action research* has been central to Norwegian legal sociologists, especially on behalf of and in collaboration with marginalized groups such as prisoners or asylum seekers and refugees. Action research entails systematic enquiry and data collection for the purposes of practical problem solving. Accordingly, the use of *legal strategies* by social movements in social, political and legal conflicts play a central role in Norwegian sociology of law (Mathiesen, 1971).

In Anglo-American sociology of law, such strategies are often referred to under the heading *legal mobilization* (McCann, 2006; Vanhala, 2011). Legal mobilization refers to how the law is applied in an explicit and deliberate manner by invoking formal institutional mechanisms (Lehoucq & Taylor, 2020). As such, the concept encompasses a continuum of actions: ranging from strategic litigation before the courts of law to a more extensive definition that includes the repertoire of actions that describe how various parties, individuals and groups call on legal institutions, standards, discourses and symbols to submit claims or seek social change. Studies on legal

---

---

mobilization therefore have a lot in common with and partly overlap with studies on individuals' legal consciousness – the implicit, non-articulate use of the law to understand events (Silbey & Ewick, 2000) – and legal framing – the conscious and explicit use of the law to understand events (see Lehoucq & Taylor, 2020).

We are particularly interested in the question of how conflicts are judicialized and the consequences of this. We have taken two different approaches in the empirical examples we examine in this paper: Regarding the role of law in relation to survivors, we are interested in disputes concerning access to and allocation of legal resources. The disputes concern the material and procedural content and application of welfare law provision (broadly defined). Regarding the role of law in commemorative work and the rebuilding of the Government Quarter, our focus is on the judicialization of conflicts. Felstiner, Abel and Sarat (1980) use the terms “naming, blaming and claiming” to describe how the experience and acknowledgment of transgressions, injustice and illegality become formalized legal processes: by identifying an event as damaging, by assigning responsibility for the damage to someone and by demanding to be formally acknowledged and/or the issuing of a set of legal consequences. Formalized disputes occur when these requests are rejected or defeated (Felstiner, Abel & Sarat, 1980). At the same time, Nils Christie (1977) reminds us how the judicialization of conflicts also represents a form of “conflict theft”: The actual content of the conflict and its potential resolution are taken away from those it concerns and the struggle plays out between professional parties instead – lawyers, bureaucrats and other legal practitioners.

### 3. Survivors and the Law

---

The consequences of the July 22 attacks have been enormous for survivors, their families and the bereaved. A comprehensive literature documents and analyzes the psychological and physical injuries, trauma and other health consequences spanning 2011–2021. The physical and psychological life situation also has ripple effects on other aspects of individuals' lives. As documented by the Norwegian support group after the July 22 terror attacks (22 July Support Group, 2018), the terrorist attacks have resulted in reduced capacity for work, delayed education and disability benefits for a high number of people.<sup>4</sup> The state's financial support to each individual is therefore also an important aspect of the legal response following the July 22 attacks, contributing to reparation and to the restoration of societal security in a broad sense. Yet, there are few legal or socio-legal academic contributions investigating these issues. Thus, and as initial reflections in this field, we are concerned with how the law has shaped support to affected parties, and in particular how conflicts and dilemmas arise in connection with the legal allocation of resources and identities.<sup>5</sup>

The question concerning financial compensation for those affected was raised as early as the autumn of 2011, initially as a question as to whether this should be governed through a special act or through the ordinary criminal injuries compensation scheme. There were different views: Some counsels for victims strongly advocated a special act, while the 22 July Support Group preferred solutions through the ordinary system. The Norwegian Ministry of Justice concluded that the special act would be set aside. Later media coverage indicates how politically delicate the question was: The Norwegian Labor Party was accused of "favoring its own" (Iversen, 2012) and the Norwegian Progress Party (a populist right-wing party in opposition at the time and in government from 2013–2020) opposed special treatment of victims affected by July 22.<sup>6</sup> Generally, the response from the Norwegian state has been based on the ordinary institutions of the welfare state rather than the more specialized or ad-hoc schemes established following terrorist attacks in a number of other countries (Gilbert, 2018). Affected parties had (and have) the opportunity to apply for a one-off criminal injuries compensation payment and, if applicable, also for ongoing benefits such as sickness benefits and work assessment allowances.

Nevertheless, the criminal injuries compensation scheme also provides examples of how the events of July 22 led to changes in regulations. From the time of its establishment, the scheme's maximum compensation limit had already been raised on multiple occasions due to petitions from civil society advocating that the limit was too low or should be removed entirely. After July

---

4. In the survey conducted seven years after the attacks, around half of survivors and bereaved family members said that they were working/studying less than before. Among the bereaved, 20% said that they were now in receipt of disability benefits (22 July Support Group, 2018).

5. While sickness benefits and work assessment allowances are also important topics, we focus here only on criminal injuries compensation and occupational injury compensation. While sickness benefits and work assessment allowances are also important topics, we focus here only on criminal injuries compensation and occupational injury compensation.

6. Please refer to the written questions from Åse Michaelsen (Norwegian Progress Party) to the Minister of Justice and Public Security, submitted in the Norwegian national assembly (*Storting*) on October 5, 2012.

---

---

22, counsels to victims and the 22 July Support Group were pushing for the threshold to be raised. During the spring of 2012, the threshold was raised from 40 times to 60 times the National Insurance basic amount (G). The Ministry stressed that the terrorist attacks had shed new light on how the maximum payout was applied in practice,<sup>7</sup> but emphasized that the legislative change applied to everyone: “The victims of the July 22 attacks will not receive special treatment” (Andersen, 2011). While previous amendments had been effective only for future events, this amendment also applied retroactively: In order to cover events following July 22, it applied to all violent incidents taking place after January 1, 2011. Other changes were also made: The criminal proceedings and the civil law claims were put on dual tracks. It was decided that the affected parties’ compensation claims against Breivik would not be dealt with as part of the criminal case. Further rules were also established concerning oral (not only written) submissions of applications for criminal injuries compensation.<sup>8</sup>

The law, both in a formal and in a broader societal sense, became the central instrument for restoring and strengthening the financial security of those affected. Legal processes linked to claims for criminal injuries compensation and social security benefits have both practical and symbolic significance. Nevertheless, the processes linked to criminal injuries compensation have not been documented or analyzed to any great extent (for exceptions, see Nilsen, Langballe & Dyb, 2016; Sandvold, 2015). There is little knowledge of how these ordinary rules, institutions and procedures have worked in the light of the extraordinary events that took place on July 22. In order to understand the role of the law, attention must be paid to both the legal and institutional structures and how these were navigated by those affected, as well as counsel and legal practitioners in the bureaucracy. The design of the legal schemes and processes influences how much agency these actors have and decides the discretionary space for taking the extraordinary circumstances into account.

With regard to the allocation of resources, the size of redress for non-monetary loss is a good example. This part of the compensation is not linked to specific financial losses but to the actual “pain and suffering” experienced following the violent incidents.<sup>9</sup> Even though such redress is a statutory right for victims of violent crime, the assessment of damages is largely left to the discretion of the administration in the case concerned. The fear of lengthy case processing times because of the extraordinary number of individuals affected was coupled with a recognition that the nature of suffering in these cases differed from those that formed the basis for the existing

---

7. Reproduced in Proposition 65 L (2011–2012), *Changes to the Norwegian Criminal Injuries Compensation Act and the Norwegian Criminal Procedure Act*, Section 6.2.

