Chapter 1: Introduction

1.1 General introduction

Archaeology as a discipline, and the archaeological record as a resource, faces threats from a number of different directions. Professionally, the discipline has failed, at times, to take into account sufficiently the views of the wider public (e.g. Stone 1994: 195). Jameson has implied as much about professional archaeology in past decades by suggesting that:

> "*It is likely that the waning years of the 20th century will be identified in the history of archaeology as a time when the profession, as a whole, came to the realization that it could no longer afford to be detached from the mechanisms and programs that attempt to communicate archaeological information to the lay public.*"
>
> (Jameson 1997: 11)

This detachment from public interests and engagement is something that could possibly have disastrous consequences given the fact that much archaeological work is funded by the state. It has been argued, for example, that there are dangers of abusing the "'*public good' argument*" leading to archaeologists being seen as "*in collusion with the state*" (Hollowell 2006a: 87). This could create a problematic situation where archaeologists, charged with working with the material remains of the past on behalf of the public, may not be pursuing aspects of archaeology that are "*interesting and relevant to the public at large*" (Stone 1986: 19). Copeland suggested that more recently, the way in which archaeology is presented to the public has shifted from:

> "*…a positivist approach, where the public were told what to see, to a more open rationale of helping the public understand what archaeologists do, why they do it and why they should continue to explore the material evidence for the past.*"
>
> (Copeland 2004: 133)

Corbishley (2004: 71) has highlighted the significance of inclusion and education for archaeological organisations, and English Heritage (1997: 32) has identified the importance for the discipline of not becoming "*complacent about the need to maintain and strengthen public commitment to archaeology*".

There are also physical threats to the archaeological record itself, such as the use of deep ploughing in agriculture, climate change, quarrying for different materials, natural erosion, and urban development; all of which can mean that even listed and protected archaeological sites are left vulnerable. Darvill and Fulton (1998: 135) estimated that around 12% of cases of monument destruction and 2% of monument damage in England are caused because of mineral extraction, while another 10% of monument destruction and 30% of monument damage have been caused by the activities of agriculture and cultivation (Darvill and Fulton 1998: 128).

That same report estimates, although possibly as an underestimate, that less than 1% of monument damage seemed to be the result of metal detecting or other forms of vandalism (Darvill and Fulton 1998: 139-140). Yet, this threat to archaeological sites posed by metal detecting is a 'hot topic' in archaeological debate. This is perhaps because the other activities that threaten archaeology, such as cultivation and mineral extraction may be perceived as necessary or with an economic purpose, or even unavoidable in the case of natural erosion, although work can be done to minimise even these effects as much as possible (e.g. SCAPE 2009). On the other hand, metal detecting is a pastime and therefore not an 'essential' activity.

Within the context of threats to the archaeological record, metal detecting as a hobby has developed dramatically over the past five decades. Like many other 'communities', the people who regularly partake in metal detecting have developed their own social and cultural networks, and their own relationships to the material past. Metal-detector users have regional clubs, national organisations, and online social networking sites (for example, see www.ncmd.co.uk for information about National Council for Metal Detecting affiliated clubs across the UK). They construct their own relationships to heritage and archaeology, in the sense of how they view and value the archaeological material that they find. In addition to this, they have another

relationship of complex political, social, and historical origins: the relationship between the metal-detector users and professional archaeologists.

This thesis analyses how the relationships between archaeologists and metal-detector users in England and Wales have developed, from the 1960s, when metal detecting first emerged as a hobby, until the present. Due to legislative and procedural differences, Scotland, Northern Ireland, and the United Kingdom Crown Dependencies – the Isle of Man and the Channel Islands – are not the focus of the thesis. However, they are discussed for comparative purposes in Chapter 3. The development of approaches and ideas in England and Wales are explored from a historical perspective through archival material, and from an ethnographic perspective through the qualitative and quantitative data collected from contemporary sources. As Selkirk (1997: 45) has observed, the approaches taken by archaeologists towards metal-detector users "*have swung violently*". The development of these differing approaches taken by archaeological organisations and individuals towards metal detecting are analysed in light of historical and political contexts. Equally, the various motivations to metal detect, and how these have been impacted by metal-detector users' experiences of archaeologists themselves, are analysed and presented.

The thesis contributes to the understanding of the relationships between archaeologists and metal-detector users at a critical time. The recording of artefacts found by metal-detector users is now dealt with at a national level by the Portable Antiquities Scheme (PAS), which has operated in all regions of England and Wales since 2003 (PAS, 2006a). Dialogue is more open than in previous decades. For example, the National Council for Metal Detecting (NCMD) and Federation of Independent Detectorists (FID) have been consulted and included in projects developed by archaeologists concerning metal detecting. This has included, for example, the development of PAS itself (see Chapter 6), and more recently the Council for British Archaeology (CBA)-led *Code of Practice for Responsible Metal Detecting in England and Wales* (CBA *et al.* 2006). Individual metal-detector users' relationships with professional archaeologists can also be harmonious, and beneficial to both sides. The prompt reporting of a significant find by a metal-detector user to archaeologists can lead to a full-scale excavation and the retrieval of significant information. This happened in Cumbria in 2004 when the Cumwhitton Norse Burial

Site was discovered and excavated after a metal-detector user reported a Viking oval brooch to the local PAS Finds Liaison Officer (FLO) (Simpson 2009).

In spite of positive examples, there is still evidence of tensions between the two groups. There were also recent question marks over the future of PAS (e.g. British Archaeology 2008: 7, and see Chapter 8), as well as some individual archaeologists and metal-detector users expressing doubt about the value of collaboration. There are archaeologists who disagree with what they perceive as conciliatory approaches currently taken in England and Wales towards metal detecting (e.g. Fowler *pers. comm*., 28th November 2006; Cleere, *pers. comm*., 17th July 2006). Although clearly not looting (or nighthawking – see later in this chapter) in a legal sense in the majority of cases, it is without doubt that many archaeologists still regard the activities of metal-detector users with measured disapproval. However, the initial reaction from archaeologists to the growing phenomenon of metal detecting may have created long-term problems. In the late 1970s and early 1980s, the STOP (Stop Taking Our Past) Campaign aimed to turn the nation against metal detecting, but instead it polarized the attitudes of both archaeologists and metal-detector users, with the latter continuing to increase in number (Addyman and Brodie 2002: 179-180; Gregory 1986: 26). The negative stance taken by archaeologists effectively meant that information retrieved through metal detecting, once intended for dissemination to museums and archaeologists, in many cases may have been lost forever. The wider repercussions of the STOP Campaign are analysed in this thesis, particularly in Chapter 5.

