

pca

european journal of
postclassicalarchaeologies

volume 9/2019

SAP Società Archeologica s.r.l.

Mantova 2019

EDITORS

Gian Pietro Brogiolo (chief editor)

Alexandra Chavarría (executive editor)

ADVISORY BOARD

Martin Carver (University of York)

Matthew H. Johnson (Northwestern University of Chicago)

Giuliano Volpe (Università degli Studi di Foggia)

Marco Valenti (Università degli Studi di Siena)

ASSISTANT EDITOR

Francesca Benetti

LANGUAGE EDITOR

Rebecca Devlin (University of Louisville)

EDITORIAL BOARD

Paul Arthur (Università del Salento)

Margarita Díaz-Andreu (ICREA - Universitat de Barcelona)

José M. Martín Civantos (Universidad de Granada)

Girolamo Fiorentino (Università del Salento)

Caterina Giostra (Università Cattolica del Sacro Cuore di Milano)

Susanne Hakenbeck (University of Cambridge)

Vasco La Salvia (Università degli Studi G. D'Annunzio di Chieti e Pescara)

Bastien Lefebvre (Université Toulouse - Jean Jaurès)

Alberto León (Universidad de Córdoba)

Tamara Lawit (Trinity College - University of Melbourne)

Federico Marazzi (Università degli Studi Suor Orsola Benincasa di Napoli)

Dieter Quast (Römisch-Germanisches Zentralmuseum Mainz)

Andrew Reynolds (University College London)

Mauro Rottoli (Laboratorio di archeobiologia dei Musei Civici di Como)

Colin Rynne (University College Cork)

Post-Classical Archaeologies (PCA) is an independent, international, peer-reviewed journal devoted to the communication of post-classical research. PCA publishes a variety of manuscript types, including original research, discussions and review articles. Topics of interest include all subjects that relate to the science and practice of archaeology, particularly multidisciplinary research which use specialist methodologies, such as zooarchaeology, paleobotany, archaeometallurgy, archaeometry, spatial analysis, as well as other experimental methodologies applied to the archaeology of post-classical Europe.

Submission of a manuscript implies that the work has not been published before, that it is not under consideration for publication elsewhere and that it has been approved by all co-authors. Each author must clear reproduction rights for any photos or illustration, credited to a third party that he wishes to use (including content found on the Internet). For more information about **ethics** (including plagiarism), copyright practices and guidelines please visit the web site www.postclassical.it.

PCA is published once a year in May, starting in 2011. Manuscripts should be submitted to editor@postclassical.it in accordance to the guidelines for contributors in the webpage <http://www.postclassical.it>

Post-Classical Archaeologies's manuscript **review process** is rigorous and is intended to identify the strengths and weaknesses in each submitted manuscript, to determine which manuscripts are suitable for publication, and to work with the authors to improve their manuscript prior to publication.

This journal has the option to publish in **open access**. For information please visit the web site www.postclassical.it

How to **quote**: please use "PCA" as abbreviation and "European Journal of Post-Classical Archaeologies" as full title.

Cover image: statue of Mont'e Prama (from F. Pinna with modifications).

"Post-Classical Archaeologies" is indexed in Scopus. It was approved on 2015-05-13 according to ERIH PLUS criteria for inclusion and indexed in Carhus+2018. Classified A by ANVUR (Agenzia Nazionale di Valutazione del sistema Universitario e della Ricerca).

DESIGN

Paolo Vedovetto

PUBLISHER

SAP Società Archeologica s.r.l.
Strada Fienili 39/a, 46020 Quingentole, Mantova
www.archeologica.it

Authorised by Mantua court no. 4/2011 of April 8, 2011

For subscription and all other information visit the web site www.postclassical.it

CONTENTS PAGES

EDITORIAL	5
RESEARCH - PARTICIPATORY RESEARCH IN ARCHAEOLOGY. LEGAL ISSUES AND GOOD PRACTICES	
A. Olivier Socialising heritage: polity and praxis	9
G. Tully Skills, ethics and approaches: an introduction to 'the basics' of participatory archaeology	35
A. Castillo Mena Participative processes in cultural heritage management. Methodology and critical results based on experiences within the Spanish World Heritage context	61
B. Wilkins A theory of change and evaluative framework for measuring the social impact of public participation in archaeology	77
G.P. Brogiolo, A. Chavarría Arnau Archaeology for local communities in Northern Italy: experiences of participatory research in an adverse legal framework	101
F. Pinna Archeologia e costruzione partecipata dell'identità locale: percorsi di archeologia di comunità in Sardegna	123
S. Thomas Doing public participatory archaeology with "difficult" conflict heritage: experiences from Finnish Lapland and the Scottish Highlands	147
F. Benetti, C.P. Santacroce In the public interest? Archaeological research, permits and public participation in Italy	169
K. Möller Will they or won't they? German heritage laws, public participation and the Faro Convention	199
R. Karl Authorities and subjects? The legal framework for public participation in Austrian archaeology	219

M. Rizner Participatory research in archaeology in Croatia: between law and practice 257

L. Delgado Anés, J.M. Martín Civantos The legal framework of cultural landscapes in Andalusia (Spain): limits and possibilities of public participation from an archaeological perspective 269

K.A. Pyburn Archaeology by, for, and about the public 291

BEYOND THE THEME

E. Zanini Trama e ordito di un territorio: un esperimento tra (micro) *Big History* e archeologia pubblica a Vignale di Maremma (Toscana) 303

C. Citter From roads to mobility. A theoretical framework and a case study to investigate the medieval connections network 325

F. Sogliani, D. Roubis The discovery of the monastic settlement of Jure Vetere (S. Giovanni in Fiore, Calabria, Italy): a multidisciplinary project of landscape archaeology 343

RETROSPECT

T. O’Keeffe The archaeology of Ireland’s long middle ages: retrospective and prospective 365

PROJECT

L. Band CITIZAN 2015-2018 and 2019-2021, a community archaeology project past and future: successes, challenges, potential solutions 399

REVIEWS

S. Rippon, *Kingdom, Civitas, and County. The Evolution of Territorial Identity in the English Landscape* - by **G.P. Brogiolo**

W. Scheidel, *The Science of Roman History: Biology, Climate, and the Future of the Past* - by **M. Fecchio**

A. Izdebski, M. Mulryan, *Environment and Society in the Long Late Antiquity* - by **M. Rottoli**

M. Marinato, *Alimentazione, salute e mobilità della popolazione in Italia settentrionale tra IV e VIII secolo. Approcci bioarcheologici* - by **P.M. De Marchi**

V. Amorós Ruiz, *El Tolmo de Minateda en la Alta Edad Media. Cerámica y Contexto* - by **J. Sarabia**

B. Lefebvre, *La formation d’un tissu urbain à Tours. De l’amphithéâtre antique au quartier canonial* - by **M.-A. Causarano**

A. Chavarría Arnau, M.-A. Causarano (eds), *La memoria culturale dell’Oltresarca trentino. Paesaggi, persone e storie di pietre* - by **V. Higgins**

Katharina Möller*

Will they or won't they? German heritage laws, public participation and the Faro Convention

Cultural heritage is protected through a framework of national heritage laws and international treaties. While these regulate access to a certain extent, they do not necessarily try to limit it to heritage professionals. A good example is the Council of Europe's (CoE) Faro Convention, which states that access to cultural heritage is a right and that the public should be included in a process of democratic participation. While Germany has not yet signed the Faro Convention, the CoE treaty is a good example of what genuine participation should entail. Therefore, in this paper, it is used as a baseline to analyse three of the 16 German heritage laws, namely those of Baden-Württemberg, Bavaria and Schleswig-Holstein, in regard to public participation. Through this analysis the situation in Germany is assessed.