8. Proposition 65 L (2011–2012), Section 4.

9. Act on Criminal Injuries Compensation, Section 6. In addition to redress, victims can also apply for compensation for permanent and significant injury (Section 5) and compensation for financial losses relating to damages suffered and losses in future income and expenses (Section 4).

---

practices. This led to the selection of a set of “pilot cases” to establish standardized levels for different groups of applicants. Similar standardization has also occurred in previous cases where there have been a high number of casualties, such as the Scandinavian Star and Åsta accidents (Sandvold, 2015).<sup>10</sup>

The Norwegian Criminal Injuries Compensation Authority (CICA) and a group of lawyers for the victims selected 14 cases that would represent different groups of affected parties. When CICA had made its decision as the authority of first instance, these were appealed and processed by a separate appeals body: The Norwegian Criminal Injuries Compensation Board (CIBA). Where the proposed special act would have left the question of the level of compensation for the July 22 victims to the legislature, the ordinary schemes left the assessment up to the bureaucracy. The Compensation Board responded by raising the compensation level for all groups compared to the CICA decision, in some cases significantly.<sup>11</sup> One of the members of the Board later wrote that “[v]ariations in how people were affected by the horrific events meant that it was necessary to rethink the compensation limits and the levels for redress compensation” (Sandvold, 2015). The process was ordinary, but the outcome was extraordinary in terms of financial compensation.

Observations from this process largely correspond to existing research on how victims can experience the dilemma between empowerment and participation, and the expectations accompanying the status of “victim.” A survey of Utøya survivors found that views differed on the standardization of the assessment of damages. Most said that “it was good to be split into groups based on the extent of injuries, as they then did not have to present themselves as being sicker than they were in order to raise the amount of compensation.” At the same time, some felt that the compensation settlement became “random and somewhat unfair, as they did not feel that their individual story was heard and taken into account” (Nilsen, Langballe & Dyb, 2016: 8–9).

With respect to contestation relating to identity, the question of *who* is a “victim” in the eyes of the law is largely determined by established conditions and assessments. The Norwegian Criminal Injuries Compensation Act creates various victim categories by differentiating between groups based on e.g. the severity of the injury, proximity to events and experiences and actions during and after the attack. The primary claimant position is assigned to those who suffered the gravest direct injuries and bereaved families, who have a *legal right* to compensation. The limit to this provision was a central aspect of the only dispute relating to compensation after July 22 that

---

10. Scandinavian Star was a passenger ferry sailing between Norway and Denmark. In 1990, a catastrophic fire onboard killed 159 people. In the 2000 Åsta accident, two trains collided in Eastern Norway, resulting in a fire killing 19 passengers.

11. For those who experienced life-threatening injuries on Utøya, the redress amount was increased from NOK 350,000 to NOK 600,000 and the amount for corresponding injuries in the Government Quarter was raised from NOK 300,000 to NOK 500,000.

---

has been considered by the courts.<sup>12</sup> The case was brought by three individuals who had participated in the Utøya camp but who were on the shore side during the terrorist attacks. There, they provided comfort, help and care to people who managed to get off the island. The Norwegian Supreme Court upheld a strict interpretation of the main rule: The relation the three individuals had to the attack at Utøya was initially not deemed sufficient to be considered for compensation. The Court highlighted the need for “objective criteria” in cases relating to terrorism, “where the potential for damage is far-reaching and indefinite and where a great number of people are affected in different ways.” The fact that one of the three had a cousin who was present on the island was also not sufficient to be covered by the special rule about children who experience violence against closely related parties: A cousin is generally not considered a “closely related party” and the child also had not “witnessed” what the cousin experienced at Utøya. Nevertheless, the three individuals did not lose the case completely. A new special rule concerning “volunteers” was included in the act during the spring of 2012, with particular reference precisely to “private individuals who transported people to the mainland from Utøya or people who undertook life-saving work at Utvika camping or in the Government Quarter.”<sup>13</sup> The Norwegian Supreme Court found that the three individuals could be assessed under this rule, even though the help they provided was not “medically qualified.” They did not then have an unconditional *claim* to criminal injuries compensation, but the criminal injuries compensation authorities would assess whether they should receive it.

International research has discussed how victims of terrorism differ from victims of other crimes, partly because terrorist attacks typically use violence not only to target those who are *directly* affected but also to threaten and intimidate larger groups who are *indirectly* affected (Pemberton, 2010). This perspective on societal impact stands in tension to criteria articulated by the Norwegian Supreme Court. The Court allowed the “degree of closeness to the murders on Utøya and the degree of closeness to the recognized victims in the case” to be the deciding factor and therefore found that only the volunteering work of the three individuals could form the basis for being classified as victims.

Location, or place, is also important to the law’s definition of victims. In 2013, the National Insurance Court dealt with two cases concerning occupational injury compensation, both brought by employees working in the Government Quarter who were on their way home when the bomb went off. After July 22, the Norwegian Labor and Welfare Service had issued guidelines that employees who were on their way to or from work in the Government Quarter should be considered employees in an area with an elevated risk of terrorism, so that the occupational injury rules would extend further than they otherwise would have. Following detailed assessment of

---

12. A decision was reached in the case by the Norwegian Supreme Court in February 2017, HR-2017-352-A.

13. Proposition 65 L (2011–2012), Section 7.2.

---

---

distances and locations of buildings, both employees were still found to fall outside the conditions set down in the regulations.<sup>14</sup> The physical distance from the event was central, just as it was in the Norwegian Supreme Court case concerning the Utøya participants on the mainland. As it was argued in one of the employees' cases, the employee in the Government Quarter had "become part of the general public, despite working at the place where the explosion occurred."<sup>15</sup> The individuals' affiliation and role as an intended target of the attack had little bearing on the law's drawing of boundaries. When the law is used as the tool for providing financial and symbolic support to victims of terrorism, it also acquires the role of demarcating the boundaries as to *who* the victims are. Judicialization of victim identity becomes part of a larger moral economy, in which the law becomes both the gatekeeper for where the threshold for suffering is set and a narrator with regard to "what actually happened." While the criminal case against the perpetrator is the "master narrative," the high number of decisions and legal rulings by boards, appeals bodies and courts constitutes a flood of legal narratives relating to July 22, both independently and together.<sup>16</sup>

---

14. In case TRR-2013-188, the individual had arrived at Torggata/Youngstorget, in TRR-2013-1923, the individual was at the intersection of Akersgata/Keysersgate.

15. The quotation is from case TRR-2013-188, but similar wording can be found in TRR-2013-1923.

16. In its annual report for 2018, the Norwegian Criminal Injuries Compensation Authority indicated that it had received a total of 2,024 applications following the terrorist attack on July 22, 2011 (The Norwegian Criminal Injuries Compensation Authority, 2019: 14).

---



## 4. Memorials and Commemorative Work as Contested Processes

---

By 2021, there were many memorials relating to July 22: the Government Quarter, with the temporary memorial plaque and the 22 July Centre; Hegnhuset on Utøya; the iron roses next to Oslo Cathedral; 54 identical commemorative stone sculptures in affected municipalities across Norway; and a memorial in Trondheim. The literature on memorials relating to July 22 (see Fagerland, 2016; Hjorth, 2021; Kverndokk, 2012) deals with topics such as mourning rituals, commemorations, and ceremonies, as well as the many different processes relating to the regulation and planning of memorials and the design of the memorials themselves (Heath-Kelly, 2016). The literature shows that there are strong tensions between some of the basic ways of interpreting and narrating the events. This includes, for example, different narratives about memories (progressive vs. tragic) (Hjorth & Gjermshusengen, 2017); timelines (past/future); or knowledge production (experts or “the people”; spontaneously or planned) (Lenz, 2018). As time has passed, the processes relating to memorials have increasingly focused on the conflicts relating to design and location, i.e. the contextualization of memorials. These conflicts are subject to different forms of judicialization. In the following, we look at two aspects relating to the role of law.