Almost complimentary to sceptical archaeologists, there are also metal-detector users, and other treasure hunters in other countries, who remain suspicious of archaeologists. As Lazrus suggests:

> *"The spectacular character of certain types of discoveries can arouse excitement and interest in the archaeological activities, but it can also fuel resentments and jealousies on the part of those who perceive that professionals benefit personally from their discoveries."*
>
> (Lazrus 2002: 38)

Edward Fletcher, a metal-detector user and author writing for a metal detecting audience, echoes Lazrus' observation in his summaries of archaeologists' professional motives. Fletcher was involved in a number of the events documented in the thesis. He demonstrates strong opinions, about archaeologists and their attitudes towards metal detecting, as recorded in literature and archival evidence. He has stated, for example:

> *"I shall be magnanimous and explain it as the understandable, though quite unreasonable fears of closed-shop professionals, card-carriers and guild-members, when faced with the inexorable march of a technology that breaks their monopoly and renders certain aspects of their trade or profession a do-it-yourself job that can now be carried out by Everyman."*
>
> (Fletcher 1996: 35)

This viewpoint is an extreme one, and opinion varies on the issue. There are, for example, more placatory approaches from proponents of metal detecting, such as Trevor Austin (2009), who advocates recording with PAS. However, the emphasis of these approaches, while urging greater cooperation, usually place the onus of responsibility for improving relationships with the archaeologists rather than the metal-detector users.

The thesis brings together evidence dating from the 1940s, before metal detecting even emerged, to the present through analysis of archives held by the CBA and others, and through extensive interviews and questionnaires with archaeologists, metal-detector users, and other stakeholders. This produces a detailed background to the relationships between archaeologists and metal-detector users that is applicable to present times, and to identifying what options may lie ahead. As an introduction to the thesis, this chapter provides theoretical contexts to the research. Next, recent reviews of PAS and of the problem of illicit metal detecting are discussed, and further background to the research is provided. The current initiatives and legislation operating in England and Wales are described, and finally, the chapter introduces the research questions, the aims and objectives, the key definitions, and outlines the chapters.

1.2 Theoretical contexts

Archaeologists are renowned for using many different theories, often borrowed from other disciplines, in their efforts to make sense of their interpretations of the past (Hodder 2001: 1). All archaeologists, whether in favour of engagement with metal-detector users or not, are concerned with the protection and/or recording of archaeological knowledge, and the preservation of the records of archaeological fieldwork (Merriman and Swain 1999: 250). Indeed, from an empiricist perspective, where material data itself is of paramount importance, it may be argued that metal detecting outside of archaeological excavation or survey is unacceptable, due to the material being lost and the lack of application of archaeological methodologies (e.g. Fowler, *pers. comm.*, 28th November 2006). Such a stance would reflect the positions of Renfrew (1995: vxii) or Brodie, Doole and Watson (2000) concerning the trade in antiquities.

While the researcher concurs that the protection of the finite resource of archaeological heritage is of paramount importance, whether through cooperation and communication, or through prevention (where this can be shown to be effective), the thesis does not deal with archaeological data itself. In some ways then, it is subversive, since there is virtually no focus on artefactual data at all, beyond examples of looted sites. The sites that feature as case studies, primarily the Romano-British site at Wanborough in Surrey, are not researched in terms of their archaeological epistemology. Instead, the focus is on the social history of the relationships between the *actual people* involved, the *process*, rather than the *product*. Such terminology is similar to that used in recent analysis of 'eco-museums' where the role of the local community and of public participation are counted as key components for this type of museological model (Corsane *et al.* 2007: 105). The concept of 'process' is echoed in Smith and Waterton's argument concerning the relationship between communities and heritage professionals, "*that it is the process by which community groups are engaged which is important*" (2009: 15). There are also parallels with the focus on community participation and empowerment that "*ecomuseum theory*" provides (Davis 2005: 56) in the sense that non-professional involvement with and connections to heritage has been studied here. In the thesis, emphasis is placed on the processes taking place between archaeologists and the

'community' of metal-detector users, covering interactions ranging from total opposition, political lobbying by both groups, through to examples of cooperation both historically and in contemporary times.

The debate of ethics is also particularly relevant to the thesis, particularly in light of the related issues of the collection and ownership of antiquities and archaeological objects (see Robson, Treadwell, and Gosden 2007). Therefore, the ethics of engaging with what some would perceive as 'treasure hunters' or 'artefact collectors', especially in the face of so much evidence about illicit practices in particular damaging archaeological heritage worldwide (e.g. Watson 1997) should not be ignored. The threat facing the archaeological material itself is a constant concern. As Carman (2002) observes:

> "*Move an object from its present location and it remains itself, whatever it is: a pen, a clock, a door. Sites and monuments cannot be moved without losing some of their identity…*"
>
> (Carman 2002: 35)

Hence, the interference with sites and monuments, and the removal of parts of them through their artefacts (at once 'objects' and part of a greater collective assemblage), should, in an ideal world, be discouraged. However, without the understanding of other groups' relationships with archaeological material, as well as an understanding of their relationships with archaeologists, solutions cannot be found, nor can understandings be made of the metal-detector users' viewpoints, that do not immediately seem ill-informed, or, at worst, dismissive or derisory. In this sense, the history surrounding the relationships between archaeologists and metal-detector users again becomes crucial for contributing to an understanding of the current situation. The current agenda for advocating wider participation in archaeology adopted by many organisations also suggests that attempts to 'reach out' to groups such as metal-detector users, and to understand them better, are part of the current archaeological *zeitgeist*. For example, the CBA have identified their three strands of activity as "*participation, discovery and advocacy*" (see the *CBA Strategy 2006/7-2010/11*).

Smith and Waterton (2009: 21) have noted the apparent "*fixation*" of New Labour politics in the UK with the notion of 'community', and they suggest that this is behind the inclusivity currently attempted within the heritage sector. While the stance taken by Smith and Waterton (2009) is perhaps slightly sceptical in their interpretation of the motives of heritage professionals and organisations, the publication nonetheless demonstrates that there is also contemporary academic interest in the experience of archaeology and heritage by communities and non-professionals.