Keywords: public participation, heritage law, Germany, Faro Convention

Il patrimonio culturale è protetto sia dal sistema normativo nazionale che da trattati internazionali. Nonostante questi ne regolino l'accesso, non necessariamente lo limitano ai professionisti del patrimonio culturale. Un buon esempio è la Convenzione di Faro del Council of Europe (CoE), che dice che l'accesso al patrimonio culturale è un diritto e che il pubblico dovrebbe essere incluso tramite un processo di partecipazione democratica. Anche se la Germania non ha ancora firmato la Convenzione di Faro, il trattato del CoE è un buon esempio di ciò che una partecipazione genuina dovrebbe implicare. Dunque, in questo articolo questa è usata come guida per analizzare il tema della partecipazione pubblica in tre delle sedici leggi tedesche per il patrimonio culturale, ovvero quelle di Baden-Württemberg, Bavaria e Schleswig-Holstein. Attraverso questa analisi viene effettuata una valutazione della situazione in Germania.

Parole chiave: partecipazione pubblica, legge per il patrimonio culturale, Germania, Convenzione di Faro

1. Introduction

Opinions and practices regarding public participation in archaeology vary widely. In some countries, like the United Kingdom, it is common practice in both excavations and non-invasive research projects to work with volunteers and a vast number of projects with a public participation element can easily be found online (see for example Current Archaeology

* Prifysgol Bangor University, School of History, Philosophy and Social Sciences, Bangor, UK.
k.moeller@bangor.ac.uk

2018; MicroPasts 2018). In other countries, such as the Netherlands or Italy, the attitude towards public participation is vastly different and opportunities for volunteers are much rarer (see van den Dries 2014, p. 69; Benetti, Santacroce this volume).

Aside from national policies there are also a range of international treaties that deal with public participation. The most well-known is probably the so-called Faro Convention (CoE 2005). This document in turn refers repeatedly to the United Nations Universal Declaration of Human Rights (1948), which states that “[e]veryone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits” (UDHR 1948, Art. 27 (1)). Furthermore, the principle of freedom of scientific research, which has previously been used as an argument for public participation (Karl 2016, 23-24), can be found in other documents, for example, in Art. 13 of the Charta of Fundamental Rights of the European Union (2012) and Art. 5 (3) of the German Constitution (GG 1949).

The following article is based on a presentation given at the “Participatory Research in Archaeology. Archaeology for the future? Legal issues and good practices” Spring School in Canale di Tenno in April 2018 organised by the University of Padua and the Museum of Alto Garda¹. It discusses the Faro Convention as an exemplary framework of public participation practices in archaeology, before looking at German heritage laws. Based on three case studies, it examines whether the respective laws would allow for public participation as outlined in the Faro Convention or whether changes to either the law or administrative policies are necessary to facilitate public participation in archaeology in Germany.

2. The Faro Convention

In 2005 the Council of Europe (CoE) issued the “Framework Convention on the Value of Cultural Heritage for Society”. Often referred to as the Faro Convention, due to being first opened for signature in Faro (Portugal), it came into force in 2011 once it had been signed by 10 member states (CoE 2018a). At the time of writing, the treaty has been signed by 23 states and ratified by 18 (CoE 2018b).

The Faro Convention “recognise[s] that rights relating to cultural heritage are inherent in the right to participate in cultural life, as defined in the Universal Declaration of Human Rights” (CoE 2005a, Art. 1a, cf.

¹ The author would like to thank the organisers and funders of the Spring School for the award of a scholarship to attend the Spring School.

UDHR 1948, Art. 27 (1)). Art. 4 outlines the rights and responsibilities regarding cultural heritage, stating that “everyone, alone or collectively, has the right to benefit from the cultural heritage and to contribute towards its enrichment” (CoE 2005, Art. 4a) and that this “right to cultural heritage may be subject only to those restrictions which are necessary in a democratic society for the protection of the public interest and the rights and freedoms of others” (CoE 2005, Art. 4c). Furthermore, the explanatory report to the convention clearly states that while non-participation is also an option, it must be a choice rather than an enforced state (CoE 2005b, p. 7).

Despite the fact that CoE Framework Conventions such as the Faro Convention do not “create enforceable rights” (CoE 2005a, Art. 6c), signatories are expected to adopt a legal framework that allows the public to exercise the right outlined in Art. 4 (CoE 2005a, Art. 5c). In addition, they should aim to “encourage everyone to participate in the process of identification, study, interpretation, protection, conservation and presentation of the cultural heritage” (CoE 2005, Art. 12a) and “improve access” (CoE 2005, Art. 12d) to cultural heritage.

However, the Faro Convention is not just about participation in research and contribution towards the creation of cultural heritage, but also about “public responsibilities for cultural heritage” (Art. 11) and a “democratic participation” (Art. 12), that “involve[s] all members of society in a rationale of democratic governance in all matters connected with the cultural heritage” (CoE 2005b, p. 11). For example, “legal, financial and professional frameworks which make possible joint action by public authorities, experts, owners, investors, businesses, non-governmental organisations and civil society” (CoE 2005a, Art. 11b) should be developed and “voluntary initiatives which complement the roles of public authorities” should be “respect[ed] and encourage[d]” (CoE 2005a, Art. 11d). In addition, “the role of voluntary organisations both as partners in activities and as constructive critics of cultural heritage policies” (CoE 2005, Art. 12c) should be recognised. These examples show a clear desire for collaboration between the public and professional bodies in regard to heritage management.

Since archaeology is undeniably part of ‘cultural heritage’, the Faro Convention can be used as a benchmark for possible public participation practices in archaeology. To be compatible with the Faro Convention these should include participation in research as well as in the heritage management sector. The call for democratic participation also clearly shows that the Faro Convention aims for a partnership between heritage professionals and the public that is based on mutual respect and an exchange of ideas, rather than a system with a firm top-down approach.

