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Some Remarks on the Stormy Relationship Between the Detectorists and Archaeological Heritage in Poland

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Abstract: The paper discusses the issue of the use of metal detectors in Poland in its legal and practical aspects. The possession and the use of metal detectors in Poland is legal, but to search for portable monuments a permit is required. All historical and archaeological finds belong to the State. Detectorists, whose number is estimated to over 50,000, commonly break the law by conducting illegal searches and by appropriation of the discovered objects. This paper describes legal and illegal activities of the detectorist community, giving numerous examples. The authors address the issue of prospects of cooperation between archaeologists and detectorists and comment on the attempts of the latter to depreciate archaeology and the principles of modern heritage management, as well as their rivalry with professional researchers. The authors believe that archaeologists should, therefore, speak and act for archaeology and heritage, instead of accepting the views of the detectorists. The paper also presents threats to archaeological heritage resulting from illegal metal detecting, and draws attention to the problem of low social awareness regarding the rules and needs of archaeological heritage protection in Poland. Solving these issues requires multidimensional activity, encompassing education and training, as well as the consequent prosecution of crimes against archaeological heritage.

Keywords: metal detectors, detectorists, Poland, archaeological heritage, Polish heritage law, heritage protection in Poland

1 Introduction

Portable metal detectors appeared in Poland on a mass scale in the 1990s, and so did the clash of opinions regarding their use and the protection of archaeological heritage. The archaeological milieu tried to respond to these new issues by initiating dialogue with the detectorist community. That failed, and the heritage administration, as well the academic community, tried to develop a common approach to the use of metal detectors and to the detectorists. Meanwhile the structure of the State Heritage Protection Services kept changing, growing weaker and weaker. However, in order to avoid counterproductive repetition of what has already been said on the subject (Kobyliński & Szpanowski 2009¹), we are not going to tell the complete

¹ See the article also for older publications (Kobyliński & Szpanowski 2009, 23).

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story of the relationship between archaeologists and detectorists in Poland. Such an approach is all the more justified because the institutions that shaped archaeological heritage management in Poland in the past (i.e. General Monuments' Protection Office and Archaeological Heritage Preservation Centre) no longer exist. We operate in a totally different reality than the 1990s and the beginning of 21st century, which is why we want to focus on the present. The corruption scandal that took place in 2006 in the Archaeological Heritage Preservation Centre, and resulting prison sentences for its Director and his Deputy, seriously undermined the position of archaeological heritage management in Poland, and, as Grabowski wrote, it "started an avalanche of damaging political decisions" (Grabowski 2016, 117). We are going to focus on the practical aspects and emphasize system solutions, because we are convinced of their superiority over individual actions. It is important to note that the following paper stems from our experiences in the National Heritage Board of Poland (NHBP) – the institution which at the moment leads the only nationwide system of combating and preventing crimes against archaeological heritage.

2 Metal Detectors and the Law

The first regulations concerning the use of metal detectors for searching for portable monuments were introduced only in 2003 (Sabaciński 2011a, 131).² The possession and the use of metal detectors in Poland is legal. In order to conduct a search for abandoned and lost portable monuments, including archaeological ones, with the help of technical and electronic devices and diving equipment, a permit from the Voivodeship Monuments Protection Officer is required.³ Basic issues related to amateur searching of these monuments are regulated with the same legal act as archaeological research and other professional activities related to monuments (conservation and restoration works, conservation and architectural research).⁴ Such legal construction incorrectly suggests that the search for portable monuments is scientific by nature or serves the purpose of heritage management. According to the provisions of the regulation, an archaeologist applying for a permit for archaeological research, including non-intrusive methods, has to meet many more requirements than the searcher, whose activities are always intrusive.⁵

The Regulation specifies obligatory and optional conditions of the permit for archaeological research/search for portable monuments. It is noteworthy that the list of the latter for archaeologists is much longer than for the searchers (including the requirement of documenting the research, finds conservation, keeping a field inventory of the finds, preparing the final report, and cleaning up the research area) (Minister Kultury i Dziedzictwa Narodowego 2015b).⁶ At the same time, the legislator does not specify if the search can be

² Act of 23 July 2003 on the protection and guardianship of monuments, Art. 36, Sect. 1 (Poland 2003).

