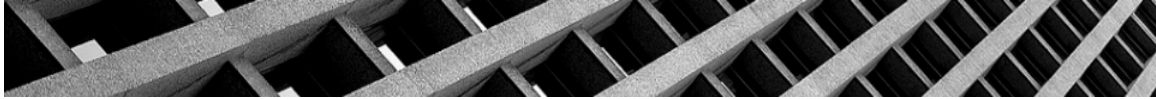




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## **Anders Breivik: Evil, Insane or just Criminal?**

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### A) Introduction

Violent actions cause violent reactions. Such is the case with the Oslo Massacre and the Utøya Massacre committed by Norwegian Anders Behring Breivik. His face grinning out of a police van shortly after he was arrested suggested looking into the devil's own visage. The newspaper headlines were respectively harsh. Breivik was generally denominated as wholly evil. Being evil seemed to be the only possible explanation to the inexplicable.

Such conclusions might be fine for tabloid papers. But criminology as science of crime cannot stop there. After the horrors evoked by the news from Norway have calmed down scholars have to take thought and try to find a way to analyse and explain how and why crimes of these dimensions happen.

This paper is intended to elaborate why simplifications like calling the actor evil are unacceptable and have to give way to a rational handling of crimes even if they seem to be beyond human capability.

### B) Anders Breivik - Evil, Insane or just Criminal?

#### I. The offence, the offender and the trial

##### 1. The offence: The Oslo Massacre and the Utøya Massacre

On July 22<sup>nd</sup> 2011 at 3:25 p.m. local time the Norwegian capital, Oslo, was shaken by an explosion. A car bomb had exploded in front of the office of the Norwegian Prime Minister Jens Stolberg and other governmental buildings. The explosion killed 8 people.

Only two hours later, at around 5:20 p.m. a man dressed as a police officer opened fire on a group of participants in a summer camp of the Norwegian Worker's Youth League "AUF" (a political left wing youth organization) which is affiliated to the ruling Norwegian Labour Party. Until the police's Special Forces arrived more than an hour after the first emergency call, 69 people were killed. The victims were mainly youngsters, 33 of them under 18 years old.<sup>1</sup>

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<sup>1</sup> For more details see for example <http://www.spiegel.de/flash/flash-26555.html>.

## 2. The offender: Anders Behring Breivik

Both crimes were committed by the 32 year old Norwegian Anders Behring Breivik. He was born in Oslo on February 13<sup>th</sup> 1979 as the son of Wenche Breivik, a nurse, and Jens David Breivik, an economist and Norwegian diplomat.<sup>2</sup> When he was still an infant the family moved to London. After his parents' divorce in 1980, Breivik moved with his mother and stepfather back to Oslo.<sup>3</sup> Until he was 15 years old, he regularly visited his father and his stepmother in France. Then he cut the contact.<sup>4</sup>

In his early teen years Breivik was a graffiti sprayer.<sup>5</sup> Later he spent much time in weight training and took anabolic substances.<sup>6</sup> At the age of 15 he turned to religion and was confirmed into the Lutheran Church of Norway.<sup>7</sup> Breivik attended high school and Commerce School but finished without a degree.<sup>8</sup> He then was engaged in some (partly illegal) small businesses but failed.<sup>9</sup> By the time of the Massacres he lived on his own farm about 140 km northeast of Oslo. Officially he operated a farming company growing vegetables, melons, roots and tubers. But in fact he used his company name "Breivik Geofarm" to purchase large amounts of artificial fertilizer and other chemicals without attracting the attention of local authorities. The bombs which Breivik used in Oslo were built from the substances he had purchased.<sup>10</sup>

Breivik's ideological background can be described as far-right. From 1999 to 2006 he was a member of the Norwegian anti-immigration Progress Party.<sup>11</sup> He also was in touch with the English Defence League, a far-right extremist movement in the United

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<sup>2</sup> <http://www.vg.no/nyheter/innenriks/22-juli/tidslinjeabb/>.

<sup>3</sup> <http://www.vg.no/nyheter/innenriks/22-juli/tidslinjeabb/>.

<sup>4</sup> <http://www.vg.no/nyheter/innenriks/22-juli/tidslinjeabb/>.