Photo: Marit Moe-Pryce / PRIO

The first type of judicialization concerns the role of regulations and bureaucratic procedure and decision-making structures. Participation and contribution are fundamental values in Norwegian society and the law establishes guidelines for how this must be facilitated by the bureaucracy. What happens when initiatives and complaints are channeled into bureaucratic processes? Memorial development has in large part been transformed into a bureaucratized process managed by Statsbygg, which has incorporated participation and opposition into its hearing process on area design and governance, exercised through the Norwegian Public Administration Act and the Norwegian Planning and Building Act, as well as zoning plans.<sup>17</sup> This raises interesting questions concerning what criminologist Nils Christie labeled “the theft of conflict” (Christie, 1977). The initial steering group for memorials, appointed in December 2011, made a proposal in April

---

17. Statsbygg is the Norwegian government’s building commissioner, property manager and developer.

---

2012 that July 22 memorials should be situated at Nisseberget, a peaceful part of the Royal Palace's Park, rather than near the Government Quarter. However, Nisseberget was no longer an option as of June 2012, due to a perceived lack of a link between the location and the July 22 attacks. The permanent 22 July Centre has also been perceived as a kind of memorial. When the development of "Memory Wound" by Jonas Dahlberg at Sørbråten was discontinued (see below), the Dahlberg memorial in the Government Quarter was also cancelled and compensation for breach of contract totaling millions of NOK was paid out. In 2018, a temporary memorial was unveiled in the Government Quarter. A monument consisting of 900 cast iron roses was installed outside Oslo Cathedral in 2019. The question of the location and design of a permanent memorial in Oslo remains unresolved.

The second form of judicialization is legal mobilization through the use and threat of lawyers, legal action and legal proceedings as a means to stop processes relating to memorials. While none of the processes relating to memorials in Oslo have been subject to any particular degree of legalization (thus far), the matter of the national memorial in the municipality of Hole, where Utøya is located, is different. These mobilization processes are important to how we understand the legal repercussions of July 22 and perhaps particularly with regard to how the use of legal mobilization has been assessed from a moral perspective. We suggest that the issue is not so much the mobilization of ordinary law in the context of an extraordinary event, but the observation that legal mobilization processes are themselves considered "matter-out-of-place" and culturally inappropriate in the context of extraordinary violence and national tragedy.

Originally, the plan was for a national memorial to be completed near Utøya in 2015. The original proposal for a memorial at Sørbråten – "Memory Wound" by Jonas Dahlberg – quickly generated significant discord between the local residents on Utstranda and the



Photo: Marit Moe-Pryce / PRIO

---

Norwegian state. The government-initiated processes surrounding the national memorial have been problematic from the start: In 2014, the Norwegian state apologized for the fact that the process had been poor and lacking in participation and involvement from local residents. Finally, in March 2021, following painful legal proceedings, the Ringerike District Court concluded that the national memorial could lawfully be completed on the Utøya quay.

In the two interlinked legal processes (from 2016 and during 2020–21) contesting “Memory Wound” at Utstranda and the memorial grove on the Utøya quay, residents (partly organized through the Utstranda Vel, a local neighborhood association) have contested the construction of memorials in their local area. Their arguments are given additional moral weight due to the role many local residents played in rescuing young people fleeing from Utøya. In a press release from 2016, the claimants wrote: “we think it is awful that the Norwegian state wants to locate this in a local community that actively rescued a number of young people on July 22 – we would like the Norwegian state to show compassion and gratitude for the contributions made by our local community” (NTB, 2016). In both litigation processes (2016 and 2020–21), the focus was on psychosocial health and the risk of re-traumatization. The local residents also raised concerns about various forms of noise and disturbance (traffic, media attention, etc.). The legal basis for this is Section 2 of the Norwegian Neighboring Properties Act on considerate behavior: “many residents already struggle with memories from this day and do not need further reminders of the brutality we witnessed” (NTB, 2016).



Photo: Kristin Bergtora Sandvik / PRIO / UiO

---

While the public was enthusiastic about “Memory Wound,” the local residents did not want a visible and high profile memorial. They filed a lawsuit against the Norwegian state in 2016 (NTB, 2016). The legal proceedings, scheduled for April 25, 2017, were initially postponed, before the government withdrew the “Memory Wound” proposal (both for Utøya and in the Government Quarter). The memorial itself and the selected location (Sørbråten) were eventually rejected. The Attorney General stopped the case in November 2017 and the Norwegian state covered the legal costs incurred by the local residents (Storløyken, 2017). The Attorney General emphasized that this was *not* part of any legal process that involved any kind of recognition: “The Norwegian state has extrajudicially agreed to cover the legal costs incurred by the local residents. But it is not the Courts of Justice that will award them the costs. This is something the Norwegian state has chosen to do independently” (Afshary-Kaasa & Staude, 2017).

The Norwegian Workers’ Youth League (AUF) and the 22 July Support Group proposed the Utøya quay as a new location for the memorial at the start of 2017 (Letvik, 2017). However, the local residents were also critical of this proposal and still wished to bring legal proceedings. The local residents believed that it was necessary to investigate whether the memorial should instead be situated at “Utsikten,” a location with a view over Utøya, but further away from the quay. Here, the leader of the Utstranda Vel charity had personally taken the initiative to move a temporary memorial in 2014 due to troublesome behavior and traffic issues (Skårdalsmoen, 2014). The survivors and those affected by the events on Utøya perceived this proposal to be unacceptable. This was also rejected by Jan Tore Sanner, then the Minister of Local Government and Modernization, who (referring to the request to explore Utsikten as an option) stated: “I see no reason to investigate something that will not happen” (Mannsverk, 2017).

Eventually, a new memorial site was developed and designed, a sort of commemorative grove on Utøya quay, which was scheduled to be unveiled in 2021. This resulted in another legal dispute, largely based on the same arguments as the case described above. In May 2020, the Municipality of Hole adopted the proposal of a memorial on Utøya quay. The local residents submitted a complaint to the County Governor and initiated legal proceedings against the Municipality of Hole on the basis of the Norwegian Neighboring Properties Act and considerations for psychosocial health (Svelstad & Svendsen, 2020). The local residents’ claim was upheld in Ringerike District Court in September 2020, through a temporary injunction for the works to be temporarily stopped, pending a court case to determine the lawfulness of the location.<sup>18</sup> In November 2020, the Norwegian state’s appeal was upheld by Borgarting Court of Appeal.<sup>19</sup> The local residents were not made to cover the legal costs. The works continued while the court case concerning the lawfulness of the construction of a national memorial on Utøya quay came before Ringerike

---

18. Case no. 20-100356TVI-RING.

19. 20-153091ASK-BORG/04.

---

---

District Court. In December 2020 and January 2021, the Ringerike District Court became the venue for a harrowing tug-of-war regarding the purposes and effects of memorials, who the victims of July 22 were and what it means to be heard. The verdict was issued in February 2021: The request for a prohibition pursuant to Section 2, cf. Section 10 of the Norwegian Neighboring Properties Act, cf. Article 8 of the European Convention on Human Rights against constructing a memorial on Utøya quay was not upheld. The Court found that the considerations in favor of establishing a memorial on Utøya quay outweighed the negative effects the memorial would have for the claimants.<sup>20</sup> Once more, the local residents were not ordered to cover legal costs. In March 2021, the local residents decided they would not appeal the decision. The Norwegian Workers' Youth League stressed that "the conflict surrounding the memorial has caused a great deal of stress on the part of many" and expressed relief that the case could now be put to rest.