³ The obligation of obtaining a permit is stipulated in The Act on the Protection of Monuments and the Guardianship of Monuments from 23 July 2003, Art. 36, Sect. 1, point 12 (Poland 2003). Detailed conditions of issuing the permits are specified in the Regulation of 14 October 2015 of the Minister of Culture and National Heritage on carrying out conservation works, restoration works, conservation research, architectural research, and other activities in relation to monuments entered into the register of monuments, and archaeological research, and search for historical objects (Minister Kultury i Dziedzictwa Narodowego 2015b).

⁴ Regulation of 14 October 2015 of the Minister of Culture and National Heritage on carrying out conservation works, restoration works, conservation research, architectural research, and other activities in relation to monuments entered into the register of monuments, and archaeological research, and search for historical objects (Minister Kultury i Dziedzictwa Narodowego 2015b).

⁵ All applicants have to give their name, surname, address, and location of the planned research or search. They specify the time for the planned actions and give the justification for the application. They give the personal data of the head of the research or search, and enclose its programme as well as the document confirming the right to use the land or the consent of the landowner. In addition, archaeologists confirm their qualifications, make a map at a scale of 1:10,000 or greater, marking the location of the research, as well as a site plan with past and planned research areas in relation to the points of vertical and horizontal geodetic grid of specified levels at the scale of 1:100, 1:500 or 1:1000 (depending on the area of the research). Archaeologists also enclose a statement from a museum declaring the readiness to accept the finds for long-term storage (which, by the way, gets more and more difficult as the available storage space is decreasing), as well as a statement on possessing financial resources sufficient to carry out the research and the description of the way in which the area is going to be restored to previous state after the research.

⁶ Regulation of 14 October 2015 of the Minister of Culture and National Heritage on carrying out conservation works, restoration works, conservation research, architectural research, and other activities in relation to monuments entered into the register of monuments, and archaeological research, and search for historical objects, §19.

carried out within the limits of known archaeological sites.⁷ Their possible exclusion from the search, as well as the mode of behaviour in case of discovery of a possible monument or an archaeological site, depends solely on the Monuments Protection Officer issuing the permit. In reality, these best, but unfortunately optional practices, are seldom implemented by the officers.

According to Polish law, all objects – whether portable such as a smaller item, or immobile, such as a standing structure or historic landscape – are monuments if they are made by humans or results from their activity, are a vestige of past epochs or events, and their preservation for future generations lays in the society's best interest because of one of the three following values: historic, artistic or scientific (Poland 2003).⁸ The definition does not include any timeframe that would justify the exclusion of objects dated to the 19th or 20th centuries. Portable archaeological monuments are objects related to cultural layers or underwater relics of human activity (Poland 2003).⁹ Removed out of their land or underwater context, due to natural factors or human activity (e.g. agriculture), they do not lose their archaeological character. To differentiate between portable monuments that do not meet the above definition of archaeological monument, the term “historical object/portable historical monument” is used in the text.

Illegal searching for portable monuments is a misdemeanour, and may lead to the confiscation of all the finds as well as the tools and devices used for the search, regardless of their ownership. The offender may be fined up to 5000 PLN (about 1100 euro) (Poland 2003).¹⁰ If cultural layers of an archaeological site are damaged due to the search, the offender may be held responsible for the damage or destruction of a monument, which is a crime punishable by up to five years of imprisonment or up to two years if it is unintentional (Poland 2003).¹¹ At the same time, digging pits on somebody else's agricultural land or in the forest is a misdemeanour punishable by fine of up to 1000 PLN (about 250 euro) (Poland 1971).¹² Appropriation of portable historical monuments is punishable by up to ten years of imprisonment if the object is of special importance (Poland 1997).¹³