<sup>5</sup> Hannes Gamillscheg, Scheidungskind, Sprayer, Fitnessfanatiker, Telefonverkäufer - Anders Behring Breivik war ein normaler junger Mann. So schien es Terror in Norwegen: Gefangener seines Wahns, Berliner Zeitung 7/26/2011, <http://www.berliner-zeitung.de/archiv/scheidungskind--sprayer--fitnessfanatiker--telefonverkaeuer---anders-behring-breivik-war-ein-normaler-junger-mann--so-schien-es-terror-in-norwegen-gefangener-seines-wahns,10810590,10945452.html>.

<sup>6</sup> Hannes Gamillscheg, Scheidungskind, Sprayer, Fitnessfanatiker, Telefonverkäufer - Anders Behring Breivik war ein normaler junger Mann. So schien es Terror in Norwegen: Gefangener seines Wahns, Berliner Zeitung 7/26/2011, <http://www.berliner-zeitung.de/archiv/scheidungskind--sprayer--fitnessfanatiker--telefonverkaeuer---anders-behring-breivik-war-ein-normaler-junger-mann--so-schien-es-terror-in-norwegen-gefangener-seines-wahns,10810590,10945452.html>.

<sup>7</sup> "My parents, being rather secular wanted to give me the choice in regards to religion. At the age of 15 I chose to be baptised and confirmed in the Norwegian State Church. I consider myself to be 100% Christian. However, I strongly object to the current suicidal path of the Catholic Church but especially the Protestant Church." (Breivik's Manifesto, p. 1403, as cited in "Norway killer Anders Behring Breivik's cultural references", The Telegraph 7/25/2011, <http://www.telegraph.co.uk/news/worldnews/europe/norway/8660257/Norway-killer-Anders-Behring-Breiviks-cultural-references.html>).

<sup>8</sup> <http://www.vg.no/nyheter/innenriks/22-juli/tidslinjeabb/>.

<sup>9</sup> Gerald Traufetter, Anders Breivik: Psychogramm eines Massenmörders, Der Spiegel, 8/9/2011, <http://www.spiegel.de/panorama/justiz/anders-breivik-psychogramm-eines-massenmoerders-a-778984.html>.

<sup>10</sup> Jörg Diehl, Anders Breivik: Der unauffällige Massenmörder, Der Spiegel, 7/26/2011, <http://www.spiegel.de/panorama/justiz/anders-breivik-der-unauffaellige-massenmoerder-a-776763.html>.

<sup>11</sup> Peter Beaumont, Anders Behring Breivik: profile of a mass murderer, The Observer, 7/23/2011, <http://www.guardian.co.uk/world/2011/jul/23/anders-behring-breivik-norway-attacks>.

Kingdom.<sup>12</sup> He elaborated his views and opinions in a 1.518 pages manifesto titled “2083: A European Declaration of Independence”.<sup>13</sup> It was mostly other people's writings he had copied and pasted from the web. The manifesto not only contains a detailed description of the planning of the attacks but also a cornucopia of xenophobia and islamophobia, of antiliberalism and misogyny. Breivik summarizes his ideology as follows: "I believe Europe should strive for: A cultural conservative approach where monoculturalism, moral, the nuclear family, a free market, support for Israel and our Christian cousins of the east, law and order and Christendom itself must be central aspects (unlike now).”<sup>14</sup>

Breivik sent the manifesto to a number of journalists and bloggers as well as to right-wing politicians shortly before he started out to Oslo to commit his crimes.<sup>15</sup> He also posted a YouTube video urging conservatives to "embrace martyrdom“. It showed himself wearing a thermal sports top and pointing a Ruger Mini-14. He also posted a picture of himself as a Knight Templar officer, although it is doubtful whether he actually was a member of this organization or whether it even exists.<sup>16</sup>

### 3. The trial

Following his arrest Breivik was remanded into custody. The trial began on April 16<sup>th</sup> 2012 and ended on August 24<sup>th</sup> 2012.<sup>17</sup> It lasted 10 weeks, 43 days of hearing with more than 100 witnesses. Under the jurisdiction of the Oslo District Court Breivik faced charges of voluntary homicide and committing acts of terror. Even though confessing committing the crimes Breivik pleaded not guilty and said he would not accept criminal responsibility.<sup>18</sup> Breivik was adjudged sane and sentenced to preventive detention, a special form of prison sentence that leads to imprisonment between 10 and 21 years.<sup>19</sup> Breivik did not appeal the sentence.

