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**THE RELATIONSHIP BETWEEN ARCHAEOLOGY AND METAL  
DETECTING IN PRESENT DAY HUNGARY**

MA Thesis in Cultural Heritage Studies: Academic Research, Policy, Management.

Central European University

Budapest

May 2016

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by

Nóra Ujhelyi

(Hungary)

Thesis submitted to the Department of Medieval Studies,  
Central European University, Budapest, in partial fulfillment of the requirements  
of the Master of Arts degree in Cultural Heritage Studies: Academic Research, Policy,  
Management.

Accepted in conformance with the standards of the CEU.

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Chair, Examination Committee

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Thesis Supervisor

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Examiner

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External Reader

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May 2016

I, the undersigned, **Nóra Ujhelyi**, candidate for the MA degree in Cultural Heritage Studies: Academic Research, Policy, Management, declare herewith that the present thesis is exclusively my own work, based on my research and only such external information as properly credited in notes and bibliography. I declare that no unidentified and illegitimate use was made of the work of others, and no part of the thesis infringes on any person's or institution's copyright. I also declare that no part of the thesis has been submitted in this form to any other institution of higher education for an academic degree.

Budapest, 31 May 2016

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Signature

# Abstract

The relationship between professional archaeology and practitioners of the always emerging hobby of metal detecting is difficult. In the past decade, academic research started to take interest in this social and heritage-related issue in numerous European countries and in the United States. This thesis aims to offer an overview of the dubious relationship between metal detectorists and archaeologists in Hungary, to compare the practice and experience to other European countries', by including not only the professionals but also the detectorists into the research. The main method of the thesis was analysis of interviews and a questionnaire. As the results of the thesis show, many of the representatives of both parties desire a strict law that still allows the presence of the museum friendly hobbyist. While many detectorists are beginning to see the irreversible damage an unauthorised digging can do to a site, surely, Hungary is still left with a large number of those who are not willing to agree with this.

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# Introduction

Based on secondary sources and Hungarian examples, this thesis explores the relationship between archaeology and metal detecting in Hungary by including the detectorists into the research of the dialogue. The thesis gives an overview regarding the importance of being aware of the damage caused by illegal metal detecting, namely that it steals provenance and context, the most important part of understanding history through archaeology.

The main purposes of the thesis are: to offer an overview of the dubious relationship between metal detectorists and archaeologists in Hungary, to compare the practice and experience to other European countries', regardless if they introduced changes recently or have been dealing with metal detecting in the same way for decades. It is meant for archaeologists, detectorists, and to whom it may concern from other areas of expertise coming across metal detecting.

The main questions the thesis aims to examine are:

- What are the main triggers for practice of metal detecting?
- Does the current relationship between metal detectorists and professional archaeologists allow for a possibility of a cooperation between the two groups? If yes, how? If not, why not?
- Can this area be improved and regulated in a way that satisfies all stakeholders?
- How does the Hungarian heritage law regarding metal detecting work in its current European framework? Is it better or worse than the legislation of other countries?

I came across the issue of metal detecting in early 2012 as an archaeology student, when I started to analyse small metal finds, medieval book fittings, from the Kaposvár collection of the National Museum. In December 2003, the District Court of Kaposvár in South Hungary

(Somogy County) closed the case of four treasure hunters. As of now, the case is still unique, as being the worst trial ever in the Hungarian courts on archaeological artefact looting: four perpetrators were accused of archaeological site destruction, theft of artefacts by illegally using metal detectors, and dealing in them. The case became known to professionals when archaeologists from the Hungarian National Museum were called to act as experts and the material arrived at the museum in April, 2001. The material consisted of a total of 66 boxes (approximately 33 thousand pieces) of metallic objects (with some exceptions, such as pottery shards, fragments of glass vessels), mainly of archaeological interest. The variety of the objects show that they were most likely plundered from numerous sites. Because such objects are normally found in burials or hoards (treasure finds), the suspicion arose of not only surface surveying but illegal digging as well. Illegal trade in the artefacts was proved by the lack of objects in relatively good shape or objects made of precious metals, and the presence of “half-repaired” artefacts (the defendant made efforts to complete some lightly damaged objects with the intention of selling them). Even though several of the artefacts are important for professional archaeologists and national collections because of their rarity, for private collectors they may not seem to be good deals because of damage.

According to Hungarian law at the time, the accusation of find-spot destruction could not stand in court without identifying the given find-spots, but the case was closed with a sentence of several years in prison, disqualification from participation in public affairs, and a fine for theft and receiving stolen cultural goods. For professional archaeology this verdict set off an alarm, triggering the need for significant changes in the Hungarian law for the protection of not only the archaeological goods but also the archaeological sites.<sup>1</sup>

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<sup>1</sup> Zsolt Mráv and Ádám Szabó, “Rongál-E a Kincs vadász? Egy per És Egy Ítélet Tanulságai,” [Does the Treasure Hunter Do Any Damage? Moral of a Lawsuit and a Verdict] *Magyar Múzeumok*, 2 (2006): 25–26.

As of now, fifteen years later, professional archaeology and metal detecting have still not quite made peace, even though both parties have taken steps, such as: detectorists turning to museums, archaeologists working with material that was disregarded before because of it was out of context, conferences and round table discussions. Just like anywhere else in Europe, every archaeologist in Hungary, has an opinion of metal detecting and detectorists, ranging from considering them thieves to seeing them as collaborators – and these attitudes are mirrored among the detectorists. The case of Hungary in this matter is unique, however, because continuous changes in the legislation seem to be working against a process of finding common ground.

According to Ruth Van Dyke and Susan Alcock, the importance of archaeology can be seen in its role; it recovers lost objects or human remains (both ancient and not so old, if one also considers forensic archaeology), it provides unique and complex access to the past, and it has a significant and often disputed role in commemorative manipulations.<sup>2</sup> Archaeological results provide information of public interest, which strongly depends on the way the material is handled, therefore an unmistakable definition of ownership possibilities is crucial to limit mishandling and looting.

After being successful in military use, the hobby of metal detecting emerged in Western Europe and in North America in the 1960s, but only reached Hungary decades later, in the 1980s.<sup>3</sup> It became popular among civilians in the mid-1990s in Hungary, first seen as a pursuit of foreign “tourists” accompanied by Hungarians. According to the distributors, in 2009 approximately 4000 metal detectors were in the hands of private owners.<sup>4</sup> The damage caused

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<sup>2</sup> Ruth M. Van Dyke and Susan E. Alcock, *Archaeologies of Memory*. (Oxford: Blackwell Publishing, 2003). 2-3.

<sup>3</sup> Suzie Thomas, “The Relationships between Archaeologists and Metal-Detector Users in England and Wales: Impact of the Past and Implications for the Future” (Ph.D. thesis, Newcastle University, 2009)

<sup>4</sup> Gábor V. Szabó, “Kincsek a föld alatt. Elrejtett bronzkori fémek nyomában” [Treasures under the ground: Following the traces of hidden Bronze Age metal artefacts], in *Régészeti Dimenziók. Tanulmányok Az ELTE BTK Régészettudományi Intézetének Tudományos Műhelyéből* [Archaeological Dimensions, Studies from the Scientific Workshop of the Institute of Archaeology of Eötvös Loránd University], ed. Alexandra Anders, Miklós Szabó, and Pál Raczky (Budapest: L'Harmattan, 2009), 128-29.

by detectorists is inconceivable, as they do not create proper archaeological documentation, destroy the find spots by ignoring stratigraphic layers and other archaeological features, and even if they report a find spot, it must always be considered questionable by professionals. Illegal metal detecting is theft of a community's or possibly a whole society's knowledge and as such, it is in permanent conflict with professional archaeology.

Many detectorists loot antiquities with the intention of selling them on the black market, although some are also passionate collectors themselves. There are differences between responsible metal detectorists and theft-related heritage criminals, ranging from petty thieves to professionals, nighthawkers (detectorists who work illegally at night) and black market merchants they, should not be lumped together. Illegally digging up and smuggling artefacts and artworks can be extremely lucrative, therefore, according to archaeology professor Helga Seeden, it is similar to drug trafficking on an international level.<sup>5</sup> There is a complicated worldwide network of couriers, sellers and buyers, but everything starts with the local producers. This thesis suggests that in Hungary nighthawkers and other detectorists are the most significant individuals in this web. According to Gábor V. Szabó some of them form groups and slowly come to control wider areas in the country, while others work alone and there is evidence that these lone detectorists have recently started to go beyond local region as well.<sup>6</sup> In a case known from the Transdanubia, such a group employed local residents to collect artefacts for them. As Gábor Szabó also explains in his study of Bronze Age metal materials, many detectorists are basically addicts, they are in touch with each other and show off their finds with great pride online and at meetings. Some of them even specialize in one period or era and possess real background knowledge.<sup>7</sup>

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<sup>5</sup> Fisk, Robert, "The Biggest Supermarket in Lebanon: A Journalist Investigates the Plundering of Lebanon's Heritage" *Berytus* 39 (1991): 243-52.

<sup>6</sup> V. Szabó, "Kincsek a föld alatt," 129.

<sup>7</sup> *Ibid.* 129.

As the editorial foreword of an issue of the journal *Culture Without Context* summarises: “The archaeological context will only be known when the excavations that produced the objects are published. If the excavations were conducted clandestinely and never published, then the archaeological context will never be known.”<sup>8</sup> The information about the origin of an artefact is lost the minute someone illegally digs it up. The origins and also the further history of such artefacts found in Hungary are misty, the individuals with information often immediately step back if confronted with direct questions. It is known, however, that most of the finds are sold in Western Europe (Vienna, Munich, even the Netherlands and Belgium) or in the United States, but some artefacts disappear on the black markets of Ukraine or into Hungarian private collections.<sup>9</sup>

Another issue in nighthawking is interpretation. Misinterpreting finds can change the line of memory and connections, especially if the object is disposed of with misinterpreted or forged information, intentionally or not, because one cannot be sure that the given place of discovery is the real one as some may even have reasons not to disclose it.

The Hungarian situation, along with the legislation, or rather as a result of that, changes numerous times in the past few years is again in the process of changing. This makes the thesis timely and gives an opportunity to examine the relationship between archaeologists and detectorists in this new light. The results are expected to give a better understanding of the viewpoints of both parties and their awareness of the criminal, yet often useful nature of metal detecting on archaeological sites.

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<sup>8</sup> Neil Brodie, “Editorial,” *Culture Without Context* 19 (2006): 3.

<sup>9</sup> V. Szabó, “Kincsek a föld alatt,” 130.

# Chapter 1 – Research methods

Primary sources consulted for this research are both formal and informal. Formal, official sources consist of legislation of Hungary and other countries, such as the United Kingdom, Sweden, and Austria. These sources provide the professional and legal understandings of how to deal with archaeological materials.

Numerous blogs and forums specializing in metal detecting, detectors, and finds are informal primary sources available online. They originate with individuals and do not necessarily answer to any regulated group or association. A further primary source will be a questionnaire developed for this thesis that has been circulated among detectorists in Hungary. This will provide answers from detectorists themselves about their beliefs, opinions, and practices.

Secondary sources are the professional literature on archaeology and detectorists. Articles are taken from international publications in the UK, the US, and Hungary. Newspapers and popular journals also fall into this category and may provide insight into the motivation and behaviours of detectorists in Hungary and elsewhere.

## 1.1 Questionnaires and interviews

The original idea for collecting both qualitative and quantitative data was to carry out interviews with archaeologists and detectorists. It seemed that there might be significant unwillingness among the latter group. Although a hearty response was not expected, a number of questionnaires were submitted by detectorists. A questionnaire or survey appears to require no less time and effort for a researcher to design and guarantees more privacy.

The main aim (and benefit at the same time) of a questionnaire is that it targets the opinion, archaeological knowledge and awareness regarding Hungarian heritage crime law. According to the latest edition of “*Survey Methodology*”, a survey can be defined as “a systematic method for gathering information from (a sample of) entities for the purposes of constructing quantitative descriptors of the attributes of the larger population of which the entities are members”.<sup>10</sup>

The first step is to define the target population, which here consists of as many professional archaeologists and metal detectorists as possible. Knowing the sensitivity of direct questions on metal detecting and considering also the possible attitude and low number of active Hungarian archaeologists, there shall be no upper limit. The survey is expected to study the knowledge, awareness, and willingness to cooperate of the two groups.

The identification of those who will be included will be based on the activities and experience of both the professionals and the hobbyists and will be fully voluntary. One of the reasons for using a survey, is the privacy factor. This is a highly sensitive topic. This, of course, does not exclude those who expressed a willingness to participation earlier in the research. An age limit also does not seem to be necessary, as a recent case showed that nighthawking with a metal detector can actually start at a surprisingly young age. According to his own testimony cited in the news, the young man caught in Kaposvár in early March 2015 for illegal metal detecting was only 13 years old when he got his first device.<sup>11</sup>

The survey is a one-time questionnaire (one individual will be asked to fill in the form only once) and it is a sample survey (targeting only “a fraction of the units of the population”)<sup>12</sup>. Upon request of the detectorists, it is available online and in print as well.

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<sup>10</sup> Robert M. Groves, ed., *Survey Methodology*, 2nd ed. Wiley Series in Survey Methodology (Hoboken, N.J: Wiley, 2009). 2.