Punishing the perpetrators of such acts is not frequent. However, in February 2016, one of the main journals in Poland published on a case from the Lubelskie Voivodeship, where the court sentenced a detectorist for conducting his search on an archaeological site from the Roman Influence Period. He had been caught by archaeology students on the site; his two accomplices had escaped. Despite the fact that he had not managed to dig out any objects that day, after the 11-month trial he was found guilty of the destruction of a monument and sentenced to six months of imprisonment, suspended for three years, a fine of 1000 PLN (about 250 euro) and 6000 PLN (about 1500 euro) of punitive damages to a foundation dealing with the protection of monuments (Sulowski 2016, Reszka 2014). So far, regarding the terms of financial penalty, it has been the highest sentence for the destruction of an archaeological site in Poland.

Ownership of objects discovered during a search carried out with the use of metal detectors depends on the nature of the finds. Archaeological objects belong to the State. The finds that do not fit the legal definition of an archaeological monument should be returned to their rightful owner. If the search for the owner is purposeless the objects become the property of the State. There is a possibility of obtaining a financial reward for the discovery of archaeological monuments, which can be granted by the Minister of Culture and National Heritage. The discovery must be accidental, which automatically excludes detectorists, archaeologists and other people employed on archaeological excavations.¹⁴ For several years the number

7 According to the data of the National Heritage Board of Poland from 31 Dec. 2015 there are over 450,000 archaeological sites in the Polish Archaeological Record.

8 Act of 23 July 2003 on the protection and guardianship of monuments, Art. 3, Sect. 1.

9 Act of 23 July 2003 on the protection and guardianship of monuments, Art. 3, Sect. 4.

10 Act of 23 July 2003 on the protection and guardianship of monuments, Art. 111.

11 Act of 23 July 2003 on the protection and guardianship of monuments, Art. 108.

12 Misdemeanour Code, Art. 154.

13 Penal Code, Art. 294, § 2.

14 See Act of 23 July 2003 on the protection and guardianship of monuments, Art. 34 (Poland 2003). Act of 20 February 2015 on things found (Poland 2015). The reward procedure is described in the Regulation of 2 July 2015 of the Minister of Culture and National Heritage on the mode of granting rewards for the discovery of monuments or archival documents (Minister Kultury i Dziedzictwa Narodowego 2015a).

of rewards has been increasing. Unfortunately the circumstances of discovery given by the finders are often disputable, for example picking mushrooms in the middle of winter or burying a dead pet twenty kilometres away from home. Despite the doubts, proving such claims to be false without any evidence is impossible.

If the search for abandoned or lost non-archaeological portable monuments is conducted legally, i.e. with the permit from the Voivodeship Monuments Protection Officer, the finder, on the basis of regulations on things found (Poland 2015)¹⁵, is entitled to a reward for every object that becomes the property of the State. According to the law the finder cannot become the owner of a portable monument, regardless of whether it is archaeological or not.

In 1996 Poland ratified the European Convention on the Protection of the Archaeological Heritage (Revised), known as the Valletta Convention, henceforth its provisions have the rank equal to national regulations (Oniszczyk 2014). It means that the definitions from the convention should also be used to determine what archaeological heritage actually is. Because of the lack of any time range in the Polish and European definitions and their general complexity, many people find it difficult to identify objects with archaeological or historical traits. The detectorists often use the argument of the lack of knowledge and difficulties of interpretation to justify illicit trafficking of archaeological and historical objects or their illegal possession when they are disclosed.

In Poland, which through history was the theatre of many conflicts including the two World Wars and several national and regional uprisings, regulations regarding guns and ammunition, that forbid their possession without a permit, are of special importance to detectorists. Permits are required regardless of the age of any weapons found during the search. Possession of any element of the weapon that may be adjusted for use is the basis for prosecution charges.

