Hans Morten Haugen*

The Worldview-Open Society, the Worldview-Controlling State and Non-Profit Welfare Actors: Norway as a Case

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Abstract: Diocesan actors, constituting the main share of health and caring institutions within the non-profit sector in Norway, face challenges as well as opportunities. The article analyzes the political framework that diocesan actors do operate under. Opportunities include strong political acknowledgements of the societal role of non-profit actors, decisions on increasing the overall share of their service provision, tender competitions reserved for non-profit actors, and the Norwegian emphasis on a worldview-open society. The authorities do also emphasize diversity as positive. The article demonstrates different understandings of requirements for being termed non-profit. Not only the actor itself must specify in its articles of association that profits must be reinvested to promote social purposes; recently the government has emphasized that also the owner(s) of actors must establish such a non-profit social purpose in their articles of association. Specific examples are given of how Norwegian authorities act as promoters of a worldview-open society and a worldview-controlling state.

Keywords: diocesan actors; non-profit actors; Norwegian welfare state; public procurement; worldview-open society

1 Introduction: A Worldview-Open Society and a Worldview-Controlling State

The article demonstrates how Norway enables important roles for non-profit actors with a Christian basis to carry out tasks for the common good, with public funding. The concept worldview-open society was introduced by a 2013 Green paper (hereafter: NOU; NOU 2013:1; see also Stålsett 2021).

*Corresponding author: Hans Morten Haugen, Faculty of Theology and Social Science, VID Specialized University, P.O. Box 184 Vinderen, Oslo, 0319, Norway, E-mail: hans.morten.haugen@vid.no. https://orcid.org/0000-0003-3027-3547

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The Public Procurement Regulation defines a non-profit actor as: “works exclusively for a social purpose for the good of the community and … reinvests any surplus into the organization’s purpose” (Government 2020: Section 30-2a(2), excerpts). The term “actor” is used as a common term for organizations, churches, institutions, associations and foundations.¹

Both statutes and practices are used to assess whether a given actor is non-profit, not under which law it is registered. A foundation can enrich its owners through ways of transferring money to entities controlled by these owners. A company limited by shares can specify in its statutes that any surplus must be reinvested for a social purpose.

In Norway, governments of various position along the political spectrum regularly affirm the importance of non-profit actors with a religious basis. The largest non-profit actors in Norway are diaconal, primarily by being owners of large hospitals. The common good objective of these and their practical and political efforts to promote justice for particularly marginalized groups of people coincides with Norwegian public policy strategies. Political parties across the political spectrum promote enhanced roles of diaconal actors (Government 2018a; Oslo City Parliament 2023, pp. 6–7; Oslo City Council 2022, p. 5; Rødt 2022).

By being locally embedded and engaging in social entrepreneurship, diaconal actors also contribute to community development (Stålsett 2021, pp. 111–114; see also Lutheran World Federation (LWF) 2009; and LWF and interdiac 2013). Diaconal actors represent the entire spectrum of theological positions; from expectations to "[p]articipate actively in … [Christian] meetings … “ (Gospel Centre 2021) to the Church City Mission’s two decades’ involvement with Pride.

Norway is interesting for three reasons. Whereas the relations between public authorities and non-profit actors are characterized by tenders, management by objectives, and reporting (Trætteberg 2015), Norway has (i) a relatively strong and independent non-profit sector that can influence policy making (Håbrekke 2022 [former member of the Parliament’s (Stortinget) Family and Culture Committee]);² (ii) diaconal actors constitute a relatively large share of the non-profit sector (see Table 1);³ and (iii) many policy decisions and a tender reservation provision, approved by the EFTA Court (2023, para 86); in a reserved tender process, Oslo

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¹ The proposed amendments in the Foundations Act would lead to a “significant adjustment cost” (Government 2021a, p. 33).
² This is unlike Denmark, where many non-profit actors have entered into relationships with public authorities which limits their independence, in accordance with Article 12 of Directive 2014/24/EU and Section 12 of the Danish Act on Public Procurement.
³ Sweden can serve as a contrast, whose religious actors’ roles are limited to assisting those living on the margins of society; see Fridolfsson and Elander 2012; for an assessment of a recent Swedish registry of non-profit actors, see NOU 2024:1, p. 58–61; p. 116.
District Court (2023) [appealed] found that one specific tender process did not comply with Norway’s EEA obligations. Moreover, on collective action, Norway has witnessed relatively successful alliances for formulating policy demands, initiated by the trade union Fagforbundet, being the largest member of the Norwegian Confederation of Trade Unions (LO) and Virke, The Federation of Norwegian Enterprise, particularly the unit Virke ideell og frivilighet, as well as Ideelt Nettverk, resulting in time-bound targets set by the Parliament and Oslo City Parliament for share of services to be provided by non-profit actors, as will be seen. Additionally, Norway has seen successful politicization of the for-profit versus non-profit debate, involving also think tanks, with political salience reflected in the population’s reduced approval of price as the most decisive criterion in tender competitions (Bjørn et al. 2019, p. 131 and p. 124).