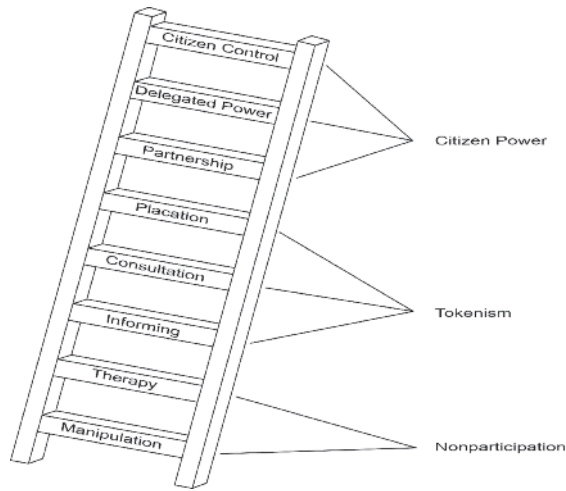


Fig. 1. Arnstein's ladder of citizen participation (Arnstein 2003, p. 246).

However, as Arnstein demonstrated in her seminal paper *"A Ladder of Citizen Participation"*, which was first published in 1969, not everything that is referred to as participation actually deserves this label. Real, genuine participation, according to Arnstein (2003, p. 246), is not possible without a shift in power dynamics. Hence, her model of different levels of public participation (fig. 1) is based on the public's *"power in determining the end product"* (Arnstein 2003, p. 246). The varying degrees of participation range from nonparticipation, measures which aim to cure or educate rather than empower, to tokenism, which allows the public to state their opinion, but does not give them any real power to influence decisions, and actual levels of citizen power, which allows the public to influence decision-making (Arnstein 2003, pp. 246-247). Looking at the content of Art. 11 and 12 of the Faro Convention, which include demands for joint actions (CoE 2005a, Art. 11b), respect for voluntary initiatives (CoE 2005a, Art. 11d) and the recognition of voluntary organisations as partners (CoE 2005, Art. 12c), it is clear that the CoE treaty aims for a level of participation that Arnstein calls partnership, where the public has the power to "negotiate and engage in trade-offs with traditional power holders" (Arnstein 2003, p. 247). Hence, to be compatible with the level of public participation outlined in the Faro Convention, it is not enough to simply enable the public to take part in research activities. Rather, interested parties need to be involved in decision making processes to the extent that they can influence the outcome.

3. Heritage Laws in Germany

Despite the fact that Germany, like many other states, has not yet signed (let alone ratified) the Faro Convention, this CoE treaty is a good example of what genuine participation should entail. As such, it is a good baseline for comparison and will be used accordingly in the following analysis of German heritage laws.

Germany is a federal republic consisting of 16 states. The powers of the federal republic and the separate states are defined in the *Grundgesetz* 1949, the German constitution. This includes legislative powers, which unless stated otherwise in the constitution, are a state matter. Since education and culture are within the power of the states (Martin, Krautzberger 2010, p. 97), each state has its own heritage law. The only heritage related aspect that is dealt with in the Grundgesetz (GG), and as such on a federal level, is the export of cultural assets (GG 1949, Art. 73.5a).

As mentioned above, the German constitution also contains an article on freedom of research (GG 1949, Art. 5 (3)). This constitutionally guaranteed right is not limited to academics and other professionals, but applies to anyone who conducts research "on their own authority and scientifically"² (Jarass, Pieroth 2016, p. 241). Hence, it also applies to private citizens (Davydov 2017, p. 7). However, since the research has to be conducted 'scientifically', this particular right can only be exercised by those who conduct proper academic research and use the proper methodology (Krischok 2016, pp. 129-130; Martin, Krautzberger 2010, p. 888). According to Davydov (2017, p. 7), this cannot be said for all interested members of the public who want to conduct their own research. He furthermore argues that even constitutional rights can be restricted under specific circumstances (Davydov 2017, p. 8) and rates the state's duty to protect heritage as equally, if not more important than the right to participate (Davydov 2017, p. 9). This view is not uncontested (Karl 2018). However, this issue shall not be further discussed here. Instead, the German heritage laws shall be examined more closely to determine the scope of the restrictions for research and public participation.

Overall the 16 German heritage laws are fairly similar. However, there are some key differences. According to Davydov (2017, pp. 4-6) they can be divided into three categories based on circumstances under which a permit from the responsible heritage agency is required to carry out work and/or research. The deciding factor for when a permit is need-

² „Die Wissenschaftsfreiheit steht jedem zu, der eigenverantwortlich in wissenschaftlicher Weise tätig ist oder tätig werden will“ (Jarass, Pieroth 2016, p. 241).

	Subjective aim	Subjective and objective aim	Objective aim
Based on	intent	intent + knowledge	knowledge
Permit required for	activities carried out with the intent to find or excavate heritage sites/finds	activities carried out with the intent to find or excavate heritage sites/finds and all excavations in areas where heritage sites are known or presumed to be	all activities which could lead to the discovery of heritage sites/finds in areas where heritage sites are known or presumed to be
Federal States	<ul style="list-style-type: none"> - Baden-Württemberg - Berlin - Brandenburg - Bremen - Hesse - Mecklenburg-West Pomerania - North Rhine-Westphalia - Thuringia 	<ul style="list-style-type: none"> - Bavaria - Hamburg - Lower Saxony - Rhineland-Palatinate - Saarland - Saxony - Saxony-Anhalt 	<ul style="list-style-type: none"> - Schleswig-Holstein

Tab. 1. The German heritage laws divided into three categories based on the requirements for research permits (based on Davydov 2017, pp. 4-6).

ed is the aim of the work that is carried out (tab 1). Some states only require a permit if the aim is subjective, i.e. the intention is to search for and/or find archaeology, others require a permit if the aim is either subjective or objective, i.e. there is an intention to search for and/or find archaeology or the work is conducted in areas where heritage sites are known or presumed to be. Last but not least, in the state of Schleswig-Holstein a permit is required if the aim is objective, i.e. for all activities which could lead to the discovery of heritage sites and/or finds in areas where heritage sites are known or presumed to be.

Since it is not possible to discuss all 16 heritage laws in detail in this paper, three case studies (fig. 2), one for each of the three categories, are examined in more detail below to highlight differences in regard to public participation, both in policy and practice. Since Schleswig-Holstein is the only state where the requirement for a research permit is an objective aim, this state is used as a case study for the third category. Bavaria was chosen for the second category, because it has the most liberal heritage law in Germany. Furthermore, the state heritage agency has a very active public participation programme. As such, the southern German state is a prime example when discussing public participation in Germany and should not be left out. In contrast, both the law and the



Fig. 2. Map of Germany and its federal states with the states used as case studies in this article highlighted in grey (© GeoBasis-DE / BKG 2018, data changed).

implementation through the heritage agency in Baden-Württemberg are very restrictive. Therefore, by choosing this particular state for the first category, a broad range of the different heritage laws and practices in Germany can be covered in this article.