3 Detectorists

Tens of thousands of people search for “treasures” across the country, but the exact number is very difficult to determine. In 2009 Kobyliński and Szpanowski estimated the number of detectorists in Poland to 10,000 – 30,000 (Kobyliński & Szpanowski 2009, 18) and nowadays representatives of the community speak of numbers as high as 100,000. Unfortunately there is no valid basis for any of those estimates, because no well-founded statistical data has been gathered on the subject. In comparison the biggest internet forum for detectorists in Poland, connected with the *Odkrywca* [en. *Discoverer*] monthly magazine, has 58 000 registered users. It seems to be the closest estimate we can refer to, but, as has been pointed out by Karl and Möller, there are a lot of variables in calculations based on internet forums (see Karl & Möller 2016). No doubt that the number of users is not equal to the number of active detectorists in Poland, and surely not only detectorists use the forum.

It is very easy to access metal detectors; some time ago they could have been bought even in the biggest bookstore network in Poland. However, only about 100 permits for the search of abandoned and lost portable monuments, including archaeological ones, are issued every year,¹⁶ which means that most detectorists operate outside of the law. They avoid the obligation by saying that they are looking for meteorites, lost keys, bird rings and other objects not related to heritage. Some detectorists are, at times, repeating incorrect opinions that there are cases when they do not need the permit. One such case has ended in the Supreme Administrative Court, where a detectorist offered the plea that the application for the permit was not obligatory, and it was declared unfounded by the court. (Naczelny Sąd Administracyjny 2016). Another argument against applying for the permit is the spontaneous character of the search. Some detectorists prefer to act without regularity and planning, and the permit, with the set validity area and period, is against their concept of the freedom of the search. The obligation to obtain the consent of a landowner

¹⁵ Act of 20 February 2015 on things found. The reward procedure is described in the Regulation of 2 July 2015 of the Minister of Culture and National Heritage on the mode of granting rewards for the discovery of monuments or archival documents.

¹⁶ According to the National program for the protection and guardianship of monuments 2014-2017 the number of such permits was as follows: 2008 – 82 permits, 2009 – 76, 2010 – 89, 2011 – 105, 2012 – 98, w 2013 – 118 (Ministerstwo Kultury i Dziedzictwa Kulturowego 2014, 22).

for the search is another significant issue, which may stand behind the small number of applications. In Poland, unfortunately, detectorists frequently ignore the rights of the landowners.

To make matters worse, social acceptance and the general belief in the harmlessness of the search results in tardiness in responding to the threats posed by illegal metal detecting (see Figure 1).

The issue of the social perception of cultural heritage in general and archaeological heritage in particular was developed within the project entitled “Legal and illicit trade with cultural heritage”, supported by a grant from Iceland, Liechtenstein and Norway through the EAA Financial Mechanism and the Norwegian Financial Mechanism (Florjanowicz 2013, 77). The perception of archaeology held by various social groups, including detectorists, was discussed by Sabaciński (2011a).¹⁷ Hard evidence was obtained from a public opinion survey carried out in 2011 for the NHBP. It has shown that for almost 90% of the respondents, cultural heritage plays an important role in society (Kozioł et al. 2013, 29). At the same time, however, the position of archaeology turned out to be quite weak. Asked what type of monument they would like to visit, the people put archaeological sites in the penultimate place behind castles, palaces, old towns, churches, forts, parks and battlefields (Kozioł et al. 2013, 73). In one of the unpublished questions, the respondents have also been asked to name three of the most important monuments in Poland. Archaeological sites appear in 2.4% of the answers, and in all but one case, it is the prehistoric settlement of Biskupin, the most famous archaeological site, discovered in 1933 and excavated intermittently until 1974, functioning now as an open air museum (Oniszczyk 2015, 21). The question of searching for portable monuments and their ownership was also discussed in the survey during focused interviews. The views were very divided and ranged from keeping or selling precious finds, through giving them to museums for a financial reward (selling as well, is it not?), to acknowledging the value of such finds for society. At the same time however, those interviewed thought that illegal treasure hunting should be severely punished (Korporacja Badawcza Pretendent 2011, 12-13). Summed up in numbers the situation is as follows. The detectorists:

1. are harmless eccentrics (40%),
2. save monuments (29%),
3. steal monuments (17%),
4. destroy monuments (14%) (Florjanowicz 2013, 78).