This is not to suggest that looking beyond the material data and properties of artefacts themselves in any way makes light of the importance of their analysis and interpretation for the furtherance of knowledge about archaeology. However, a look at the experiences of other participants does reflect the work of some post-processual archaeologists who have applied ethnographic and biographical observation and documentation techniques to their fieldwork, sometimes referred to as reflexive methods, as an extra layer to the archaeological material itself (e.g. Hodder 2000; Edgeworth 2006). This has involved not only observing archaeologists, but also observing the effect of archaeological fieldwork on other communities and interested parties. For example, Bartu (2000) studied the wider community around the well-known Turkish site of Çatalhöyük while fieldwork was underway. In another paper, Yarrow (2006) observed the position and experience of volunteers on a site in the Vale of Pickering, North Yorkshire, as compared to the roles assumed by other actors in the excavation such as the academics, landowners, and trustees.

Further, following the post-processual theories that advocate reflecting on one's own standpoint and subjectivity (e.g. Roveland 2006: 65; Bender 1998: 13-23), the personal standpoint of the researcher must also be addressed. Given the controversial and often emotive nature of the subject matter and the individuals concerned, the attempt is made to remain objective, although personal opinions remain both tempting and inevitable. This subjectivity needs to be acknowledged. It is possible that, by presenting metal-detector user viewpoints as well as those of archaeologists, especially when many archaeologists are ethically opposed to any cooperation (e.g. Barford 2008a, b and c; Corbishley, *pers. comm.*, 28th January 2008), the thesis will lead some readers to ask questions of the ethical standpoint of the thesis and indeed of the researcher. The latter has happened already, with active archaeological blogger

Paul Barford (2008d) recently labelling the researcher as a "*pro-collecting archaeologist*". In fact, the primary interest of the researcher is in the human experience of, and action on, archaeological heritage and the consequences thereof. This includes the introduction of new legislation, the apparent shifts in attitudes and, possibly, theoretical standpoints regarding appropriation and understanding of archaeological material by 'other' individuals and communities.

This development of self-reflection, and the consideration of different interpretations of heritage, which may not have a root in scientific study, is, some argue, in contrast to the earlier 'New Archaeology' movement, which emerged in the early 1960s. This advocated that the "*prime causative situations activating processes of cultural change*" (Binford 1972: 160) came from environmental or ecological processes. 'New Archaeology' is also referred to as 'processualism' from the 1980s onwards (Coudart 1999: 164). The championing of reactions to the environment as a catalyst (and an explanation) for the development of 'culture' by this body of theory has been criticised by some. Bender (1998: 15), for example, reflected on her own view of 'New Archaeology', concluding that:

> "*To me it all seemed quite alienating. Everything reduced down to environmental adaptation. Cultural variability was just extraneous noise. Quite a suitable neo-colonial world view.*"
>
> (Bender 1998: 15)

Trigger (1984: 366) has also linked the development of the 'New Archaeology' to the attitudes and politics of post-war, perhaps neo-colonial, America, with its focus on utilitarian applications of knowledge, and on the "*anti-national*" character of "*post-War American imperialism*". Of its objectives, he observes:

> "*The goal of the New Archaeology was not to understand prehistory but to use archaeological data to establish universal generalisations about human behaviour that would be of practical value to modern society*".
>
> (Trigger 1984: 366)

Although there has been criticism of 'New Archaeology' as demonstrated above, Holtorf (1996) has also acknowledged that some of these critiques have taken to "*attacking caricatures and straw persons which believe in a rigid scientism that is not held by anyone, in reality*", by failing to understand the nuances of processual theory. One of the archaeologists regarded as a founder of 'New Archaeology', Clarke (1973: 7), in his well-known article for *Antiquity*, described the shift from self-consciousness to "*critical self-consciousness*" as a main feature of the development of 'New Archaeology'. The expansion of archaeological research, both regionally and temporally, led to the desire to identify theories and concepts applicable not only to certain locations or archaeological datasets, but to all of them. In this sense, the universality of 'New Archaeology' is similar to archaeological theories that have followed it, in that they are models or methodologies to be applied in various settings, such as reflexive methods in different types of fieldwork.

The research incorporates the analysis of archives and interviews for historical and political context, combined with sociological and ethnographic techniques applied to contemporary groups of metal-detector users and archaeologists, and to their settings, in the case of the metal detecting rallies attended. Hence, a multitude of information feeds into an essentially *hermeneutic* approach – where "*interpretation always moves from some pre-comprehension or understanding toward the idea of increased understanding*" (Pellauer 2007: 66). Hence, the existing knowledge of the researcher is enhanced and added to by a variety of different sources, always with an awareness of how the sources, and the researcher's perspectives, interrelate. These sources include empiricist datasets, such as the collection of quantitative survey data, and the consideration of historical data as empiricist (e.g. Marwick 2001; Davies 2003). However, the research is also carried out with the acknowledgement that both primary and secondary sources are affected by their cultural, social, and political contexts. See Chapter 2 for further discussion of hermeneutics in relation to the thesis.
Another theory that the thesis explores, particularly in Chapter 7 when examining contemporary metal-detector users, is that of 'social capital', and, to a lesser extent, the related idea of 'cultural capital'. Social capital has been analysed in depth by many researchers (e.g. Field 2003; Halpern 2005). Schuller, Baron and Field (2000: 1) have identified the three main authors "*generally credited with introducing the*

theoretical debate" of social capital as Bourdieu, Coleman and Putnam. Bourdieu, in discussion with Wacquant (1992: 119), defined social capital as:

> "*...the sum of resources, actual or virtual, that accrue to an individual or a group by virtue of possessing a durable network of more or less institutionalised relationships of mutual acquaintance and recognition.*"
>
> (Bourdieu and Wacquant 1992: 119)

These 'resources' have been identified by Bourdieu (1984: 114), alongside 'economic' and 'cultural' capital, as indicators of different social classes, with the upper classes apparently possessing greater amounts of these different types of capital. However, it has also been observed that 'social capital' has become something of a "*buzzword*" for politicians and academics alike, without necessarily a clear understanding of that the term entails (Halpern 2005: 1). However Halpern (2005: 3-4) has also explained that the term is nonetheless relatively simple and that, "*the social capital concept simply highlights the important role that community plays in individual well-being*". This suggests that social capital has relevance to research into the potential of archaeology and heritage as means of facilitating social and personal benefits, particularly if applied to community archaeology research.