3.1. Case study: Baden-Württemberg

Baden-Württemberg is one of the German states where a permit is needed when the aim of the planned work is subjective, i.e. based on intent. A permit is required for all activities carried out with the intent to find or excavate heritage sites and/or archaeological finds (see also Davydov 2017, p. 5). §21 of the state heritage law (DSchG BW 1983) states that “[r]esearch, especially excavations, with the aim to discover cultural monuments requires a permit”³. Such a permit can be issued by the Landesamt für Denkmalpflege Baden-Württemberg. In addition, “areas that based on well-founded assumptions may contain cultural

³ „Nachforschungen, insbesondere Grabungen, mit dem Ziel, Kulturdenkmale zu entdecken, bedürfen der Genehmigung“ (DSchG BW 1983, §21).

monuments of particular importance”⁴ can be designated as heritage conservation areas according to §22 DSchG. In these areas, all works that could lead to the discovery of cultural monuments, whether it is the intended aim or not, require a permit. The only exception are already established practices of agricultural or forestry use (DSchG BW 1983, §22 (2)). However, outside of designated heritage conservation areas, activities which do not aim to discover cultural monuments are not restricted (Strobl, Sieche 2010, p. 264).

According to §2 cultural monuments are defined as “sites or objects, as well as groups and parts thereof, which should be preserved in the public interest based on scientific, artistic or local historic grounds” (DSchG BW 1983, §2 (1)). In addition, particularly important cultural monuments are included in a list of protected monuments (DSchG BW 1983, §12 (1)). This list is not generally accessible to the public. However, it can be accessed if a well-founded interest exists (DSchG BW 1983, §14 (2)). According to Strobl and Sieche (2010, p. 221) such an interest can be of a scientific or historic nature.

All in all the DSchG BW is rather restrictive. A permit is needed for any kind of research that aims to find heritage. This includes activities such as field walking, geomagnetic surveys and metal detecting (Strobl, Sieche 2010, p. 263). Furthermore, while an interest of a scientific or historic nature is deemed sufficient to get access to the list of protected monuments, the applicant may need to prove that their interest is valid (Strobl, Sieche 2010, p. 221). It is possible that this could prove to be a barrier for private individuals.

However, while a permit is required to conduct research, there is no restriction in the law as to who can apply for a permit. This means that, at least in theory, it is possible for anyone to apply for and be granted a permit to conduct research. However, to minimize the risk of damage to or loss of cultural heritage, the applicant needs to be able to conduct the proposed research according to professional standards (Strobl, Sieche 2010, p. 264). That this might prove to be a barrier for laymen can be seen in the context of metal detecting, as the website of the Landesamt states that private individuals cannot get a permit for this particular activity⁵ (LfD BW 2018a). This is due to the risk of destruction of archaeological contexts if objects are not excavated and recorded according to professional standards (LfD BW 2018a). This shows clearly that at least in

⁴ „Die untere Denkmalschutzbehörde ist ermächtigt, Gebiete, die begründeter Vermutung nach Kulturdenkmale von besonderer Bedeutung bergen, durch Rechtsverordnung zu Grabungsschutzgebieten zu erklären“ (DSchG BW 1983, §22 (1)).

⁵ „Privatpersonen kann in der Regel für das planmäßige Suchen nach verborgenen Bodendenkmalen mit Metallsonden keine Genehmigung erteilt werden“ (LfD BW 2018a).

some cases the heritage agency's practice seems to limit who can get a permit for certain types of research, even though the law does not explicitly state that private individuals cannot apply for a permit. It further suggests that it might generally be difficult, if not impossible, for anyone who is not a professionally trained archaeologist to conduct their own research.

Despite the negative attitude towards private metal detecting (LfD BW 2018a), the state heritage agency offers detectorists the option to work with the agency. Interested members of the public need to participate in a two-day workshop, where they are taught about topics such as "heritage law, duties and methods of archaeological heritage management, prehistoric, medieval, and modern periods, cultures and finds, documentation, recording finds location and reporting of finds, behaviour in case of the discovery of ammunitions and bombs and conservation" (LfD BW 2018b). Furthermore, prospective detectorists have to take part in three systematic prospections organized by the Landesamt Baden-Württemberg. Once they are certified, they can participate in surveys organized by the Landesamt für Denkmalpflege (LfD). These surveys are only conducted in areas that are threatened by development (LfD BW 2018b). It is not possible for certified detectorists to conduct their own research outside of these organised surveys.

Another way to participate in archaeological research and heritage management in Baden-Württemberg is to volunteer with the Landesamt. The state heritage agency is working with c. 200 volunteers, who support the LfD in its various duties. Among the activities that volunteers can participate in are, for example, rescue excavations, watching briefs and inspections of known heritage sites (LfD BW 2018c). Overall, while it seems to be difficult (if not impossible) for non-professional archaeologists to conduct their own research in Baden-Württemberg, it is possible to take part in research conducted by the state heritage agency. The general approach to public participation in this particular German state seems to be very top-down, with archaeologists choosing research topics and volunteers being limited to taking part in activities designed and organised by professionals. This model of public participation seems to leave very little room for volunteers to influence and shape research strategies based on their own interests, let alone conduct their own independent research.

3.2. Case study: Bavaria

In Bavaria permits are required for activities carried out with a subjective or objective aim, i.e. activities where the intent is to find or excavate heritage sites and/or finds as well as all excavations in areas where her-

itage sites are known or presumed to be. Despite this combined approach, Bavaria has the most liberal legal system of all the German states.

Art. 7 (1) of the Bavarian heritage law (BayDSchG 1973) states that “[p]ermission is necessary for anyone wishing to excavate archaeological monuments on a property or to undertake earthworks on a property for other purposes, if he knows, or supposes, or circumstances support the assumption that archaeological monuments are located there. Permission can be refused, insofar as this is necessary for the protection of an archaeological monument”⁶. To protect archaeological monuments from other activities that could endanger them, for example, drainage works and the use of fertiliser (Eberl, Martin, Spennemann 2016, p. 252), a property that is assumed to contain archaeological monuments can be declared a heritage conservation area (BayDSchG 1973, Art. 7 (2)).

The Bavarian heritage law defines archaeological monuments as “movable and stationary monuments, which are or were located in the ground and which are generally from the prehistoric period”⁷ (BayDSchG 1973, Art. 1 (4)). Monuments in turn are defined as “manmade sites or objects or parts thereof from the past, that are worthy of preservation in the interest of the public due to their significance in the fields of history, art, urban development, science or folklore”⁸ (BayDSchG 1973, Art. 1 (1)).

Historic buildings and archaeological monuments are added to a list of protected monuments, which is accessible to anyone (BayDSchG 1973, Art. 2 (1)). In fact, it is freely available online in the form of the Bayerische Denkmal Atlas (‘Bavarian Monuments Atlas’; BLfD 2018a), an online GIS showing all monuments in Bavaria.