While these processes could be perceived as one continuous legal mobilization process, they should also be understood as processes on a time axis. In the first process, the design of the memorial was stopped because the court case was perceived as a parallel to *the* court case (against Breivik) and as too painful for everyone involved, including the government. This is because *the* court case took place between the Norwegian state and the terrorist: During the winter of 2017, Breivik's appeal against the Norwegian state for human rights violations was brought before Borgarting Court of Appeal. Relatives stated that they were "dreading the situation" (Mauno, 2016). A new court case could not be held during the same spring. A commentator in the Norwegian newspaper *Aftenposten* stated that:

*Legal action and legal settlement are hopeless. A court case against the Norwegian state to stop a national memorial to 22 July? I can hardly imagine a sadder expression of the unity and solidarity that was praised so highly after the terrorist attack being unable to withstand the pressure from a more contradictory and petty everyday life (Madsen, 2017).*

In this comment, the courtroom itself becomes a metaphor for justice. The contrast between the courtroom in Oslo, which was the stage for a show of justice, and a courtroom in Ringerike District Court threatened to ruin the idea of the July 22 legal proceedings as a national healing process. Here, the *avoidance* of legal conflict became a goal in and of itself. However, context changes over time. The further Norway is from the event itself and the more time that passes *without* any memorials being put into place, the more fragmented and perhaps less legitimate the opposition to the memorial seems to become. The time aspect also eventually becomes a source of pain and trauma in its own right. One Utøya survivor is quoted as saying that "it would be a shame if the country had not managed to get a memorial in place ten years after the terrorist

---

20. 20-100356TVI-RING: 37.

---

attack” (Svelstad & Svendsen, 2020). Following the temporary injunction in September 2020, the leader of the Norwegian Labor Party, Jonas Gahr Støre, stated: “The slow pain experienced by the victims of the terrorist attack in relation to the memorial is like rubbing salt in their wounds” (NTB, 2020). Legal mobilization against powerful parties is costly – financially, socially and emotionally. There has been significant decline in mobilization against the memorial. A large group of residents have stated that they wish to put the question of the location to rest and move on (19 households, 2020).

Nevertheless, with respect to the 2020–21 court case, we can see that the attempt at legal mobilization has not been stigmatized to the same degree as the mobilization against Sørbråten: While the subject of the legal dispute is extraordinary, the process is, to a large extent, perceived as ordinary and legitimate. In the verdict, the local residents received considerable support for the fact that this was a difficult process, that it could have been implemented better on the part of the Norwegian state and that there were challenges linked to living in close proximity to the national memorial. As noted by the Court, “The Court finds that there is value to society in the fact that, after a process that has taken years and has been painful for the claimants, they had the opportunity to try the full extent of the case before the courts.”<sup>21</sup> With some exceptions, the media was also much more understanding, both with regard to the fact that the local residents wanted to bring a case but also in light of the testimonies of powerlessness and anger that were presented in the courtroom.

---

21. 20-153091ASK-BORG/04.

## 5. Regulating Reconstruction: The Government Quarter

---

The bombing on the afternoon of July 22 killed eight people, injured 200 and caused extensive material damage. The bomb was placed outside the building housing the office of the Prime Minister. The rebuilding of the Government Quarter and the securing of Oslo city center is an enormous operation that raises a number of private and public law issues with regard to regulation and planning, public procurements, ownership, intellectual property and intellectual property rights. We argue that the law plays an important role in a symbolically charged rebuilding process, which has come to be dominated by security concerns and a comprehensive securitization of all issues. There is a need for a socio-legal focus on the types of tensions that arise and the compromises entered into when attempting to use the law to integrate and strengthen democratic values such as transparency, equality, environmental considerations and cost-effectiveness.

The role of the law in relation to the repercussions of the bombing of the Government Quarter has only recently become visible. As already mentioned, this delay is a distinctive feature of the legal research into July 22 more generally: As long as the ordinary rules are observed in ordinary administrative processes, there are no conflicts to study. It is only when disputes have escalated that the law is mobilized to *challenge* government decisions. The case processing time in bureaucracy and delays in the court system and appeals committees contribute to further postponements. We identify four types of contestations and conflicts that have emerged over time. The first set of conflicts relates to the attempts to find a location for memorials in Oslo city center (see above).

The second conflict relates to the regulation of security in Oslo city center and the trade-offs between protecting public offices and residents against terrorist attacks and protecting freedom of movement and access to public spaces. The development of a security perimeter around central parts of Oslo city center, with the consequences this will have for the business community and the general public's access to public spaces, must be considered a significant *latent* source of legal conflict. Here, important questions arise concerning the interaction between the Norwegian Security Act, state zoning plans and the Norwegian Planning and Building Act. The Gjørsvik Report (commissioned by the Norwegian Parliament to examine the official responses to and possible prevention of the terrorist act) was explicit in its criticism of the inadequate physical security surrounding the Government Quarter. The 2008 Norwegian Planning and Building Act has expanded the authorities' decision-making authority vis-a-vis sensitive objects. While central areas of Oslo city center have now been equipped with bollards, public spaces (outside of the Government Quarter) have largely remained open and accessible to the public.

The third conflict relates to the rebuilding and architectural design of the Government Quarter, which can best be described as a conflict that has undergone *limited* judicialization. The controversies surrounding the architectural tender competitions, predominantly the questions concerning impartiality, unfair competitive advantages and nepotism, resulted in threats of legal action (Aune, 2017) and an appeal to the Norwegian Complaints Board for Public Procurement from 19 architects in May 2018. Following an extremely long processing time, this appeal was rejected at

---

the end of 2019. A possible downscaling of the new Government Quarter, delays and changed environmental and security requirements are factors that contribute to there being a high probability of future legal conflict.

The fourth and final conflict can be described as having been *fully judicialized* and concerns the dispute over the demolition of the damaged buildings, particularly the Y-block. The processes relating to the demolition and rebuilding in the Government Quarter have been ongoing since immediately after the attack in 2011 and are managed by Statsbygg. Statsbygg is a Norwegian government agency that manages the real estate portfolio of the Government of Norway. It is placed under the authority of the Norwegian Ministry of Local Government and Regional Development. The controversy surrounding the demolition of the predecessor to the Government Quarter, the Empire Quarter, played out for a long period of time, from the 1890s to the beginning of the 1950s. The Oslo City Encyclopedia notes that “Cultural heritage authorities and the municipality, backed by public opinion, wanted to preserve, but the Norwegian state wanted to demolish” (Oslo City Encyclopedia, undated). The high-rise building and the Y-block designed by Erling Viksjø were completed in 1958 and 1970 respectively. They were decorated with works by



Photo: Marit Moe-Pryce / PRIO

Carl Nesjar and Pablo Picasso, among others. The immediate focus after July 22 was on the assessment of structural damage to the high-rise building. In 2014, the decision was made for the high-rise building to be preserved, while government building 4 (R4), Møllergata 17 and the Y-block would be demolished. The S-block was demolished in 2014–15.

