

NORWAY

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Rosemarie (2009):

I am a PhD Candidate at the New School for Social Research in New York. I write a dissertation on secularism and state church relations in France, the Netherlands and Norway. As part of the project I compare the ways in which these

three countries and some municipalities herein, give institutional form to religious diversity in the burial domain. I am particularly interested in the normative ideas that guide these institutional formats. This article is part of a chapter on Burial in Norway.

CEMETERIES IN NORWAY FROM MUNICIPAL RESPONSIBILITY TO CHURCHLY RESPONSIBILITY IN THE LATE TWENTIETH CENTURY

Cemeteries embody a country's past and present. They reveal parts of a country's history, culture and demographic structure. Moreover, the institutional features of a country's burial domain - the kinds of cemeteries it allows for and the laws that govern it - tell a story about this (historical) relation between the state and churches over control of the cemeteries have been fought out in the late 18th and early 19th century; leading to a partially or totally municipalized and secularized domain. France made all cemeteries municipal responsibility and abandoned, with a few exceptions, the possibility of private or confessional cemeteries in 1804. The Netherlands partially municipalized the domain in 1827, and formalized it in the first burial law of 1869, while still allowing for confessional and private cemeteries. Seen against these historical developments, Norway has made a rather peculiar, almost opposite, move in the last decade.

Funeral law 1996

In Norway, cemeteries had been a municipal responsibility since 1879. However, in 1996, a new funeral law was adopted which transferred the administrative responsibility of the cemeteries ('gravferdsforvaltning') to a churchly organ called the 'churchly communal board' ('kirkelig fellesråd'). This meant that workers on the graveyard, which were previously employed by the municipality, now had a religious institution as their employer. Furthermore, the change brought out even more clearly the link between Norway's Lutheran state church and Norwegian churchyards. There are currently a few private and non-Lutheran confessional cemeteries. But the majority of cemeteries are 'public churchyards' ('offentlig kirkegårder'), which are managed by the churchly communal board, paid for by the municipal budget, and legally owned by the Lutheran parishes in each municipality. In what follows we will look at different dimensions of this confessional nature of Norwegian cemeteries.

In the contemporary Norway, two laws govern the burial domain. That is the 1996 funeral law 'Gravferdsloven' and the 1996 church law 'kirkeoven'. It is stated in the funeral law that everybody has a right to a free grave regardless of membership in the Norwegian state church or religious affiliation, and furthermore that 'all burials shall take place on a public churchyard or a cemetery as constructed by a registered community of believers' (...).¹

The law satisfies equality for all because it does not discriminate on religious affiliation or membership and provides a free grave for everybody for the first 20 years. The funeral law prescribes the technical and practical requirements for burial and is informed by concerns with hygiene and security, rather than motivated by any particular religious or cultural concern. The law also secures religious freedom by avoiding any particular prescriptions that concern the ritual process of the burial. *How* one should bury the deceased, in terms of rituals or customs, falls outside the mandate of the funeral law. The church law prescribes, amongst other things, the economic responsibilities of the municipality in regards cemeteries. Yet despite concerns with equality and religious freedom, the reality of Norwegian burials is quite striking in comparison to countries like the Netherlands or France where a confessional burial is one option amongst others. In Norway, nearly everybody is buried on a traditionally Christian Lutheran graveyard;

"Of all persons deceased in 2006, 92% received a churchly funeral. Ten years ago this percentage was 94%".²



three typical Norwegian churchyards with Christian symbols and in proximity of a church
kirkegård Fetsund



kirkegård Sør-Odal Strøm



typical Norwegian kirkegård

Kirkegård

Despite the willingness to allow for a diversity of cemeteries in the funeral law, the options are in reality quite limited. Most crucially, there are no communal neutral graveyards available, except from, what is referred to as a 'public churchyard' ('offentlig kirkegård'). This term is illustrative of the Norwegian situation in that it makes no distinction between public and churchly, but in fact equates the two. This is furthermore linguistically reflected in the laws and daily usage of the term 'kirkegård' or churchyard, instead of 'gravlund' or cemetery. Albeit attempts by the humanists (Human-Etisk Forbund), and the Norwegian Free-churches (Norges Frikirkeråd) to change this use of wording to a more neutral term, it was decided with the 1996 law that 'the term churchyard is maintained',³ but this does not prevent that other terms like cemetery can be used'.⁴

In terms of religious diversity, there are few other graveyards than those that are administered and possessed by the Norwegian state church. Amongst a total of about 2000 cemeteries in the whole of Norway, there are two Jewish cemeteries and a handful of other confessional emeteries.⁵ To accommodate existing religious needs for those without their own churchyard, pragmatic solutions have been made in several cases. So various churchyards have separate sections for non-Christians and it is legally permissible to have a churchyard ritually blessed by several religions simultaneously. Muslims have thus far no cemetery of their own. Yet there are several Muslim parcels on public church cemeteries in Oslo (in the boroughs of Alfaset, Gamlebyen, Høybråten and Klemetsrud) and about 20 other municipalities.