<sup>11</sup> “10 Órán Át Kutattak a Rendőrök a Kincskereső Fiú Házában” [The Police Carried Out 10 Hour Long Investigation in the House of the Treasure Hunter Boy] accessed November 25, 2015, [http://index.hu/belfold/2015/03/05/10\\_oran\\_at\\_kutattak\\_a\\_rendorok\\_a\\_kincskereso\\_fiu\\_hazaban/](http://index.hu/belfold/2015/03/05/10_oran_at_kutattak_a_rendorok_a_kincskereso_fiu_hazaban/).

<sup>12</sup> Groves, „Survey methodology.” 2.



The hardest part (if I exclude the challenge of reaching the target population) was to choose the right digital survey tool for the task. First, the survey's design features have to fit its purpose.<sup>13</sup> The targeted people are expected to be knowledgeable enough about using the internet to answer questions and some of them will almost certainly speak mainly or exclusively Hungarian. Therefore, the language of the questionnaire is Hungarian. Generally, the survey targets the following topics:

- motivation behind the act of metal detecting
- find-recording practices (if any)
- willingness to cooperate with professional archaeologists and/or museums
- general awareness of their acts being of criminal nature

After discovering the existence of initiatives of cooperative archaeologists and detectorists, the possibility of personal interaction with the researched groups and interviews raised again. As it is defined by Nigel King and Christine Horrocks "*interviewing is the most commonly used method of data collection in qualitative research*".<sup>14</sup> An interview in this field of research may not be carried out the same way as it has to be done in management or journalism. In this case it is more ethnographical, or it might be even better to say, anthropological. It does not necessarily only mean a line of direct questions, as it has to be informal, but rather time spent with the interviewed person or group, a longer talk that helps getting to know them or understand their point of view and motivation. Therefore "*the purpose of in-depth interviewing is not to get answers to questions, nor to test hypotheses, and not to*

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<sup>13</sup> Groves, „Survey methodology.” 29.

<sup>14</sup> Nigel King and Christine Horrocks, *Interviews in Qualitative Research* (SAGE, 2010). 1.

“*evaluate*” as the term is normally used”,<sup>15</sup> meaning that an interview of this sort is important because the person or group has a valuable knowledge.

When using this method, the researcher has to be aware of the limitations of the subject or subjects as well (i.e. their knowledge can be limited to a certain area or they may not be really open to a talk, as many of them consider archaeologists as arrogant enemies and heritage professionals and students as future authorities to fear). All these people were expected to have strict and very different opinions about the topic, on various levels of trust and openness, a case that requires flexibility from the researcher and acceptance of the different outcomes, though the questions always have to be formulated in favour of the aims of the research. The main topics of the talks were the same as the ones of the questionnaires.

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<sup>15</sup> Irving Seidman, *Interviewing as Qualitative Research: A Guide for Researchers in Education and the Social Sciences* (Teachers College Press, 2013). 9.

## Chapter 2 – Literature review

This chapter does not aim to be a linear research history. The point here is to see how research in other countries – and to an extent in Hungary – deals with the “friend or foe” question of metal detecting, if it deals with it at all. This review does not claim to be exhaustive and focuses on the main trends and developments of the last 20 years. As the interest of academic research for community activity and metal detecting in archaeology arose in the recent years, however, it is worth starting from the most recent results. Due to the sensitivity and importance of the topic, such works exist in a relatively satisfying number abroad but not in Hungary.

As it is inevitable to explore where research stands in this topic the main aim of the literature review was to find out the key views about this sensitive and complex issue; and to define the key terms and most important written works regarding the topic. The literature review also was supposed to shed light to the historical context of the use of metal detectors in Hungary (not only in archaeological context), as well as provide base for comparison to other European countries.

Other types of literary sources of the thesis were numerous documents and online resources. Among them the comparative analysis of legislation regarding metal detecting in Hungary and certain other European countries are discussed in the next chapter.

One of the latest volumes on public participation in archaeology is the one edited by Agneta Lagerlöf, following a conference organised by the *Europae Archaeologiae Consilium* in Paris in early 2012. Although the conference was supposed to deal with public awareness and participation in archaeological heritage management, interestingly most of the papers presented avoided the topic of metal detecting, addressing the complexity of the problem from the question of plundering to the possibility of simple interest in cultural history. From the

perspective of this research, the most relevant studies in the volume are those by Maria Barkin, who collected and briefly summarized the laws of several European countries on metal detecting; Michael Lehorst, who commented on the case of the European Union ordering Sweden to change the law on metal detecting in order to match the union's guidelines on free movement of goods; Ants Kraut's and Jan Mařík's explanations of the Estonian and Czech practice and perspectives; and the work of Jonathan Scheschkewitz, listing and introducing motivations behind the activity of metal detecting, based on the German experience.<sup>16</sup>

The case of the United Kingdom, with its special model for community involvement in archaeology, is well-researched; and Suzie Thomas has published about it the most often in recent years, starting with her PhD dissertation, extended research on the metal detecting community and its relationship to archaeological research in England and Wales. There, the Portable Antiquities Scheme (PAS) operates successfully and most of the detectorists are not considered criminals. This work is exceptionally relevant to the present thesis, as I was searching for answers to similar questions. Thomas' results show that despite the existence of the PAS, which provides contact and research opportunities, the opinions of both parties vary widely in England and Wales. She also points out that this British model came to be widely envied around Europe, a point that has become almost a cliché in this field since then and warns that PAS itself does not and cannot provide a satisfying level of interaction and cooperation between professionals and amateurs. She advises that the research should rather focus on detectorists and archaeologists rather than metal detecting versus archaeology.<sup>17</sup>

In 2012 Thomas wrote in the *International Journal of Heritage Studies* evaluating a part of her dissertation, the viewpoint and motivation of detectorists who consider themselves "responsible detectorists" and go out to the field together in the framework of rallies. In this,

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<sup>16</sup> Agneta Lagerlof, ed., *Who Cares? Perspectives on Public Awareness, Participation and Protection in Archaeological Heritage Management* (Jambes, Belgium: Archaeolingua, 2013).

<sup>17</sup> Suzie Thomas, "The Relationships between Archaeologists and Metal-Detector Users in England and Wales: Impact of the Past and Implications for the Future" (Ph.D. thesis, Newcastle University, 2009), 333-334.

Thomas addresses the starting issue, the one that has been repeated so many times since then, even in this thesis, namely, that archaeologists and the civil participants “do not see eye to eye,” and emphasizes that understanding the views of the latter group is essential when searching for a suitable solution.<sup>18</sup> She also co-edited an essential book about the issue of metal detecting and archaeology and has written an introductory study, outlining aims and objectives for such work. Quite revolutionary feature of this book is that it not only includes archaeologists as contributors, but representatives of detectorists as well as numismatists and others connected to the topic in any way.<sup>19</sup> Thomas, of course, is not the only British researcher showing an interest in the metal detecting issue. Several of them approach the case from different angles; the most recent study on this topic I know of is by Felicity Winkler from early 2016, who observed metal detecting as a special type of landscape experience.<sup>20</sup>

Thomas is also one of the editors of *Internet Archaeology*, issue 33 (2013), which covers the topic from the meaning of basic expressions like nighthawking and hobby metal detecting through the role of detectorists to ownership issues; in France and even South Africa, not only the United Kingdom. Not all of these papers are included in this literature review because they do not match the main aim, namely, to identify the recent core trends of research regarding metal detecting in Europe.<sup>21</sup>

The preface gives a short synthesis of the UK situation, including England and Wales. This study explains that the coexistence of archaeology and metal detecting is not always peaceful, not even under the famously friendly circumstances of the United Kingdom, and steps have been taken in the last few years to bring detectorists, collectors, and archaeologists closer.

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<sup>18</sup> Suzie Thomas, “Searching for Answers: A Survey of Metal-Detector Users in the UK,” *International Journal of Heritage Studies* 18, no. 1 (2012): 49–64. 49.

<sup>19</sup> Suzie Thomas and Peter G. Stone, ed., *Metal Detecting & Archaeology* (Woodbridge: The Boydell Press, 2009), 2.

<sup>20</sup> Felicity Winkley, “The Phenomenology of Metal Detecting: Insights from a Unique Type of Landscape Experience,” *Papers from the Institute of Archaeology* 25, no. 2 (2016). doi:<http://doi.org/10.5334/pia.496>.

<sup>21</sup> Stuart Campbell and Suzie Thomas, *Portable Antiquities: Archaeology, Collecting, Metal Detecting*, *Internet Archaeology* 33 (York: University of York, 2013), <http://intarch.ac.uk/journal/issue33/>. Accessed May 2016.

The most significant feature of this coexistence is the Portable Antiquities Scheme (PAS), active in England and Wales. Thomas also talks about how the phenomenon is being discussed in the wider United Kingdom (conferences, seminars, volumes) and points out problems, such as the topic being too sensitive or the hardship of distinguishing between nighthawkers and responsible detectorists; she points out that it does matter whether actions are ignorance or intentional law-breaking. The article also covers the question of the role of contrasting ideologies in policy making and paints a not-too- optimistic future.<sup>22</sup>

The other editor of the same issue, Stuart Campbell, provides a similar summary for Scotland, with a detailed approach and a statement as early as the introduction that cooperation is “a necessity rather than an option.” Despite claiming not to do so, this article exhaustively describes the Treasure Trove system, which pragmatically is what the PAS is for England and Wales.<sup>23</sup> In the same work, Tom Redmayne and Kevin Woodward analyse a particular forum operated by hobby metal detectorists in the United Kingdom from the perspective of one of that forum’s main aims, which is to make this hobby secure and understood.<sup>24</sup> Jean-Olivier Gransard-Desmond assembles the history of legislation on archaeology and uses rather a psychological or sociological approach to attempt to distinguish between responsible detectorists and nighthawks. He notes that the illegal detectorists are not the only possible danger for archaeological remains and introduces a term for them worth considering: volunteer archaeologists. This is just as problematic as calling them amateurs, because being able to fill in a form does not make anyone an amateur accountant or knowing a home remedy does not make one an amateur doctor.<sup>25</sup>

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<sup>22</sup> Suzie Thomas, “Editorial: Portable Antiquities: Archaeology, Collecting, Metal Detecting,” *Internet Archaeology*, no. 33 (2013), <http://dx.doi.org/10.11141/ia.33.12>.

<sup>23</sup> Stuart Campbell, “Metal Detecting, Collecting and Portable Antiquities: Scottish and British Perspectives,” *Internet Archaeology*, no. 33 (2013), <http://dx.doi.org/10.11141/ia.33.1>.

<sup>24</sup> Tom Redmayne and Kevin Woodward, “The Metal Detecting Forum - an Online Community. Resource, Education and Co-Operation,” *Internet Archaeology*, no. 33 (2013), <http://dx.doi.org/10.11141/ia.33.6>.

<sup>25</sup> Jean-Olivier Gransard-Desmond, “Can We Really Differentiate between Treasure Hunters and Non-Professional Archaeologists?” *Internet Archaeology*, no. 33 (2013), <http://dx.doi.org/10.11141/ia.33.2>.

In other countries, Josephine Munch Rasmussen's 2014 case study on metal detecting in Norway shows that detectorists portray themselves as saviours of history and get praised for this by some sympathetic archaeologists and heritage professionals because of providing them with research material (artefacts, newly discovered sites, etc.). She aims to discuss the "roles and relations of hobby detectorists and archaeologists within the current legal regime for cultural heritage management" and to examine the question from a rather unusual perspective, namely "the concept of metal detecting as a means for procuring and rescuing objects."<sup>26</sup> Rasmussen emphasizes that there are only a few cases of looting in the records compared to other heritage crimes and none for metal detecting. She admits, based on official records, that a growing number of finds is being handed in to the museums in Norway and emphasizes that several of these sites and finds would not have been discovered otherwise or would have been destroyed – but after the work of the detectorists the objects become available for research. She argues that for these reasons archaeologists in Norway generally support the current heritage management model. She also calls attention to the fact that both parties (archaeologists and detectorists) admit that there are varied motivations behind the act of metal detecting and that the "division between nighthawks and heritage rescuers fails to acknowledge that most people, archaeologists as well as detectorists, are neither selfless heroes nor criminal villains."<sup>27</sup>

Thomas welcomes Rasmussen's article as one filling a niche in the growing list of published research on metal detecting in European countries and points out how it could be continued. She also warns that the increased number of finds handed into museums may or may not only show increased willingness to report finds, but also more people taking up the

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<sup>26</sup> Josephine Munch Rasmussen, "Securing Cultural Heritage Objects and Fencing Stolen Goods? A Case Study on Museums and Metal Detecting in Norway," *Norwegian Archaeological Review* 47, no. 1 (n.d.): 83–107. 84. and 101.

<sup>27</sup> *Ibid.*, 101.

hobby of metal detecting and she agrees that “detectorists as a whole are not a homogeneous group that hold the same ideas and values.”<sup>28</sup>

Andres Dobat describes the special case of Denmark, where metal detecting has never been illegal and a liberal, cooperative model is implied in this field of heritage management, addressing the question of whether this is a good practice. He concludes that liberal metal detecting has contributed considerably to archaeological research in Denmark, but it has come at a price, in which price is meant literally (can be counted in millions paid to detectorists) and metaphorically (collateral damage in the form of the occasional loss of objects).<sup>29</sup>

Because this thesis aims to explain the Hungarian situation of metal detecting and archaeology, it is worth looking into how it has been interpreted in academic research. In Hungarian archaeological research, numerous scholarly articles and reports mention the use of metal detectors, sometimes also the presence of volunteer detectorists, from the 1970’s onwards. One of the earliest examples, when the issue of detecting is addressed in a way that questions the country’s entire practice and relevant law, is about the golden treasure of Bodrogolaszi found by József Fehér from 1996. The treasure was found with metal detectors and was not kept together; some pieces of it ended up on the black market. While telling the story of how the museum got word of the treasure, Fehér also draws up a case that pragmatically would still be possible today: the “lucky finder” of the treasure holds information back and misleads the museum intentionally because he fears the authorities, but eventually half of the village and the police get involved. What makes this article relevant here is that it aims to

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<sup>28</sup> Suzie Thomas, “Comments on Josephine Munch Rasmussen: ‘Securing Cultural Heritage Objects and Fencing Stolen Goods? A Case Study on Museums and Metal Detecting in Norway,’” *Norwegian Archaeological Review* 47, no. 2 (2014): 196–99, 197.