This article seeks to answer the following research question: Focusing on health and social welfare, how are non-profit actors recognized by Norwegian authorities, how are parliamentary decisions on increased shares of non-profit actors complied with, and do the authorities specify special expectations or requirements on the diaconal actors?

Part 2 clarifies the analytic design. Part 3 provides an overview of health, social and education services for four categories of actors. Part 4 analyzes four public policy sources on non-profit actors: government platforms; a law compensating pension expenses incurred under previous contracts; a provision to limit participation in tender processes to non-profit actors; and a changed practice regarding non-profit actors’ surplus. Part 5 reviews policy decisions – or premises for such decisions – affirming the roles of diaconal actors: legislative proposals and reports to the parliament; NOU reports; and municipal decisions regarding nursing homes. Part 6 provides a summing-up discussion.

2 Analytic Design: Context, Previous Research, Methods and Limitations

The article builds primarily on research on diaconal actors in Northern Europe and research on non-profit actors with relevance for advanced and secularised welfare states. In addition to path dependence, namely that institutional solutions are characterized by previously dominant mindsets, termed historical institutionalism

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4 Oslo District Court raised three questions to the EFTA Court, and the answers provided important guidance for the judgment by Oslo District Court (2023). As only 342 of the 800 nursing home beds were provided by the three diaconal actors in the reserved tender on constructing nursing homes and providing care, the reserved call for tenders was found to be a non-proportionate measure that did not comply with the “budgetary efficiency” criterion.
(Sætre 2023, pp. 45–46) conscious political choices will shape societal developments (see Nicholls 2010 for a pro-justice approach; see Carrington et al. 2017 for a profit maximization approach).

While acknowledging the scholarly literature on hybridity (Billis (ed.) 2010; Sætre 2023; Trætteberg 2015), this article takes as its premise that non-profit actors – whose institutions might get 100 per cent public funding for their operating costs, and still not be prevented from criticizing public policies – are tools for fostering the common good and fulfillment of human rights. These actors will not only adhere to their own visions but also those visions promoted by the public institutions, resulting in isomorphism, a central term in neo-institutionalism (DiMaggio and Powell 1983); for a reminder of the importance of historical-contextual and relational perspectives when studying non-profit actors, see Kuhnle and Selle (1992). The maintenance of a diaconal profile for diaconal institutions depends on the leadership’s efforts (Hofmann and Leis-Peters 2021; see also Askeland et al. 2019; for categorisations of humanitarian actors’ embeddedness in religion, see Thaut 2009; Sider and Unruh 2004).

Whereas people with parents in diaconal nursing homes do not necessarily value distinctness, attitudes are significantly different among those with children in Christian schools:5 These are both more engaged and more concerned about distinctness (Sivesind and Saglie 2017; Trætteberg 2015; Virke 2021); Trætteberg (2015) observes limited adaptation to market thinking in schools with “unit pricing”; for kinder gardens; see Trætteberg and Fladmoe (2020; for Nordic comparisons, see Trætteberg et al. 2023).

Services that do not differ from services provided by publicly owned institutions can be termed supplementary, whereas service provision with a distinct content can be termed complementary.

Structural challenges for diaconal actors are discussed by Angell (2012) and Haugen (2018); diaconal actors’ relationships to political authorities do not deviate from the Norwegian overall pattern of integrated dependence (Kuhnle and Selle 1992, p. 30). Even if Norway is a secularised society, 77 percent, including 70 percent who consider themselves non-religious, do recognize that religious organizations “play an important role in helping the poor and needy” (Pew Research Center 2018, p. 19; for a comparison with Sweden, see Angell 2014, p. 151).

Prospects for the nonprofit sector are analyzed in three contributions from Selle and colleagues (Selle, Strømsnes, and Kuhnle 2022; Selle and Strømsnes 2019;

5 Such distinctness in the educational sector is restricted by Section 27 of the Equality and Anti-Discrimination Act, that entered into force in 2018, reading: “Teaching aids and teaching provided by day care facilities, schools and other educational institutions that provide training authorised by law shall reflect the purpose of this Act.” The purposes are specified in Section 1: to “prevent discrimination on the basis of … sexual orientation, gender identity, gender expression …” Religiously owned schools can continue to request information about sexual orientation and marriage status for certain types of positions (Ministry of Education 2021).
Selle 2016), discussing contract culture, together with weakened recognition and less opportunities for innovation as explanations for the weaker position of what they refer to as the “voluntary sector”. By building on Anheier’s four scenarios of what he refers to as “civil society” (Anheier 2019), namely economic actor, local community actor, political actor and entrepreneur, they highlight certain characteristics within each of the four: New Public Management, involvement, accountability and innovation (Selle, Strømsnes, and Kuhnle 2022). These are applied in the discussion.