Considering these statistics, it is no wonder that the hobby keeps developing out of control countrywide, causing gradual destruction of cultural heritage assets.

The community of detectorists is very strongly involved in activities related to contemporary heritage, especially the exploration of battlefields. In a way they annexed the niche that has become interesting for Polish archaeologists only during the last decade. It also seems that more and more detectorists choose their search areas on the basis of archival queries. Consequently, they carry out their activities on contemporary sites located in areas apt for settlement and, therefore, inhabited since the middle ages or earlier periods.

Detectorists in Poland are generally a group of individuals bonded by their similar interests. They usually practice their hobby alone or with friends. There are, however, associations and formalized groups, which try to act according to schedules, often with participation of archaeologists, and with the permit from the Voivodeship Monuments Protection Officer. Some of them are volunteers during archaeological research, most often on battlefields, such as the research of the Ordon's Redoubt in Warsaw (Borkowski & Kasperek 2015), a place of important national liberation fights during the November Uprising in 1831. Archaeological research, led by the National Archaeological Museum in Warsaw, was carried out with the participation of the members of *Mazowieckie Stowarzyszenie Historyczne “Exploratorzy.pl”* [en. *Masovian Historical Association “Explorers.pl”*]. They were engaged not only in the search for metal objects, but also in the interpretation of the finds (Sobierajski 2013). Members of the same association, together with the club of Polish detectorists living in the UK – PHEC Thesaurus,¹⁸ took part in archaeological research of

¹⁷ The detectorists' view on archaeology and the issue of the so-called amateur archaeologists were earlier described by Kobyliński and Szpanowski (2009, 20-21). They discuss the period of 1990-2006, but as far as those issues are concerned it is still very relevant.

¹⁸ See Facebook page of the club: Klub PHEC Thesaurus <https://www.facebook.com/pages/Klub-PHEC-Thesaurus/354246444651241> (26.02.2016).



Figure 1: Early medieval hillfort in Błonie, Mazowieckie Voivodeship. One of the few archaeological sites protected by landowners against illegal “visitors”, by M. Bogacki © National Heritage Board of Poland.

the battlefield of Grunwald (1410 AD), led by an archaeologist (Kłos 2014). Similar archaeological research with their participation (Redakcja MSH Exploratorzy.pl 2015) was carried out on the battlefield of Raszyn (1809 AD). „Sakwa” Stowarzyszenie Eksploracyjne na Rzecz Ratowania Zabytków [en. “Purse” Exploratory Association for the Rescue of Monuments] is another detectorists’ association, which has legal search for portable historical monuments in its statutes. The members choose search areas themselves (e.g. medieval hillforts or their vicinity) (Prospektor a, n.d.; Prospektor b, n.d.) or answer invitations from archaeologists to work on various sites, including prehistoric burial grounds (“Wiślanin” n.d.). All these associations emphasise the legality of their actions (permits), and willingly cooperate with archaeologists, trying to differentiate themselves from “pseudo detectorists” or “pseudo searchers” who act without permissions, destroying nature and digging for archaeological objects.¹⁹ The members perceive their activities as a means of enriching museum collections and protecting of monuments. The latter is reflected even in the names of the associations emphasising their involvement in rescuing monuments. Voivodeship Monuments Protection Officers usually cooperate with them, issuing permits compliant with their applications, at times adding the requirement of archaeological supervision of their activities.

Another option, used mainly by the non-attached detectorists, is participation in professional excavation works. Nevertheless, the number of detectorists acting legally is still marginal. Regardless of the legal issues the question remains that if such activities, in light of modern heritage management, especially the principle of *in situ* preservation, make any sense at all? The question stands also for archaeologists who undertake metal detecting in order to save metal objects from being stolen by the detectorists.