<sup>29</sup> Andres S. Dobat, “Between Rescue and Research: An Evaluation after 30 Years of Liberal Metal Detecting in Archaeological Research and Heritage Practice in Denmark,” *European Journal of Archaeology* 16, no. 4 (2013): 704–25.



describe the treasure and makes attempts to put it into context and also introduces the ethical situation of heritage and detectors in the framework of the law of the 1990s.<sup>30</sup>

An exceptional case went to court in the early 2000s, the in Kaposvár mentioned in the introduction, a rare case when offenders were prosecuted for the irreversible damage caused to archaeological heritage. Zsolt Mráv and Ádám Szabó discussed the results and further opportunities– or rather needs – in an article in 2006. This short article describes the nature and implausible estimated number of finds (tens of thousands) and points out issues of the form of Hungarian heritage law in those days, namely, that without provable information on the find spot, the charge of destruction could not stand in court; they warn about needed changes to the law based on this.<sup>31</sup>

My own undergraduate thesis (and a conference paper based on that a year later) was among the first to systematically and archaeologically analyse a large number of finds unearthed exclusively by metal detecting: Late medieval book fittings held in the Hungarian National Museum from the lawsuit mentioned above.<sup>32</sup> A group of students is currently working on objects from the same material and in May, 2016, I discovered another finished undergraduate thesis, that of Krisztián Balogh, who worked with medieval metal tableware and lighting tools from the same Kaposvár Collection and the private collection of László Korinek, a retired criminologist and antiquarian collector.<sup>33</sup> Although none of these works deal

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<sup>30</sup> József Fehér, “A Bodrogolaszi Aranypénzlelet (The Golden Coin Hoard of Bodrogolaszi),” *A Herman Ottó Múzeum Évkönyve*, no. 33–34 (1996): 117–38.

<sup>31</sup> Zsolt Mráv and Ádám Szabó, “Rongál-E a Kincsvadász? Egy per És Egy Ítélet Tanulságai (Does The Treasure Hunter Do Any Damage? Moral of a Lawsuit and a Verdict),” *Magyar Múzeumok* 2 (2006): 25–26.

<sup>32</sup> Nóra Ujhelyi, “A Könyvkötészet Tárgyi Emlékei Magyarországon. Könyvveretek a Magyar Nemzeti Múzeum Anyagából” [Medieval Book Fittings from the Hungarian National Museum] (MA thesis, prepared at Eötvös Loránd Tudományegyetem, 2014); Nóra Ujhelyi, “Könyvveretek Csoportosítási És Keltezési Lehetőségei. Késő Középkori Nürnbergi Típusú Példák a Magyar Nemzeti Múzeum ‘Kaposvári Gyűjteményéből’ [Grouping and Dating Book Fittings. Late Medieval Nuremberger Type Book Fittings from the ‘Collection of Kaposvár’ of the Hungarian National Museum],” in *Fiatal Középkoros Régészek VI. Konferenciájának Tanulmánykötete. A Székesfehérváron 2014. November 20-22. Között Megrendezett Fiatal Középkoros Régészek VI. Konferenciájának Tanulmányai [Volume of the Young Medieval Archaeologist Conference of 2014 in Székesfehérvár]*, ed. Csilla Szöllősy and Krisztián Pokrovenszki (Székesfehérvár, 2015).

<sup>33</sup> Balogh Krisztián, “Teríték És Világítás a Középkor Végén. Fémleletek a Magyar Nemzeti Múzeum Két Gyűjteményéből” [Tableware and Lighting at the End of the Middle Ages], MA thesis, Eötvös Loránd Tudományegyetem, 2016.

specifically with the issue of metal detecting, they still lead to some results regarding that as well: first and foremost, these proved that objects can be put back into some kind of context and can be regarded as important archaeologically, even if only to a limited extent; and most importantly, these objects can serve research with valuable information of cultural influences.

Maxim Mordovin collected and analysed more than a hundred medieval cloth seals in the possession of the Hungarian National Museum, most of them from every level of metal detecting activity. Several of them were either donated to the museum by the finder or are from the Kaposvár collection. Others were made available by a well-known collector, László Korinek, who buys detected finds to save them for the future and science, and by Balázs F. Csáti, who acquired the objects on internet auction sites. Despite the lost context, the cloth seals proved to be material that can be identified and contextualised up to a point.<sup>34</sup>

Gábor Szabó's research on Bronze Age hoards has been impacted by metal detecting numerous times. In his 2009 study he calls attention to the fact that most of these deposits are not unearthed while carrying out proper archaeological research. Geomorphological features and the composition of artefacts themselves play a role in interpreting hoards, therefore they are a classic example of lost information and irreversible site destruction.<sup>35</sup> In another article published in the same year, Gábor Szabó discusses an assembly of illegally excavated bronze finds and emphasizes the immeasurable damage caused by metal detectorists on Late Bronze Age sites in Hungary. He gives an outline of the history of metal detecting in the country,

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<sup>34</sup> Maxim Mordovin, "Late Medieval and Early Modern Cloth Seals in the Collection of the Hungarian National Museum," *Archaeologiai Értesítő* 139, no. 1 (2014): 193–237, doi:10.1556/ArchErt.139.2014.9.

<sup>35</sup> Gábor V. Szabó, "Kincsek a föld alatt. Elrejtett bronzkori fémek nyomában" [Treasures under the ground: Following the traces of hidden Bronze Age metal artefacts], in *Régészeti Dimenziók. Tanulmányok Az ELTE BTK Régészettudományi Intézetének Tudományos Műhelyéből* [Archaeological Dimensions, Studies from the Scientific Workshop of the Institute of Archaeology of Eötvös Loránd University], ed. Alexandra Anders, Miklós Szabó, and Pál Raczky (Budapest: L'Harmattan, 2009). 123–38.

formulating an inspirational opinion on the possibility of dividing the detectorists into two groups, intentional criminals and “curious patriots.”<sup>36</sup>

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<sup>36</sup> Gábor V. Szabó, “Late Bronze Age Stolen. New Data on the Illegal Acquisition and Trade of Bronze Age Artefacts in the Carpathian Basin,” in *Ősrégészeti Tanulmányok/Prehistoric Studies*, ed. Alexandra Anders et al. (Budapest: L’Harmattan, 2013). 795.

# Chapter 3 – Legal framework

## 3.1 Introduction

As it is described in the thesis of Cori Phillips, there are several possible perspectives on ownership of archaeological material. One is what she calls “the humanity perspective”, which argues that the past belongs to all of humankind and archaeological artefacts should be publicly shared, either because of the aesthetic values or for the potential historical information they carry.<sup>37</sup> The second is the cultural perspective that claims that any cultural object shall belong to the descendant generations of the creators of it. Although this idea bears similarities to the previous one, it is a narrowed version of it that often provides justification to international repatriation claims, not believing in a common past and common heritage.<sup>38</sup> And there is a third perspective on who owns the past, the one of the individual. This is the one that is commonly adapted by nighthawkers and can be “justified” by several claims, from passion for collecting to protection of the past, from harmless hobby in the nature to chances of money making. “Serious” or “responsible” metal detectorists and collectors often show an attitude and argue based on this latter perspective. Depending on where around the world the heritage theft had been committed and how that given state or country deals with ownership rights of archaeological material, the possible success of their claims varies.<sup>39</sup>

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<sup>37</sup> Cori Phillips, “Controlling History; Framing the Debate on Ownership of the Past,” *Honors Theses - All*, May 1, 2008, [http://wescholar.wesleyan.edu/etd\\_hon\\_theses/137](http://wescholar.wesleyan.edu/etd_hon_theses/137). 7.

<sup>38</sup> *Ibid*, 23.

<sup>39</sup> *Ibid*, 42.

## 3.2 Laws, policies, guidelines in Hungary and elsewhere across Europe

### 3.2.1 Ownership

When a researcher aims to understand, how and why any states regulate the ownership of archaeological material, the first factor to explore is what those entities consider as “archaeological”. Under the umbrella of the numerous international conventions and guidelines, the individual countries have their own legislation and practice, based on their language, traditional aspects, and possibilities. This chapter aims to explore and define these and compare their effectiveness based on the legislation or guidelines of selected countries and written reports or articles of professionals analysing the situation of their areas. The countries that will be introduced below, as of December 2015, are all members of the European Union and therefore had to match their legislation with the Union’s standard requirements (to the extent of the culture not belonging under the framework of EU policy per se). If we exclude the ones that regulate the dealing with cultural goods in case of armed conflict, as at the above stated date, there is no war going on in any of the European Union states’ territory, there are still several European laws in force regarding archaeological matters. As the case of Sweden demonstrates, which will be explained further below, sometimes the free movement of goods also conflicted national cultural regulation. On the other hand, the international law and guidelines have little impact on the ownership possibilities of archaeological objects and land in the European countries, which is visible from the many different national practices described here.

The criteria for the selection of countries was rather simple: the existence of regulation regarding metal detecting and the written experience of how they are or can be used in practice. Also it was important to mainly include countries that the detectorists mentioned the most in

the survey, which will be explained in the next chapter. Among these states listed below, Hungary is not only an exceptional case because of it being the main topic of the present research but also because of the countless changes in the heritage law within the last decade.<sup>40</sup>

The current law in force on cultural heritage in **Hungary** is an amended version of the Act No. LXIV of 2001, which states that *“all detectable signs of human life originating before 1711 on the ground, under the ground or water surface and in natural or artificial cavities which help to reconstruct the universal culture and history of mankind and its relationship with the environment; as well as it contributes to the reconstruction of the history of the peoples living on the territory of the country and the nation, certifies, displays, and supports the origins and development of our nation, furthermore, related to which the acquisition of information are excavations and other research methods”* shall be considered as archaeological heritage.<sup>41</sup>

An interesting modification of the definition throughout the years is that now the text shows the influence of the recent nationalistic movements, identifying archaeological heritage strongly with Hungarian history and the historical features of the territory of the present-day country. Within the archaeological heritage, since 1.1.2015 Act No. LXIV of 2001 also differentiates archaeological monuments (*“property elements of archaeological heritage”*), archaeological finds (*“tangible elements of archaeological heritage perceived, discovered, detected (depending on their character), irrespective whether they have moved or have been moved from their original location, relations or conditions or not”*) and objects of archaeological age (objects provably preserved in a collection, belonging to cultural goods, and were created before 1711).<sup>42</sup> Hungary strongly forbids its citizens the private ownership of archaeological finds and operates with a state ownership system.

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<sup>40</sup> The Hungarian heritage law (Act No. LXIV of 2001) is scheduled to change again as of July 2016

<sup>41</sup> Unofficial translation by the researcher of Act No. LXIV of 2001. 7. § 37., based on unofficial translation of previous versions of the text (<http://www.eui.eu/Projects/InternationalArtHeritageLaw/Hungary.aspx>, accessed 26 November 2015. The database is continuously getting updated).

<sup>42</sup> Act No. LXIV of 2001. 7. § 28., 32., 33.

In the case of archaeological land and find-spots, Hungary differentiates four types: archaeological find spots; registered and ex lege protected archaeological find spots (“*clearly defined geographical areas on which the elements of archaeological heritage can be found in their primary relations*”), areas of archaeological interest (“*all areas, natural or artificial cavities and waterbeds on which or in which an archaeological site might be found or assumed to exist*”), and archaeological protective zones (“*the environment of a protected site, ensuring its sustainability, accessibility and landscape protection*”).<sup>43</sup> All types of lands can be in both private and state ownership, but the ownership right does not cover the artefacts found on them, as those belong to the state. Standing buildings or parts of buildings, or partially archaeological-age buildings are again different (these are rather considered as monuments, therefore they fall under different paragraphs of the same law). In favour of sustainable maintenance archaeological find spots can be used to an extent, but only if it does not cause significant damage to the original context.<sup>44</sup> In regards of the influence international treaties on Hungarian heritage law, such as the conventions and guidelines of UNESCO or the Council of Europe, Hungary ratified a great number of them, like the European Convention on the Protection of the Archeological Heritage (Valetta Convention, 1992); the most recent ratification being the one of the Convention on the Protection of the Underwater Cultural Heritage in 2014.<sup>45</sup>

Similarly to the Hungarian system, several other European countries use one single main law, with the aim of covering all the possible areas, to regulate cultural heritage protection. This includes but is not limited to Sweden, which is often referred as an exceptional case, Greece, Austria. France can be considered as a similar case with its Heritage Code. The **Swedish** Heritage Conservation Act is an interesting case because of the recent changes that were initiated by European Union law on free movement of goods. Before the changes, Sweden

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<sup>43</sup> Act No. LXIV of 2001. 7. §, 29., 35., 38.

