Introduction

Metal detecting has become a popular hobby in Norway. The use of metal detectors is legal, as long as one has the landowner’s permission and complies with the Norwegian Cultural Heritage Act. As in other countries, the relationship between private metal detecting and archaeology is complex. The perspectives and experiences of archaeologists and heritage management representatives in regard to the challenges and benefits that arise from private metal detecting vary greatly. Academic articles and other contributions emphasizing the positive effects of private metal detecting in Norway have been numerous in recent years (Kvanli 2016, Kvanli and Sørensen 2016, Maixner 2015a, Maixner 2015b, Maixner 2016, Martens 2016, Melheim et al. 2016, Skre 2016, Skre and Pilø 2016a, Skre and Pilø 2016b). However, from our perspective as archaeologists it is important to openly address the problematic aspects of private metal detecting as well as the benefits it entails for our profession, public heritage management at large and the individuals involved. A large part of this article will therefore present unpublished examples of current conflicts and challenges arising from private metal detecting in Norway1.

In order to discuss the relationship between private metal detecting and professional archaeology in Norway, we find it necessary to address the basic premises that the Norwegian Cultural Heritage Act sets for private metal detecting, as well as archaeological practice and heritage management.

1 Several details have been left out in some of the examples in order to maintain anonymity, and because some cases are still under legal investigation.

Article note: This article is a part of Topical Issue on Aspects of Non-professional Metal Detecting in Europe.

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2 Legal Background

The Norwegian Cultural Heritage Act of 1978, section 4, states that all archaeological sites and monuments predating 1537 AD (the protestant reformation in Norway) are automatically protected by the law. Automatic protection also applies to all Sami sites and monuments older than 100 years. Such sites or monuments can by anything from large fields of grave mounds, ruins or other easily recognizable structures, to sites consisting of postholes and cooking pits, or simply a scatter of man-made flints, completely hidden under today’s plough fields. The concept of automatic protection means that a site is protected even if it is not known or listed, both on private and public land, and regardless of the landowner’s knowledge or notification of its presence.

Section 3 of the Act states that it is illegal to initiate any measure which is liable to damage or disturb (excavate, move, change, destroy, cover, conceal or in any other way unduly disfigure) any site or monument that is automatically protected by law, or even create a risk of this happening. In practice this means that private use of metal detectors on automatically protected sites and monuments is illegal, in the sense that digging after signals is liable to damage or disturb such sites. There are only two exceptions to the rule in section 3. The first exception establishes that the “competent authority” can make decisions to have sites excavated and permit the disturbance or removal of sites and conditions thereof. The second has to do with plowing and cultivation, and may be seen as a protection of the rights of farmers and landowners at the expense of archaeological remains located on farmed land. Section 3 states that if the ground above any monument or site that is automatically protected by law has previously been used for grazing or cultivation, it may continue to be used in this manner unless the competent authority decides otherwise, and as long as the soil is not ploughed or otherwise worked more deeply than previously without the permission of the competent authority.

Further, section 12 states that all objects older than 1537, and coins older than 1650, belong to the state regardless if they come to light by chance, by discovery, through excavation or in any other way.

Finally, section 13 states that it is illegal to damage any such objects; the finder of a protected object has a duty to report the find and that the finder may be eligible for a reward, the size of which is decided by the authority.

These four sections are important in the relationship between private metal detecting and archaeology in Norway. Sections 12 and 13 concern portable antiquities, while sections 3 and 4 concern automatically protected sites and monuments. All known such sites and monuments are listed in the Norwegian national database Askeladden, which is universally accessible. As of 2015, ca. 150 000 different archaeological sites are listed and mapped in the database. It is, however, assumed that there are an even larger number of sites yet to be discovered.

The concept of a finder’s reward has a long history in Norwegian legislation, dating back to the 1274 AD law code by the King Magnus the Law-mender. Similar to other older European legal works, it has traceable influence dating back to Roman law (Eckhoff 1971, 283), also in regard to rules concerning finder’s reward (Rasmussen 2015). While older laws focused on securing valuables for the ruler, king or state, the value position of today’s cultural heritage management is, conversely, to protect sites and monuments as scientific sources and as a permanent basis for experience, self-awareness, enjoyment and activities for present and future generations. The finder’s reward shall therefore not reflect the monetary or market value of an archaeological object, but be regarded as a symbol of recognition and appreciation towards the finder.