Although the detectorist community in Poland is neither uniform nor organised, the exchange of information about discoveries, police interventions and important events function well due to internet

¹⁹ See the Internet forums: Pasja-eksploracja (thread from 2008: Pseudo Poszukiwacze!) <http://www.pasja-eksploracja.com/archiwum/dyskusje-na-luzie/pseudo-poszukiwacze> (26.02.2016); Odkrywca (thread from 2012: Zła robota) <http://odkrywca.pl/zla-robota,705851.html> (26.02.2016); Exploracja.pl. (thread from 2007: Znów nam pseudoposzukiwacze wyrabiają opinie!) <http://www.exploracja.cyberdusk.pl/phpbb2/viewtopic.php?f=1&t=6192> (26.02.2016).

forums and tens of Facebook pages. The internet is sometimes also used to initiate trade. In such cases the actual transaction usually takes place in private, without disclosing information beyond the interested parties.

Several leaders appeared among the detectorists to lobby to change the law towards the abolition of obligatory permits for the search of portable monuments and the State ownership of the discovered historical and archaeological objects, as well as the introduction of the system of purchasing the finds by the State. All those “spokesmen” put themselves in opposition to state officials responsible for heritage management and are hostile towards that part of the scientific community that does not accept illegal metal detecting.

4 Prospects for Cooperation

Initiating the legal cooperation between the detectorist community and the Monuments Protection Officers poses several problems. It is impossible to ensure search opportunities for everyone wanting to work on legal archaeological excavations. Because of heritage protection any licensing is tantamount to limitations and could not encompass all the detectorists (similar to the system of hunting limits). The idea behind such a system is to introduce some procedure of verification of knowledge and skills needed to perform certain activities, possession of which is confirmed with the license. Furthermore, also for the sake of heritage, places for licensed metal detecting must be selected in consultation with Monuments Protection Officers and should not be chosen freely by the detectorists. The Polish state system of heritage management in its current form is unable to manage the licensing procedure and consultations, assuming that we are talking about 50,000 people. Moreover, if we somehow managed to introduce the system, the number of permits for metal detecting in specified locations per year would be five times higher than the number of permits for archaeological research. Let us ask ourselves if such a ratio is acceptable and whether the system of heritage protection was invented to satisfy all the hobbyists in a degree exceeding by far the activity of heritage professionals, or rather to keep our heritage for future generations.

Regardless of all the problems mentioned above, it is the issue of practical application of the *in situ* preservation principle which cannot be settled. While a large part of the detectorist community may accept the obligation to report discoveries and even the transfer of monuments to the State, the rule of refraining from intrusive activities seems totally unacceptable, especially for the detectorists calling themselves “treasure hunters”. According to the NHBP survey, recalled above, 23% of the respondents would like to keep their finds (8% would like to keep them in secret, 7% would show them to interested people, 8% would report the finds only if they could keep them). Some 37% would like to use the finds to gain some financial profit (8% would like to sell them, 28% would report them only if they got a financial reward). The good news is that 40% of the respondents would report their discoveries. Half of them would inform competent authorities, and the others would give their finds to a museum (e.g. Figure 2). (Source: unpublished survey data of the NHBP).

Summing up, at the moment we witness the situation in which thousands of people regularly search for historical trophies with metal detectors, and their number is growing. As time goes by the majority of them become dissatisfied with only accidental metal finds. They start to specialize, concentrating on specific heritage objects such as coins and military or prehistoric objects. The number of thus discovered finds, sites that are destroyed, or artefacts which, when found during methodical archaeological research, would be extremely valuable for science, exceeds any previous experiences of archaeology.