Of interest in connection with public participation is also Art. 13. It allows for the appointment of so-called ‘Heimatspflegern’, local heritage conservators, who “consult and support the heritage agencies and the Landesamt für Denkmalpflege in matters relating to heritage management and protection”⁹ (BayDSchG 1973, Art. 13 (1)). Heimatspfleger are volunteers tasked to protect the material and immaterial local her-

⁶ „Wer auf einem Grundstück nach Bodendenkmälern graben oder zu einem anderen Zweck Erdarbeiten auf einem Grundstück vornehmen will, obwohl er weiß oder vermutet oder den Umständen nach annehmen muß, daß sich dort Bodendenkmäler befinden, bedarf der Erlaubnis. Die Erlaubnis kann versagt werden, soweit dies zum Schutz eines Bodendenkmals erforderlich ist“ (BayDSchG 1973, Art. 7 (1)).

⁷ „Bodendenkmäler sind bewegliche und unbewegliche Denkmäler, die sich im Boden befinden oder befanden und in der Regel aus vor- oder frühgeschichtlicher Zeit stammen“ (BayDSchG 1973, Art. 1 (4)).

⁸ „Denkmäler sind von Menschen geschaffene Sachen oder Teile davon aus vergangener Zeit, deren Erhaltung wegen ihrer geschichtlichen, künstlerischen, städtebaulichen, wissenschaftlichen oder volkskundlichen Bedeutung im Interesse der Allgemeinheit liegt“ (BayDSchG 1973, Art. 1 (1)).

⁹ „Die Heimatspfleger beraten und unterstützen die Denkmalschutzbehörden und das Landesamt für Denkmalpflege in den Fragen der Denkmalpflege und des Denkmalschutzes“ (BayDSchG 1973, Art. 13 (1)).

itage, not limited to, but also including historic heritage (Eberl, Martin, Spennemann 2016, pp. 288, 290). They have a right to be heard by the heritage agencies in matters that concern them (BayDSchG 1973, Art. 13 (1)). Furthermore, in appropriate cases the heritage agencies are also supposed to “avail themselves [...] of the support of local authorities and private initiatives”¹⁰ (BayDSchG 1973, Art. 13 (2)). Suitable private initiatives could be societies or volunteers working with the archaeological branch of the LfD (Eberl, Martin, Spennemann 2016, p. 292).

While certain activities require a permit, the law does not restrict who can get such a permit. Hence, anyone can apply. Furthermore, the law clearly states that – outside of heritage conservation areas – only excavations and other earthworks require a permit. As a result, activities like field walking and to a certain degree even metal detecting do not require a permit. In the case of metal detecting a permit is only needed if the metal detectorist plans to dig for finds when he has located them (Eberl, Martin, Spennemann 2016, p. 248). However, a statement from the BLfD clearly states that permits for excavating finds will not be given, because the scientific value of the finds would be diminished by the loss of information in regard to the archaeological contexts (BLfD 2008). This shows once more that the policies of the heritage agencies are more restrictive than the actual law.

However, despite some similarities between Baden-Württemberg and Bavaria, the scope of possible research activity for hobby archaeologists in Bavaria is much broader. Not only do fewer activities require a permit, but the list of protected monuments, the Bayerische Denkmal Atlas, makes information on archaeological monuments available to anyone, which can be used for private research.

Furthermore, the Bavarian state heritage agency is actively supporting volunteers. After a deficit in the support of volunteers was identified, the two year ‘Modellprojekt Archäologie und Ehrenamt’ was initiated in 2009 (Mayer, Obst 2016, p. 32). This project resulted in the creation of two posts in the BLfD, which support and train volunteers and give advice when needed (Mayer, Obst 2016, p. 33).

Compared to other German states, volunteering with the BLfD is relatively unregulated and volunteers can choose freely how they want to contribute as long as planned activities are in keeping with the heritage law (Mayer, Obst 2016, p. 31). Furthermore, they are able to suggest research ideas and can get professional as well as financial support if needed to realize their own projects (Mayer, Obst 2016, pp. 31-37).

¹⁰ „Die Denkmalschutzbehörden und das Landesamt für Denkmalpflege sollen sich in geeigneten Fällen der Unterstützung kommunaler Stellen sowie privater Initiativen bedienen“ (BayDSchG 1973, Art. 13 (2)).

Overall, not only are volunteers in Bavaria able to volunteer with the heritage agency, they are also able to conduct their own research if they so choose. While there are still limitations as to what can be done, these are less restrictive than in other German states.

3.3. Case study: Schleswig-Holstein

Schleswig-Holstein is the only state where permits are required based on an objective aim solely based on the knowledge or the well-founded assumption that archaeology is present in the area where works are supposed to be conducted (see also Davydov 2017, p. 6). §12 of the state heritage law (DSchG SH 2015) lists many restrictions regarding what can be done to/around monuments and outlines which activities require a permit as well as which government agency has the authority to issue such a permit. Where archaeology is concerned, research permits fall under the authority of the Archäologische Landesamt Schleswig-Holstein (see §12 (2) and §3 (2) 2). They are required for “the use of archaeological methods suitable for locating cultural monuments in places known to contain cultural monuments or where there are grounds for the suspicion that some may be present”¹¹ (§12 (2) 4), “the use of technical devices suitable for locating cultural monuments”¹² (§12 (2) 5), “research, excavations or underwater salvage in places known to contain cultural monuments or where there are grounds for the suspicion that some may be present”¹³ (§12 (2) 6) and “taking into possession a cultural monument which was discovered during excavation”¹⁴ (§12 (2) 7), amongst other activities.

According to §2 (2) a cultural monument is defined as sites or objects from the past as well as groups or parts thereof, which are “worth being investigated or preserved in the public interest due to their value for history, scientific research, art, technology, urban development or the cultural landscape”¹⁵. Depending on their nature, cultural monuments are included in either a list of protected monuments or a list of protected ob-

¹¹ „[D]ie Anwendung archäologischer Methoden, die geeignet sind, Kulturdenkmale aufzufinden, an Stellen, von denen bekannt ist oder den Umständen nach zu vermuten ist, dass sich dort Kulturdenkmale befinden“ (DSchG SH 2015, §12 (2) 4).

¹² „[D]as Verwenden von Mess- und Suchgeräten, die geeignet sind, Kulturdenkmale aufzufinden, ohne dazu nach anderen Rechtsvorschriften befugt zu sein“ (DSchG SH 2015, §12 (2) 5).

¹³ „Nachforschungen, Erdarbeiten oder taucherische Bergungen an Stellen, von denen bekannt ist oder den Umständen nach zu vermuten ist, dass sich dort Kulturdenkmale befinden, ohne dazu nach anderen Rechtsvorschriften befugt zu sein“ (DSchG SH 2015, §12 (2) 6).

¹⁴ „[D]ie ganze oder teilweise Inbesitznahme eines durch Grabung oder durch taucherische Bergung zu Tage getretenen Kulturdenkmals (DSchG SH 2015, §12 (2) 7).

¹⁵ „Sachen, Gruppen von Sachen oder Teile von Sachen aus vergangener Zeit, deren Erforschung oder Erhaltung wegen ihres besonderen geschichtlichen, wissenschaftlichen, künstlerischen, techni-

jects. While monuments are protected by law even if they are not listed, objects are only protected once they have been listed (DSchG SH 2015, §8 (1) & §9 (1)). The list of protected monuments is accessible online (LfD SH 2018). However, the separate list for portable cultural monuments is not publicly accessible (DSchG SH 2015, §9 (2)).