<sup>44</sup> Act No. LXIV of 2001. 9. §

<sup>45</sup> “States parties of the Convention on the Protection of the Underwater Cultural Heritage,” accessed November 25, 2015, <http://www.unesco.org/eri/la/convention.asp?KO=13520&language=E&order=alpha>

did not permit its citizens to carry a metal detector. The country's heritage law does not specifically mention archaeological values but considers these cases as "ancient" monuments, areas, objects, finds, etc. If something is "*discovered in or near ancient monuments and remains and are connected with them*", that goes to the State. Private ownership is granted when the object is "*found in other circumstances and are presumably at least one hundred years old*", but in this case it is obligatory to offer it to the state for redemption, if the object is metallic or belongs to a group of objects presumably deposited together. Anything from under the water also automatically belongs to the state.<sup>46</sup>

**Greece** also operates with a relatively well detailed general heritage law, the No. 3028/2002 On the Protection of Antiquities and Cultural Heritage in General but does not only worth mentioning because of that but also because of it proving not being enforced strictly enough. Greek language differentiates several types of ownership possibilities, therefore the heritage law is also designed to acknowledge ownership and possession. In Article 21 it states, that movable monuments dating up to 1453 belong to the state in terms of both ownership and possession. Finds from excavations or other archaeological research, regardless of date also belong to the state in terms of ownership and possession, these are "*extra commercium and imprescriptible*". The ownership, however can be granted to a natural or legal person, under stated circumstances (the object cannot be of exceptional significance, the owner has to prove ability of protection and safeguarding and cannot previously have been sentenced for felony, forging, bribery, theft, violating heritage law in any other way, including receiving looted objects. Interestingly, Greece regulates inheritance in case of death of a private owner of movable cultural heritage, the heir has to satisfy the criteria listed above and submit an application. Other possibilities of transfer is regulated as well in Article 28. Also if the movable is "*considered to be of very small scientific and commercial value*" it shall be recorded and

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<sup>46</sup> Heritage Conservation Act (1988:950) of Sweden, Section 3 and 4.



given back for free use by a decision of the Minister of Culture based on professional opinion. Article 29 is about the duty of the owners to let the movables being studied and exhibited within and outside Greece, and according to Article 31, legal owners may be recognized as collectors.<sup>47</sup>

In **Austria**, ownership rights of archaeological objects are interlinked between the Civil Code of Austria and the country's heritage law, with this the system of Hungary's neighbour being completely different from ours. Archaeological artefacts, regardless of their market value, are considered as treasure troves, as stated in §10 of the latter. Even so, if movable objects are found and they have been in the ground so long that their original owner no longer can be identified, they shall get into the custody of a local government, but the actual ownership is divided between the finder and the owner of the land where the objects have been found.<sup>48</sup>

Not all the European countries have one single law on cultural and archaeological heritage. **Germany** for example is a difficult case because of being a federal state: protection of anything archaeological falls under 16 different laws with variable harshness according to the 16 *Bundesländer* (states).<sup>49</sup>

Another interesting and complex case is the **United Kingdom**, especially because, despite the numerous different guidelines in accordance with the international conventions and several British laws, it is generally accepted as successful in practice. It also is important to look into because it is widely considered as a desired pattern to follow by detectorists all over Europe. In England and Wales, the current main regulations are: Ancient Monuments and

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<sup>47</sup> "Law No. 3028/2002 On the Protection of Antiquities and Cultural Heritage in General". Chapter 3, Part 1, Article 21, 28, 29, 31, accessed November 28, 2015, <http://www.eui.eu/Projects/InternationalArtHeritageLaw/Documents/NationalLegislation/Greece/3028eng.pdf>

<sup>48</sup> "Austrian Federal Cultural Heritage Law (known in short as Denkmalschutzgesetz), §10," accessed November 28, 2015, <http://www.eui.eu/Projects/InternationalArtHeritageLaw/Documents/NationalLegislation/Austria/19991701.pdf>

<sup>49</sup> Jonathan Scheschkewitz, "Merely Searching for Treasures or Valid Interest in Cultural History? Various Motivations in Germany," in *Who Cares? Perspectives on Public Awareness, Participation and Protection in Archaeological Heritage Management*, ed. Agneta Lagerlöf, EAC Occasional Paper 8, 2013, 53–59.

Archaeological Areas Act 1979; Treasure Act 1996; and policies (the newest is Our Portable Past by Historic England; for prehistoric finds it is Managing Lithic Scatters). Our Portable Past considers archaeological finds as ‘portable antiquities’, which expression “*in a land-based context covers all surface-collected archaeological material and all seabed material that has been separated from its original context.*”<sup>50</sup> The same document explains that ownership policy differentiates treasure and other finds. If something that qualifies as treasure, it “*is vested in the franchisee, or if none The Crown.*”<sup>51</sup> Everything else is the property of the landowner. According to Portable Antiquities Scheme guidelines, “*in England and Wales the recording of all non-Treasure finds is voluntary.*”<sup>52</sup> Same as objects, land with archaeological interest can be in private ownership as well.

The Portable Antiquities Scheme does not operate in Scotland and on the Isle of Man, and Northern Ireland also represents a different case. In Scotland, for example, although the ownership may be granted (i.e. returned to the finder if no museums are interested), all archaeological objects found should be reported under Treasure Trove and the finder has the right to receive ex gratia payment for it. Under the law of Scotland, any archaeological find may qualify as treasure.<sup>53</sup>

In **Bulgaria** and **Romania**, whatever is unearthed from the ground, belongs to the state. In the latter, private personae who have accidentally discovered goods that can be archaeological, epigraphical, numismatic, palaeontological, are compelled to hand them over within 72 hours from their discovery to the mayor of the administrative unit in which the

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<sup>50</sup> Historic England, “Our Portable Past | Historic England,” accessed November 29, 2015, <https://historicengland.org.uk/images-books/publications/ourportablepast/>. 2.

<sup>51</sup> Ibid, 7-8.

<sup>52</sup> The British Museum, “The Treasure Act,” *The Portable Antiquities Scheme*, accessed November 29, 2015, <http://finds.org.uk:443/treasure>.

<sup>53</sup> “Treasure Trove in Scotland. A Code of Practice,” n.d.

discovery has been made. However, if the goods handed in really have archaeological significance, the law theoretically offers a rewarding system.<sup>54</sup>

### 3.2.2 National and international laws regarding metal detecting

As Neil Brodie explains *“the archaeological context will only be known when the excavations that produced the objects are published. If the excavations were conducted clandestinely and never published, then the archaeological context will never be known.”*<sup>55</sup> In many countries, metal detectorists are seen as individuals stealing the common past. Their arguments, which can be best described by what the above mentioned Cori Phillips calls “the individual perspective”: they consider themselves as rightful owners who save the archaeological material, cannot see their act as a crime and are hardly willing to reconsider it as criminal behaviour.<sup>56</sup> This chapter aims to look through how the above examined European countries deal with this specific issue, in the same order as they appeared above, starting with those who have one law on heritage protection and that includes ownership right and metal detecting regulation, shifting towards more complicated entities.

In **Hungary** there used to be a general ban on the use of metal detectors for the public, but since the most recent change of the Act No. LXIV of 2001. and a new government ordinance (39/2015. III.11.) permission can be granted by the authority (which is the Forster Gyula National Centre for Cultural Heritage Management), but only for the use outside of registered archaeological find spots. Using a metal detector in a registered area is considered

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<sup>54</sup> Law 182/2000, republished with amendments in 2013, 2014 and 2015. Art. 49. §2.

<sup>55</sup> Neil Brodie, “The Effect of an Artefact’s Provenance on Its Saleability,” *Culture Without Context*, no. 19 (2006): 4–7.

<sup>56</sup> Cori Phillips, “Controlling History; Framing the Debate on Ownership of the Past,” 42.

as archaeological excavation and as such it is forbidden for those who are not licensed professional archaeologists.<sup>57</sup>

**Sweden's** way from total ban to licensing system is similar to the case of Hungary, and most importantly it is an excellent example of the ownership issue of the detectors and not the finds, caused by European international law on Free Movement of Goods. Sweden as of December 2015 operates with a general ban: detectors may not be carried at ancient monuments. The current law, however, grants the permission of carrying and using metal detectors to Swedish Heritage Board members and for military activities, and if the intention is not to search for ancient finds, to others as well.<sup>58</sup>

Before this, Sweden had a stricter regulation, and applied the general ban in a way that even carrying a metal detector without authorization was a crime. In 2009 this led the EU Commission to send a letter to the Swedish government after receiving complaints about the country's heritage law violating the free movement of goods, in which the Commission asked the government to consider changing the regulation. After Sweden unsuccessfully tried to defend the points behind the intention of keeping the law as it was, the government assigned the Swedish Heritage Board to study the problem and create a proposal of possible changes. In 2012 the Board presented two feasible solutions, one being a licensing system and the other one being legalization of the search for anything but ancient finds.<sup>59</sup> As the current law shows, the government opted for the latter.

**Greece** also aims to carefully regulate the issue of metal detecting but proves not to be the most successful in this matter. The above assessed Greek heritage law had several articles

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<sup>57</sup> Act No. LXIV of 2001. 20/A.§

<sup>58</sup> Michael Lehorst, "A way to balance societal needs in law. Suggestions for new regulations on the use of metal detectors in the Swedish Heritage Conservation Act," in *Who Cares? Perspectives on Public Awareness, Participation and Protection in Archaeological Heritage Management*, ed. Agneta Lagerlöf, EAC Occasional Paper 8, 2013, 23-31. 23.

<sup>59</sup> Swedish National Heritage Board, "Metal Detectors. Suggestions for New Regulations on the Use of Metal Detectors in the Swedish Heritage Conservation Act," 2012, [http://www.raa.se/publicerat/rapp2012\\_3.pdf](http://www.raa.se/publicerat/rapp2012_3.pdf). 4-5.

that can relate to metal detecting: Article 8 and 24 for example (the latter explaining that a person "acquires ownership" by finding something but is obliged to report it). Article 61 and 62 specify on what qualifies as illegal archaeological research and names metal detecting as illegal archaeological activity as well. The Greek law, however, is more of a criminal law on this matter, stating a possible imprisonment no less than 3 months, in case of using a metal detector on an archaeological site, it goes up to no less than 3 years.<sup>60</sup>

Because metal detecting may come with digging into the ground and any excavation is illegal without a licence, **Austria** bans detectorists from its archaeological sites. However, even though in general it is not strictly forbidden to carry a metal detector in the country, Austria is often accused of being a bad example regarding professional archaeology and the public.<sup>61</sup>

**Germany** is a difficult case because, unlike Austria, it operates with 16 different law of the Bundesländer. However, the whole country shows a generally negative attitude towards metal detecting, as any kind of archaeological activities require permission countrywide, and some states even specify the ban of the detectors.<sup>62</sup> Both Austria and Germany have a policy on providing documentation for archaeological material by online auctions.<sup>63</sup>

When we turn to the United Kingdom, the attitude becomes significantly different. All members of the country deal differently with artefacts, but on one thing they agree: metal detecting generally is not forbidden and is regulated rather by codes of practices and codes of ethics than law. For **England and Wales** this is the Code of Practice for Responsible Metal detecting by the PAS, which is available in different forms.<sup>64</sup> Historic England sees potential value in metal detecting but the organisation also warns, that certain skills, experience, and

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<sup>60</sup> „Law No. 3028/2002 On the Protection of Antiquities and Cultural Heritage in General”

<sup>61</sup> Maria Barkin, “Laws in Europe on the Use of Metal Detectors,” in *Who Cares? Perspectives on Public Awareness, Participation and Protection in Archaeological Heritage Management*, ed. Agneta Lagerlöf, EAC Occasional Paper 8, 2013, 33-36. 34.

<sup>62</sup> Maria Barkin, “Laws in Europe on the Use of Metal Detectors,” 34.

<sup>63</sup> New Rules on the Selling of Archaeological Materials: <http://savingantiquities.org/ebay-de-germany-new-rules-on-the-selling-of-archaeological-materials/> (accessed 22.6.2016)

<sup>64</sup> „Our Portable Past”, 9-10.

responsibilities are needed (interestingly not required, just needed) and the potential damage is also present.<sup>65</sup> As an English Heritage national crime advisor, Mark Harrison explained for The Telegraph in February 2015, after an issue with nighthawkers at Hadrian's Wall: '*... just as it is against the law to break into someone's house and steal their possessions, so it is illegal to damage land and steal valuable historical artefacts.*'<sup>66</sup> Therefore the English and Welsh government policy promotes in situ preservation and metal detecting requires licence. Removing objects from any type of Scheduled Monument is however a criminal offence, metal detecting on designated sites will not be allowed.<sup>67</sup>

The situation of metal detecting is similar in **Scotland**, where, according to the Code of Practice "*it is a criminal offence (under section 42 of the Ancient Monuments and Archaeological Areas Act 1979) to use a metal detector on a scheduled monument or a monument in the ownership or guardianship of Scottish Ministers, or of a Local Authority, without prior written permission from Scottish Ministers.*"<sup>68</sup>

As much as the British is considered as an ultimate good example for dealing with metal detecting, as are some other countries, like Serbia and Bulgaria seen as bad practice. As Ivan Dikov formulates it, treasure hunters are known to form the second most profitable organized crime group in **Bulgaria**, with estimates of active nighthawkers ranging from 5000 to 500000 people. The country's Cultural heritage Act of 2009 (amended in 2012) barely deals with this question, however, Bulgaria's National Archaeological Institute and the Ministry of Culture created Ordinance No. H-00-0001 in 2011, which deals with the permissions and methods of fieldwork. In Chapter 6 it introduces the special technical devices, like metal detectors, and the licencing and registration procedure of them, under Article 30. and 31. This states that the

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<sup>65</sup> Ibid, 9.