Until recently the number of reward cases in Norway has been very small, with fewer than fifty cases in total from 1993 to 2011. The individual rewards have been small, ranging from 25 Euro to 3300 Euro. Because of the limited number of cases, guidelines and criteria for rewards have not been prioritized within heritage authorities. From 2012 there has been a significant increase in the number of cases, almost exclusively consisting of metal detecting finds. The metal detector communities, as well as the cultural heritage authorities have called for clarified rules concerning rewards. Since 2014, all payment of rewards has been stalled until further guidelines are in place.
3 Organization of Norwegian Archaeology and Cultural Heritage Management

The complete organization of Norwegian cultural heritage management is complicated and contains several layers. With regards to the relationship between private metal detecting and archaeology, there are three different levels to be aware of:

- The 19 different counties, in addition to the Sami parliament, all employ their own archaeologists who are the primary level of contact with private metal detectorists. Any object mentioned in sections 12 and 13 of the Cultural Heritage Act shall be reported to the county’s archaeologists. The counties and the Sami parliament are responsible for registering find localities and sites in the national database for archaeological sites and monuments (Askledden), and controlling the information about finds. They are also responsible for reporting suspected cultural heritage crime to the police.

- There are five regional archaeological museums, which, among other things, are responsible for the collections of archaeological finds in their respective regions. Any objects reported or delivered to the county archaeologists are brought to these museums for conservation, cataloging and inclusion in the collections. The museums are also responsible for suggesting rewards for archaeological objects reported by finders.

- The Directorate for Cultural Heritage is responsible for the management of all archaeological sites and monuments. The Directorate is the competent authority giving permission for the disturbance or removal of sites and conditions thereof. The Directorate is also responsible for the disbursement of finders’ rewards based on suggestions made by the museums. Further, the Directorate is responsible for publishing guidelines and policy documents concerning the management of archaeological sites and monuments on all levels. Currently, guidelines for both rewards and private metal detecting are being developed.

This regional and partly centralized model for cultural heritage management has created a significant distance (both figuratively and literally) between most people and their “nearest” archaeologist. By comparison, Denmark, with an area that is equivalent to a sixth of Norway, has 30 authorized archaeological museums.

4 Increasingly Popular Metal Detecting

It is not certain when the first private use of metal detectors emerged in Norway, but detectorists claim they have been practicing since the late 1970s (Fremmerlid 2013). Activity was probably very limited during the first decade, and when the first detecting organization, the Norwegian metal detector association (NFM), was established in 1991, less than ten people attended the first meeting. As of 2016, NFM has more than 400 members, and claims to be the largest detecting organization in Scandinavia. A Google search of the two most used phrases for a metal detector in Norwegian, metallsøker and metalldetektor, combined with date of online publishing, may be seen to reflect an increased popularity in the hobby during the last few years (Figure 1).

In the Norwegian official registry of companies and entities, (The Brønnøysund Register Centre (BRC)), the same tendency can also be traced. As of June 2016, 14 different metal detecting clubs or societies are listed. Of these, only three were established before 2012. Archaeological museums and county archaeologists also report that they are registering a significant increase in private metal detecting since 2012. In a recent feature article, archaeologists Skre and Pilø (2016a, 36) state that the number of metal objects delivered to the Museum of Cultural History in Oslo in 2015 is ten times higher than five years ago. They also suggests that there are 400-500 active private metal detectorists in Norway, while others claim there are more than 700 (Steinum and Haarvik 2014). The latest estimate, however, suggests that there are approximately 2200 active metal detectorists in Norway, and that ca 20 000 detectors have been sold nationwide since the 1970s (Rolfsen 2016, 119).
5 A Valuable Contribution to Cultural Heritage Management and Archaeological Research

Private metal detecting is a valuable contribution to archaeological research and knowledge. Every year, several previously unknown sites are reported in the counties, and objects of significant archaeological value are brought to the five archaeological museums. If not for the high number of conscientious hobby detectorists, these objects and sites would probably not have been identified. In addition, hobby detectorists are involved as volunteers in archaeological research with significant results (Blackburn 2007, 31, Jacobsen & Brandlien 2013, Maixner 2015a, Melheim et al. 2016, Bill & Rødsrud 2013). Thousands of working hours have been invested by volunteers for the good of archaeological research, and the effort has undoubtedly been a successful contribution. In the last few years, county archaeologists – who are responsible for carrying out archaeological surveys in Norway – have also used metal detectorists in development-led archaeological surveys, sometimes as volunteers working for free, and sometimes as paid consultants.