Selle (2016, p. 87) finds that “the language of competition has taken over for the language of trust.” Moreover, voluntary work today “can take place in any organisational setting, be it voluntary, governmental or market-based” (Selle 2016, p. 87), acknowledging that civil society actors are based on a principle of universality and a common good thinking.

The article reviews political decisions and positions within health and social services, with some comparisons with educational services, and data limited to the years after 2005: Government platforms, legislative proposals, White papers, budget proposals, municipal decisions and NOUs, as well as provisions restricting calls for tenders to non-profit actors. NOUs are not political decisions, but their mandates are political decisions, and their recommendations might lead to new directions in public policies. If a majority government proposes new policies, laws or budgets, these will be adopted by the Parliament; such outcomes are not guaranteed if these proposals come from a minority government.

In line with the first and last parts of the research question, different search strategies are applied, as policies regarding diaconal actors is less frequently referred to in public documents as compared to policies regarding non-profit actors. All documents published after 2005 have been reviewed and those with most relevance for health care and social protection have been included. For NOUs, legislative proposals and White papers, the criterion is if – and if so, how – diaconal actors are referred to. For Government platforms, budget proposals and initial proposals on new regulation provisions, the criterion is if – and if so, how – non-profit actors are referred to.

The analysis of political decisions will not include educational services. However, to give a fuller picture of the activities of non-profit actors in service provision, figures for schools and kindergartens will be given in part 3, and one legal provision on education is included in part 6.

### 3 Share of the Welfare Services Provided by Diaconal/Non-Profit Worldview-Based Actors

Table 1 shows the proportion of services provided by four types of service providers: non-profit, non-faith; non-profit, faith-based; for-profit; and public. Stortinget asked:
the government to determine a target for the proportion of the overall health and care sector that must be organized and run by a non-profit actor, and in a suitable manner present to the Storting a plan with short-term and long-term measures to achieve this. (Government 2018b, p. 96 [original decision no. 126 (2016–2017), 9 December 2016])

The target was formulated as 10 per cent by 2025 in the state budget for 2020 (Government 2019a, p. 53); the plan came as a list of measures in the state budget for 2019 (Government 2018b, pp. 96–97).6

For child welfare, the target figure is 40 per cent for non-profit actors’ share of institutional operations by 2025 (Stortinget 2018; for more decisions, see Haugen 2020, p. 29). New multiyear contracts entered into in 2022 implies that the 40 per cent target is not likely to be reached (Askim [Procurement Director in the Norwegian Directorate for Children, Youth and Family Affairs; hereafter «Bufdir»] 2022; Røren et al. [quoting the Minister of Children and Families] 2022; NRK 2022; Herning and Amundsen 2022).

Table 1: Share of service providers; five welfare categories, employees; includes public sector’s management of the various services (with tendency 2018–2022).a

<table>
<thead>
<tr>
<th>Type of service provider</th>
<th>Specialist health: hospitals, addiction treatment, psychiatry, rehabilitation</th>
<th>Municipal health and care service</th>
<th>Child welfare (managing, institution &amp; foster home)</th>
<th>Kinder-garden</th>
<th>Primary, secondary &amp; high school</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-profit, non-faith</td>
<td>2</td>
<td>1</td>
<td>4</td>
<td>12</td>
<td>2.5</td>
</tr>
<tr>
<td>Non-profit, faith-based</td>
<td>5 rather constant</td>
<td>4 increasing</td>
<td>5 increasing</td>
<td>3 decreasing</td>
<td>2 increasing</td>
</tr>
<tr>
<td>For-profit</td>
<td>6</td>
<td>7</td>
<td>19</td>
<td>35</td>
<td>0.5</td>
</tr>
<tr>
<td>Public</td>
<td>87</td>
<td>88</td>
<td>72</td>
<td>50</td>
<td>93</td>
</tr>
<tr>
<td>Total employees</td>
<td>153,000</td>
<td>269,000</td>
<td>23,000</td>
<td>100,000</td>
<td>160,000</td>
</tr>
</tbody>
</table>

aThe data in table are drawn from various sources; see NOU 2020:13: 229; 299–303; 316–325; 531; 539; 550; 557; 564; NOU 2016:12: 25; 40; Directorate for Education and Training 2022; Haraldsrud and Moaﬁ 2022; Jakobsen, Lind, and Aarre Halvorsen 2021: 17 and 23–29; Traetteberg et al. 2021: 35–36; Private Barnehagers Landsforbund 2021; Oslo Economics 2020: 5; SSB 2023a; SSB 2023b; one non-profit nursing home is erroneously categorised as for-profit; SSB is informed. I have also done a mapping at www.utdanning.no. Regarding kindergartens, there were in 2022 243 Christian kindergartens, some (neo)humanistic kindergartens, two kindergartens which by their statutes are Muslim (Urtehagen barnehager AS 2021) and one Jewish kindergarten. No Jewish or Muslim schools exist in Norway.