While the search for cultural monuments requires a permit, there is no restriction on who can apply for one. In addition, §5 DSchG SH 2015 allows the appointment of volunteers, who take up responsibilities in regard to cultural monuments in their local area (GVOBl. Schl.-H. 2015, § 1 (2) 2). Volunteers need to be “suitable on a personal and technical level”¹⁶, which includes “knowledge or experience in heritage protection and heritage management” (GVOBl. Schl.-H. 2015, § 1 (2) 1; see also note 16). Furthermore, since 2005, the Archäologische Landesamt Schleswig-Holstein is working closely with metal detectorists (ALSH 2018a). By law a permit for metal detecting is required (DSchG SH 2015, (§12 (2) 5). A permit for detecting on beaches can be requested informally, as any finds likely to be made have usually “already been removed from their archaeological context through natural erosion processes”¹⁷ (ALSH 2018b). However, such a permit only gives authorisation for near-surface searches on beaches (ALSH 2018b). To receive a metal detecting permit that is valid in other areas, a two-day workshop has to be completed. The programme includes topics such as archaeological periods, conservation and the correct behaviour when encountering bombs and ammunitions from both World Wars. Practical training is provided by qualified detectorists ahead of the workshop and the learned knowledge will be assessed through a practical test in the field. Aside from receiving a permit to detect in a specified area, certified detectorists can also get involved in research conducted by the Archäologische Landesamt Schleswig-Holstein (ALSH 2018a).

While more restrictive than its Bavarian equivalent, in the sense that more activities require a permit, the heritage law in Schleswig-Holstein is less restrictive than the law in Baden-Württemberg. After all, the list of protected monuments is available online, which enables everyone to conduct desk based research, and certified metal detectorists can also conduct their own research within the conditions of the permit issued by the state heritage agency.

schen, städtebaulichen oder die Kulturlandschaft prägenden Wertes im öffentlichen Interesse liegen“ (DSchG SH 2015, §2 (2)).

¹⁶ „Die zu bestellenden Personen müssen persönlich und fachlich geeignet sein. Sie sollen insbesondere 1. Kenntnisse oder Erfahrungen in Denkmalschutz und Denkmalpflege besitzen (...)“ (GVOBl. Schl.-H. 2015, § 1 (2) 1).

¹⁷ „In der Regel sind die Funde jedoch bereits durch erosive Prozesse wie Küstenabbrüche, Brandung etc. auf natürlichem Weg ihres Zusammenhanges beraubt“ (ALSH 2018b).

4. Theory vs. Practice

As the three case studies show, the restrictions placed on archaeological research vary from state to state. The fact that restrictions exist does not mean that the laws do not allow public participation or are not compatible with the Faro Convention. While the Faro Convention states that everyone has a right to cultural heritage, this right can be restricted (CoE 2005, Art. 4c). As such, the fact that certain activities in regard to archaeology require permits in Germany is compatible with the Faro Convention¹⁸, as long as everyone can apply for and receive a permit. However, if certain members of the public are generally excluded from receiving a permit, as is the case with metal detectorists in Baden-Württemberg, it is questionable whether this is within the realm of 'necessary restrictions' in the context of the Faro Convention. Even certified detectorists are very limited in terms of where they can pursue their hobby in Baden-Württemberg, as they are only allowed to participate in surveys organized by the LfD. The same can be said for Bavaria. While only excavations require a permit in this state, and as such, metal detecting without digging is not restricted, the fact that metal detectorists will not receive a permit for excavating finds, excludes them to a certain extent. In comparison, the situation in Schleswig-Holstein is much more in line with the democratic participation promoted by the Faro Convention. While metal detectorists in Schleswig-Holstein need a permit from the state heritage agency, once they are certified and have received their permit, they are free to metal detect in an area agreed upon with the heritage agency and can conduct their own research with comparably few restrictions. The fact that Schleswig-Holstein is not the only German state that allows certified metal detectorists to conduct their own surveys, indicates that some German heritage agencies see a value in the research conducted by metal detectorists rather than just a threat to archaeology, as seems to be the stance of the LfD in Baden-Württemberg. The difference in opinion shows that these restrictions cannot be seen as absolutely necessary for the protection of heritage. If this were the case, the policies regarding metal detecting in Germany would not vary as much as they do. Therefore, it is doubtful whether the strict regulations in Baden-Württemberg and Bavaria can be seen as compatible with Art. 4c of the Faro Convention. In addition, this example shows that it is not necessarily the actual law that is the issue when it comes

¹⁸ Other countries who already have or are in the process of ratifying the Faro Convention like Austria and Italy also require permits for archaeological field work (see contributions by Benetti, Santacroce and Karl in this volume).

to public participation, but rather the interpretation and implementation by the heritage agencies.

Another important issue connected to restrictions is that in cases where the heritage agencies' policies require applicants to fulfil certain conditions that are outside of the applicants control to receive a permit, they need to ensure that necessary provisions are put in place that enable applicants to fulfil those condition. Unfortunately, this is not always the case as can be seen with the obligatory workshops that need to be attended to receive a permit for metal detecting (see Möller, Karl 2017, 55). In 2016, for example, the state heritage agency in Hamburg was not able to offer workshops for metal detectorists, because they were lacking the necessary resources. As a result, it was not possible for private individuals to receive a metal detecting permit (pers. com., 17/08/2016). This seems to be a recurring problem in more than one German state. At the time of writing, the Landesamt in Schleswig-Holstein is not accepting new applications for metal detecting workshops due to "high demand" (ALSH 2018a). These examples show that it is not enough that the "legislative provisions [...] for exercising the right to cultural heritage" referred to in Art. 5c of the Faro Convention exist to ensure public participation. The heritage agencies also need to be able to implement them properly. Otherwise these provisions are more of a hindrance rather than a tool to ensure that people can exercise their rights.

Aside from active participation, the Faro Convention further aims to make cultural heritage more accessible (CoE 2005, Art. 12d). In those German states where information on archaeological sites is available online, as is the case in Bavaria and Schleswig-Holstein for example, it can be argued that heritage is accessible. With the Online GIS "Bayerischer Denkmal Atlas" the Bavarian list of heritage sites is a particularly good example that is very accessible. In states like Baden-Württemberg, where the list of protected monuments is not easily accessible, there is clearly room for improvement regarding accessibility. As mentioned above in connection with metal detecting, the fact that access to the list of heritage sites is handled differently in different German states shows that there is no consensus that restricting access is a requirement to better protect archaeology. Therefore, as all German heritage laws require the heritage agencies to protect heritage in the interest of the public, this does not seem to be a case were restrictions are necessary to protect said interests (CoE 2005, Art. 4c), unless one wants to argue that some German states do not take their responsibilities seriously.