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<sup>12</sup> Helen Pidd, Anders Behring Breivik denies contact with EDL, The Guardian, 4/29/2012, <http://www.guardian.co.uk/world/2012/apr/20/anders-behring-breivik-edl-trial>.

<sup>13</sup> The Manifesto is not “officially” available on the web and the webpages offering the whole text are not trustworthy. There are, however, parts of it which can be found as citations in newspapers, e.g. “Norway killer Anders Behring Breivik's cultural references”, The Telegraph 7/25/2011, <http://www.telegraph.co.uk/news/worldnews/europe/norway/8660257/Norway-killer-Anders-Behring-Breiviks-cultural-references.html>.

<sup>14</sup> Breivik's Manifesto, p. 650, as cited on Wikipedia, [http://en.wikipedia.org/wiki/Anders\\_Behring\\_Breivik#cite\\_note-160](http://en.wikipedia.org/wiki/Anders_Behring_Breivik#cite_note-160).

<sup>15</sup> Matthew Taylor, Breivik sent 'manifesto' to 250 UK contacts hours before Norway killings, The Guardian, 7/26/2011, <http://www.guardian.co.uk/world/2011/jul/26/breivik-manifesto-email-uk-contacts>.

<sup>16</sup> Helen Pidd, Anders Behring Breivik denies contact with EDL, The Guardian, 4/20/2012, <http://www.guardian.co.uk/world/2012/apr/20/anders-behring-breivik-edl-trial>.

<sup>17</sup> For details see the day by day summary by the BBC, <http://www.bbc.co.uk/news/world-europe-17770991>.

<sup>18</sup> Lars Bevanger, Anders Breivik pleads not guilty at Norway murder trial, BBC News 4/16/2012, <http://www.bbc.co.uk/news/world-europe-17724535>.

<sup>19</sup> Mark Lewis/Sarah Lyall, Norway Mass Killer Gets the Maximum: 21 Years, The New York Times, 8/24/2012, [http://www.nytimes.com/2012/08/25/world/europe/anders-behring-breivik-murder-trial.html?\\_r=0](http://www.nytimes.com/2012/08/25/world/europe/anders-behring-breivik-murder-trial.html?_r=0).

## II. Press coverage

In its unappeasable hunger for juicy headlines the Yellow Press hurled itself on the offence and even more on the offender. Breivik's expressionless face could be seen all over the newsstands. Headlines called him the "devil"<sup>20</sup>, the "killer"<sup>21</sup> and the "beast".<sup>22</sup> In an effort to prevent this kind of medial exploitation of the crime the Norwegian Prime Minister Stolberg asked the press not to concentrate on the offender but on the victims. His intent was to prevent Breivik from abusing the press for his own self-presentation during the criminal trial. The appeal was widely observed, especially in Norway. The coverage by the Quality Press was generally more diverted and matter-of-factly. The journalists focused on the question whether Breivik was insane or not. However, even in the quality newspapers Breivik was described as "evil"<sup>23</sup>, a "monster"<sup>24</sup> and "bad"<sup>25</sup>.

## III. Explanation

Crimes like the Oslo and the Utøya Massacre seem inhuman and incomprehensible. But in order to cope with such horrors criminal science still has to try and find reasons for why criminals commit crimes.

### 1. Evil?

Taking into account the dimension of the Oslo and the Utøya Massacre one could easily jump to the (tautological) conclusion that Breivik did what he did because he is just evil. There is a belief gaining ground that one can deduce certain characteristics of the criminal from the characteristics of the crime. A man who does something as evil as killing 77 innocent people must be evil himself. Therefore it seems appropriate to call him "evil". Any further explanation is unnecessary. The inexplicable must remain unexplained, the irrational cannot be examined rationally.

The denomination of criminals like Breivik as evil points to a development which can be observed not only in the news coverage of crimes but also in the fields of social sciences and international politics. The term "evil" seems to appear everywhere.

One example is the term "axis of evil" which was first uttered by the former US President George W. Bush on January 29<sup>th</sup> 2002 in his State of the Union Address.<sup>26</sup>

Even the ICTY, which should be the one institution to rationally review unbelievable crimes like genocide, uses the questionable word: "In July 1995, General Krstic, you agreed to evil. This is why the Trial Chamber convicts you today and sentences you to 46 years in prison."<sup>27</sup>

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<sup>20</sup> German tabloid „Bild“ headline, 4/10/2012.