6 The share of services delivered by non-profit organizations within health, social care and education is 8.5 per cent in 2017 (Arnesen and Sivesind 2020, p. 79). Hence, it can be questioned whether the 10 per cent target means doubling the share of non-profit actors as was claimed by Stortinget’s Health and Care Committee (2020, p. 2).
Note that the term «faith» includes secular worldviews.

Not listed in Table 1 are assistance for labour integration and reception centres for asylum seekers, with a limited share of non-profit actors (NOU 2020:13, p. 572 and p. 576); higher education institutions, experiencing growth (NOU 2024:1, p. 37–38); and family counselling, church-based offices having agreement with the Family Counselling Services (Bufetat) constituting about 40 per cent of services (NOU 2020:13, p. 550; 19 of the 42 family welfare offices are church-based). Diaconal actors provide the majority of services within addiction treatment.

We see that non-profit, faith-based account for between 2 and 5 per cent of the total services, with the lowest share for schools, but there has been a considerable growth in non-profit schools (NOU 2024:1, p. 37–38), as new Christian schools are established.

4 Acknowledging the Importance of Non-Profit Actors

The roles of non-profit actors are positively acknowledged in three types of documents: government platforms; the adoption of a law compensating pension expenses incurred under previous contracts with state agencies; and documents leading to a Public Procurement Regulation provision. Finally, there has been disagreements on what to do with a non-profit actor’s eventual surplus after fulfilling the contract with a public agency. Each of these will be analyzed.

4.1 Formulations in Government Platforms on Nonprofit Actors in Health and Social Services

As seen above there are parliamentary decisions to increase the proportion of non-profit service providers. Are such ambitions highlighted in government platforms (see Table 2)?
Table 2: Governmental platforms: non-profit, for-profit and diaconal in health and social welfare services; appearance means number of times mentioned.

<table>
<thead>
<tr>
<th>Provider platform (term/left (l)/right (r))</th>
<th>Appearance non-profit</th>
<th>Appearance for-profit or private</th>
<th>Appearance diaconal</th>
<th>Interesting excerpts; 2005, 2009, 2019, 2021 platform texts are translated by the author</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soria Moria I (2005–2009/l)</td>
<td>2</td>
<td>For-profit; opposes competition by tenders</td>
<td>No</td>
<td>Seeks a “close interaction with voluntary and non-profit organisations” (Government 2005, p. 4)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Wants “hospitals owned and run by non-profit organizations to have good conditions…” (Government 2005, p. 39)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>“Commercialization of welfare services will lead to a weakened freedom of choice” (Government 2005, p. 50)</td>
</tr>
<tr>
<td>Soria Moria II (2009–2013/l)</td>
<td>2</td>
<td>For-profit</td>
<td>No</td>
<td>Non-profit: “high competence and strong commitment, and can present new solutions to welfare challenges” (Government 2009, p. 39)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>“Only robust public solutions can over time be an alternative to the privatization of welfare” (Government 2009, p. 3)</td>
</tr>
<tr>
<td>Sundvollen (2013–2018/r)</td>
<td>7</td>
<td>Private</td>
<td>No</td>
<td>Asserts that “the production of welfare services does not differ greatly from other services” (Government 2013, p. 36)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Seeks to “expand the use of private and non-profit resources for the provision of public welfare services” (Government 2013, p. 35)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>“Good partnerships with various private and non-profit actors that contribute to innovation, diversity, quality and freedom to choose between services” (Government 2018c, p. 37)</td>
</tr>
<tr>
<td>Jeløya (2018–2019/r)</td>
<td>4</td>
<td>Private</td>
<td>No</td>
<td>“Civil society laid the foundation for Norway’s prosperity and welfare” (Government 2019b, p. 39)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Wants “increased cooperation between municipalities and religious communities to solve social and diaconal challenges” (Government 2019b, p. 39)</td>
</tr>
<tr>
<td>Granavolden (2019–2021/r)</td>
<td>23</td>
<td>Private</td>
<td>Yes</td>
<td>Will “prevent market thinking, management by objectives, and commercialization in elderly care…” (Government 2021b, p. 64)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Wants “good cooperation with voluntary and non-profit actors in elderly care” (Government 2021b, p. 64)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Will end “competition by tenders in the child welfare sector…” (Government 2021b, p. 72)</td>
</tr>
</tbody>
</table>
Overall we see that uses of the term “non-profit” reached its peak when the government consisting of four non-socialist parties formulated its platform. The overall trend is a stronger emphasis on non-profit actors, with formulations for non-profit actors being “close interaction”, “increase use” and “increased cooperation”. This indicates a strong and positive recognition of non-profit actors, including diaconal actors. We also see that government to the left apply the term “for-profit” whereas governments to the right apply the term “private”. Measures to implement the specified targets differ, however, as will be seen.