Just like participation in research, the available options for participation in heritage management differ from state to state. In Baden-Württemberg there is very little opportunity for members of the public to in-

fluence or participate in heritage management. Schleswig-Holstein offers more opportunities through Art. 5 of the law, which allows for the appointment of volunteers who take over responsibilities for local heritage and as such are involved in heritage management to a certain extent. Of the three examples, Bavaria comes closest to the democratic participation outlined in the Faro Convention. Here the law not only contains provisions for local heritage conservators, but also calls upon the heritage agency to work with “private initiatives” (BayDSchG Art 13). These regulations are comparable to those in Art. 11 and 12 of the Faro Convention which mention joint actions and co-operation between public authorities and other parties (CoE 2005, Art. 11b & c), demand respect for voluntary initiatives (CoE 2005, Art. 11d) as well as the recognition of voluntary organisations as partners (CoE 2005, Art. 12c).

As can be seen from the examples discussed above for the states of Baden-Württemberg, Bavaria and Schleswig-Holstein, public participation is possible in Germany – at least to a certain extent. All three states work with volunteers. However, the degree of cooperation varies significantly, as does the level of democratic participation. While participatory options in Baden-Württemberg are very limited and not democratic, Schleswig-Holstein, despite the still relative restrictive law in terms of activities which require a permit, at least does not exclude certain members of the public from applying for a permit. Furthermore, members of the public are able to conduct their own research, even though some activities may be subject to restrictions. Of all three states Bavaria has the least restrictive policies, which allow for democratic participation to a certain extent. Restrictions only apply where digging is involved and the Landesamt actively supports volunteer research. Furthermore, the law includes provisions for public participation in heritage management.

Aside from the varying laws and policies, another issue is a general attitude towards public participation that is not necessarily positive. While it is acknowledged that the work of volunteers plays a vital part in heritage protection, it is also often referred to as a tool to lighten the load of the professionals (Planck 2002, p. 105; Keller 2002, p. 108). In an article published on the website of the Hessian heritage agency, the Landesamt für Denkmalpflege Hessen, Dimitrij Davydov, the agency's chief legal officer, argues that while public participation is seen as providing essential support for the underfunded state agencies (Davydov 2017, p. 1), it is only sensible as long as it does not require too many resources (e.g. for training and supervision), but rather benefits them by lightening their load (Davydov 2017, p. 10). This view of public participation does not indicate any intention to empower the public, as is required for actual participation not just according to Arnstein (2003, p. 246) but

also as outlined in academic debates on archaeological participation and public archaeology (e.g. Holtorf 2007, pp. 157-161; Olivier 2016, pp. 15-16; Thomas 2017, p. 30). Instead, it seems to only benefit and empower the state heritage agencies. It furthermore is not compatible with the spirit of the Faro Convention, because it advocates practices that are much more restrictive than would be necessary to protect the public interest or rights of others (cf. CoE 2005, Art. 4c).

5. Conclusion

The framework of public participation outlined in the Faro Convention requires genuine participation, which allows the public to influence decisions rather than just take part in processes imposed by a top-down approach.

The examples of German heritage laws discussed above show that provisions in regard to public participation vary from state to state. It has to be noted though that none of the laws generally exclude public participation. Rather, instead of the laws, it seems to be the heritage agencies' policies and attitude towards public participation that limit the scope of participation. These limitations can be quite restrictive and, therefore, are not always compatible with the Faro Convention.

This is the case particularly in states with a strict top-down approach to public participation like Baden-Württemberg, where interested members of the public can take part in research organised by professionals, but are not able to conduct their own research. The fact that other German states are less restrictive shows that there is no consensus that strict restrictions are necessary to protect the public interest or the rights of others in archaeology. Therefore, they cannot fall under the restrictions allowed under Art. 4c of the Faro Convention.

Furthermore, while volunteers can take part in research conducted by the state heritage agencies in all three states used as case studies in this article, and are even able to conduct their own research in Schleswig-Holstein and Bavaria to a certain extent, democratic participation is not always possible. Of the three examples discussed, the law and policies in Bavaria come closest to the type of democratic participation outlined in the Faro Convention. However, even in this particular state some stricter regulations (i.e. in regard to metal detecting) apply.

Looking at the results above, it is clear that not all policies in German heritage management are compatible with the Faro Convention. Therefore, to achieve genuine democratic participation in Germany, policies and attitudes toward public participation have to change. While some federal states are clearly on the right path, other still have a long way to go.

References

ABBREVIATION

BW = Baden-Württemberg.

DSchG = Denkmalschutzgesetz (heritage law).

GG = Grundgesetz (constitution).

LfD = Landesamt für Denkmalpflege (state heritage agency).

SH = Schleswig-Holstein.

BIBLIOGRAPHY

- ALSH 2018a, *Zertifizierungskurse am ALSH*, <https://www.schleswig-holstein.de/DE/Landesregierung/ALSH/Detektorinfos/Zertifizierung/zertifizierungskurse.html> (accessed 13/12/2018).
- ALSH 2018b, *Strandsuchgenehmigungen*, <https://www.schleswig-holstein.de/DE/Landesregierung/ALSH/Detektorinfos/Suchgenehmigungen/strandsuchgenehmigungen.html> (accessed 28/11/2018).
- S. ARNSTEIN 2003, *A Ladder of Citizen Participation*, repr. in R.T. LEGATES, F. STOUT (eds), *The City Reader*, London-New York, 3rd ed., pp. 244-255. Originally published as: S.R. ARNSTEIN 1969, *A Ladder of Citizen Participation*, "Journal of the American Institute of Planners", 35(4), pp. 216-224.
- BayDSchG 1973, *Gesetz zum Schutz und zur Pflege der Denkmäler (Bayerisches Denkmalschutzgesetz – BayDSchG) vom 25. Juni 1973 (BayRS IV S. 354) BayRS 2242-1-WK*, <http://www.gesetze-bayern.de/Content/Document/BayDSchG>true> (accessed 30/11/2018).
- BLFD 2008, *Einsatz von Metallsonden in Bayern. Stellungnahme des Bayerischen Landesamtes für Denkmalpflege*, www.blfd.bayern.de/medien/einsatz_metallsonden.pdf (accessed 10/12/2018).
- BLFD 2018a, *Bayerischer Denkmal Atlas*. http://geoportal.bayern.de/bayernatlas-klasik/_D0pkoEtsLAWvst8DYJus2bbB-blHjeURnJMeiU-T-WIXmlNMXvH7Hf_BlmuvUxtlCKx7pamEwxcvFs4iJfh06IKwornryeH20Q6c7pabvYOr5lar4h-wO3gSU7TVXC/_D09a/vH7d4/6c789 (accessed 30/11/2018).
- Charter of Fundamental Rights of the European Union 2012, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT> (accessed 28/11/2018).
- CoE 2005a, *Council of Europe Framework Convention on the Value of Cultural Heritage for Society*, Council of Europe Treaty Series No. 199, <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680083746> (accessed 27/11/2018).
- CoE 2005b, *Explanatory Report to the Council of Europe Framework Convention on the Value of Cultural Heritage for Society*, Council of Europe Treaty Series No. 199, <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800d3814> (accessed 28/11/2018).
- CoE 2018a, *Details of Treaty No. 199*. <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/199> (accessed 26/11/2018).
- CoE 2018b, *Chart of signatures and ratifications of Treaty 199*. https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/199/signatures?p_auth=97gZPc3S (accessed 26/11/2018).
- CURRENT ARCHAEOLOGY 2018, *Go Digging!* <https://www.archaeology.co.uk/digs> (accessed 27/11/2018).
- D. DAVYDOV 2017. „Jeder kann graben“? – Archäologisches Erbe im Spannungsfeld zwischen Partizipation und Gefahrenabwehr, online at https://lfd.hessen.de/sites/lfd.hessen.de/files/content-downloads/Davydov_Spannungsfeld_EV.pdf (accessed 07/04/2018).
- DSchG BW 1983, *Gesetz zum Schutz der Kulturdenkmale (Denkmalschutzgesetz - DSchG) in der Fassung vom 6. Dezember 1983*, http://www.landesrecht-bw.de/jportal/portal/t/rll/page/bsbauueprod.psm1?pid=Dokumentanzeige&showdoccase=1&sjs_peid=Trefferliste&fromdoctodoc=yes&doc.id=jlr-DSchGBW1983rahmen&doc.part=X&doc.price=0.0&doc.hl=0#focuspoint (accessed 28/11/2018).
- DSchG SH 2015, *Gesetz zum Schutz der Denkmale (Denkmalschutzgesetz) vom 30. Dezember 2014*, http://www.gesetze-rechtsprechung.sh.juris.de/jportal/portal/t/ifr/page/bsshoprod.psm1?pid=Dokumentanzeige&showdoccase=1&sjs_peid=Trefferliste&fromdoctodoc=yes&doc.id=jlr-DSchGSH2015rahmen&doc.part=X&doc.price=0.0&doc.hl=0#focuspoint (accessed 28/11/2018).