A social role may be evident in metal detecting clubs, particularly in their role as a focus for collective identity. Social networks can also be created as a means of 'capital' for use, for example, by archaeologists in influencing political debates to affect legislation through their personal contacts, or by metal detecting club members as a means of enabling their group's participation in archaeological fieldwork through building up good relationships with local archaeologists and heritage organisations. With regard to the research, 'social capital' also works reflexively. Personal contacts to the researcher, and the development of social networks between the researcher and certain groups and individuals, led to access to sources of information, from the willingness of some individuals to be interviewed, through to the physical access permitted to metal detecting rallies and to archives (and see discussion of 'gatekeepers' in Chapter 2).

The application of social capital to the cultural sector is already evident in the study of the role of museums (Crooke 2007: 64). In addition, research into museums has explored the related concept of 'cultural capital', as a means of understanding museum visitor behaviour and attitudes (e.g. Newman and McLean 2004). Cultural capital, defined as "*high status cultural signals used in cultural and social selection*" (Lamont and Lareau 1988: 153), differs from social capital in that much of the research into this paradigm relates to issues of taste or 'distinction' as indicators of 'class' (Bourdieu 1984: 1). The research presented in this thesis avoids extensive reference to 'cultural capital'. This is in part due to the grey area between this and social capital, as the two are inter-related, with interpretations of both concepts often overlapping (see McNeal 1999), and partly because demographic and class categorisation of, for example, metal detecting interview participants as compared to archaeologists, have been avoided. This avoidance indicates reluctance on the part of the researcher to use certain interpretations of postcode data collected for Chapter 7 to compare with attitudes of metal-detector users. To do this would involve the incorporation of aspects of human geography, a discipline outside of the expertise of the researcher. However, it is also recognition that the social 'standing' and cultural capital related to status – and perceived status – is a huge topic in itself, and perhaps one that warrants future research as a separate, principle topic.

In considering contemporary metal detecting England and Wales, it is clear that the hobby is unlikely to recede dramatically in the short term. The national approach has been to facilitate the recording of finds made by metal-detector users through the mechanisms of the *Treasure Act* 1996 and PAS. As Layton and Wallace have observed:

> "*Both the Treasure Act and the Portable Antiquities Scheme were partially created through the archaeological community acknowledging that portable antiquities are a commodity for which members of the public will continue to search in their leisure time.*"
>
> (Layton and Wallace 2006: 2)

Bland has described the approach taken by PAS as "*founded on public involvement and participation, rather than through a research project conceived and executed by professionals*" (2005a: 293). Hence, the research topic fits into wider debates about the ways in which different groups and communities interact with and perceive archaeological material, and what the motives might be that lie behind this interaction. For example, much research into 'community archaeology' (a term further explored in Section 1.8), has examined the ways in which local communities have chosen to interpret and contextualise archaeological sites (see Marshall 2002: 216-217).

Despite this, and despite the fact that PAS represents a unique approach to cultural policy (Fincham 2008: 347), the majority of the current interfaces between archaeologists and metal-detector users have focussed primarily on empiricist uses of the recorded artefacts only. This occurs in terms of what data is collected, and how it is reported: Chitty and Edwards (2004: 11), for example, comment on the "*largely quantitative data*" collected and presented in PAS' annual reports. This is also echoed in comments from some interviewees about the nature and quality of these publications (e.g. Plowright, *pers. comm.*, 29th November 2006). The empiricist focus is also reflected in related academic output (e.g. Chester-Kadwell 2009; Walton *in prep.*). This may be understandable, given the need to prove the utility of PAS data in the face of at least some criticism from archaeological peers (e.g. Corbishley, *pers. comm.*, 28th January 2008), and in light of the ever-present pressures for heritage organisations to justify their relevance and to secure future funding (Schadla-Hall 1999: 152-153). The apparently sceptical attitudes of some (although not all) archaeologists towards PAS is reflected in survey results in two reviews of the scheme (Chitty and Edwards 2004: 3; Edwards 2006: 4), while the same reports suggest that public confidence in PAS is more positive, suggesting that it is among archaeological peers that the greatest doubts about PAS lie.

The activities of archaeologists, then, need to have relevance, especially to the public's interests (Schadla-Hall 1999: 153). Despite recognition of this, archaeology is sometimes regarded as an "*elitist occupation, carried out by people of leisure and private means*" (Skeates 2000: 116). Trigger (1984: 357) also accepted this perception of archaeologists in general, while acknowledging that the political implications of archaeology itself can attract wider public interest. He observes that:

> "*…while archaeologists generally are caricatured as embodiments of the myopic, the unworldly and the inconsequential, the findings of archaeology have always been sources of public controversy.*"
>
> (Trigger 1984: 357)

The ability of archaeology to activate or facilitate debate, particularly in political and nationalist contexts is well known (and see Smith and Waterton 2009: 55-58 for discussion of the role of heritage and 'difficult histories' in national policy). However, this is not necessarily the same phenomenon as the encouragement of *active participation* by 'non-professionals' with archaeological heritage, which has been the focus of community archaeology (Moser *et al.* 2002: 223). This engagement of different audiences becomes directly relevant when examining the relationships between archaeologists and metal-detector users. Analyses carried out of the "*audience social profile*" of PAS users, mainly metal-detector users, in 2004, suggest an "*encouragingly good representation of C2, D, and E Social Grades*[1]" (Chitty and Edwards 2004: 17). This may suggest that, by engaging with metal-detector users, archaeologists may be reaching sections of society that perhaps traditionally have been regarded as less likely to come into contact with archaeological heritage.

Hence, the thesis adds to the existing body of research concerning metal detecting and archaeology, and to wider research into community engagement with heritage. This is the first instance of such a detailed analysis of this relationship, although the history of the relationships has been referred to in other publications in much less detail (e.g. Faulkner 2003; Addyman and Brodie 2002). The next section briefly reviews some of the existing work, developing research, and some of the non-academic sources.