The most explicit policy objectives are found in the 2021–2025 Hurdal platform, being more specified with the 2022 national budget agreement on a “public commission that will study how commercial operations can be phased out in various tax-funded welfare services, and present a zero-profit model for each such sector being phased out in various tax-funded welfare services” (The Labour Party, the Center Party and the Socialist Left Party 2021, para 48; see also para 49 on a registry of non-profit actors). Another part of the public commission’s mandate – termed the Decommercialisation Commission – is to “propose a legal definition of non-profit actors operating within tax-funded welfare services” (Government 2022a, p. 2; NOU 2024:1). Moreover, “[c]onsequences for investment and operating costs, innovation and service development” are what the public commission must “specifically assess” (Government 2022a, p. 4; Ørstavik 2019 defines service innovation as “changing the way existing services are provided…”).

### 4.2 Compensation for Pension Expenses from Non-Profit Actors’ Contracts with State Agencies

In the 1990s and 2000s, calls for tender competitions specified salary and pension schemes similar to those in the public sector; such demands became less frequent and disappeared completely in the 2010s. There is, however, a requirement that service providers must have in place a collective bargaining agreement. In the 2010s some non-profit actors introduced a so-called hybrid pension (Fagforbundet 2018); others chose a defined-contribution pension scheme.

Non-profit actors were left with a high pension premium after the contracts with the authorities had expired. When the Government recognized the negative consequences for the actors, it acted relatively quickly.

A legal study and a public commission (NOU 2016:12) were commissioned by the Solberg I Government; together with insight from another study commissioned by Ideelt Nettverk, the Solberg II Government proposed a reserved tender competition provision (Government 2020; 2018a; more below) and state compensation scheme (Government 2018d; with a subsequent regulation), without this compensation being...
considered discriminatory state aid. The scheme covers non-profit actors that provided specialist healthcare services or child welfare services for which the state has funding responsibility.

A similar compensation scheme for those providing services based on previous contracts with municipalities and county councils is not yet ready (Government 2023, p. 48).

4.3 Non-Profit Actors’ Distinctive Features as Justification for Tenders Reserved for Them


Section 30-2a of the Public Procurement Regulation was Adopted in 2020 (Government 2020). Its part 1 specifies the purpose – “to achieve social goals, the common good ("Fellesskapets Beste") and budgetary efficiency.”

Reasons for enabling the prioritization of non-profit actors emphasize (i) users’ participation; (ii) new services; (iii) cooperation; (iv) volunteers; (v) follow-up, activities and social arenas; resulting in a (vi) rehabilitative effect after coming out of institutions (Government 2018a, p. 3). Such “qualitative and financial benefits for society that go beyond … the specific service are difficult to emphasize in traditional tenders” (Government 2018a, p. 4). Moreover, “Non-profit actors can help give a voice to groups in society who would otherwise not be heard or who would have difficulty being heard” (Government 2018a, p. 11). Finally, economic efficiency is said to be achieved through use of volunteers (Government 2018a, p. 11).

4.4 Changed Practice on Non-Profit Actors’ Ability to Reinvest Profits

Section 30-2a, part 2 of the Public Procurement Regulation reads: “Non-profit organizations do not have a return on equity as their main purpose.” Hence, any surplus must be reinvested in the organization’s activities to fulfill the social purpose of the organization.

A regional court warned of the possibility “to divert funds from the non-profit purpose by transferring funds to the parent company or sister companies, for example through transfer pricing” (Borgartner 2018, p. 8). This judgment has led Oslo
Municipality not to recognize as non-profit actors entities which by their statutes are non-profit – but whose owners have a for-profit purpose.

The practice at Bufdir has been different. In March 2023 it was clarified by the Minister for Children and Families, that non-profit companies with for-profit owners shall not be considered non-profit (NOU 2024:1, p. 31). This happened five months after the employer organization Virke launched an industry standard for non-profit welfare, which states (excerpt):

Non-profit organizations that adhere to the industry standard cannot be incorporated into a cartel, be subordinated and structured with, or give an outside actor decisive influence over their activities, if this actor does not meet the industry standard (Virke 2022, Section 7).