<sup>21</sup> German tabloid „Bild“ headline, 10/30/2012.

<sup>22</sup> German tabloid „Bild“ headline, 7/26/2011.

<sup>23</sup> Der Spiegel, 8/1/2011, p. 70.

<sup>24</sup> Gunnar Herrmann, Entlarvung eines Monsters, Sueddeutsche Zeitung, 6/21/2012, <http://www.sueddeutsche.de/panorama/breivik-anklaegerin-inga-bejer-engh-entlarvung-eines-monsters-1.1388879>.

<sup>25</sup> Karsten Polke-Majewski: Morgen Cuber malt das Böse, Zeit-Online, 5/14/2012, <http://www.zeit.de/kultur/kunst/2012-05/breivik-mogens-cuber-maler>. In some cases Breivik's deeds were appreciated, e.g. by the French author Richard Millet in: *Langue fantôme suivi de Eloge littéraire d'Anders Breivik*, Paris, 2012.

<sup>26</sup> <http://millercenter.org/president/speeches/detail/4540>.

<sup>27</sup> ICTY press release no. 609 of 2 August 2001, [www.icty.org/sid/7964](http://www.icty.org/sid/7964).

Moreover, even in philosophy scholars literally seem to have given in to the fascination of the “evil”. An adequate example is Susan Neiman who tries to revise the history of philosophy from the angle of the “evil”.<sup>28</sup>

Thus the idea of “evil” is not only omnipresent in the yellow press, but also in various fields of social sciences, including law and criminology.

A possible explanation for the tendency to resort to the simple demonization of the contravener is that in an increasingly less violent society exceptional bursts of violence like the Oslo and the Utøya Massacre are perceived as exceptionally upsetting. The claim for security possibly increases with the level of security within a society. 77 peasants being slaughtered in an African country that has been struck by long lasting civil wars and genocides might be perceived as less upsetting than 77 people killed in a country like Norway where the probability to be violently killed is extremely low. Therefore it suggests itself to call the perpetrator evil in order to underline how exceptional his act is.

The application of the term “evil” could also be viewed as a countermovement to biologism. This concept is based on the findings of neuroscientists like Gerhard Roth, Wolf Singer or Wolfgang Prinz. Interpreting<sup>29</sup> the Libet Experiment<sup>30</sup> they claim that human beings are completely determined by chemical and physical processes in the brain. Free will is just an illusion. In conclusion criminals can never be charged guilty. It seems plausible that such a debatable concept which gives “rational”, yet oversimplified answers to complex moral issues provokes an “irrational” countermovement.

In general there is a tendency to oversimplify issues in the media and in science. People jump to conclusions too quickly or assign scientific findings to moral questions that have absolutely nothing to do with each other. Such tendencies might usher in the end of enlightenment.

It is true that incomprehensible crimes like the Oslo and the Utøya Massacres might evoke a feeling *prima facie* that this must be the work of some evil power and not of a human being. But saying it out loud or even worse applying the term “evil” in a scientific discourse about the causes of crime or in international politics is a whole different matter. The denomination as “evil” fails to explain anything but might have undesired consequences for a rational handling of crime and criminals.

## 2. Insane?

A more considered approach to Breivik’s crimes asks whether he committed his crimes because he is insane. As there is a tendency to demonize criminals as evil there is one to think that serious crimes must be committed by insane people. “Bad or mad” seems to be the alternative. However not everyone who is responsible for serious crimes is insane. Just like “evil” deeds “insane” deeds need a careful analysis.

### a) *The Legal Concept of Insanity*

Modern criminal codes recognize that an offender who suffers from mental health issues shall not be liable for his deed. There is a variety of legal concepts of how mental

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<sup>28</sup> Susan Neiman, *Evil in modern thought. An Alternative History of Philosophy*, 2002.

<sup>29</sup> “We don’t do what we want, but we want what we do” (Der Mensch ist nicht frei, Interview with Wolfgang Prinz, *Das Magazin* 2/2003, p. 19).