<sup>66</sup> Hannah Furness, "Illegal 'Nighthawkers' Damage Hadrian's Wall," February 11, 2015, sec. News, <http://www.telegraph.co.uk/news/earth/environment/archaeology/11404941/Illegal-nighthawkers-threaten-Hadrians-Wall.html>.

<sup>67</sup> „Our Portable Past”, 9.

<sup>68</sup> "Treasure Trove in Scotland. A Code of Practice," 4.

detectors (or any other special technical means) shall only be used for non-destructive detection and exclusively by the persons referred to in the application under Article 151 of the Cultural Heritage Act and each metal detector is required to be registered by the Culture Ministry.<sup>69</sup>

The **Romanian** heritage act states that any kind of unauthorized excavations, and metal detecting counts as such, is punishable by imprisonment of 2 to 7 years and the confiscation of the metal detectors.<sup>70</sup>

To summarize the above presented practices and legal measurements, there are a few points that can be concluded: most of the examined countries have legal definitions and restrictions for archaeological artefacts' ownership and unearthing; some do not have one single law and yet the system is more or less accepted and seems to run successfully; national legislations on who owns the artefacts of the past range from remarkably liberal to total restrictions; and the material of object matters.

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<sup>69</sup> Cultural Heritage Act of Bulgaria, [http://www.unesco.org/culture/natlaws/media/pdf/bulgaria/bulgaria\\_culturalheritageact\\_2009\\_entof.pdf](http://www.unesco.org/culture/natlaws/media/pdf/bulgaria/bulgaria_culturalheritageact_2009_entof.pdf) accessed 20.5.2016.; Ordinance No. H-00-0001 [http://naim.bg/Documents/Regulation\\_2012\\_12\\_18.pdf](http://naim.bg/Documents/Regulation_2012_12_18.pdf) accessed 20.5.2016.

<sup>70</sup> Law 182/2000, republished with amendments in 2013, 2014 and 2015. Art. 92. §1.

# Chapter 4 – The Hungarian experience

## 4.1. General

The main source of the thesis, the survey was designed to target the metal detecting habits in present day Hungary and the opinion of both detectorists and archaeologists about the unclear legal situation and their personal relationship to one another. With almost 40 respondents and interviewees in total, it appears that way more detectorists were keen on expressing their opinion than expected, and there were even some among them, who do not belong to those, whom heritage professionals would consider as museum friendly. The results show how the detectorists see themselves in the frame of their association possibilities with archaeologists. This is a satisfying and a representative number but is still far from letting us estimate the number of active detectorists in the country. There were a total of 31 respondents to the questionnaire online, 4 people preferred to send their answers directly to me in emails, and two detectorists were interviewed. With a different set of questions, archaeologists were also kindly asked to share their opinion and experience of the topic, which eventually led to significantly fewer but more personal and in-depth outcomes.

For every question, a respondent was allowed to give multiple answers, for example in the case of motivation, in order to cover as many options as possible. For some questions, less than 30 answers arrived, that most likely is the downside of an online survey (if someone did not like a question or could not answer it, skipped it instead of telling that he or she could or would not give an answer for it). It also must be stated in advance that the respondents seemingly got confused numerous times and gave controversial answers. In one case, regarding group activities, nearly all the detectorists misunderstood the online survey, this will be explained below.



As shown on Figure 1, 34 of the respondents (92%) were museum friendly detectorists, who also claimed to maintain friendship or some kind of collegial connection with archaeologists. Two illegal detectorists responded to the survey, and one person, who has a degree on archaeology and practices it but is simultaneously a detectorist as well. I intentionally did not ask for gender, though all those whom I personally met or signed the questionnaire were or considered themselves as male. This does not mean, however, that there would not be a certain female minority among practicing metal detectorists.

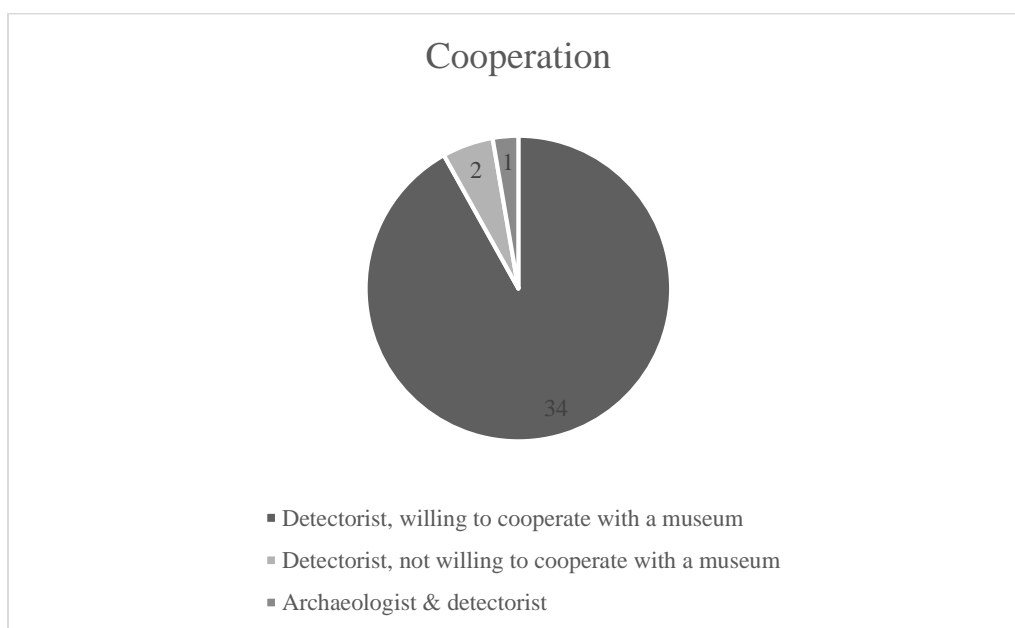


Figure 1

When asked to specify on the topic of cooperation and add if they are in regular contact with a museum or museums in general, or an archaeologist, this simple division became more problematic. Two people responded that they do not have any contact with museums, which actually correlates to the number of non-cooperative detectorists, but, of course, does not necessarily draw up a parallel between these cases, as they did not specify if they wish to build connection and are not welcome or it is the other way around. A rather nice answer praised archaeologists for being friendly and clever people to have interesting, professional conversations with – and then expressed his belief of those archaeologists having no idea of him being a detectorist.

Out of 30 respondents, a vast majority described the relationship with museums and archaeologist as good or even excellent, however one person intentionally “misunderstood” the question and took the opportunity to criticise a very different aspect of them, namely the exhibitions and another two avoided answering this question by saying that they regularly have been visiting museums since childhood on, adding that the exhibited material is nothing less than our shared national treasure. One noted that his connection with the local museum is better than the museum’s willingness to exchange information with other institutes. Several detectorists honoured their local museums for being welcoming towards them, unfortunately none of them specified. In answers given to other questions, however, three museums were named as institutions accepting finds: Béla Dornyai Museum (Nógrád county, Salgótarján) Ottó Herman Museum (Borsod-Abaúj-Zemplén county, Miskolc), and the Nagy Gyula Museum (Békés county, Orosháza). There were three respondents, who were in the process of building trust with archaeologists at the time of filling in the survey and two of them were convinced that the law made it difficult, as despite the objects handed in and the notification on new find spots the institute still acted reluctant and with suspicions. Interestingly, some expressed that they felt rather tolerated than accepted, which clearly shows that the parties were at the very beginning of understanding the reasons of each other; and one person voiced sadness over not being sure whom to turn to for building connection with professionals. Generally, all the respondents had personal contact with archaeologists or desired it, there was one respondent who clearly stated that archaeologists do not fall within his interest and he simply does not care about them.

The number of years the detectorists devoted to this activity so far varies on a wide range. As shown on Figure 2, from 20 years it can go down to a few months. Interestingly the only one who called himself an amateur archaeologist is one who has been keen on metal detecting for only 2 years. The one who have been interested in metal detecting for around 5-

10 years form the largest group, with two more persons than those of 2-5 years of experience. Interestingly, when I asked for this information, most of the respondents gave me very detailed information, for example the exact year they started (two of them remembered 1996, these were the oldest dates given), and some even specified a month (March 2016).

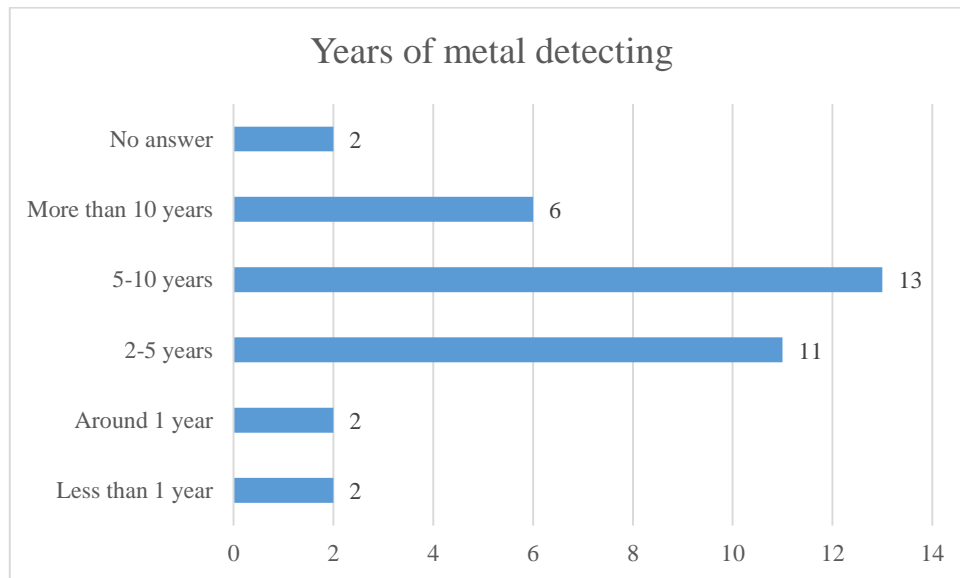


Figure 2

## 4.2 Motivation and background stories

Out of 30 respondents to the online survey, a great majority simply said yes to the question whether going out to the field with a metal detector they would call a hobby. One person indicated that it becoming a real hobby may still be in progress and one did not answer this part of the question. There was one who said it is work and hobby at the same time, and another one that it is a hobby carried out within museum framework, and one claimed detecting to be a real passion. As mentioned above, there was one person who was very keen on clarify as many times as possible that he sees himself as an amateur archaeologist, which is a term that would worth to take a closer look at because of it being a classic example of how much professionals and civilians may not understand each other. Further contacts and conversations

would be desired to resolve this conflict. Interviews and questionnaires handed directly to me came with very similar and considerably more modest results.

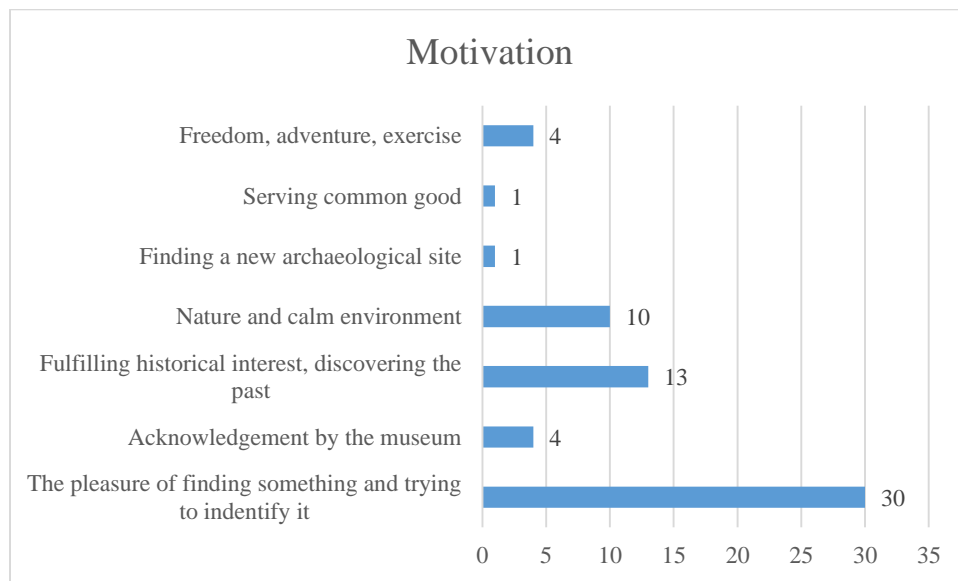


Figure 3

The motivations behind metal detecting can be grouped to the ones presented on Figure 3, but in this question, respondents were allowed to list more than one option and were given space to add extra details, a possibility that each of them took on a different level. What appeared the most often in their answers (30 out of 37 people, 81%) was the motivation of the moment of finding something and learning about it later, or the joy of being able to identify it either on the spot or also later. This part came with countless details: some even added the act of detecting itself (presumably meaning the search) or digging as being enjoyable enough to motivate them.