Treasure hunters tend to argue that portable monuments found in the ploughsoil have no archaeological context, but such simplification is harmful to archaeological heritage. The context is not only the relation between an object and a layer, but also the spatial interrelation of portable objects, which is documented during archaeological research. Analysis of spatial distribution of finds is the basic method used to determine the original place of deposition of hoards. Scientific conclusions of the entire branch of archaeology called “archaeology of battlefields” or “archaeology of conflict” also result from the aforementioned analysis, whereas the traditional stratigraphic method is not always useful. It should also be noted that before



Figure 2: Bronze Age hoard found in Rumia, Pomorskie Voivodeship, during illegal metal detecting. It was reported afterwards and transferred to the museum via the National Heritage Board of Poland in 2007, by P. Kobek © National Heritage Board of Poland.

opening an archaeological trench, we should not assume *a priori* that the object in the ploughsoil cannot be linked to a feature located below, for example a grave. Moreover, judging solely on the basis of the objects from the ploughsoil we are not able to determine whether an archaeological site affected by ploughing is destroyed entirely or only in part. If it is the former the last remains of the site are gone when objects are taken from the ploughsoil. Moreover, if it is done without proper and detailed recording, the finds are deprived of a substantial part of their scientific value, and the context, the basis for archaeological study, is lost.

We may also observe a tendency to open rivalry between the “treasure hunters” and the scientists, which in extreme cases takes the form of depreciation of archaeological heritage community and achievements of archaeology as a science. Recently the dispute between detectorists and archaeologists more and more often reaches the media. On 12th February 2016, on the *TOK FM* radio, Przemysław Urbańczyk, an archaeology professor, appeared on air in reaction to an interview with a detectorist that he had heard on the same radio the day before (Łasiczka 2016a, Łasiczka 2016b).²⁰ The professor acted as a spokesman for archaeological heritage and archaeology as a science. His arguments, consistent with the doctrine of modern heritage management, did not meet with the understanding from the host, who – despite his frequent interviews with archaeologists – did not seem to believe that archaeology was a science and its interpretations of the past were not mere fantasy. The broadcast ended with an offer of a meeting in the field between the archaeologist, the detectorist and the radio host. The archaeologist would show the detectorist how to retrieve finds with archaeological methods, the detectorist would learn and the host, as it seemed, would check whether the archaeologist was not making anything up. It was that very ending of an otherwise positive conversation that made us formulate several remarks on the prospects of cooperation with the detectorists calling themselves proudly yet untruly “archaeologists

²⁰ Radio TOK FM’s podcasts.

– amateurs” or “treasure hunters”.²¹ Why? What really happened on the *TOK FM* radio show on that day? An apparent compromise was reached, based on the archaeologist’s agreement to carry out the search that was pointless from the point of view of the science he represented and, even worse, of a destructive nature. The only justification for the search was the fact that the detectorist loved metal detecting and would surely like that very much.²² Even if the latter was two years old, it would be non-educational and hard to accept...

Detectorists, with their love for objects torn away from the original context, see archaeology as 19th century-like. Let then us, the archaeologists, remember that if we want to speak from the position of a legitimate science of the 21st century, we must not accept such optics. Meanwhile, some archaeologists are ready to do much to get accepted and, thereby, get access to interesting materials. In the most severe cases, when scientists buy previously looted objects, it results in the crime of handling stolen goods (Sabaciński 2011a, 133-134; Sabaciński 2012). There are also some scientific publications based on objects from the black market.²³ Archaeologists tend to forget that – at least in Polish reality – they will deserve respect of the “treasure hunters” only if they completely abandon their own case. Others stand up to the race designing “research” projects of “saving” objects with metal detectors from archaeological sites.²⁴ We might ask: what about the objects made of other materials and, above all, what about the context?