Crematoria

Crematoria, and a handful of private graveyards, they are the only exception to an otherwise religiously administered and owned burial domain. Crematoria fall under municipal responsibility and are owned by the municipalities. There are about 40 crematoria presence as reflected in the symbolic and aesthetic appearance of many churchyards and crematoria. To



the dismay of, in particular, churchyards and the humanists it is impossible in some municipalities to find a neutral ceremonial room or graveyard that is not charged with Christian symbols. See photos: three photos of public crematoria, which are owned and administered by the municipality, yet they also carry prominent Christian symbols.

crematorium Hamar



crematorium & chapel Frederikstad



crematorium Oslo

Preceding activities

Why have cemeteries in Norway not become municipal responsibility, or more precisely, why have they *stopped* being a municipal responsibility, in a time where Norway diversifies and is becoming more religiously plural? This is a complex question with many factors. We will here shortly discuss the political and historical context preceding the 1996 funeral law.

The question of burial administration and management ('grafverdsforvaltning') has been a serious topic of investigation and public debate in Norway for the last 3 decades. Since the 19th century, the maintenance of graveyards has been a shared task between the municipality and the parish, with different emphasis in responsibility between the two forms of organization over time⁷. Whereas the first 'law about churches and graveyards' of 1897 ('*Lov om Kirker og Kirkegårder*') makes the municipalities primarily responsible, a process of democratization internal to the state church leads in the 1920's to the establishment of the 'parochial church council' ('menighetsråd')⁸. With the 1920 'law about the parochial church council' ('*Lov om menighetsråd*') it was decided that the parochial church council was (partially) in charge of hiring the church employees and occasionally the graveyard workers⁹.

As a result, ambiguity arose between municipal or congregational responsibility for the employment of graveyard personal or church personal. And this was further confirmed with the 1953 'law about the Norwegian Church's structure' (*Lov om Den norske kirkes ordning*). Here it was mentioned that the management of the churchwarden was the responsibility of the municipality and that *in principle* the municipality was also the employer for the church employees and graveyard-workers. Yet, in reality it was often the parochial church council that functioned as employer. Furthermore, when the churchwarden was a paid position, the municipality was responsible for appointing the person, but when it involved an unpaid position, the parochial church council could appoint someone.

The thus still remaining confusion led in the early nineteen eighties to a question in a white paper of the 'Sivertsen committee' ('Sivertsenutvalget') whether churchyards should not be entirely municipal responsibility. A government appointed committee ('kirkelovutvalge') investigated the matter in 1982 and advised to give the municipalities the full administrative responsibility of the church gardens. But surprisingly, when this outcome was presented to a wide range of institutions (parochial church councils, municipalities, but also bishops, representatives of the Counties ('fylkesmannen'), as well as other religious and nationally relevant organizations), an -in the end small- majority voted for the responsibility of the church gardens to be with a religious institution. A later departmental statement from 1994-1995, which argues for churchly responsibility reflects some of the main arguments well.¹⁰

[...] 'An increasingly pluralistic society, cannot according to the judgment of the department, be given particular weight when close to 95% of the countries' population chooses a churchly burial and our societies' burial customs still mirror societies' Christian values and cultural foundations' [...].