Architects, city planners and public sector conservation authorities, cultural heritage activists, the heirs of Nesjar and Viksjø and international parties committed to the conservation of cultural heritage and the legacy of Pablo Picasso have, individually and together, utilized a number of bureaucratic and legal processes through which they have submitted a number of different legal bases in their fight against the demolition of the Y-block. What distinguishes this mobilization from the mobilization against memorials in the Municipality of Hole is that the group suing to halt the construction of the national





Photo: Marit Moe-Pryce / PRIO

memorial in Hole were personally involved in the July 22 events. The residents going to court struggle with the aftermath of the attack in their everyday lives, in terms of their own traumatic experiences, the drawn-out fight against the memorial and the prolonged construction process. The struggle against the demolition of the Y-block, on the other hand, is predominantly a professional conflict and part of a historical dispute between urban conservation and urban development interests.

During the spring of 2020, with funding from a private donor, the Association of Norwegian Architects and the National Trust of Norway brought the demolition case before the courts, claiming that the permit for the demolition was invalid as a result of the invalidity of the zoning plan. The activists also requested a temporary injunction against the demolition until the case had been determined by the legal system. The campaign in support of preserving the Y-block and the Oslo Association of Architects contributed written submissions “to highlight the public interest.” The District Court upheld the Norwegian state’s claim. The appeal was scheduled to be brought before the Borgarting Court of Appeal at the end of August 2020 (Hagen, Grøndahl & Pettersen, 2020). However, in June 2020, a majority in the Norwegian parliament –the Storting – voted down a “doc. 8” representative proposal to postpone the demolition until the case had been processed by

---

the Courts of Appeal.<sup>22</sup> The appeal was withdrawn the same month and the Y-block was demolished during the autumn of 2020. Both the mobilization process that led to the court case and the dramaturgy surrounding the court case are, in and of themselves, interesting. The Oslo District Court made an exemption from the coronavirus lockdown, and the court case, with a charismatic performance by the well-known lawyer Berit Reiss-Andersen, was streamed via YouTube.

What are the main takeaways from this process? Politicians, legal actors, bureaucrats, pundits, scholars, civil society and survivors have reiterated that democracy and transparency are core Norwegian values following July 22. In the processes relating to the Y-block, the parties strongly disagree about whether “democracy and transparency” have been practiced as preached and what is meant by genuine popular participation. Those seeking to stop the demolition believe that it has not been possible to participate because the government set down the conditions for a new Government Quarter *before* the zoning process was initiated. The Norwegian state and ultimately also Oslo District Court took a different view. In the ruling from June 2020, which rejected the postponement of the demolition of the Y-block, the Court wrote: “During the process, from the decision to co-locate the Ministry in 2012, there have been a great number of hearings and other forms of participation processes in which opposition to the demolition has come to light.” Among other things, it is noted that 150 statements opposing the demolition were submitted in response to the state zoning plan in 2017.<sup>23</sup>

Based on a concept study produced by a consultancy in 2013, in which conservation was described as “possible” but not investigated to any greater extent, the government decided that the Y-block would be demolished in 2014. For opponents of the demolition, it appeared that a so-called concept study, which is generally used as a fiscal tool, had been used to determine city zoning measures and conservation before the professional authorities had fully discussed the matters relating to national cultural heritage. This type of political decision cannot be appealed and this became a premise for the subsequent planning process as well as the architectural tender competition. When the planning program was subject to a consultative hearing, the most important decisions had already been made. At the same time, the Norwegian Institute of Building and Planning Law assumes that investigations take place during the planning process and form a knowledge base for the decisions that are subsequently made. The District Court made the pertinent observation that “How far the Norwegian state can go with regard to predetermining the premises that set the guidelines for continued planning work is an interesting question” (The Norwegian Government, 2014).

---

22. Representative proposal 106 S (2019–2020). Retrieved from: [www.stortinget.no/no/Saker-og-publikasjoner/Publikasjoner/Representantforslag/2019-2020/dok8-201920-106s](http://www.stortinget.no/no/Saker-og-publikasjoner/Publikasjoner/Representantforslag/2019-2020/dok8-201920-106s).

23. Ruling, Oslo District Court 20-041571TVI-OTIR/04 (2020, 7 April). Retrieved from: [www.regjeringen.no/contentassets/96972936d88f4c94a3606a7af30a87d3/kjennelse---y-blokken.pdf](http://www.regjeringen.no/contentassets/96972936d88f4c94a3606a7af30a87d3/kjennelse---y-blokken.pdf).

---

---

In the municipal zoning plan for the Municipality of Oslo in 2015, the plot where the Y-block stood had been allocated as “development area” U1. The demolition of the Y-block was ratified in statutory regulation in 2017. The property was also covered by the 2017 state zoning plan, in which it was allocated for “public or private services, with the exception of a smaller area allocated for the purposes of a square and combined buildings and construction purposes.” Here is the caveat: State plans cannot be appealed. The planning map assumed the demolition of the Y-block (County Governor of Oslo and Viken, 2020). The demolition application was submitted to the local authority in December 2018 and was approved in 2019. Both the Norwegian Planning and Building Authority and the County Governor subsequently ratified the demolition with reference to the zoning plan. While these public bodies were clear that they had no authority to deny a demolition permit, they were also clear that they did not *wish* to approve such a permit and asked the government to reconsider the issue (NTB, 2019). In January 2020, the Parliamentary Ombudsman rejected the case without proper consideration because it was obsolete, better suited for legal proceedings in the courts and because the Storting had already taken a position relating to the complexity of the case (Parliamentary Ombudsman, 2020). The conservation authorities have been vocal in their support for conservation. In 2015, the Cultural Heritage Management Office requested an investigation into the so-called “zero option” (Cultural Heritage Management Office, 2015). The Norwegian Directorate for Cultural Heritage rejected a request for temporary preservation of the Y-block in March 2020 on the basis of a lack of legal authority (Norwegian Directorate for Cultural Heritage, 2020). During the court case, the Attorney General said that the case was “not debatable” as all appeal opportunities had been exhausted and the Parliamentary Ombudsman had been heard. For the conservation advocates, it is clear that “there was never any real opportunity to appeal the demolition of the Y-block” (Hoem, 2020).

As a coda to the legal mobilization against the demolition of the Y-block, the heirs of the artist Carl Nesjar and the architect Erling Viksjø initiated legal proceedings against the planned locations for the artworks *Fiskerne* and *Måken* in the A-block of the new Government Quarter. The case was scheduled to appear before the Oslo District Court in March 2021 (Hagen, 2021). In a press release issued on February 19, 2021, the Norwegian Ministry of Local Government and Regional Development announced that it had reached a settlement with the heirs of artist Carl Nesjar and architect Erling Viksjø concerning the location of *Fiskerne* and *Måken* in the new Government Quarter. The case was closed, even though the questions about copyright remained unresolved: According to the press release, both parties were “satisfied that the dispute was now at an end, despite disagreements concerning the legal aspects of the case” (Norwegian Ministry of Local Government and Regional Development, 2021).

## 6. Towards a Socio-Legal Research Agenda

---

This PRIO Paper provides an initial socio-legal scoping of some of the legal effects of July 22. By way of conclusion, we observe the following:

Based on our tentative mapping of the financial benefits to survivors, their families and the bereaved, we suggest that the Norwegian state and the legal system largely used ordinary legal instruments in response to the extraordinary events of July 22. Existing concepts and schemes in Norwegian law governed bureaucratic decisions on financial support to victims, but with varying degrees of flexibility. The discretionary nature of rules concerning the assessment of redress gave the Norwegian Compensation Board the opportunity to increase the amounts paid to claimants. In contrast, the rules determining which individuals had legally valid claims were strictly delineated by earlier cases and had *unintended* effects, as the law defined certain affected parties as falling outside the victim categories and thus as not being entitled to the associated rights.