The term “cartels” (“konsernmodell”) was also central in the long dialogue between the Ministry of Children and Families and Bufdir on how to ensure 40 per cent non-profit actors in child welfare services (Stortinget 2018). Until 2022, contracts have been signed with companies not having a “purpose of providing shareholders with a financial dividend” (Wangberg 2022, quoting the revised statutes of Aberia Ung AS, owned by Norlandia Health & Care Group AS). Hence, companies with commercial owner(s) were considered as non-profit actors. However, Bufdir was asked to “distinguish between large commercial and other providers […] and to seek to reduce the use of the large-sized companies. … organized as cartels” (Ministry of Children and Families 2022).

In the dialogue with the Ministry, Bufdir acknowledges a “reputational risk that certain actors can hide profit, as they actually are for-profit…” (Bufdir 2020: 57). It then stressed that “it is important that the conditions are formulated so that any surplus cannot be used in a way that is contrary to the [EEA] rules on state aid, for example by cross-financing other non-profit purposes.”

By prohibiting such “cross-financing”, Bufdir’s previous position contradicted both the position by the Solberg II Government (2018a) and the definition of non-profit actor in Section 30-2a, second part of the Public Procurement Regulation; it is proposed that this section shall become a part of a revised Public Procurement Act (NOU 2023:26, p. 49).

Bufdir (2022) introduced separate contracts for non-profit and for-profit actors, permitting non-profit actors to reinvest a surplus. Before this, Bufdir was said to “emphasize that every surplus is problematic…” (Blue Cross Norway 2022), not acknowledging that the “surplus is used to develop existing or new services” (Blue Cross Norway 2022).
4.5 Summary

We see that various measures have been adopted, including new laws and legal provisions, to increase non-profit actors overall provision of services. Even if these measures have been taken for the broad category of non-profit actors all involved in these decisions know that diaconal actors constitute the major share of non-profit actors, illustrated by the fact that the three who qualified for construction of nursing homes and care services within these are diaconal (Oslo District Court 2023 [appealed]). This fosters a worldview-open society. The requirements on the diaconal actors, being the last element of the research question, will now be reviewed.

5 Diaconal Actors – Recognition and Additional Requirements?

In addition to reviewing White papers or legislative proposals coming from the Government and NOU reports, recent municipal decisions regarding nursing homes are analyzed.

5.1 White Papers and Legislative Proposals: How Are Diaconal Actors Recognized?


In the 2008 White paper, *The State and Church of Norway* (CoN) the various voluntary organizations associated with CoN are said to “have also had a significant influence on the development of the Norwegian society” (Government 2008, p. 33), being a positive acknowledgement.

A 2018 White paper on more “ageing-friendly Norway” emphasizes how the Church City Mission makes the nursing homes become a local meeting place (Government 2018e, p. 17), and also how these nursing homes facilitates for elders to write life narratives (Government 2018e, p. 23). The Church City Mission and Salvation Army’s roles in an urban municipality project is highlighted (Government 2018e, p. 95). Moreover, a Church of Norway project on holistic palliative care in two rural municipalities is endorsed (Government 2018e, p. 89).
The second White paper of volunteering was issued in 2018, one month before the Christian Peoples’ Party (KrF) joined the government. In contrast to the 2007 White paper, issued by the red-green government, diaconal actors are barely mentioned in 2018, with one exception: The Health Centre for Undocumented Migrants in Oslo, run by the Church City Mission Oslo and the Norwegian Red Cross, being disapproved by two of the parties that later formed the Solberg II Government (Haugen 2018, p. 20). Nine years later it is recognized as an example of “formidable effort to keep the social machinery running and to tackle challenges which the market and the public cannot meet” (Government 2018f, p. 23).

Finally, it is stated in the legislative proposal for a new religious communities law, presented by a KrF Government Minister: “The Norwegian welfare society would have looked completely different without the community-building work of religion and belief communities” (Government 2019c, p. 10), acknowledging that diaconal actors “make up almost two-thirds of the total private institutional activity” (Government 2019c, p. 29). No concern on the dominant role of diaconal actors among non-profit actors is expressed.

5.2 NOU Reports: How Are Diaconal Actors Recognized?

Four NOUs are relevant: innovation in care, the worldview-open society, historical pension costs, and private actors in welfare provision.

When elaborating on innovation in care it is acknowledged that “the church and voluntary organizations … laid the foundations for … the welfare state and the public sector in our part of Europe” (NOU 2011:11, p. 39). Furthermore, a nursing home and culture centre in the eastern part of Oslo is positively acknowledged (NOU 2011:11, p. 79). After being owned and run by the Church City Mission for 50 years, Ammerudhjemmet was closed in 2021.

The worldview-open society NOU highlights a study demonstrating the positive integration roles of the congregation St. Paul in Bergen (NOU 2013:1, p. 59), as part of a larger discussion of religious communities and integration. The committee warns against the instrumentalization of faith and belief communities to achieve political objectives (NOU 2013:1, p. 92), while also identifying their contribution in various areas of society (NOU 2013:1, p. 305 and p. 331).