<sup>30</sup> Libet, Benjamin, Time of conscious intention to act in relation to onset of cerebral activity (readiness-potential) - The unconscious initiation of a freely voluntary act, *Brain* 1983 (106), pp. 623-642.

condition affects liability. Norway follows the “Medical Principle”<sup>31</sup>: „A person who was psychotic or unconscious at the time committing the act shall not be liable to a penalty“(Sec. 44 Norwegian Criminal Code). There is no requirement for the mental default being the cause for the deed. The temporal coincidence is considered to be sufficient. Most other countries (including Germany) follow the “Psychological Principle”.<sup>32</sup> This means that a mentally impaired person shall not be liable for his deed only under the condition that the psychosis is the direct cause for his actions. Sec. 20 of the German Criminal Code establishes: “Insanity: Any person who at the time of the commission of the offence is incapable of appreciating the unlawfulness of their actions or of acting in accordance with any such appreciation due to a pathological mental disorder, a profound consciousness disorder, debility or any other serious mental abnormality, shall be deemed to act without guilt.”

The question arises whether Breivik’s case falls in these categories. In the course of the trial, two psychiatric expert reports were obtained which came to different results.

The first expert report came to the conclusion that Breivik suffered from paranoid schizophrenia which would leave him likely to escape the imprisonment under Norwegian law.<sup>33</sup> This report was mainly based on the testimony of Breivik’s mother and his friends who said Breivik had changed completely in 2006. The psychiatrists concluded that he developed a paranoid schizophrenia at the time. This first report was widely criticized.<sup>34</sup> Breivik himself objected to the report. He said he would prefer death penalty to psychiatric care.<sup>35</sup>

The second report came to the conclusion that Breivik suffered from a narcissist personality disorder.<sup>36</sup> Nonetheless he was not considered psychotic when committing his crimes and therefore not criminally liable as a narcissist personality disorder is not considered being a psychiatric disease in the sense of sec. 44 Norwegian Criminal Code. The second report (with 310 pages the most voluminous in Norwegian legal history) was the subject of relentless criticism of psychiatrists as well.

So there are two reports: the first one acknowledged schizophrenia whereas the other found that Breivik had narcissist personality disorder. The consequences under Norwegian law are different. According to the first report, Breivik would be found as not liable whereas according to the second report, Breivik would be found liable. The court based his judgment on the second report and claimed Breivik criminally liable.

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<sup>31</sup> Johan Falnes, Norwegens Terrorprozess stellt die Psychiatrie auf den Prüfstand, Die Zeit, 4/11/2012, <http://www.zeit.de/gesellschaft/zeitgeschehen/2012-04/breivik-psychiatrie-debatte>.

<sup>32</sup> Johan Falnes, Norwegens Terrorprozess stellt die Psychiatrie auf den Prüfstand, Die Zeit, 4/11/2012, <http://www.zeit.de/gesellschaft/zeitgeschehen/2012-04/breivik-psychiatrie-debatte>.

<sup>33</sup> Gunnar Herrmann, "Bizarre Wahnvorstellungen", Sueddeutsche Zeitung, 11/29/2011, <http://www.sueddeutsche.de/panorama/attentaeter-breivik-fuer-schuldunfaehig-erklaert-bizarre-wahnvorstellungen-1.1221919>.

<sup>34</sup> Johan Falnes, Norwegens Terrorprozess stellt die Psychiatrie auf den Prüfstand, Die Zeit, 4/11/2012, <http://www.zeit.de/gesellschaft/zeitgeschehen/2012-04/breivik-psychiatrie-debatte>.

<sup>35</sup> Richard Orange, Anders Behring Breivik 'should be declared insane', The Telegraph, 6/21/2012, <http://www.telegraph.co.uk/news/worldnews/europe/norway/9347018/Anders-Behring-Breivik-should-be-declared-insane.html>.

<sup>36</sup> „Gutachter erklären Breivik für zurechnungsfähig“, Sueddeutsche.de, 4/10/2012, <http://www.sueddeutsche.de/panorama/attentaeter-von-norwegen-neues-gutachten-erklaert-breivik-fuer-zurechnungsfahig-1.1328751>.

b) *A Criminological Concept of Insanity*

Both reports came (irrespective of the legal question of criminal liability) to the conclusion that Breivik suffered from a mental disease. Both paranoid schizophrenia and narcissist personal disorder are classified as mental diseases according to ICD 10 and DSM-IV. Both mental diseases are connected to symptoms which characterize Breivik's actions. A Narcissist Personal Disorder for example is associated with the following traits: Exaggerating own importance, achievements and talents, imaging unrealistic fantasies of success, beauty, power, intelligence, or romance, being obsessed with oneself and appearing unemotional. The last criteria hold true for Breivik as he did not show any remorse during the trial.

c) *Conclusion*

The scope of crimes Breivik committed does not automatically classify him as insane. It cannot be clarified if Breivik is insane in a legal sense so that he is not criminal liable according to Norwegian Criminal Law. However, there is evidence that he can be described as a disordered personality and therefore mentally ill.