Our discussion of how conflicts are judicialized raises important questions regarding the appropriation of conflicts – and the use and threat of legal representation, legal action and legal proceedings to stop processes relating to the July 22 memorials. Further research is required to untangle the relationship between political governance, bureaucratic processes and legal processes: who has access to the extensive resources required to judicialize conflicts, who does not and what are the consequences locally and nationally?

Furthermore, we suggest that the delayed legal ripple effects of July 22 can be explained by the fact that, although the law largely *controls* the activities of the administration and the bureaucracy, the role of judicialization only becomes visible when conflicts and disputes have escalated and cannot be resolved other than by asking the courts to *re-examine* the decisions made by the state. As such, there are several *latent* sources of legal conflict in the aftermath of July 22. This is, as an example, illustrated through the law's role in relation to the rebuilding of the Government Quarter. As researchers, we need to understand how the legal processes, including the various legal mobilization processes, are located in a time axis that is determined, among other things, by when it is socially possible and politically opportune to mobilize the law.

Finally, there is a need to position the legal effects of July 22 in the context of more overarching issues and research into the role of the law in the light of extraordinary events, whether relating to war, to crises or to particularly serious crimes (Lohne, 2019; Sandvik & Lohne, 2020). In addition to international law (international criminal law, humanitarian law, human rights), the research on transitional justice and post-terror justice can contribute towards a more general understanding of the role of the law after July 22. In both areas of study, there have been long-running discussions on how to respond to extraordinary events and whether it is effective or, in principle, perilous for the rule of law to make exceptions to “normal” and ordinary legislation. ■

# Bibliography

---

19 households [Av 19 husstander, fastboende og hytteeiere langs Utstranda] (2020). Beboere og hytteeiere. Nok er nok om minnesmerket. *Ringerikes blad*. 30 April.

Available at: [www.ringblad.no/nok-er-nok-om-minnesmerket-beboere-og-hytteiere/o/5-45-1014871](http://www.ringblad.no/nok-er-nok-om-minnesmerket-beboere-og-hytteiere/o/5-45-1014871).

22 July Support Group [Støttegruppen 22. juli] (2018) 10/6-2018: Resultater fra spørreundersøkelsen.

Available at: [22juli.info/aktuelt/10-6-18-resultater-fra-sporreundersokelsen](http://22juli.info/aktuelt/10-6-18-resultater-fra-sporreundersokelsen).

Afshary-Kaasa, J. & T. Staude (2017) Striden om minnestedet etter 22. juli på Sørbråten er over. *NRK*. 8 November.

Available at: [www.nrk.no/kultur/striden-om-minnested-etter-22.-juli-pa-sorbraten-er-over.-1.13769543](http://www.nrk.no/kultur/striden-om-minnested-etter-22.-juli-pa-sorbraten-er-over.-1.13769543).

Andersen, I. (2011) Vurderer økt voldsoffererstatning etter 22. juli. *NRK*. 18 October.

Available at: [www.nrk.no/norge/vurderer-okt-voldsoffererstatning-1.7837182](http://www.nrk.no/norge/vurderer-okt-voldsoffererstatning-1.7837182).

Aune, O. (2017) Går ikke til retten for å stoppe regjeringskvartalet. *NRK*. 7 November.

Available at: [www.nrk.no/kultur/gar-ikke-til-retten-for-a-stoppe-regjeringskvartalet-1.13768009](http://www.nrk.no/kultur/gar-ikke-til-retten-for-a-stoppe-regjeringskvartalet-1.13768009).

Christie, N. (1977) Konflikt som eiendom. *Tidsskrift for rettsvitenskap* 90: 113–132.

County Governor of Oslo and Viken [Fylkesmannen i Oslo og Viken] (2020) Vedtak i klagesak - Akersgata 44 – Gnr. 208 bnr. 5 Oslo - Igangsettingstillatelse rivning av Y-blokka. *Fylkesmannen*. 27 January.

Available at: [www.fylkesmannen.no/globalassets/fm-oslo-og-viken/plan-og-bygg/plan-og-bygningsrett/vedtak-klagesak.pdf](http://www.fylkesmannen.no/globalassets/fm-oslo-og-viken/plan-og-bygg/plan-og-bygningsrett/vedtak-klagesak.pdf).

Cultural Heritage Management Office [Byantikvaren] (2015) Byantikvarens uttalelse til planprogrammet for regjeringskvartalet. *Oslo kommune Byantikvaren*. 4 March.

Available at: [byantikvaren.files.wordpress.com/2015/06/byantikvarens-uttalelse-til-planprogram-regjeringskvartalet.pdf](http://byantikvaren.files.wordpress.com/2015/06/byantikvarens-uttalelse-til-planprogram-regjeringskvartalet.pdf).

Deflem, M. (2008) *Sociology of law: visions of a scholarly tradition*. Cambridge: Cambridge University Press.

Fagerland, T. E. (2016) Følgeforskning og minneprosesser på Utøya 2013–2014. In: V. Enerbakk et al. (eds) *De berørte etter 22. juli. Forskningsetiske perspektiver*. Oslo: Cappelen Damm (85–93).

Felstiner, W. L. F.; R. L. Abel & A. Sarat (1980) The Emergence and Transformation of Disputes: Naming, Blaming, Claiming... *Law and Society Review* 15(3/4): 631–654. DOI: 10.2307/3053505.

Folkvord, I. (2016) Rettslig formgivingsarbeid etter terroren 22. juli 2011. *European Journal of Scandinavian Studies* 46(1): 120–136. DOI: 10.1515/ejss-2016-0008.

Gilbert, E. (2018) Victim compensation for acts of terrorism and the limits of the state. *Critical Studies on Terrorism* 11(2): 199–218. DOI: 10.1080/17539153.2017.1411234.

Hagen, K.; E. Grøndahl & P. Pettersen (2020) Elvestuen gikk imot regjeringen – kaller rivning av Y-blokka «et historisk feilgrep». *NRK*. 3 June.

Available at: [www.nrk.no/kultur/stortinget-stopper-ikke-rivning-av-y-blokka-\\_stotteaksjonen-trekkesoksmålet-mot-staten-1.15037978](http://www.nrk.no/kultur/stortinget-stopper-ikke-rivning-av-y-blokka-_stotteaksjonen-trekkesoksmålet-mot-staten-1.15037978).

Hagen, K. (2021) Arvinger går til rettssak om Y-blokka: - Jeg har vært sint og frustrert. *NRK*. 11 January. Available at: [www.nrk.no/kultur/](http://www.nrk.no/kultur/)

---

arvinger-gar-til-rettssak-for-a-bestemme-hvor-kunsten-fra-y-blokka-skal-plasseres-I.15315204.

Heath-Kelly, C. (2016) Building a New Utøya; Re-Placing the Oslo Bombsite —Counterfactual Resilience at Postterrorist Sites. *Studies in Conflict & Terrorism* 39(4): 308–325. DOI: 10.1080/1057610X.2016.1117328.

Hjorth, I. & L. Gjermshusengen (2017) Et minne i bevegelse. Mønstre, spenninger og endringer i den nasjonale minneste-prosessen etter 22. juli 2011. *Tidsskrift for Kulturforskning* 16(2): 5–29. Available at: [ojs.novus.no/index.php/TFK/paper/view/1432](https://ojs.novus.no/index.php/TFK/paper/view/1432).