The Public commission on non-profit actors’ historical pension costs wrote: “The history of the Norwegian welfare state is largely the history of non-profit

8 On the website for NOU 2013:1 a study is found; see Loga 2012; finding that the various characteristics of religious communities determine whether these are good arenas for integration.
organizations” (NOU 2016:12, p. 40; see also NOU 2011:11). The report resulted in policy shift (see Government 2018d).

The report from the Public commission on private actors in welfare provision had a majority and a minority, but the entire commission recognizes the importance of non-profit actors in that they promote: (i) the same objectives as the authorities, (ii) budgetary efficiency, (iii) the common good, and (vi) wages at the level of public enterprises, (v) diversity, (vi) experience and (vii) innovation; and has (viii) fewer changes of ownership, and (ix) statutes on reinvesting profit to further the social purpose (NOU 2020:13: p. 78; p. 95–96; p. 436; p. 442; p. 447–448 and p. 469).

We see that all reports recognize the positive roles of non-profit actors, as illustrated by the nine features identified in NOU 2020:13, but only the two earlier NOUs discuss explicitly the societal contributions of diaconal actors.

5.3 Strengthening of Non-Profit Nursing Homes?

Nursing homes is a welfare service for which the municipality has responsibility. Oslo City Parliament decided in 2016 that 25 per cent of its health and care services should be provided by non-profit actors by 2025 (Haugen 2018, p. 39-40). This objective will be achieved, primarily as one non-profit actor, Lovisenberg Omsorg, purchased two for-profit companies, Attendo and Unicare, taking over the managing responsibilities of nursing homes (Bjerke 2022). 27 of the 44 nursing homes owned by or operated by non-profit actors are located in Oslo and Bergen and except from the Red Cross nursing home in Bergen, and the Jewish nursing home in Oslo, they are all owned by diaconal actors. In Oslo, seven are owned by diaconal actors,9 and seven are operated by them, all with an 8 + 1+1 years contract with Oslo Municipality (2023). In Bergen, 10 of 12 are owned by congregations (Bergen Municipality 2024; Eidset 2023).10 There are currently 15 nursing homes in Norway either owned by or operated by for-profit actors.

Those parties ruling Stavanger and Oslo 2019–2023 used Section 30-2a) in the Public Procurement Regulation (Six Political Parties in Stavanger 2019, p. 12; Oslo District Court 2023). The local elections in September 2023 led to new majorities in the four largest cities, all with the Conservative Party. The policy platforms for three of

9 Two nursing homes are owned by a congregation: Bekkelaget (operated by Church City Mission) and Sofienberg (foundation under the congregation; operated by Lovisenberg Omsorg). Five nursing homes are owned by diaconal foundations: Diakonhjemmet Omsorg owns two; Lovisenberg Omsorg, Diakonova Haraldsplass foundation and Church City Mission each own one.

10 The Signo foundation and Betanien foundation each own one nursing home; Diakonova Haraldsplass foundation operates Domkirkehjemmet and Siljuslåtten, the latter owned by Bergen municipality.
them invite for-profit and non-profit actors to operate nursing homes (Bergen City Council 2023, pp. 12–13; Five political parties in Stavanger 2023, p. 5; Oslo City Council 2023, p. 35).

Norway has witnessed a slow increase of non-profit nursing homes over the last four years, but a decrease in a longer time perspective. New majorities and unfavourable conditions in tender processes (Diakonhjemmet foundation 2023) implies that there will be a gradual increase in the number of for-profit actors operating nursing homes. On the other hand, diaconal foundations stand out by having financial strength to build and operate nursing homes (Oslo District Court [appealed] 2023).

5.4 Summary

The recognition of diaconal actors in public documents is done without a critical discussion of the Christian faith basis of these actors. This must be explained by the fact that this basis is not specifically present in the daily running of these institutions, unlike schools established on the basis of Christian faith. Regarding nursing homes, two Regulations applying to all nursing homes address religious activities, by the terms «worldview» (Ministry of Health and Care Services 1998, Section 4-6) and «existential questions» (Ministry of Health and Care Services 2010, Section 3(d)). Horpestad (2022) reports a stronger emphasis on the presence of priests in nursing homes owned by Oslo municipality compared with Bergen municipality; one priest can serve more than one institution.

6 Concluding Discussion

Returning to the research question, Norwegian authorities do recognize – and seek to strengthen the role of – non-profit actors in the Norwegian welfare society, thereby also diaconal actors. The 10 per cent target of service delivery by non-profit actors on a national level by 2025 might be difficult to reach. More ambitious is the target of 40 per cent non-profit actors in child welfare services, where the relevant authorities have been slow in replacing for-profit actors with non-profit actors, which can be explained by the need for predictability and the for-profit actors’ ability to out-compete non-profit actors. As regards the Oslo municipality objective, of 25 per cent non-profit share in health and care services, this has been met – two years before 2025.