[1] A table defining the different social grades is provided by the National Readership Survey (2009), available at http://www.nrs.co.uk/about_nrs/data_available/definitions_of_social_grade (accessed 23rd May 2009). According to this definition, C2 is "*Skilled Working Class*", D is "*Working Class*", and E is "*Those at the lowest levels of subsistence*".

1.3 Background to research

The nature of metal detecting in England has been described as "*Janus-like.… …with, on the one hand, responsible detectorists working with archaeologists but, on the other, nighthawks looking towards the market*" (Addyman and Brodie 2002: 182-183). Thus the *relationship* between archaeologists and metal-detector users in England and, by extension Wales, is also dichotomous, or at least forms a graduating scale of opinions and tolerance.

The impact of metal detectors and metal detecting on archaeology has been the subject of debate and publication ever since the emergence of early metal detectors in the 1960s. John Alexander, for example, recollects how the potential of the metal detector as a device for use in field archaeology was discussed as early as the late 1950s, when metal detectors were still mostly used for military purposes (Alexander, *pers. comm.*, 21st March 2007). Even earlier than this, in 1946, archaeologists Gordon Fowler and Tom Lethbridge used a primitive metal detector as part of their survey of the area where the famous Mildenhall treasure had been found (Hobbs 2003: 76).

Evidence from the research for this thesis indicate that there is still material found by metal-detector users which is not being recorded (see Chapter 7), adding weight to the importance of understanding the relationship between archaeologists and metal-detector users. In addition to this, there is the issue of public perception of both groups and their often-differing standpoints. Metal detecting has come to public attention through media such as BBC2's television series *Hidden Treasure* (2003). This programme specifically focussed on discoveries made by metal-detector users, particularly highlighting the monetary value of many of the hoards and artefacts featured. When it was broadcast, there were anecdotal reports of people going onto scheduled (thus legally protected) sites, inspired by the programme and using the locations of these sites as indicators of places where 'treasure' might be discovered, apparently oblivious of the law. The ignorance both of the law and even of the location of scheduled sites is problematic in itself. This is an issue that has certainly been observed in Scotland, with many reported finds turning out to be from Scheduled Ancient Monuments (SAMs). It is assumed that if the finders knew they were breaking the law they would not report their finds to the Treasure Trove Unit in the

first place (Saville, *pers. comm.*, 19th October 2006, and see Chapter 3 for discussion of Scottish treasure trove). The data on scheduled areas stored in England is currently available to any member of the public who wishes to make an enquiry by contacting their local Historic Environment Record (HER) (English Heritage 2006: 2). For Wales the list of scheduled monuments can be viewed at the "*Royal Commission on the Ancient and Historical Monuments of Wales and at any of the four Welsh Archaeological Trusts*" (Cadw 2002: 6).

With regard to presentations of archaeology, a recent paper by Simpson and Williams (2008: 75) suggests presentation of archaeology to the public still does (and they argue *should*) focus on digging as the primary activity. This is perhaps due to depictions of archaeology in the media, for example through television programmes such as *Time Team*, but also through the tendency of some community, or outreach, projects to continue to focus on the process of excavation, possibly to the exclusion, or at least marginalisation, of other archaeological activities. The case studies presented by Simpson and Williams (2008) as 'community archaeology', for example, almost entirely focused on excavation. Both metal detecting and archaeology have made appearances in several editions of BBC1's primetime magazine programme, *The One Show* (2007), including the case study of the Durobrivae (Water Newton) metal detecting rally, which is featured in Chapter 7.

Use of mass media by both archaeology and metal detecting is nothing new, since archival evidence researched for this thesis suggests that newspapers, magazines, radio and television have all presented information from both 'camps' since the initial emergence of publicly available metal detectors in the 1960s. In recent years, this coverage has focussed increasingly on emphasising the potential for research incorporating metal-detected finds and results. The research potential of data collected through PAS, available as a database at www.findsdatabase.org.uk, was demonstrated at the 2007 PAS Conference, *A Decade of Discovery*. This highlighted many of the academic research projects that have taken advantage of the information collected on PAS' database, such as the Viking and Anglo-Saxon Landscape and Economy Project (VASLE) led by York University (and see Richards and Naylor 2009). A recent volume on archaeology and metal detecting, edited by Thomas and Stone (2009), features several examples of collaboration between archaeologists and metal-detector

users. The book's case studies demonstrate how this collaboration is beneficial to the archaeological record, while acknowledging ongoing problems, such as the issue of nighthawking (illegal metal detecting – see Sections 1.4 and 1.8).

There have been a number of unpublished university dissertations on the topic of metal detecting, such as Hall (1992) and Montalbano (2007). There are also several PhDs underway utilising PAS-recorded data, (e.g. Walton *in prep.*; Brindle *in prep.*, at University College London and King's College London respectively). Indeed, PAS' website even features a page with suggested topics for potential research (2006b). Another PhD research project at Glasgow University focuses on the potential of metal-detected material to shed light on battlefield archaeology across the UK (Ferguson *in prep.*). However, the focus in this thesis is less on PAS data than the other theses mentioned above. This is due to Ferguson's inclusion of Scottish sites in her research parameters (PAS does not operate in Scotland), and also due to the fact that PAS has not recorded much material relating to sites of conflict, such as musket balls (Pollard 2009: 183).

The development of research utilising metal-detected data is encouraging. However, certainly in the case of the two London-based PhDs mentioned above, developed as collaborative doctoral awards in partnership with (and partially funded by) PAS, sceptics could suggest that their research agendas could have a purpose of advocating PAS by creating academic arguments for its continued support by decision-makers. Also significant is that few, if any, other projects currently underway focus on the actual relationships between archaeologists and metal-detector users in England and Wales that have developed over the past five decades. This makes the thesis presented here unique as a topic of PhD research.

There have been speculations by other authors about the social implications of reactions by archaeologists to metal detecting over the years. Gregory (1983a) suggested that the rise of metal detecting represented the failure of archaeology to appeal to audiences outside the middle classes. This is supported by Hodder's (1984: 29) conjecture that campaigns such as STOP (analysed in Chapter 5), which targeted treasure hunting as a major threat to archaeology, added to social divisions between

archaeologists and members of the public. The views of the latter were assumed, possibly wrongly, to be the same as those of the archaeologists.