Hoem, S. (2020) Prosessen mot Y-blokka. *Dagsavisen*. 17 April. Available at: [www.dagsavisen.no/debatt/prosessen-mot-y-blokka-I.1701310](https://www.dagsavisen.no/debatt/prosessen-mot-y-blokka-I.1701310).

Ik Dahl, I. (2020) Rettssikkerhet i velferdsstaten. *Tidsskrift for familierett, arverett og barnevernrettslige spørsmål* 18(1): 3–6. DOI: 10.18261/issn.0809-9553-2020-01-01.

Ik Dahl, I. & V. B. Strand (2016) *Rettigheter i velferdsstaten*. Oslo: Gyldendal.

Iversen, B. (2012) Voldsofre såret over særordninger for 22. juli-ofrene. *Dagsavisen*. 10 October. Available at: [www.dagsavisen.no/nyheter/innenriks/voldsofre-saret-over-serordninger-for-22-juli-ofrene-I.466292](https://www.dagsavisen.no/nyheter/innenriks/voldsofre-saret-over-serordninger-for-22-juli-ofrene-I.466292).

Kinander, M. (ed.) (2005) *Makt og rett: Om Makt- og Demokratiutredningens konklusjoner om rettsliggjøring av politikken og demokratiets forvitring*. Oslo: Universitetsforlaget.

Kontoret for voldsoffererstatning (2019) Årsrapport 2018.

Available at: [www.voldsoffererstatning.no/aarsrapport-2018.6214523-292711.html](https://www.voldsoffererstatning.no/aarsrapport-2018.6214523-292711.html).

Kverndokk, K. (2012) «I kveld er gatene fylt av kjærlighet»: Om spontane minnesteder, communitas og rituell renselse etter 22. juli 2011. In: S. Beckman (ed.) *Kulturaliseringens samhälle. Problemorienterad kulturvetenskaplig forskning ved Tema Q, 2002–2012*. Linköping: Linköping University Electronic Press (191–197).

Available at: [www.diva-portal.org/smash/record.jsf?pid=diva2%3A474483&dsid=3229](https://www.diva-portal.org/smash/record.jsf?pid=diva2%3A474483&dsid=3229).

Laugerud, S. & Å. Langballe (2017) Turning the Witness Stand into a Speaker's Platform: Victim Participation in the Norwegian Legal System as Exemplified by the Trial Against Anders Behring Breivik. *Law & Society Review* 51(2): 227–251. DOI: 10.1111/lasr.12268.

Lehoucq, E. & W. K. Taylor (2020) Conceptualizing Legal Mobilization: How Should We Understand the Deployment of Legal Strategies? *Law & Social Inquiry* 45(1): 166–193. DOI: 10.1017/lsi.2019.59.

Lenz, C. (2018) 22. juli-fortellinger og forhandlingen om hva terroren skal bety for fremtiden. *Tidsskrift for kulturforskning* 17(1): 89–106.

Available at: [ojs.novus.no/index.php/TFK/paper/view/1539](https://ojs.novus.no/index.php/TFK/paper/view/1539).

Letvik, H. (2017) Utøya-naboer kritiske til nytt forslag om minneste: – Rettssaken går som planlagt. *Aftenposten*. 9 February.

Available at: [www.aftenposten.no/kultur/i/8drQW/utoeya-naboer-kritiske-til-nytt-forslag-om-minneste-rettssaken-gaar-som-planlagt?](https://www.aftenposten.no/kultur/i/8drQW/utoeya-naboer-kritiske-til-nytt-forslag-om-minneste-rettssaken-gaar-som-planlagt?)

Lohne, K. (2019) Krisetilstanden i det internasjonale

---

strafferettsprosjektet – en rettssosiologisk analyse. *Tidsskrift for strafferett* 19(4): 413–435. DOI: 10.18261/issn.0809-9537-2019-04-03.

Madsen, P. (2017) Nå må Utøya-striden løses. *Aftenposten*. 9 February.

Available at: [www.aftenposten.no/meninger/kommentar/i/8denx/naa-maa-utoeya-striden-loeses-per-anders-madsen](http://www.aftenposten.no/meninger/kommentar/i/8denx/naa-maa-utoeya-striden-loeses-per-anders-madsen).

Mannsverk, P.T. (2017) Sanner: – Jeg ser ingen hensikt i å utrede noe som ikke vil bli realisert. *Ringerikes blad*. 15 June.

Available at: [www.ringblad.no/nyheter/22juliminnesmerke/utstranda/sanner-jeg-ser-ingen-hensikt-i-a-utrede-noe-som-ikke-vil-bli-realisert/s/5-45-412093](http://www.ringblad.no/nyheter/22juliminnesmerke/utstranda/sanner-jeg-ser-ingen-hensikt-i-a-utrede-noe-som-ikke-vil-bli-realisert/s/5-45-412093).

Mathiesen, T. (1971) *Det uferdige: bidrag til politisk aksjonsteori*. Oslo: Pax.

Mathiesen, T. (2001) *Retten i samfunnet: en innføring i rettssosiologi*. Oslo: Pax.

Mathiesen, T. (2011) *Kritisk sosiologi: En invitasjon*. Oslo: Novus forlag.

Mauno, H. (2016) Gruer seg til to 22. juli-rettsaker. *Dagsavisen*. 14 November.

Available at: [www.dagsavisen.no/kultur/gruer-seg-til-to-22-juli-rettsaker-1.804676](http://www.dagsavisen.no/kultur/gruer-seg-til-to-22-juli-rettsaker-1.804676).

McCann, M. (2006) Law and social movements: Contemporary perspectives. *Annual Review of Law and Social Science* 2: 17–38. DOI: 10.1146/annurev.lawsocsci.2.081805.105917.

Michaelsen, Å. (2012) Skriftlig spørsmål fra Åse Michaelsen (FrP) til justis- og beredskapsministeren. (Stortingets dokument nr. 15:37 (2012–2013)). 5

October.

Available at: [www.stortinget.no/no/Saker-og-publikasjoner/Sporsmal/Skriftlige-sporsmal-og-svar/Skriftlig-sporsmal/?qid=55062](http://www.stortinget.no/no/Saker-og-publikasjoner/Sporsmal/Skriftlige-sporsmal-og-svar/Skriftlig-sporsmal/?qid=55062).

Nilsen, L. G.; Å. Langballe & G. Dyb (2016) Men hva er det egentlig ment for? Voldsoffererstatning til de overlevende etter terrorangrepet på Utøya 22. juli 2011 (NKVTS Report 2/2016).

Available at: [www.nkvts.no/content/uploads/2016/02/Rapport\\_2\\_2016\\_net.pdf](http://www.nkvts.no/content/uploads/2016/02/Rapport_2_2016_net.pdf).

Norwegian Directorate for Cultural Heritage [Riksantikvaren] (2020) Riksantikvaren kan ikke frede Y-blokk. 12 March.

Available at: [www.riksantikvaren.no/siste-nytt/pressemeldinger/riksantikvaren-kan-ikke-frede-y-blokka](http://www.riksantikvaren.no/siste-nytt/pressemeldinger/riksantikvaren-kan-ikke-frede-y-blokka).

Norwegian Government [Regjeringen] (2014) Konseptvalgsutredning og kvalitetssikringsrapport for fremtidig regjeringkvartal. 17 February.

Available at: [www.regjeringen.no/no/tema/plan-bygg-og-eiendom/regjeringkvartalet/kvu-ksl/id731746](http://www.regjeringen.no/no/tema/plan-bygg-og-eiendom/regjeringkvartalet/kvu-ksl/id731746).