5 Holding our Ground

What should we do instead, regardless of the laws we work under? It is true that, as the Faro Convention puts it, we, the archaeologists, are just one of many heritage communities (Council of Europe 2005, Article 2b). But so are the detectorists. To reach the hearts and minds of others we should, therefore, hold our ground and keep presenting our arguments. We represent the science with well-defined goals and developed research methods. We know that it takes several years of university education to get a degree, and even more to excel in the field. We mostly like digging, but we are aware of its destructive and irreversible influence on archaeological heritage. We may call the documentation process “the preservation by record”, but we realise it is a mere reflection of archaeological sites that have disappeared due to archaeological research. We accept that destruction in exceptional cases. According to the Lausanne Charter, “excavation should be carried out on sites and monuments threatened by development, land-use change, looting, or natural deterioration” (ICOMOS 1990, Article 5). Excavations of unthreatened sites may be carried out in order to solve research problem or to gather knowledge needed for their presentation to the public. In such cases, however, in accordance with the principle of sustainable development, they should be partial (ICOMOS 1990: Article 5), because we deliver knowledge, not objects and, last but not least, we know that the past is written in the context. Summing up of all the above, it should not be a device that goes “ping” that drives us, but reason.

²¹ It is symptomatic that a detectorist who is the owner of the Internet portal www.archeolog.pl (en. *archaeologist.pl*) devoted to the popularisation of archaeology and the publisher of *Odkrywca* [en. Explorer] – the detectorists’ monthly, was also one of the publishers of *Archeologia Żywa* [en. Living Archaeology] the only popular magazine about archaeology in Poland published until 2012.

²² Throughout the discussion the host acted as a spokesman for the detectorist, something which happens quite often in Poland. The level of his argumentation was exactly as shown in the text.

²³ As good examples of articles based on unreported and allegedly illegally possessed finds we may quote Paszkiewicz (2009) and Borkowski (2015). The author of the former relates the whole series of buy-and-sell transactions of a medieval coin hoard, which according to the law should not have been sold as belonging to the State. He also gives details of the discovery as if he has been in touch with the finder (Paszkiewicz 2009, 123-125). In the latter, the archaeologist has turned the blind eye to the circumstances of the discovery of the 19th century rocket (Borkowski 2015, 373; Figs. 16-18). As a result, in a book on excavations from the Ordon’s Redoubt in Warsaw he published the object, which may have been found more than 100 km away from Warsaw and has already been described as such in a BA thesis (Mechliński 2010, 28-29).

²⁴ Exemplary statistics for one of the voivodeships (kujawsko – pomorskie): in 2014-2015 Institute of Prehistory of Adam Mickiewicz University in Poznan, received permissions for the “rescue” of metal objects from at least 120 hectares of 34 previously known archaeological sites. Many of them lay within research interests of the head of the research (Data: NID). It is noteworthy that protection against the detectorists was the main justification for the project.

On the practical level, combating and preventing illegal search with the use of metal detectors, looting heritage objects and illicit trade and collecting should be carried out on many levels. Raising social awareness of the value of cultural heritage and existing legislation, as it was rightly pointed out by Kobyliński and Szpanowski (2009, 22), is the key to overcome the indifference and passiveness of society confronted with illegal excavations and search for archaeological and historical trophies. In Poland that strategy has been implemented only for several years (Florjanowicz 2011). Clear classification of looting of archaeological sites and trafficking archaeological objects as crimes, combating them with consequence and publicizing the success stories are also indispensable. In order to achieve these goals the NHBP has developed the only nationwide system of combating and preventing crimes against archaeological heritage. The system initiated and managed by one of the authors, Marcin Sabaciński, is based on trainings for officers of the Police, the Customs and the Border Guard (Skaldawski 2011). Within the system the NHBP also publishes training materials and leaflets and support the above services in conducting cases related to cultural heritage. We offer training on the protection of archaeological heritage to other recipients, which includes associations of archaeologists and detectorists. We also monitor the internet trade. We have signed an agreement on cooperation with the biggest internet auction portal in Poland – *Allegro* (15 000 000 registered users in 2015), which allows us to block suspicious transactions concerning monuments (Sabaciński 2011b). News on reported finds or objects taken by the police from illegal possessors that have been appearing quite regularly in the media let us believe that the strategy is finally working, and give us hope for the future.

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