For the third part of the research question, on diaconal actors performing contract-based services, two main findings can be summarised. First, the service’
content is regulated in contracts and through dialogues. The overall responsibility for services by public authorities is specified in the respective legislations, whereas regulations specify the Christian content of services, limited to institutions for elders (see part 5.4). This can be compared with educational services, balancing between maintaining distinctness and avoiding “non-deviant content”, as specified in Section 27 of the Equality and Anti-Discrimination Act, specifying that teaching aids and teaching must comply with the Act’s purpose. This is the clearest example of Norway as a worldview-controlling state. Second, except for the term “diversity” (Government 2018c, p. 37; NOU 2020:13), the authorities do neither emphasize nor warn against the Christian basis of the diaconal actors, and the diaconal actors providing these services can be characterized by accommodative humanitarianism (Thaut 2009), being faith-affiliated (Sider and Unruh 2004). However, some diaconal actors might have a weaker recognition of Christianity in the overall management, as evident by the term “faith background” (Sider and Unruh 2004).

It is particularly interesting that the Solberg II Government – consisting of the three parties which voted against the Oslo City Parliament’s target of 25 per cent being provided by non-profit actors by 2025 – proposed the reservation provision (Section 30-2a) in the Public Procurement Regulation. This shows that a political party’s priorities cannot be inferred from one level of decision-making to another level of decision-making.

The four NOUs highlight either explicitly or implicitly the diaconia actors’ societal roles. A legal definition of non-profit actors (NOU 2024:1) will likely be included in a legislation on a registry of non-profit actors, but implementation of recommendations from the second report by the Decommercialisation Commisson cannot be predicted. However, the nine justifications for favouring no-profit actors (NOU 2020:13) are – with the exception of budgetary efficiency – not applied in calls for tender competitions.

The past roles of churches and diaconal actors are recognized (Government 2008; 2019c) and their current roles are also almost ignored (Government 2018e). As a result of the higher awareness of the roles of diaconal and church actors in meeting the needs of those living in poverty, it is less likely that a similar omission would have occurred today.

Selle and colleagues (2022) recognize the role that organizations within health and care services have for involvement in the local community; reflecting their important roles for community development (LWF 2009; LWF and interdiac 2013). They are less affirming as regards the other three – economic actor, political actor and entrepreneurial actor – limited autonomy is included among the explanations (Selle, Strømsnes, and Kuhnle 2022, pp. 409–410). As regards economic actor, Bufdir’s

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11 See note 5 for the full text.
contract template clarify that surplus can be reinvested in order to promote the diaconal actor's societal purpose. As regards political actor, coordinated lobby efforts have resulted in policy shifts, sometimes even by new legislation. The likelihood of being successful, however, will to a certain degree depend on the size of diaconal actors. Hospitals are not subject to tender competitions and cannot easily be replaced. Smaller actors are subject to tender-based competition or application-based grant schemes (Government 2022b, pp. 88–89 and p. 265), causing unpredictability. As regards entrepreneurial actor, some of the diaconal foundations can build new institutions in sectors where they formerly did not operate (Diakonhjemmet foundation 2022a, 2022b); an innovative role is widely recognized for the Church City Mission (Enjolras et al. 2021) and the Salvation Army has initiated projects that reach persons that are not easily reached by public service providers (Trætteberg and Sivesind 2015; see also Stjernø and Saltkjel 2008). Hence, Selle and colleagues' (2022) allegations that limited autonomy characterizes the non-profit actors, including diaconal actors, can be challenged.

As these 2022 decisions concerned new schools, it is relevant that establishment of schools by Christian, often conservative, organisations can be characterized by complementarity, whereas establishment of schools by diaconal foundations can be characterized by supplementarity. Most Norwegian schools or kindergartens with religious owner(s) will only require loyalty to the foundational values of the owner(s) – a loyalty which cannot be absolute, in cases of mismanagement – not "faith uniformity", as seen in continental Europe. Hence, the term supplementary service is an adequate description of health and care institutions, even if their owners will seek to emphasize how their institutions are unique.

While institutional diversity and the role of non-profit actors in promoting wider societal objectives is recognized (2018a; see also NOU 2020:13), such qualities seems to be ignored in the calls for tender competitions. The insight from this article could be brought further by identifying which qualities that are specified in calls for tender, and when assessing applications received.

References


For other diaconal foundations owning schools, see Blue Cross 2023; Lukas 2023.

European Court of Human Rights 2011. The complainant, Siebenhaar (German), engaged in theosophism, being dismissed as her religious belonging conflicted with that of her employer, a Protestant kindergarten. Her complaint did not succeed.


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