The second most popular inspiration was interest in the past, which, also in several forms, appeared 13 times (35%, around third of the total number of respondents). Two detectorists explained that they felt respect for the historical object or our predecessors who once used them; while two others simply were motivated by the chance of getting to know the unknown. Being out in the nature, in a calm environment with no stress proved to be almost as popular as fulfilling historical interest. This reason appeared a total of ten times. A similar,

though surprisingly less popular motivation was experiencing adventure or freedom, or doing exercise. Interestingly, despite this, most of the respondents rather mentioned exercise elsewhere in the survey, for example in the part where they were asked about their favourite find spots and how they know about those.

It also is worth to mention, that one responder expressed dissatisfaction of how the question of motivation was formulated and basically left me an unclear message, trying to share his or her opinion about what motivation, detecting, and surveying mean. Most of the respondents regarded themselves as museum friendly detectorists who serve some kind of common good by saving historical objects, yet exploring new archaeological sites, doing something good for human kind, or acknowledgement of a museum were barely among the motivations mentioned by them. Treasure hunting was only mentioned once and as something that became past when the detectorist teamed up with the local museum.

What got them started, as Figure 4 shows, came with more varied and personal results, which are a bit controversial to their general motivation.

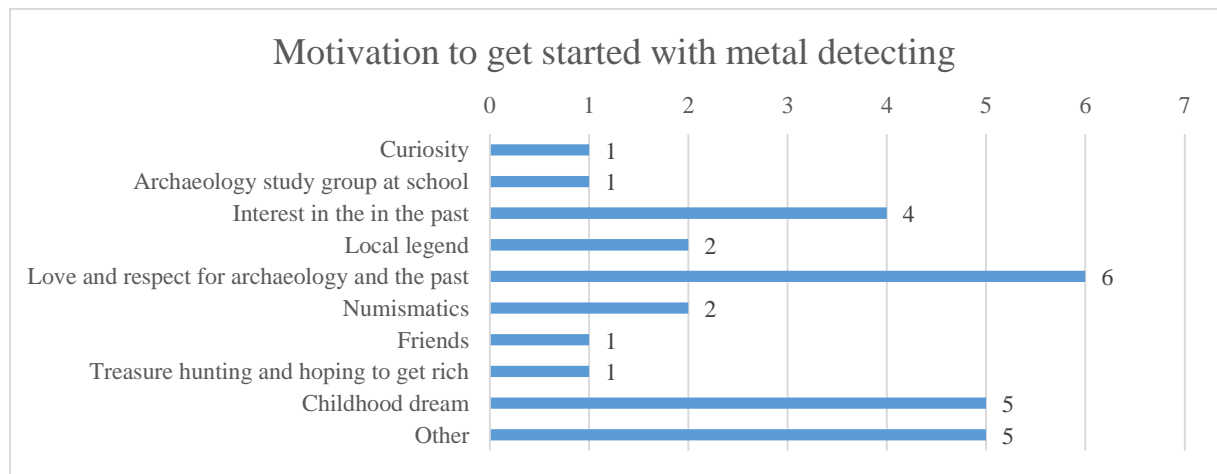


Figure 4

A total of 13 respondents mentioned interest in the past or passion for archaeology as trigger, this is if we count those, who specified (numismatics, for example). Interestingly, several of them added that they were not specifically interested in objects – though their answers to other questions tells a different story -, but in the people and times that have been long gone, or in

the cultural aspects of the past of the Carpathian basin. General curiosity perhaps can be added as 13<sup>th</sup> to these, though it is too broad and therefore could be misleading. Someone shared a story of having been started with metal detecting by a prehistoric pottery sherd: this was his first ever find, he showed it to an archaeologist, who kindly explained the culture that produced such ceramics and this was such an exciting experience that he got a device later. The appearance of an archaeology study group at school as start is striking, as Hungarian archaeologists struggle with the ignorance of education on a daily basis and this has been like this for decades.

Only 2 detectorists mentioned their local legends as triggers, one of them did not evaluate on this matter and the other one has been looking for traces of an alleged group of World War II soldiers at the beginning but never found it. 2 respondents shared stories about their dream of becoming an archaeologist when they were younger, a thing that their circumstances did not allow, and 3 more claimed childhood dream as trigger. On the other hand, another person admitted that he has a degree on history. One detectorist confessed that he started with the aim of becoming rich from treasure hunting and selling the finds on the black market because this seemed to have been the only solution of raising wealth and fortune for him in the 1990's but added that eventually he never managed to make profit.

Many were influenced by friends, one detectorist even described wreck hunter contacts raising his or her interest in metal detecting. Interestingly, not everyone could explain their motivation, one person, for example, confessed that he does not know what it is but he “can feel it”.

For the question of how they learned to use the device, most of the respondents replied that it is a simple thing to do and one just has to get used to it, however, there were two who claimed that the process was “a torture” and they learned it “the hard way”.

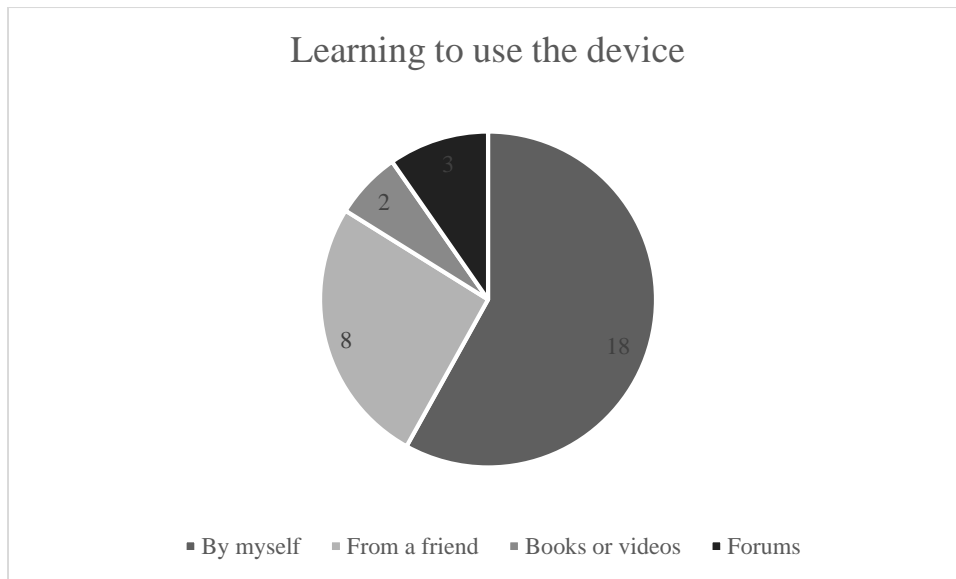


Figure 5

Only 31 people answered this question, out of them 18 considered themselves as fully autodidacts in using the device (and for many of them the same could be told about knowledge regarding the finds and these two were connected), 8 learned the basics from friends (neighbour, wreck hunter friends), only 3 turned to online forums for advice. 2 detectorist credit books and videos for practical information, although this definitely can be considered as self-educated as well.

### 4.3 Preferred archaeological or historical era, objects, and places

Because of the somehow archaeological nature of metal detecting and many of the detectorists claiming passion for it and knowledge about finds and historical context, they were asked to share a preferred cultural complex or archaeological era, with the possibility of adding more than one. The results are shown on Figure 6. Prehistory proves to be the most popular, which is indeed unfortunate from the perspective of Bronze Age depots for example, but if we take a closer look at the survey, it actually is more complex. Only 4 detectorists preferred specifically the Bronze Age. Others mentioned Iron Age, the Celts, La Tène, or even earlier cultures, like Zseliz or Baden.

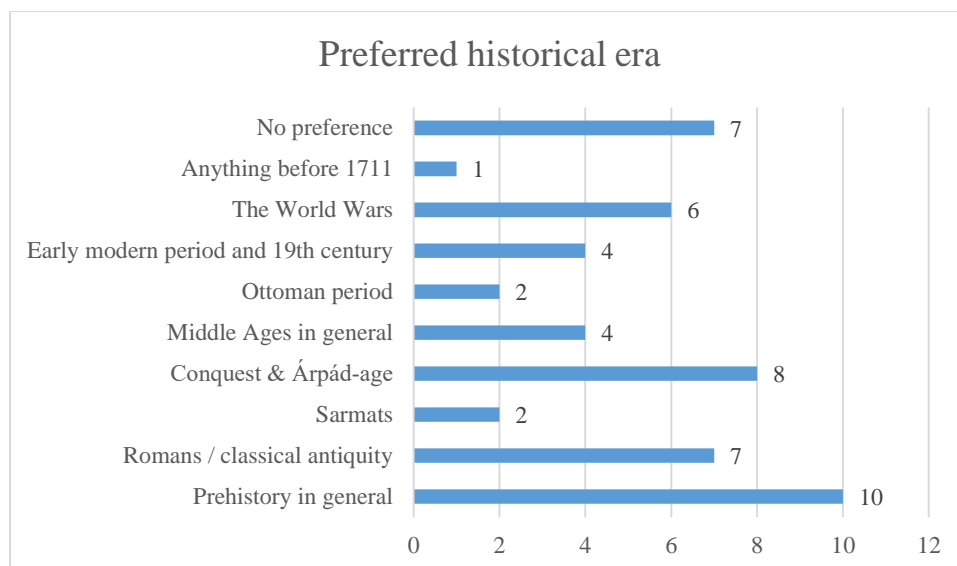


Figure 6

The second most popular period is the Hungarian Conquest and the following Árpád Age, with 8 responders. It is striking that nobody mentioned to prefer anything else from the later centuries of the migration period in the Carpathian Basin; two detectorists expressed interest in the Sarmats though, explaining that it feels like a great achievement to contribute to our knowledge about them, as that knowledge, as far as they are concerned, is not on the highest level yet.

With 7-7 respondents, the Romans and no preference are on the third place. No specific explanation was given to the first, it only turned out from answers given to other questions that one of them likes to survey Roman fortification and one prefers fibulae (though any kind of fibulae, not necessarily Roman). Some of those 7 people, who claimed no preference, shared their opinion that a good detectorist shall be interested in all possibilities. Remarkably, only a few respondents showed enthusiasm for the Middle Ages, while for many of them, the sites they are invited to the most often, are actually medieval.

There were several detectorists interested in fairly modern sites and objects as well, like the Ottoman period and the following decades, the 19<sup>th</sup> century, or the two great wars of the 20<sup>th</sup> century. It is quite notable that many answered this question by mentioning the World Wars, as those, just like the 19<sup>th</sup> century, are not considered as archaeological periods in today's



Hungary, therefore collecting objects from these times pragmatically is far from being a crime. On the contrary, one detectorist showed awareness of this information by answering the question with “anything before 1711”.

When asked for favoured types of objects, many responders started to confuse this question with the previous one on preferred historical era, to a level that only 8 of them gave the specific answer the survey was supposed to be looking for: 1 person, as already mentioned above, takes a specific interest in fibulae, 5 in numismatics, hence they prefer coins, and 2 favour weapons, mainly from the Ottoman period. 3 referred back to the previous question and reminded me of their preference of World Wars related objects, and 4 gave rather surprising answers, like “the older the better”, “the smaller the better”, or “the prettier the better”. This number (15) unfortunately does not even reach half of the overall responders. Was it because of the way the questionnaire was formulated or because there was some unwillingness of answering this, or for other reasons, remains unclear.

As the survey results show, most of the detectorists do not have preferred places where they would return, and to this question, they mainly responded in general, only 3 respondents mentioned specific places. One of these was the area of the lake Balaton, another one likes the hills around Budapest, and very surprisingly someone prefers to go to the seashore of the Netherlands, but unfortunately did not share whether he or she lives there or not. From the perspective of other answers, as the survey targeted Hungarian detecting habits, this could be crucial and misleading information. Otherwise, the rest of the respondents preferred their local environs, woods, plough lands, mountains, deserted medieval villages and roads. One person only goes to property of family members and friends, 6 said that they would gladly go anywhere – out of them one stated that anywhere but registered archaeological sites -; and 2 answered with not going anywhere anymore because of the new legislation.

## 4.4 Find-recording and caring habits

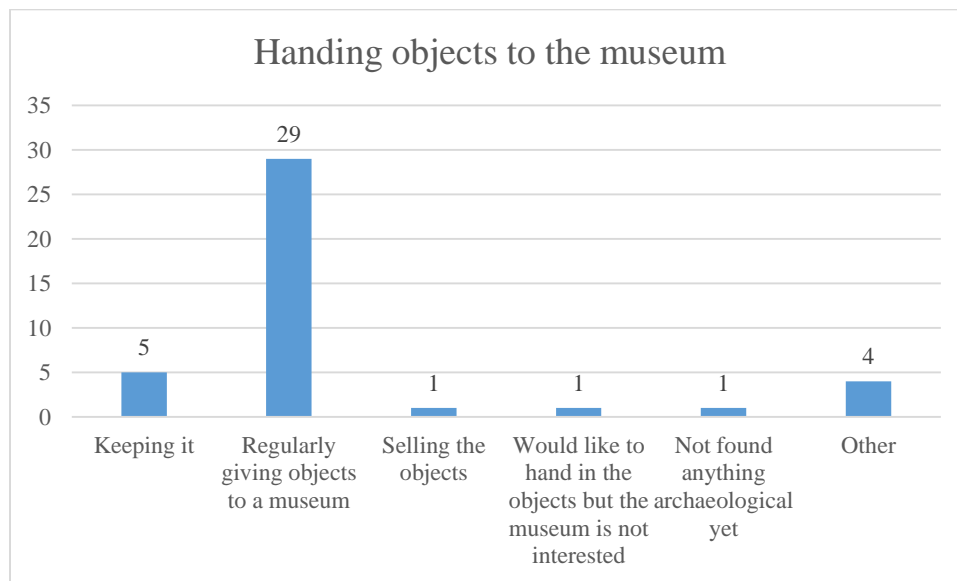


Figure 7

If we look back at the beginning of present analysis, 34 detectorists considered themselves as museum friendly and 2 as rather the opposite, and the last one was archaeologist and detectorist in the same person. The problem of giving or not giving objects to the local museum was expected to come with a result that proves this claim, with again multiple answers being possible, and it did not lead to that result, though the vast majority (29 people, 78%) regularly hands detected material in.