3. (Just) Criminal?

a) *The necessity of a criminological approach*

Criminology as a scientific approach for explaining crimes should also be applied to explain Breivik's crimes. However, there is so far not much discussion about the reasons for Breivik's crimes in criminology, although "[h]e is a historical evil person; therefore Breivik is unique and exciting" (Swedish Professor of Criminology Leif G.W. Persson<sup>37</sup>). The fact that Breivik is a disordered personality could play a major role in explaining his crimes. Furthermore, other theoretical concepts of criminology should be taken into consideration. The focus will be on sociological approaches as knowledge about Breivik's development and background is (at least at present) too fragmentary to apply Criminological Psychology when explaining his crimes.<sup>38</sup>

b) *Subcultural Theories (Differential Association)*

Subcultural Theories assume that groups of people who are not incorporated into society adapt their own set of rules and behaviour codes differing from those of the dominating society. Behaviour patterns that confirm to these usually unwritten subcultural codes may be deviant from the norms of the prevalent society and thus be judged as criminal.<sup>39</sup>

Analysing Breivik's Manifesto one can easily deduct that he was related to a subculture of nationalists and islamophobics promulgating their rants on the internet, allying the European and the American far-right against the devotees of Islam. The ideas and beliefs of this group certainly encouraged Breivik to carry his plans into execution.

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<sup>37</sup> "Swedish Professor: Breivik is Sane and Exciting", The Nordic Page, 7/2/2012, <http://www.tnp.no/norway/panorama/2987-swedish-professor-breivik-is-sane-and-exciting>.

<sup>38</sup> E.g.: Aage Storm Borchgrevink's book "En norsk tragedie: Anders Behring Breivik og veiene til Utøya", 2012 blames Breivik's mother of for what her child did. It is known that Breivik hates women; therefore some may argue that there is some connection between this fact and his relationship with his parents. But such conclusions appear to be mere speculation than some kind of scientific argument.

<sup>39</sup> Karl-Ludwig Kunz, Kriminologie, 6<sup>th</sup> Ed., 2011, pp. 113 - 119, Hans-Dieter Schwind, Kriminologie, 20<sup>th</sup> Ed., 2010, pp. 141 - 143.

Still he was all alone on his farm with the Internet only, so it is not clear whether this could be considered as subculture and being surrounded by people of the same interest. This leads to the question which should be addressed to the criminologists: Could the theory of subculture be extended to the virtual world?

In a digital age where people form opinions based on information drawn from the internet and even form virtual friendships it is perfectly adequate to assume that there is such a thing as digital subcultures. In the end, however, Breivik planned and prepared his deed on his own. He did not make his plans public until shortly before he acted them out. He did not try to find accomplices via the web. He did not need a group of supporters to psych him up as one can observe among Jihadi groups.<sup>40</sup> Moreover, none of the websites he regularly visited actually promoted specific violent acts against human beings.<sup>41</sup>

“[...] Breivik, though he withdrew from society to his farm, seems to have spent his time alone with the internet. It allowed him to hear his own choir of imaginary friends and hear inside his head their voices cheering him on to murder and martyrdom.”<sup>42</sup>

In conclusion the virtual subculture Breivik consorted with mainly served as an audience for his over esteemed self. It is true that the islamophobic conspiracists fortified Breivik’s own body of thought. But being part of a virtual subculture can scarcely be viewed as the single cause for Breivik’s actions. Subcultural Theories at least in the traditional sense do not offer an exclusive explanation to why he committed his crimes. They need to be at least complemented by other criminological approaches.