Even if a lot of detectorists have their main interest in collecting, for example, modern coins and valuables on public places, meteorites or WW2 objects, it is fair to say that some detectorists have a more than average interest in archaeology and other historic disciplines (e.g. Ferguson 2013). Most detectorists are therefore good ambassadors for archaeology and cultural heritage in their local communities.

For archaeologists and heritage management institutions, yet another valuable effect of private metal detecting is the positive attention and media coverage of archaeological finds without the usual “archeology stops development” headlines that development-led archaeology tends to be known for. Cases involving lucky finds of “treasures” by amateurs are popular in both local and national media.

Facilitating private metal detecting may be seen as a way of embedding archaeology in society (Christiansen 2016, 24), in accordance with the aim of international policies such as the Faro Convention. On the other hand, one may worry about the possible damage of contextual information as a consequence of careless metal detecting on archaeological sites (e.g. Rolfsen 2016, 123). The perception of impacts and contributions of private metal detecting is thus a question of value position and perspective on archaeological knowledge production.
6 Aspects of Conflict

Documenting negative impacts and effects of private metal detecting is difficult due to the sheer nature of covert or other hidden activity. Dobat (2013, 718) considers the occasional loss of single finds or assemblages that are not handed over to official stakeholders, but instead sold legally or on the black market, as a cheap price to pay for Danish archaeology’s good relations with the metal detecting communities. In Norway, however, the legal framework concerning the protection of archaeological sites and monuments, and not at least the ownership of archaeological finds, is very different from the Danish Consolidated Act on Museums. The Danish considerations are therefore not directly transferable to Norway. While the Norwegian Cultural Heritage Act states that all archaeological sites predating 1537 are automatically protected, even if they are invisible or on ploughed soil, the Danish law only protects a very limited number of enlisted and documented sites in ploughed fields. In practice this means that it is legal to detect on sites in Denmark which would have been illegal to detect on in Norway. It is no wonder therefore, that detectorists operating freely in Denmark feel restricted when detecting in Norway. This is also reflected in descriptions by metal detecting communities of feeling criminalized.

Some archaeologists in Norway have feared that examination of the legal implication of private metal detecting contributes to widening the gap between heritage professionals and metal detecting communities (Maixner 2015a, Maixner 2015b, Ravn 2014). In our opinion, positive effects as well as negative impacts must be openly addressed in order to find workable solutions. Suppressing discussion on the problematic sides of hobbyist engagement and conflicting value positions in regard to archaeological remains is not going to make problems disappear.

Every year, both known and unknown archaeological sites are damaged by private metal detecting. It is impossible to know how frequent illegal metal detecting on previously known archaeological sites is as illicit metal detecting is difficult to discover, especially in sparsely populated areas. Only a few cases have been reported to the police, but both responsible detectorists and regional cultural heritage managers claim that the problem is much more extensive than indicated by the low number of formal police reports. The nature of the issue obviously makes it hard, or even impossible, to discover the extent of illicit metal detecting. At the same time it also makes it hard to disprove or refute illicit or illegal conduct among detectorists. If the hole is filled and the turf is put back in place, it is practically impossible to discover if someone has been digging a small hole in an archaeological site. In addition, when traces of disturbance or damage presumed to stem from metal detecting are discovered, county archaeologists often choose not to report cases. The paperwork and documentation may not seem worthwhile when the case is likely to be shelved by the police. There is, however, no reason to believe that this is something which only applies for damage connected to metal detecting.

In some of the examples where traces of illegal metal detecting have been reported to the police, the offenders have not bothered to cover up their traces (Figure 2). To enter the site in the photo, one has to pass a large sign and map with information in different languages, clearly announcing that any digging in the ground is prohibited. Presumably, the metal detectorist has deliberately targeted a protected site, not intending to report any finds. Consequently, the extent of archaeological knowledge lost will never be known.