Just to start with, 5 people admitted keeping the objects, though this actually varies on a wide range, from keeping everything in a maintained and well-equipped little museum at home to keeping some and handing in the rest. Only one person of the sample sells the finds or gives them away in other ways, like as gifts, one thinks that he or she has not found anything of archaeological age yet, and also one would like to bring material to the local museum but he is not welcome to do so. 4 respondents either did not answer this question properly enough to provide information for this topic or took the opportunity to criticize the law, or left me with an otherwise valuable information: that they collect rubbish.

Based on this, we can see that even those who regularly hand in objects, act like collectors as well to a certain extent, there were only two persons who specifically stated that they do not desire to keep anything at all. Multiple detectorists mentioned that they trust their knowledge in determining what is not archaeological and what is, and only contact the museum when they are dealing with the latter.

From the above summarized, the problem of find-recording and cleaning emerges. Cleaning the newly found objects is something that most of the respondents felt responsible to do, but on very similar levels. One does not clean bronze or copper material but seems to have very advanced skills on conserving iron and uses Paraloid B-72 (a surface coating and adhesive often used in restoration and conservation) if needed; and another person shared that he possesses conservator skills. 5 other detectorists mentioned cleaning in the survey and the interviewed individuals also. Some did not evaluate on it, others only wash the objects in water or use simple household items, like soft toothbrushes. One detectorist mentioned that in his opinion too much cleaning can not only be damaging to the object but also takes away the “feeling of something old” and therefore, carefully keeping patina is a desired solution.

A certain level of documentation is also present among the detectorists, which I witnessed myself a number of times, as well. GPS coordinates and wrapping are evident for several detectorists, even for those, too, who do not cooperate with museums. One respondent even keeps written notes about observations on the find spot.

## 4.5 Working with other detectorists, group activities – a case study from Orosháza

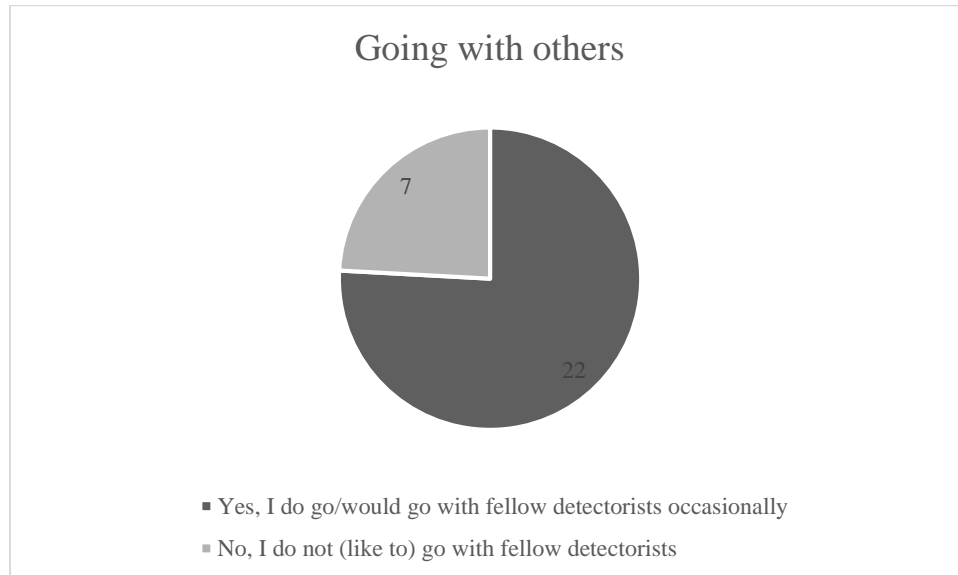


Figure 8

As Figure 8 shows, not every respondents gave an answer for whether they like the company of one another out on the field but more than three quarter of those who did (76%, 22 people) said yes. Some specified, mentioning close friends or neighbours and there is a special case I had the luck to observe from closer, the detectorist group joining the museum of Orosháza.

Based on what the two archaeologists and the detectorists said, a special – but fortunately not alone-standing – case unfolds. The detectorists of the area started as freelancers but were welcome to join the museum after approaching the director – and a golden fibula also played an essential role in this decision, though the director, who has been the only archaeologist of the small museum of the same time, has been interested prior to that as well. Today the Nagy Gyula Museum has two archaeologists, both of them actively involved with the group of detectorists. This museum also benefits from the detectorists in other ways, for example they provide help with numismatic problems, and the team designed a so-called “travelling exhibition” of the finds, in support of which they also give presentations and

lectures at every venue. The detectorists welcome and appreciate the exhibition and hope to make local children familiar with the historical context of their area based on the objects and lectures. The detectorists cooperating with the museum also are informed about the legal framework.

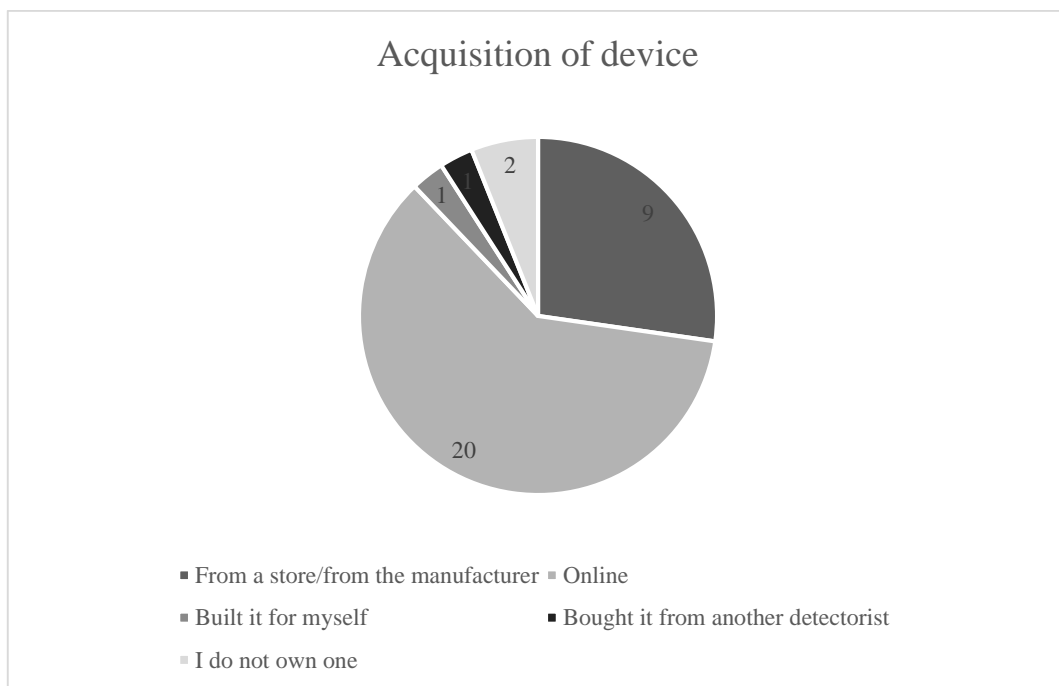
The result is outstanding: thousands of small metal finds got into the possession of the museum recently. There is no selection, and the archaeologists actively engage in making the objects available for scientific studies. Also, the museum and its team of detectorists take a dynamic role in nearby rescue excavations, sometimes even with detectorists who joined other museums. Both the archaeologists and the detectorists mentioned that they have a unique team-like spirit (one of them mentioned that there is some kind of competing between them for the best finds to please the museum) that ensures the ongoing trust in one another and they meet regularly on weekends to discuss tasks. This, of course, does not mean that there would not be other detectorists active in the area, which the museum is aware of, but the overall situation is still regarded as fortunate.

Going back to general group activities, it is notable that the question aiming to get information regarding any kind of detectorist groups was totally misunderstood by almost all the respondents. Despite some persons being reluctant to fill in an online survey or send a document via email because of the dangers of digital sharing, they certainly live in the 21<sup>st</sup> century digital age as well. Most of the respondents only thought of Facebook groups or other online activities, to be precise. Separately from that, 33 people said that they were familiar with online forums and 2 detectorists expressed that they have no interest in such things.

## **4.6 The metal detector**

The acquisition of the device itself is presented on Figure 8. A total of 33 detectorists provided an answer for this question, drawing up five main ways of getting hold of a metal

detector in today's Hungary. The most popular way, with 20 persons, is to getting informed about the device online and buy it that way as well; but a relatively big number of them walked into stores, bought it from the manufacturer or from another detectorist. Two of the respondents did not own a metal detector and there is one interesting case, when the detectorist at the beginning was rather interested in the electronic potentials of such device and built one for himself.



*Figure 9*

## 4.7 Legal knowledge

The last topic the detectorists were asked about was their awareness of the legal framework of their activity, starting with their attitude towards registered archaeological sites. The types of answers they give are shown on Figure 9.

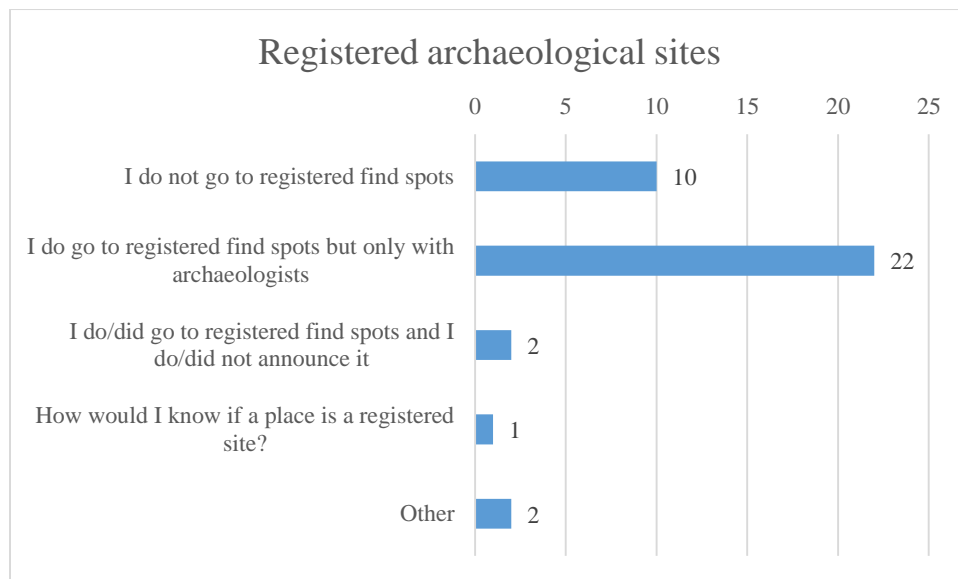


Figure 10

Remarkably, after the very first question, in which they were asked to define themselves as cooperative or non-cooperative, this was the first and the last one that every respondents answered. As it was expected after seeing the number of cooperative detectorists, 32 of them said that they either avoid registered find spots or only approach them with or for the invitation of a licensed archaeologist. The number of those who think the opposite and are not so interested in the prohibition is in harmony with the number of detectorists who considered themselves as non-cooperative. Only one person reacted with a question, expressing doubts about the possibility of knowing if a site is registered (even though there always are ways to find it out, one thing is true: the official database is not available for civilians for the exact reason of keeping unauthorized, self-appointed amateurs out of the sites). One person said that he or she had no chance yet to use the detector on a registered site, whatever intention may this statement mean. One detectorist explained that it is simply more exciting and more fun to go and explore new sites, which he considers as a successful agenda, as, according to him, it has happened that a site became registered after he informed the authorities about it. Another one sees the old ones as empty places, looted to ground zero 20 years ago by Austrian and German tourists.

Out of 36 responses, 32 detectorists never had issues with authorities before, the other two mentioned that occasionally they got caught but nothing notable happened. One detectorist thought that having been caught but not sanctioned for his metal detecting activity before only proves that the police was also unaware of how heavy of a crime it was.