In addition to academic papers and articles, a number of publications cater for a metal detecting audience (e.g. Fletcher 1996; Palmer 1995; Grove 2005; Wyman and Havers 2005), and these mostly provide practical advice to practitioners of the hobby. However, they also discuss issues relating to archaeology, such as legal obligations, codes of practice, and even, in the case of Fletcher, strong personal opinions about professional archaeologists. There are also two major metal detecting magazines in the UK: *The Searcher* and *Treasure Hunting*. While these do not necessarily represent academic research, they are of use to researchers looking at issues surrounding archaeology and metal detecting, because they demonstrate not only the practical issues of metal detecting, but also some of the prevailing opinions of metal-detector users, or at least of the contributing authors of articles featured in the two magazines.

1.4 Current initiatives and legislation in England and Wales

For centuries, the principle legal tool for dealing with finds of archaeological significance was the common law of treasure trove. This is defined and discussed in Section 1.8. Treasure trove was eventually rescinded in 1997, when the *Treasure Act* 1996 and PAS came into operation. The events that led to these developments are discussed in detail in Chapter 6. In a prior piece of legislation, metal-detector users had also needed to hold a licence in order to operate a metal detector. This had been a requirement under the *Wireless Telegraphy Act* 1949, but as Chapter 5 discusses, it was neither effective nor enforced. The licensing of metal detectors ended in 1980.

PAS has been, in recent years, the most extensive and most publicised interaction between archaeologists and metal-detector users in England and Wales. It was set up in 1997, complementing the *Treasure Act* 1996. The *Treasure Act* 1996 is currently the main legislative tool in England and Wales for dealing with portable antiquities discovered by members of the public. However, as is discussed in Chapter 8, the coverage in Wales is less extensive than in England. Where England has a network of regional FLOs, in Wales there is only one FLO. This FLO isbased in Cardiff in the

south of the country, and four Trust Liaison Officers act as liaison officers for PAS, but have other responsibilities within the four Welsh archaeological trusts as well. The lower coverage in Wales has been noted elsewhere (e.g. Clark 2008: 29).

In practice, the people most affected by PAS are metal-detector users. Under the *Treasure Act* 1996, any finds of Treasure are to be declared to a Coroner for assessment. These are currently listed as follows:

> "*The following finds are Treasure under the Act, if found after 24 September 1997 (or, in the case of category 2, if found after 1 January 2003):*
>
> 1. *Any metallic object, other than a coin, provided that at least 10 per cent by weight of metal is precious metal (that is, gold or silver) and that it is at least 300 years old when found. If the object is of prehistoric date it will be Treasure provided any part of it is precious metal.*
> 2. *Any group of two or more metallic objects of any composition of prehistoric date that come from the same find (see below)*
> 3. *All coins from the same find provided they are at least 300 years old when found (but if the coins contain less than 10 per cent of gold or silver there must be at least ten of them). Only the following groups of coins will normally be regarded as coming from the same find:*
>   - *hoards that have been deliberately hidden*
>   - *smaller groups of coins, such as the contents of purses, that may have been dropped or lost*
>   - *votive or ritual deposits.*
> 4. *Any object, whatever it is made of, that is found in the same place as, or had previously been together with, another object that is Treasure.*
> 5. *Any object that would previously have been treasure trove, but does not fall within the specific categories given above. Only objects that are less than 300 years old, that are made substantially of gold or silver, that have been deliberately hidden with the intention of recovery and whose owners or heirs are unknown will come into this category.*

Note: An object or coin is part of the 'same find' as another object or coin if it is found in the same place as, or had previously been together with, the other object. Finds may have become scattered since they were originally deposited in the ground."

(PAS 2006c)

To summarise what is addressed in more detail in the thesis, primarily through Chapters 4, 5 and 6, the *Treasure Act* 1996 was devised as a replacement for and enhancement of the old common law of treasure trove. The *Treasure Act* 1996 was designed specifically with the scope for being modified in subsequent reviews if considered appropriate. Such modification has already occurred in 2003 when Category 2, above, was added to the categories of artefact classified as Treasure. Observers speculate that further extensions of the categories of Treasure will also occur to include yet more types of artefact (e.g. Bland *pers. comm.*, 8th November 2006; Graham, *pers. comm.*, 29th July 2006).

If an inquest judges an artefact to be Treasure, it legally passes into the possession of the Crown. If a museum decides that it wishes to obtain the artefact, the finder and/or landowner receive rewards equivalent to the market value of the artefact, as decided by the Treasure Valuation Committee (TVC). Since the 1960s, personnel at the National Museum of Wales have taken responsibility for processing Treasure claims from Wales, although still engaging with the TVC. Before then, and even since in a few cases, the British Museum processed Treasure from Wales in London (Hobbs 2003: 13). If a museum does not claim the Treasure artefact, it is returned to the finder, who may wish to sell it, keep it, or even donate it to a museum or other organisation. The rights of the landowner in the event of a Treasure find can be somewhat disputed. Theoretically, the ownership of any artefact passes with ownership of the land. From a metal detecting point of view, entering into a 'search agreement' with the landowner, usually remedies this issue. This is an understanding whereby a split, usually 50%, is agreed between the landowner and the metal-detector user. Usually this will be agreed in writing as well as verbally (Palmer 1995: 79).

In other parts of the UK – Scotland, Northern Ireland, and the UK Crown Dependencies – there are different legislative and administrative provisions. These differences are discussed in Chapter 3 to compare and contrast with the English/Welsh situation. Their affect on the situation in England and Wales is also discussed, demonstrating that even within the UK there are different protocols in operation.

Other legislation in England and Wales with a direct relevance for metal detecting and archaeology are the *Theft Acts* (in certain cases of nighthawking), and the *Ancient Monuments and Archaeological Areas Act* 1979 (AMAAA). The latter Act offers protection to any sites or monuments that have been 'scheduled', in other words included in the schedule of monuments as compiled by the Secretary of State (HMSO 1996: Section 1). There is one specific section, Section 42, which deals specifically with restriction of metal detecting on Scheduled Ancient Monuments (SAMs). Under this section, it is an offence to metal detect on a SAM without written consent of the Secretary of State, punishable by a fine. Other threats to SAMs and archaeological areas also classify as crime under AMAAA 1979. For example, in August 2007, three men were fined for tipping waste on a SAM on private land, and were charged with offences both under the *Environmental Protection Act* 1990 and AMAAA 1979 (Environment Agency 2007).