The damage to unknown archaeological sites is arguably more complicated. When detecting, one never knows exactly what will be revealed when a shovel, spade or knife is used to follow a signal, and this concern is often maintained by archaeologists assessing the benefits and impact of private metal detecting (e.g. van der Shriek and van der Shriek 2014, 233). The obvious possibility for damaging an object or archaeological structure is a reality that both detectorists and archaeologists have to deal with when pushing the trowel into the ground. The chance of disturbing an untouched site or structure is smaller on a ploughed field than in uncultivated land. Nevertheless, damage on previously unknown archaeological sites due to private metal detecting, both in ploughed fields and in uncultivated areas, is documented every year in reports by county administrations and the archaeological museums. The damage on such sites differs from practically unharmed to completely excavated without any documentation. Due to the different potential for damage by detecting in a ploughed field and on uncultivated land, both county administrations and archaeological museums, as well as several detectorists, suggest banning private metal detecting on uncultivated land in their guidelines.
Section 27 of the Norwegian Cultural Heritage Act states that both willful and negligent violation of the rules of the act may be punished by fines or imprisonment. The negligent damage on previously unknown archaeological sites also falls within the scope of this section. However, no such cases have ever been reported to the police by either central or regional cultural heritage management. Since all such cases are known because the detectorists themselves have reported their finds, after recognition, reporting to the police would apparently mean that no more such cases will be reported voluntarily.

7 Old, Old Rubbish or Only Rubbish?

To realize that an object is of an age that it has to be reported to the county archaeologists, at times requires specialized knowledge possessed by only a few expert detectorists. A corroded carpenter’s axe from the Viking period might look just the same as an axe from the 1700s to the average archaeologist or detectorist. The first axe can represent a protected site, which as such is illegal to damage, while the other can be regarded as “modern garbage”. The use of internet forums for identification of objects is helpfully reducing this problem, and the metal detecting community does a great job as a “live”, always present, virtual knowledge base. However, there are examples every year that objects are not recognized as “archaeological” until long after they have been found, often when other finders post similar objects online. In many such cases, find location and important observations have been forgotten. Realizing that a site might have been damaged or destroyed due to their digging, some finders may find it difficult or embarrassing to report finds truthfully (Rasmussen 2014). The county archaeologists also report that finders have forgotten the exact location on some of their finds, because they did not recognize the object’s importance until much later, or someone else pointed out that they had found something old.
8 Missing, Late, Incomplete or Falsely Reported Finds

Another problem is the lack of reporting finds, or missing and incomplete information following a find. Section 13 of the Norwegian Cultural Heritage Act states that any finder is required to report all finds/objects from before 1537 AD (Sami objects older than 100 years, coins from before 1650) to the county archaeologist (or the police) without delay. There is no reason to doubt that most detectorists are consciously following the law, as long as the objects are recognized as “archaeological”. Unfortunately, there are also several examples that this is not the case for all detectorists. In 2014, a metal detectorist contacted one of the archaeological museums asking for the identification of two coins he had found while detecting. Based on the attached pictures, the museum identified the coins and told the finder that he had to contact the county archaeologists where the coins were found. More than a year later, the museum reminded the finder that he had yet to deliver the coins. He answered that he had not come around to contacting the county archaeologist yet, and that the coins had probably been lost while moving.

In Vestfold County, the county archaeologists have followed a few internet forums for identification of finds on a regular basis during 2015. In combination with tips from conscientious detectorists, this has uncovered several cases where detectorists have failed to report their finds. In some cases the objects had been found more than a year earlier, and the discussions revealed that the detectorists in question were fully aware that the finds should have been reported. Based on this, a few cases in Vestfold have been reported to the police.

Other county archaeologists have also reported that they have had to contact detectorists about finds they have discovered on different internet forums, and make them aware of the obligation to report such finds. Systematical work of the same kind as in Vestfold has not, as far as we know, been undertaken in other counties. It is not unlikely that more research into detectorist communities will reveal several more such examples, since there is no reason to believe that detectorists in Vestfold are either more or less conscientious than in other counties.