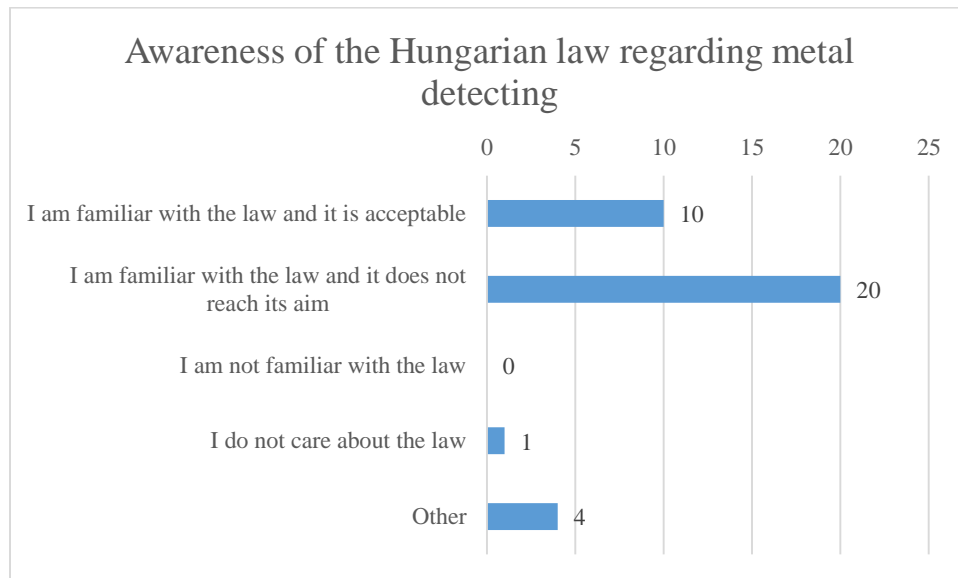


Figure 11

As presented on Figure 10 above, 35 detectorists provided answers for the inquiry about their overall familiarity with the Hungarian law regarding metal detecting and nobody admitted not being familiar with it. However, their opinion about the current form and the upcoming changes greatly varies from absolutely not caring about it to full agreement with it, clearly showing that there is no possible ultimate solution that would please both professionals and detectorists. Interestingly, many expressed that they did not understand, why the police has to be informed about their licenses (if they join a museum), claiming that they were and they are not criminals. Taking into consideration that these people said to be familiar with the law, this sounds rather controversial, as it clearly states that unauthorized excavations are regarded as illegal activities. Others said that the current Hungarian law is too chaotic and complicated, while two others thought it to be too soft and permissive. There is one thing, however, that appears in most of the answers: that the legislation prevents cooperative detectorists, while



non-cooperative people still do not devote much attention to it. Archaeologists generally agreed with the strength of the law but also noted that it was too chaotic to follow fast enough when a case of an endangered new site emerged.

The case is a bit different with legislative framework of other countries (see Figure 11). A significant number (25) detectorists said to have been familiar with other countries' metal detecting law, and those who evaluate on this matter, all mentioned mainly European countries. Out of that 25, 8 respondents brought up the British regulation as an example maybe to follow, however even some of them noted that it does not only depend on the law but also on the society, therefore such system would be quite unlikely to work in Hungary. Interestingly, Romania was mentioned several times, both as better and worse example than Hungary.

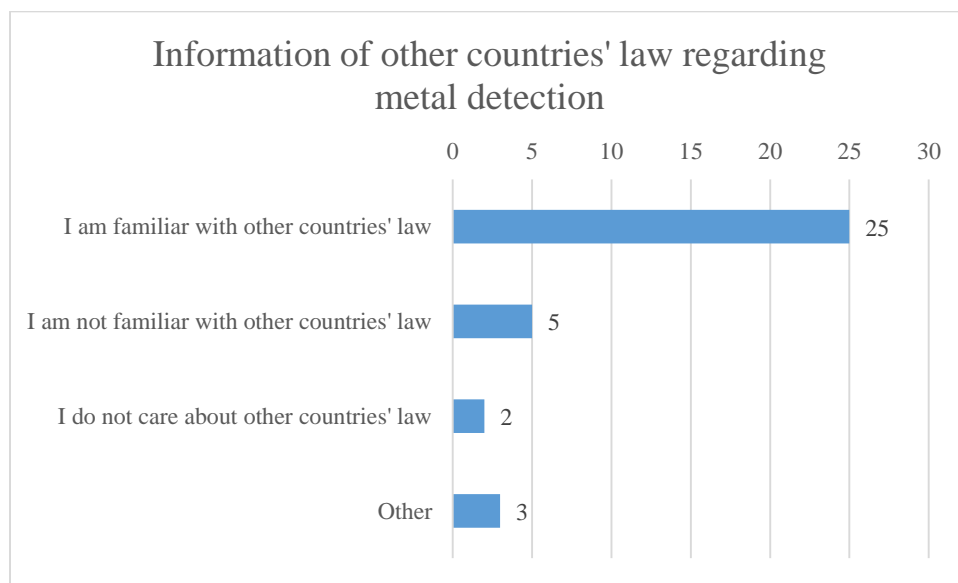
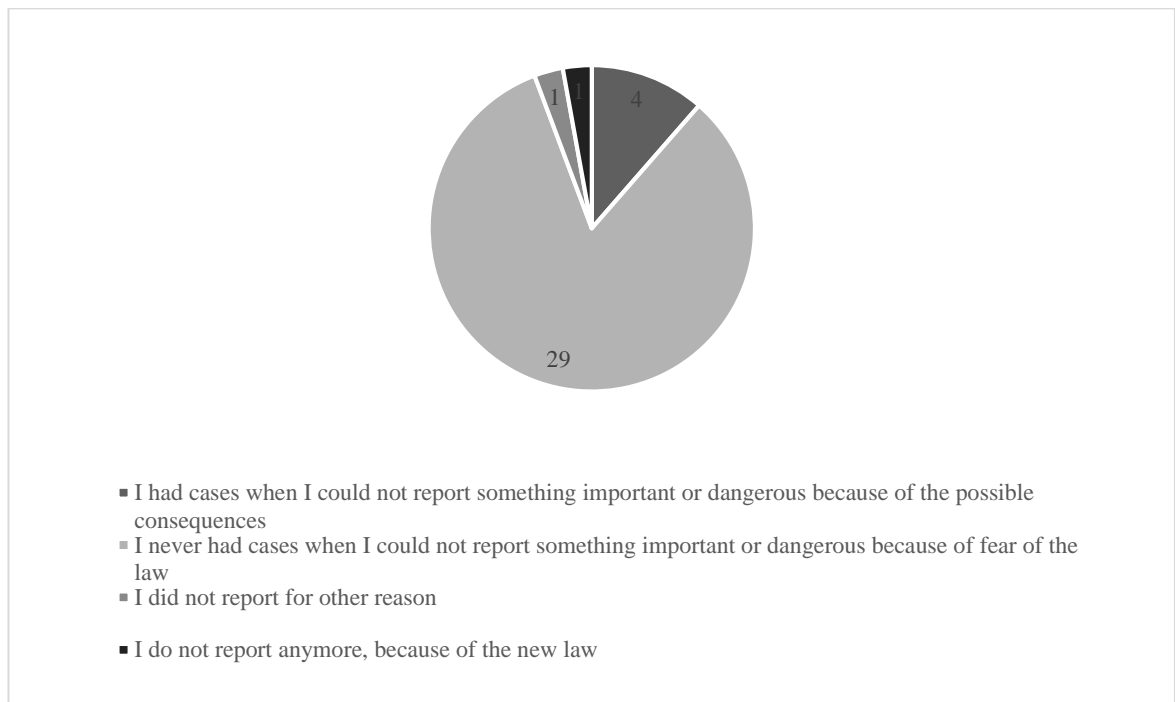


Figure 12

Based on this, the last question of the topic of law aimed to find out, how the law effects the moral issues of the respondents, by asking whether they would report something important or dangerous or not because of the high chance of punishment. To this, they gave 4 different groups of answers (see Figure 12). 29 responders (83%) has not been that unfortunate before to not having been able to report something because of the potential consequences. 4 of them

were not this lucky and had to deal with this dilemma before, other 2 have either recently have changed their mind about it or have had other reasons for not reporting someone.



## 4.8 Archaeology versus metal detecting in education

As this topic required a broader explanation, only personal talks and interviews gave considerable results for the question of whether archaeology students should be educated to be more aware of the advantages and disadvantages of metal detecting. The first archaeologist, who responded, simply said yes and explained that if used wisely, a metal detector means no more danger to a site than any other surveying methods. Another archaeologist shared this opinion, adding that educating both parties on metal detecting would lead to easier connection building and would more or less rule out that danger that an archaeologist would overshadow other, conventional methods in favour of metal detecting. Though one of the respondents is an archaeologist with a metal detector supporting the idea of including it into the education, several detectorists also were on the opinion that someone either is a detectorist or an

archaeologist and emphasized that he would rather see both sides being more informed about one another in order to give an opportunity to detectorists to cooperate without endangering sites.

To conclude all the points that detectorists and archaeologists raised, the survey provided the following results. The museum friendly detectorists are cooperative but in some cases, not fully, as still many of them do not see the archaeological heritage issues in their activity: some keep certain objects, some do not understand, despite knowing the law, why the police would take interest in their licenses. On the other hand, they visibly form an asset of growing importance and contribution, with also growing archaeological knowledge, some respect towards that profession, and the desire to contribute to some kind of common good cannot be overlooked either. Both archaeologists and detectorists agreed on where the place of metal detecting in education should be. Most of the respondents to the survey and the interviewed detectorists as well, claimed that they would not go to a registered site without an archaeologist, which shows that they do not only know those but also started to respect them. This certainly is one form of taking a step towards a better future relationship, however, we can never forget, that these answers only represent a small group of detectorists, who were willing to initiate a dialogue about this problem. There are and there will always be nighthawks out there.

# Conclusion

The thesis aimed to analyse the relationship between metal detecting and professional archaeology in Hungary, compared to practices of other European countries and based not only on literary sources but also on personal contact with those whom it mostly concerns: the detectorists and several archaeologists. This matter has been part of academic research in Hungary in the last decade but only partially, mainly connected to specific cases.

The Hungarian law on metal detecting, that has been changes so many times in the last decade and is unfortunately scheduled to change again, proves to be strict but formulated in an unfortunate way, namely, it ties the hand of the licensed, museum friendly detectorists but it does still not offer anything that would stop nighthawks. Compared to several other European countries', the Hungarian regulation on this matter is not less detailed, neither is it more confusing than any of those. Even the often praised British example consists of so many elements that are not easy to overlook for practicing civilians with metal detectors.

Result shows that the main trigger for practice of metal detecting are general historical or archaeological interest, often from childhood on. They also show that the relationship between professionals and hobbyists is still complicated, with a lot of deficiency on both sides causing a wide range of opinions, from quite liberal to extremely strict. Also, the interaction between professionals and those who consider themselves "amateurs" is heavily based on personal preferences and trust, a simple example for this is how a researcher can contact the right people of this matter. On the other hand, the high number of responders from the side of detectorists, in my opinion, do not only show that they would wish to be heard more but also that a dialogue has started in the recent years, for which both parties shall be credited, while we keep a certain division between nighthawkers and cooperative detectorists in mind.

The survey and interviews lead to the conclusion that not only the relationship in general, but the awareness of regulation and each other's perspectives are an even bigger niche in both parties' attitude. The young archaeologist who admitted to be puzzled by the current Hungarian legislation and especially its constant changes proves this just as much as all those detectorists who repeatedly mentioned objects from the 19<sup>th</sup> century or the two World Wars, as according to the law, those items are not considered as archaeological material.

It cannot be overlooked that the current situation is the result of a longer process, in which both parties are getting out of their comfort zones in order to develop the relationship further. Lately archaeology seems to be benefiting from metal detecting. As several new articles, theses, and ongoing work shows, numerous objects can still be identified and placed in historical context to an extent, when cross-matched with similar objects and historical sources.

For the research question whether the regulation should be improved, the respondents of both parties did not provide one ultimate answer but definitely came up with some notable solutions. Many of them desire a strict law that still allows the presence of the museum friendly hobbyist and they would greatly regret if their licensing system would be ruled out – so would those museums, who successfully cooperate with detectorists.

As many detectorists are beginning to see the irreversible damage an unauthorised digging can do to a site, surely, Hungary is still left with a large number of those who do not think the same way. Also, metal detecting most likely is not the only threat to archaeology these days.

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# Appendices

## Appendix 1 Survey questions

### General

Is going out on the field with a metal detector a hobby for you? How long have you been devoted to the hobby of metal detecting?

How did you learn it? When did you start, what got you started?

What is it that you like the most in metal detecting?

Do you have a particular type of object or a historical era as a main interest? If yes, what would it be?

What do you do with the objects you find?

Do you have favourite places where you like or would like to return for metal detecting? How do you know about that place/those places?

Are you friends with other detectorists? How often do you meet? Do you go out on the field together?

### Detecting and the detector

Where do you get information about the devices? Where do you get the device?

Have you heard of online forums, exchanges? How do you find them?

## Detectorists and archaeology

Did you ever use your detector on a registered find spot? If yes, did you do it with an agreement of archaeologists?

Have you ever had problems with authorities?

Are you familiar with rules and regulations regarding metal detecting in Hungary? What's your opinion about it?

Are you familiar with the legislation regarding metal detecting from any other countries? Can you form an opinion about it?

How would you generally describe your relationship with museums?

Are you in contact with a museum? Have you ever handed in finds?

Are you in contact with an archaeologist? If no, would you or would you not like to be? Why?

Has it ever happened that you found something archaeologically important/in any way dangerous but you could not report it because of the high chance of a penalty?

Do you think that metal detecting should be a special education or part of archaeological education? Why?

## For archaeologists

Do you have any experience with metal detectorists? Would you describe it as positive or negative?

Do you use a metal detector or allow it at your excavations? Does the device belong to an institute (museum, university, etc.) or to you?

If yes, since when have you been using it or allowing it?

Has it ever happened that you got real help from a detectorist?

Have you ever found something highly important or outstanding with a detector?

What do you think, are the detectorists well informed about the regulations of metal detecting in Hungary? Where or how do you think they get the information?

Are you familiar with forums, groups of detectorists?

What do you think, should metal detecting be part of the education of archaeologists or not?

Can you name any system regarding metal detecting from another country that you think is very good or very bad?