### c) *The Theory of Neutralization Techniques*

Another criminological theory that can be taken into consideration is the Theory of Neutralization Techniques. The supporters of this theory assume that people are always aware of their moral obligation to abide by the law.<sup>43</sup> Therefore, when someone commits an illegitimate act, he must apply some sort of mechanism to silence his urge to follow these moral obligations, like denying responsibility and mischief, blaming the victim or appealing to higher moral obligations.<sup>44</sup>

Such behaviour can be observed in Breivik. The phrasing in his Manifesto and in the court hearing points to the use of neutralization techniques. For example he appealed to higher loyalties to legitimate his crimes: “I would do it again because offences against my people in many ways are just as bad.”<sup>45</sup> He also resorted to blaming the victim, a pattern very common amongst criminals: “They [the victims of the Utøya Massacre] were no innocents but young people who were actively working to uphold multiculturalism.”<sup>46</sup>

The Theory of Neutralization Techniques therefore seems to apply to Breivik.

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<sup>40</sup> Andrew Brown, Anders Breivik's spider web of hate, The Guardian 9/7/2011.

<sup>41</sup> Andrew Brown, Anders Breivik's spider web of hate, The Guardian, 9/7/2011.

<sup>42</sup> Andrew Brown, Anders Breivik's spider web of hate, The Guardian, 9/7/2011.

<sup>43</sup> Bernd-Dieter Meier, Kriminologie, 4<sup>th</sup> Ed., 2010, pp. 59 – 61.

<sup>44</sup> Frank Neubacher, Kriminologie, 2010, p.85.

<sup>45</sup> Neil Syson, I'd do it again... to stop towns like Luton, The Sun, 4/18/2012, <http://www.thesun.co.uk/sol/homepage/news/4261736/Smirking-killer-Anders-Breivik-says-I-would-do-it-all-over-again.html>.

<sup>46</sup> David Blair, “I would have done it again”: Anders Breivik claims his massacre was motivated by “goodness not evil”, The Telegraph, 4/17/2012, <http://www.telegraph.co.uk/news/worldnews/europe/norway/9209977/I-would-have-done-it-again-Anders-Breivik-claims-his-massacre-was-motivated-by-goodness-not-evil.html>.



d) *The Theory of Differential Opportunities*

The so-called Theory of Differential Opportunities claims that crime links to opportunity.<sup>47</sup> Latent tendencies to committing crimes such as the aforementioned adherence to a subcultural group or mental prerequisites maybe found within a number of people but only lead to criminal actions if they coincidence with the necessary physical and temporal means to carry out a crime. These means range from a simple temporary occasion (“opportunity makes the thief”) to the access to weapons. Especially the latter is often used to account for the numerous school shootings in America where the availability of weapons is common in numerous households.

The path leading to Breivik’s crimes follows a similar pattern. At first he was a regular on several radical webpages and in chat rooms along with many others. With his idea to set a personal mark against the mainstream society gaining grounds within his mind he went to great lengths to gain access to weapons and the chemical substances he needed to build a bomb. Once he (legally) acquired possession of the semi-automatic 9 mm Glock 17 pistol and the semi-automatic Ruger Mini-14 rifle and obtained the knowledge and the substances necessary to construct a bomb he went to work. The temporal conjunction between the crime and the gaining possession the weapons was the crucial factor.

C) Conclusion

When confronted with unbelievable crimes like the Utøya and Oslo massacres, people are inclined to renounce rational explanations. It is much easier to resort to irrational reasons for irrational actions and just declare the perpetrator as evil because he did something evil. But aiming for a scientific approach to crime, the simple denomination of the perpetrator as evil is unsatisfying. However far from humanly understandable a crime might be, criminal science must still make the effort and find a rational explanation to it.

Searching for a rational explanation to Breivik’s crimes one has to take into account that both psychiatric expert reports came to the conclusion that Breivik was mentally ill, even if this would not exclude criminal liability under Norwegian law. But we do not know enough about Breivik’s personal development and background to fully explain why he became the disordered personality he is.

What seems to be a more fertile approach is the application of sociological theories to help explain Breivik’s crimes. It is exactly these theories which draw their eligibility from their ability to explain inexplicable crimes. As for Breivik’s case it is unlikely that one can find a simple monocausal explanation. But an approach combining Subcultural Theories, the Theory of Neutralization Techniques and the Theory of Differential Opportunities might bring us closer to a scientific explanation to these inapprehensible events.

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<sup>47</sup> Frank Neubacher, *Kriminologie*, 2011, pp. 92 - 95.