In most cases, archaeological objects found in Norway do not have a high market value. It must therefore be assumed that most detectorists in Norway have other, non-economical, reasons for not reporting their finds. Some find groups, however, can easily be sold. The two coins claimed to be lost while moving in the example above for instance, have a combined market-value of more than 1000 Euro.

Another, maybe more peculiar, case was also uncovered in Vestfold. Two Viking age objects, which were reported to have been found in Vestfold on an internet forum, were later discovered to have been reported, delivered and mapped with coordinates in the neighboring county by the finder. When confronted, the finder admitted that the two objects had been found in Vestfold, and that it was actually a third object that was found in the neighboring county and should have been reported there. The third object was then reported, and the two first objects were sent from one county administration to the other.

In a similar example, a county archaeologist contacted an experienced and well known detectorist about two objects he had posted on an internet forum with precise locations. When asked to report the finds, the finder denied any knowledge of the objects. Presented with his earlier posting, he claimed that they had actually had been found in another county, and thus were not reported in where he first claimed to have found them.

Such cases are particularly damaging when it happens with detectorists who have a long track record of reporting finds, since it may be reason to also question the credibility of their previously reported finds.

It is not possible to determine if these are examples with few other parallels, or something that happens frequently. As both Christiansen (2016, 25) and Dobat (2016, 56) state in recent articles concerning metal detecting in Denmark, it is naïve to believe that all finds are reported as they should be. These examples may also be seen to support the hypothesis that objects found in one county occasionally end up being reported in another, with incorrect information regarding find circumstances and location, as suggested by Rasmussen (2014).

In Vestfold, at least 25 % of the finds reported in 2015 had been found in 2014 or earlier, and the locations of the finds were based on memory alone. The archaeological value of these finds is thus limited. If the location of a find cannot be trusted, it entails a possible source of error in research based on geographic
distribution of metal detector finds. If finds from private metal detecting activity is to be used as source for archaeological research it is justified to call for caution.

When the circumstances of a find are unknown, it is challenging or even impossible to certify if a reported find represents a trustworthy source of information about the past. In 2013, a Roman gold coin was delivered to archaeologists at Avaldsnes, together with an anonymous letter claiming it had been found a few years earlier while detecting on a nearby (protected) church yard. The circumstances made the archaeologists suspicious, and much effort was spent to check if the coin was known from collections, catalogues or earlier auctions. The coin did, however, support the site’s presumed position as a central place of power, and national media was contacted to show the sensational find. Dagfinn Skre, professor of archaeology at the University of Oslo, characterized the coin as a significant find: “It testifies to a strength, integrity, resources and ship technology which we do not find anywhere else in the same period”, he told the Norwegian national broadcaster (Skre 2013, our translation).

After the news was spread in different media, a coin dealer contacted the archaeologists and journalists. He had found the exact same coin, with the same recognizable scratches and marks, in an American auction catalogue. It had in fact been sold for a little more than 200 Euro in 2009.

What would have happened if the find was less sensational? Would it ever have been revealed as “fake”, or would it have been incorporated into research and museum catalogues forever?

Another example surfaced in 2013. A private metal detectorist claimed to have found a coin from 1621. A few weeks later, the finder posted an unfocused picture showing more coins of an age that required reporting. After persuasion by other detectorists, the county archaeologist was contacted, though the coins were never delivered. A year later, more pictures of the same coins were posted, and now it was possible to identify more of them. Several turned out to be “first of their kind” in Norway, but none of them were very rare as collector’s items. The finder claimed that all the coins were found close to a well-known Viking site. He was congratulated by fellow detectorists online, even though one skeptical detectorist commented on the strange collection of coins dating from the Roman period to modern times. The county archaeologists reminded the finder that the coins should be delivered as they had agreed almost a year earlier. After a while the coins arrived, but without any information about exact location, find-depth in the soil, land owners name etc. The county archaeologist repeated his request for the missing information. In reply the detectorist wrote an e-mail apologizing, explaining that the coins had not been found as claimed. Disappointed that he never seemed to have any luck using a metal detector, he explained that he bought the coins online:

I was angry because I never find anything, and I really wanted something for my collection. I’m really sorry. I wanted coins that had some history, and then someone [on Facebook] said that I had to report them. I have not cleaned or polished them in any way. I’m sorry.