Norwegian Ministry of Local Government and Regional Development [Kommunal- og moderniseringsdepartementet] (2021) Forlik om plassering av Fiskerne og Måken. 19 February.

Available at: [www.regjeringen.no/no/aktuelt/forlik-om-plassering-av-fiskerne-og-maken/id2835362](http://www.regjeringen.no/no/aktuelt/forlik-om-plassering-av-fiskerne-og-maken/id2835362).

NOU 2012: 14. (2012) Rapport fra 22. juli-kommisjonen. Oslo: Statsministerens kontor.

Available at: [www.regjeringen.no/no/dokumenter/nou-2012-14/id697260](http://www.regjeringen.no/no/dokumenter/nou-2012-14/id697260).

NTB (2016) Naboer saksøker staten for å stanse 22.juli-minnesmerke. *Aftenposten*. 27 June.

Available at: [www.aftenposten.no/norge/i/e7E8g/naboer-saksoeker-staten-for-aa-stanse-22juli-minnesmerke](http://www.aftenposten.no/norge/i/e7E8g/naboer-saksoeker-staten-for-aa-stanse-22juli-minnesmerke)

- 
- NTB (2019) Y-blokka: Fylkesmannen ber regjeringen vurdere riving på nytt. VG. 11 November. Available at: [www.vg.no/nyheter/innenriks/i/mRx4VWp/y-blokka-fylkesmannen-ber-regjeringen-vurdere-riving-paa-nytt](http://www.vg.no/nyheter/innenriks/i/mRx4VWp/y-blokka-fylkesmannen-ber-regjeringen-vurdere-riving-paa-nytt).
- NTB (2020) Støre etter at retten stoppet byggingen av Utøya-minnsted: – Nok er nok. *Aftenposten*. 29 September. Available at: [www.aftenposten.no/norge/politikk/i/6znEn8/stoere-etter-at-retten-stoppet-byggingen-av-utoeya-minnsted-nok-er-n](http://www.aftenposten.no/norge/politikk/i/6znEn8/stoere-etter-at-retten-stoppet-byggingen-av-utoeya-minnsted-nok-er-n).
- Oslo City Encyclopedia [Oslo byleksikon] (no date) Empirekvartalet. Available at: [oslobyleksikon.no/index.php/Empirekvartalet](http://oslobyleksikon.no/index.php/Empirekvartalet).
- Parliamentary Ombudsman [Sivilombudsmannen] (2020) Sivilombudsmannen behandler ikke klagen over rammetillatelsen til å rive Y-blokka. *Sivilombudet.no*. 29 January. Available at: [www.sivilombudsmannen.no/aktuelt/sivilombudsmannen-behandler-ikke-klagen-over-rammetillatelsen-til-a-rive-y-blokka](http://www.sivilombudsmannen.no/aktuelt/sivilombudsmannen-behandler-ikke-klagen-over-rammetillatelsen-til-a-rive-y-blokka).
- Pemberton, A. (2010) Needs of victims of terrorism. In: R. Letschert; A. Pemberton & I. Staiger (eds) *Assisting Victims of Terrorism*. Dordrecht: Springer (73–141). DOI: 10.1007/978-90-481-3025-2\_3.
- Ryssdal, A. (2011) 22. juli og rettsstatens liturgi. *Lov og Rett* 50(10): 573–574.
- Sandvik, K. B. (2009) Flyktningkvinnen som rettslig aktør: Marginalisering og rettsbevissthet i Kampala, Uganda. *Retfærd* 32(3): 78–95.
- Sandvik, K. B. & K. Lohne (2020) Teaching transitional justice after conflict and terror: cases of Kosovo and Norway. *Leuven Transitional Justice Blog*. 27 January. Available at: [blog.associatie.kuleuven.be/ltjb/teaching-transitional-justice-after-conflict-and-terror-cases-of-kosovo-and-norway](http://blog.associatie.kuleuven.be/ltjb/teaching-transitional-justice-after-conflict-and-terror-cases-of-kosovo-and-norway).
- Sandvold, C. G. (2015) Utviklingen av voldsoffererstatningsordningen etter 22. juli 2011. *Tidsskrift for erstatningsrett, forsikringsrett og velferdsrett* 12(03): 155–160.
- Silbey, S.S. & P. Ewick (2000) The rule of law—Sacred and Profane. *Society* 37(6): 49–56. DOI: 10.1007/s12115-000-1023-0.
- Skårdalsmoen, K. (2014). Nå er 22. juli-minnet fjernet. *Aftenposten*. 8 May. Available at: [www.aftenposten.no/norge/i/vmPKp/naa-er-22-juli-minnet-fjernet](http://www.aftenposten.no/norge/i/vmPKp/naa-er-22-juli-minnet-fjernet).
- Storløyken, S. (2017) Ingen rettssak om minnstedet. *Ringerikes blad*. 8 November. Available at: [www.ringblad.no/nyheter/sorbraten/22juliminnesmerke/ingen-rettssak-om-minnstedet/s/5-45-486319](http://www.ringblad.no/nyheter/sorbraten/22juliminnesmerke/ingen-rettssak-om-minnstedet/s/5-45-486319).
- Svelstad, O. E. & M. Svendsen (2020). Naboane går til søksmål – vil forseinke byggestarten til 22. juli-minnstedet. NRK. 28 May. Available at: [www.nrk.no/kultur/naboane-gar-til-soksmal-\\_malet-er-a-stoppe-22-juli-minnstedet-pa-utoyakaia-1.15031902](http://www.nrk.no/kultur/naboane-gar-til-soksmal-_malet-er-a-stoppe-22-juli-minnstedet-pa-utoyakaia-1.15031902).
- Teitel, R. G. (2000) *Transitional Justice*. Oxford: Oxford University Press.
- Vanhala, L. (2011) Legal Mobilization. In: *Oxford Bibliographies Online: Political Science*. New York: Oxford University Press. DOI: 10.1093/OBO/9780199756223-0031.
-



---

# Law after July 22, 2011: Survivors, Memory and Reconstruction

---

While the criminal law and security governance aspects of the July 22 terror attack in Norway have been extensively analyzed in the academic literature, much less attention has been given to processes involving civil law, legal mobilization and legal-bureaucratic processes. The slow workings of the law mean that the aftermath of July 22 is still unfolding in different legal processes. This PRIO paper carves out a socio-legal research agenda intended to bridge the

mentioned knowledge gap. In so doing, it identifies various aspects of how the law deals with survivors, their families and the bereaved. It also addresses the legal debates over memorials and the reconstruction and securitization of the Norwegian Government Quarter. We argue that in choosing between extraordinary and ordinary legal mechanisms and instruments to deal with the terror attack, the state and the legal system have opted for the latter.

This emphasis on “ordinary law” must be investigated. We are interested in how law distributes resources, rights and identities and sets limits on government interventions – and how individual actors and organizations mobilize the law to shape the political, popular and legal narratives around July 22.

---

**Kristin Bergtora Sandvik**  
*PRIO & UiO*

**Ingunn Ikdahl**  
*University of Oslo (UiO)*

**Kjersti Lohne**  
*University of Oslo (UiO)*

**Maja Viktoria Spigseth Vestad**  
*University of Oslo (UiO)*

**Anniken Sørli**  
*University of Oslo (UiO)*

**Marit Moe-Pryce**  
*Peace Research Institute Oslo (PRIO)*