Because funerals are not only a matter of practical and administrative concern, the church can do justice to the ritual and traditional element of a Norwegian funeral. Last, it was argued that the church provides good conditions for employment. Against the 'religious track', voted the large municipalities, as well as the humanists and the Norwegian Free churches. They proposed amongst other things to change the term churchyard or 'kirkegård' to the more neutral term graveyard or 'gravlund', and they stressed the concern that non-members of the state church would not be able to enjoy equal treatment under the future regulations.

conclusion

The result of this all, is that the 1996 funeral law declares the Norwegian state church responsible for the administrative part of the burial process, yet while underscoring the collective and public nature of this collective good. So the state church acts on behalf of the citizenry and must provide a burial for everybody on a churchyard without any (or very little) cost. This means that the churchly community board ('kirkelig fellesråd'), which was introduced as a new form of churchly organization in 1996, fulfills two functions. On the one hand, it is a Christian organ that takes care of its parish members. On the other hand, it has a public role, which is to provide a collective good for the entire society. Furthermore, because the burial administration is a public task, and not one that serves the church in particular, the municipality pays the expenses for the building and maintenance of cemeteries, as well as the payment of the salaries. Yet, strangely and somewhat contradicting, the municipality does not own the cemeteries. It is legally the parish, which owns existing and newly built cemeteries.

The 1996 law does allow for an opening in the requirement of churchly administration. In a few municipalities the churchly community board and the municipality have agreed to transfer the responsibility from the churchly community board to the municipality. In several other municipalities, like Oslo, the municipality has taken over all, or parts, of the managerial tasks, yet without obtaining the formal responsibility for the burial domain.

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Notes

¹ My translation. Funeral law Chapter 1. §1. "Gravlegging skal skje på offentlig kirkegård eller på gravplass anlagt av registrert trossamfunn".

² My translation. Storting Melding nr 17 *Staten og den Norske Kirke* (2007-2008), p106. "Av alle som døde i 2006, fikk 92 pst. kirkelig gravferd. For ti år siden var prosentandelen 94."

³ "Begrepet kirkegård er beholdt, men forhindrer ikke at andre betegnelser som gravlund kan brukes." See <http://www.regjeringen.no/nb/dep/kkd/dok/NOUer/2006/NOU-2006-2/8/3.html?id=156310>.

⁴ There are some exceptions to this general pattern in Kommunes where the graveyard is not close to a church building (for example Lørenskog). Here, there is sometimes an explicit usage of the term 'gravlund' to indicate a more neutral and communal graveyard for all.

⁵ There is one Jewish cemetery in Oslo and one in Trondheim (Det Mosaiske Trossamfund). There are about two Catholic churchyards in a cloister in Tromsø and Alta, and some local Christian communities have their own churchyards in the surroundings of Kristiansand. The Christian free-church (frikirkelige) has two to three evangelic Lutheran graveyards in Levanger and Larvik and the Quakers own two churchyards in Rogaland. Storting Melding nr 17 *Staten og den Norske Kirke* (2007-2008), p 105.

⁶ In big cities the rates are between 60-80% cremation; Oslo (69%), Hamar (61%), Drammen (78%) or Bergen (68%) NORGE - KREMASJONSSTATISTIKK 2007 www.kirkegaardskultur.no Norsk forening for kirkegård kultur.

⁷ A Kommune refers to a municipality. A sogn is a geographically determined congregation/parish. The author relies for the historical account in parts on the website of the Kultur- og Kirke departementet, <http://www.regjeringen.no/nb/dep/kkd/dok/NOUer/2006/NOU-2006-2/8/2.html?id=156309>

⁸ A 'parochial church council' or 'menighetsråd' is an elected board in one parish. In municipalities where there is more than one parish, the churchly community board ('kirkelig fellesråd') takes care of the cemeteries administration and management. When there is only one parish, the parochial church council takes care of that. Since the 1920 'law on parochial church council' (*lov om menighetsråder*), each parish has a board for which you can elect representatives, if you live on the property or within the geographical area of that parish. A parochial church council is composed out of one attending parish priest ('sognprest'), (he-she is appointed by the Bishop but he/she is without voting-rights in the meetings) and 4, 6, 8, or 10 chosen members from the parish. See *Lov om Den Norske Kirken*, Chapter 2 paragraph 6.

⁹ Church employees are still today distinguished from graveyard workers in the sense that the former are closely tied to the rituals surrounding the burial process -and thus the church. Graveyard workers are more concerned with the technical aspects of the burial process and maintenance of church property. In the contemporary era, church-employees need to be a member of the state church to fulfill their function, but graveyard workers are exempt from this demand.

¹⁰ My translation. Ot.prp. nr. 64 (1994-995) *Om lov om Den norske kirke og Om lov om kirkegårder, kremasjon og gravferd* "Et mer pluralistisk samfunn kan etter departementets vurdering ikke tillegges særlig vekt når nær 95 pst. av landets befolkning velger en kirkelig gravferd og vårt samfunns gravskikker fortsatt gjenspeiler samfunnets kristne verdi- og kulturgrunnlag."