The county archaeologist says he would never have suspected something to be wrong if the finder had reported just one single coin, or if the coins were from the same period. The very strange combination of coins, however, alerted the archaeologist as well as one of the fellow detectorists. The inconsistent information about the finds, between information posted on Facebook and the dialogue between the archaeologist and the detectorist, would probably have passed in most cases, and there are countless examples of finds registered in the national database with just as inconsistent information.

The case illustrates the potential of fakes being included in the records of archaeological finds. It also illustrates that the motivation of such falsely reported finds may not always be economic profit, but might as well be a result of someone’s wish to gain prestige in the detector scene or seeking the acknowledgement of heritage management representatives.

Both the abovementioned examples are known fakes, and thus they will never corrupt archaeological research. Other cases are more difficult to determine. In 2012 a Roman coin was reported by a detectorist

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2 It is important to note that the anonymous sender of the letter has not been identified, and as it has been proved, the coin is not a metal detector find from Avaldsnes. However, it clearly shows a problematic aspect of trusting claims made about find circumstances which have not been documented and therefore cannot be confirmed.
in Gudbrandsdalen. The numismatics at the Museum for Cultural History in Oslo received the coin, and recommended a reward which was disbursed by the Directorate for Cultural Heritage. Later, the museum planned a small archaeological rescue excavation at the same farm. In the excavation plan several different finds from the farm were listed. Regarding the coin, the museum writes: “The [coin] should be less emphasized since fabricated finds of Roman coins are known in the area” (our translation).

The information following the coin is neither less nor more detailed than most finds reported by private detectorists. Can such finds ever be used in archaeological research without compromising the trust the research community is totally dependent upon?

Though anecdotal, the few examples above illustrate some of the problematic sides of private metal detecting in Norway. No one knows the full extent of such activity in Norway. Supporters of private metal detecting claim the problem to be almost non-existent, while opponents obviously claim just the opposite.

9 Illicit Metal Detecting and Heritage Crime in Norway

In an international context, illicit metal detecting for the purpose of looting archaeological sites poses a severe threat to the preservation of archaeological sites (Cacho and Sanjuán 2000, Curry 2015, Florjanowicz 2011, Musteăță 2010, Musteăță 2014, Navrátil 2015, Temiño et al. 2015, Thomas 2015, Ulst 2010). This is not the case in Norway. Unlike many of the countries where the market demand for unprovenanced goods means that looting may provide a possibility for subsistence or profit, the socio-economic situation in Norway does probably not motivate looting.

In an international perspective, the presented Norwegian examples may be undramatic and insignificant. However, in a national context, the picture is more complex. For instance, the low number of police reports regarding private metal detecting must be compared to the low number of other cases concerning cultural heritage crime in Norway.

In the years 2015-2016 (June) a total of only 29 suspected crimes concerning archaeological sites, monuments or objects, have been reported to the police in Norway. Nine (31%) of these are related to metal detecting (Figure 3). There is no reason to believe that the County Administrations are more willing to report cases concerning metal detecting than other possible crimes. When one also takes into consideration the difficulties of revealing deliberate illegal detecting, we think it is reason to be concerned about the relative high numbers of police reports.

![Police reports 2015-2016](image)

Figure 3. Cases of cultural heritage crime reported to the police in Norway during 2015 and 2016 (June).
10 Concluding Remarks

Private metal detecting leads to new archaeological knowledge and research data, a better understanding of archaeology and history among the general public, and positive media coverage. The growing co-operation between cultural heritage managers and the detector communities, both in development-led archaeological surveys and archaeological research, is a valuable contribution to professional archaeology. It is also offers a great opportunity for public engagement and involvement in the archaeological cultural heritage and its protection.

There are however, also several challenging aspects to private metal detecting in Norway. In this text, we have therefore presented a few recent cases in order to illustrate some of these challenges. We think that all aspects should be addressed openly to further develop a good relationship between private metal detecting and professional archaeology in Norway.

The Norwegian Cultural Heritage Act offers a strong protection of cultural heritage while at the same time it makes it hard to accommodate the wishes of metal detectorists. It is constructive to focus on the positive contribution of private metal detecting, but it becomes legally and ethically problematic when maintaining a positive relationship is only possible if problems and conflicts are ignored.

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