The Dealing in Cultural Objects (Offences) Act 2003 was enacted to add a layer of control over the antiquities trade in England and Wales, and does not extend to Scotland, although it is not affected by the country of origin of the cultural objects. This Act also has the potential to affect metal detecting, since it could be used in prosecutions brought against people making illicit sales of metal-detected artefacts. In addition, the development of the Private Members Bill leading to the Act arguably benefited from the high media publicity for cultural property under threat, which was afforded not only by the recent conflict in Iraq (Allan, *pers. comm.*, 21st May 2004), but also the 2003 looting of Yeavering Bell, an Iron Age hillfort in Northumberland (Allan, 2004). There have to-date been few prosecution cases brought under this Act, so it remains to be seen whether it will have much effect on metal detecting in England and Wales in the long term.

1.5 Reviews of the Portable Antiquities Scheme and of Nighthawking

The CBA carried out initial research into the potential impact of metal detecting in the late 1960s and early 1970s, discussed more in Chapter 5. However, the CBA's most extensive (and most publicised) piece of research to date into the state of metal detecting was the 1995 report by Dobinson and Denison. This was published in partnership with English Heritage, and is still consulted for statistical reference (e.g. Bland 2005a).

Since the inception of PAS, which, along with the *Treasure Act* 1996, is introduced in more detail in the next Section, there have been a number of reviews of the scheme prepared by consultancies. The first of these was published for Resource (Chitty 2001), and was, in essence, a review of the first, pilot, stage of the scheme – then known as the Portable Antiquities Recording Scheme (Chitty 2001: 5). Its many conclusions and recommendations pointed largely to practical ways of developing PAS at a nationwide level. Among the conclusions made were that:

> "*As general public interest in exploration of local history, popular awareness about archaeology, media coverage, and related hobbies like collecting antiques and antiquities have grown, resources for providing information, outreach and education in these activities have been in increasingly high demand.*"
>
> (Chitty 2001: 45)

One of the recommendations (Chitty 2001: 46) indicated that the data collected by PAS, especially if made available to cross-reference with other sources of archaeological information, could become of relevance and usable to a range of different audiences, including schools and community projects. The report recognised the interests of the wider public, not only metal detector users. In addition, it stated that, "*the relationships between detectorists... ...and archaeologists were neither productive not developing positively except in a few areas*" prior to the scheme (Chitty 2001:5). The report identified that concerns from metal-detector users were that, "*the rights and activities of detectorists might be limited by volunteering*

information about discoveries", and that archaeologists exhibited misunderstandings about the information potential of the data provided by metal-detector users (Chitty 2001: 5). This has been partial explanation of the situation identified by the thesis, although the reasons for the varying relationships often have had political motivations as well, as particularly identified in Chapters 5, 6 and 7.

In 2004, Chitty and Edwards produced another review of PAS, which focussed on the results of a questionnaire survey distributed via the PAS website and through PAS staff and networks to appropriate target respondents such as metal-detector users, archaeologists, academics and those involved in education either as teachers or pupils (Chitty and Edwards 2004: 11). Significantly, recommendations included the development of a code of practice for responsible detecting (Chitty and Edwards 2004: 4), the development of which the CBA coordinated, with a code published two years later (CBA *et al.* 2006). Another recommendation, for the support of "*a new project to assess the impact of nighthawk activity*" (Chitty and Edwards 2004: 4), also came to fruition in 2009 (Oxford Archaeology 2009a; 2009b, and see below). However, another recommendation for the increase of "*capacity for recording by finders*" was still an issue flagged four years later by Clark in her review's recommendations (see below). The key findings of the 2004 review are included as Appendix 1.

Two years later, the questionnaire survey from the 2004 report was repeated with minor modifications, with the aim of tracking whether attitudes towards PAS had changed (Edwards 2006: 4). These results indicated that, while the public (including metal-detector users) remained the most "*convinced of the Scheme's progress towards its aims (73-92%)*", archaeologists were still more sceptical than other types of respondent (Edwards 2006: 4, *sic*.). Both reviews, using roughly the same questionnaire structure and questions, met with some criticism due to the wording of the survey. For example, two respondents to the 2006 survey specifically commented that the survey was biased (in Edwards 2006: 16), echoed by some discussants on the *Britarch* email discussion list (Britarch email discussion list 2006 – see thread titled *Portable Antiquities fuzzy statistics generator (predictably longish)*). The response options for a question asking about the aims of PAS in both surveys were: "*strongly agree*"; "*agree*"; "*partly agree*"; "*needs to do more*", or "*don't know*", with the option

of "*disagree*" only offered in a later question about the success of PAS in gradually changing attitudes (Chitty and Edwards 2004: Appendix page 6). This omission from a key set of questions of the option to disagree does seem confusing. Significantly, this omission could potentially affect the reading of the results: comments of partly agreeing or feeling that PAS "*needs to do more*" may be interpreted as a less negative answer than an outright disagreement, although respondents may only have selected one of these responses because they were unable to 'disagree' explicitly.

The intention was, it seems, to repeat the survey again in 2008, "*as a means of assessing progress towards the aims*" of PAS (Edwards 2006: 7). However, in 2008 there was no repeat survey, perhaps due to the financial pressures on PAS and the uncertainty at that time about its future (see Chapter 8). Instead, a review was commissioned by the Museums Libraries and Archives Council (MLA) to assess the effectiveness of PAS (Clark 2008). That the review was written in relative haste, without the benefit of sufficient time for a more comprehensive review of a wider range of evidence relating to the performance of PAS is acknowledged in the report itself (Clark 2008: 5). Hence, there are no questionnaire survey results, as occurred with the 2004 and 2006 reviews. Nonetheless, the report captures a snapshot of some contemporary attitudes towards PAS, the majority of which are positive. For example, out of four possible options "*for delivery and funding*" (Clark 2008: 7), the option of "*find additional resources*" is recommended as opposed to losing PAS altogether, operating on reduced funds or supporting PAS "*at the current level*" (Clark 2008: 7-8). Chapter 8 discusses Clark's review in the context of the other activities carried out by supporters of PAS who at that time were trying to ensure its continuance. Clark's recommendations are shown in Appendix 2.