- W. EBERL, D. MARTIN, J. SPENNEMANN 2016, *Bayerisches Denkmalschutzgesetz. Kommentar mit einer fachlichen Einführung von Michael Petzet*, Stuttgart.
- GG 1949, *Grundgesetz für die Bundesrepublik Deutschland*, https://www.bundestag.de/parlament/aufgaben/rechtsgrundlagen/grundgesetz/gg_01/245122 (accessed: 08/05/2018).
- GVOBl. Schl.-H. 2015, *Landesverordnung über die Vertrauensleute für Kulturdenkmale vom 10. Juni 2015. GS Schl.-H. II, Gl.Nr. 224-11-2*, "Gesetz- und Verordnungsblatt für Schleswig-Holstein", 8/2015, 154, https://www.schleswig-holstein.de/DE/Landesregierung/IV/Service/GVOBl/GVOBl/2015/gvobl_08_2015.pdf?__blob=publicationFile&v=3 (accessed 28/11/2018).
- C. HOLTORF 2007, *Can you hear me at the back? Archaeology, communication and society*, "European Journal of Archaeology", 10(2-3), pp. 149-165.
- H.D. JARASS, B. PIEROTH 2016, *Grundgesetz für die Bundesrepublik Deutschland. Kommentar*, München.
- R. KARL 2016, *The Freedom of Archaeological Research: Archaeological Heritage Protection and Civil Rights in Austria (and Beyond)*, "Public Archaeology", 15(1), pp. 23-39.
- R. KARL 2018, *Können, dürfen, sollen? Archäologische Grund- und Menschenrechte und der Denkmalschutz*, "Archäologische Denkmalpflege", pp. 187-206. <http://archdenk.blogspot.com/2018/03/konnen-duerfen-sollen.html> (accessed on 08/06/2018).
- E. KELLER 2002, *Einführung in das Kolloquium*, "Archäologisches Nachrichtenblatt", 7(2), pp. 108-110.
- H. KRISCHOK 2016, *Der rechtliche Schutz des Wertes archäologischer Kulturgüter*, Göttingen.
- Lfd BW 2018a, *Raubgräber – Sondengänger*, <https://www.denkmalpflege-bw.de/denkmale/projekte/archaeologische-denkmalpflege/raubgraeber-und-sondeng-aenger/> (accessed 29/11/2018).
- Lfd BW 2018b, *Metallsondenprospektion im Dienst der archäologischen Denkmalpflege*, <https://www.denkmalpflege-bw.de/denkmale/projekte/archaeologische-denkmalpflege/metallsondenprospektion/> (accessed 29/11/2018).
- Lfd BW 2018c, *Ehrenamtlich Beauftragte in der archäologischen Denkmalpflege*, <https://www.denkmalpflege-bw.de/geschichte-auftrag-struktur/denkmalfachliche-vermittlung/ehrenamtlich-beauftragte/> (accessed 28/11/2018).
- Lfd SH 2018, *Liste der Kulturdenkmale in Schleswig-Holstein*, https://www.schleswig-holstein.de/DE/Landesregierung/LD/Kulturdenkmale/ListeKulturdenkmale/_documents/ListeKulturdenkmale.html (accessed 28/11/2018).
- D.J. MARTIN, M. KRAUTZBERGER 2010, *Handbuch Denkmalschutz und Denkmalpflege*, München.
- S. MAYER, R. OBST 2016, *Bodendenkmalpflege und Ehrenamt in Bayern – Ein Beispiel für eine erfolgreiche Kooperation*, "Archäologische Informationen", 39, pp. 31-46.
- MICROPASTS 2018, *MicroPasts: Crowd-sourcing*, <https://crowdsourced.micropasts.org> (accessed 27/11/2018).
- A. OLIVIER 2016, *Challenging attitudes – delivering public benefit*, in P. FLORJANOWICZ (ed), *When Valletta meets Faro. The reality of European archaeology*, Proceedings of the International Conference (Lisbon, 19-21 March 2015), Namur, pp. 13-23.
- D. PLANCK 2002, *Jahrestagung des Verbandes der Landesarchäologen "Ehrenamtliche Mitarbeiter in der Archäologischen Denkmalpflege". Grußwort*, "Archäologisches Nachrichtenblatt", 7(2), pp. 105-107.
- H. STROBL, H. SIECHE 2010, *Denkmalschutzgesetz für Baden-Württemberg. Kommentar und Vorschriftensammlung*, Stuttgart.
- S. THOMAS 2017, *Community archaeology*, in G. MOSHENSKA (ed), *Key Concepts in Public Archaeology*, London, pp. 14-30.
- UDHR 1948, *Universal Declaration of Human Rights*, <http://www.un.org/en/universal-declaration-human-rights/> (accessed 27/11/2018).
- M. VAN DEN DRIES 2014, *Community Archaeology in the Netherlands*, "Journal of Community Archaeology & Heritage", 1(1), pp. 69-88.