Even more recently, a report has been produced by Oxford Archaeology (2009a), with an accompanying summary document (Oxford Archaeology 2009b), commissioned by English Heritage and partners, to assess the scale, location and threat caused by nighthawking (and see Section 1.7 for discussion of 'nighthawking' as a definition). The report has been criticised informally by some metal-detector users for apparently failing to distinguish explicitly enough between law-abiding metal-detector users and nighthawks, particularly in the publicity surrounding its launch (e.g. BBC News, 16th February 2009; Kennedy and Jones 2009). Interestingly, and perhaps predictably,

willingness of many metal-detector users to assist archaeological researchers may also have decreased because of the suspicion rising among metal-detector users in light of the report (Ferguson, *pers. comm.*, 14th May 2009). This would indicate a possible step back in relationships between archaeologists and metal-detector users, and certainly has implications for future research involving discourse with the metal detecting community. However, it could also be suggested that the level of publicity attracted by the report was ultimately beneficial in that it brought the nighthawking debate back to the fore, reminding those involved with archaeology, and the wider public, that there are still threats posed to archaeological heritage by illicit activity.

The report itself acknowledged that relatively few metal-detector users chose to respond to the project's questionnaire survey (Oxford Archaeology 2009a: 19). This may have been due to suspicion of the motives of the organisations behind the formulation of the project, with some rumours appearing during and after the research phase that it was motivated by a wish to impose stricter controls on the use of metal detectors (e.g. Foster 2009). This was doubtless in part due to historical acrimony between archaeologists and metal-detector users (explored by this thesis). However, it is also likely that some of the graphics associated with the project, depicting the activity of metal detecting (without clear indication of whether it was depicting illicit detecting or not) may also have, inadvertently, caused offence to at least some metal-detector users (Critchley, *pers. comm.*, 11th July 2007). In one of the case studies presented in the report, of a scheduled site at Llyswen, Powys, it was stated that, while the metal-detector users involved had operated illegally, this was through ignorance that the area was scheduled, rather than deliberate intention to break the law. Despite this apparent ignorance, photographs accompanying the case study labelled the metal-detector users involved as "*Nighthawks*" (Oxford Archaeology 2009a: 60), which, again, could be construed by some as unnecessarily harsh under the circumstances. The case studies included in the shorter, summary booklet (Oxford Archaeology 2009b) are equally confusing. Two of the case studies featured, Catterick in North Yorkshire (Oxford Archaeology 2009b: 9) and Higham Ferrers in Northamptonshire (Oxford Archaeology 2009b: 17), are in fact examples of successful collaboration between metal-detector users and archaeologists. Presumably, they are included to demonstrate the benefits of working together rather than operating in secret or illegally, but their inclusion in the booklet could possibly

mislead some readers, muddying the waters between ‘acceptable’ metal detecting and nighthawking.

It could also be suggested that the project methodology, including providing an “*open letter and poster addressed specifically*” for metal detecting clubs (Oxford Archaeology 2009a: 27), might have had more success in gleaning further information and cooperation from the metal detecting community if more effort had been made to develop stronger social networks within the metal-detector user community. This returns to the notions of ‘social capital’ and ethnographic ‘gatekeepers’ (see Chapter 2). Oxford Archaeology (2009a: 27) state that project team members visited *one* metal detecting rally and *one* metal detecting club meeting in 2007. Having a presence at more meetings and rallies than this, and making more effort to engage in informal discussion with metal-detector users, in order to gain trust, would doubtless have produced results that were more fruitful. While the final report states that information was sent to metal detecting magazines and forums (Oxford Archaeology 2009a: 27), the extent to which team members engaged with metal-detector users through online discussion forums is also unclear.

The conclusions of the final report suggested that nighthawking was:

> *“...low compared with other forms of damage to monuments, especially agriculture, although it still should be seen as significant given the potential for Nighthawks to disturb or remove nationally significant archaeological deposits.”*
>
> (Oxford Archaeology 2009a: 89)

England seemed to exhibit the highest incidences of nighthawking compared to the rest of the UK. Certain areas, such as Oxfordshire, Kent, Lincolnshire and Norfolk apparently demonstrated the highest incidences of nighthawking, with some counties, including Wiltshire, Warwickshire and Buckinghamshire experiencing an increase in nighthawking on scheduled sites (Oxford Archaeology 2009a: 103).

Among the recommendations, it was suggested that the law enforcement agencies needed clearer guidance on the effects of nighthawking and how to tackle the problem, but also that metal detecting should be integrated more "*into the archaeological process*" (Oxford Archaeology 2009a: np). This particular recommendation, along with the call to ensure that PAS continues, indicates that inclusion and involvement of metal-detector users with archaeological work is seen as a means of promoting good practice within the hobby. Whether this particular recommendation is adopted by archaeological contractors, who may be sceptical of the merits of involving non-professionals in certain assignments, remains to be seen. The full recommendations of the report are included as Appendix 3.

1.6 Research questions

In order to establish the parameters of research for the thesis, and in light of the background to the research as discussed above, questions were developed around which to place the research aims and objectives. The research questions are as follows:

1. What attempts have archaeologists and archaeological organisations made in the past in England and Wales to control the impact of metal-detector users on archaeologically sensitive sites, and how have these influenced current legislation, educational initiatives and parameters for discussion?

2. What effect have these actions had on the metal detecting hobby, in terms of the development of its infrastructure, national organisation, and acknowledgement of responsibility towards heritage in England and Wales?

3. What conclusions can be drawn from the past relationships between archaeologists and metal-detector users to inform the development of better communication between the two groups in the future?

1.7 Research Aims and Objectives

The way in which the contents of the chapters relate to the aims and objectives is demonstrated in Table 1 at the end of this chapter. Tables 2a, 2b, 2c, and 2d at the end of Chapter 2 tabulate the aims and objectives in relation to the research methods used. Table 6, in Chapter 9, reviews the research aims by demonstrating the way in which they were achieved by the thesis, and signposting again which chapters achieved which aims. The aims and objectives of the thesis are guided by the parameters for enquiry, as set out in the research questions. They are as follow:

Aim 1. To place the research questions within an historic overview of wider issues and challenges surrounding metal detecting, including the licit and illicit trade in antiquities in other countries, providing a platform for identifying challenges facing the treatment of portable antiquities and metal detecting in England and Wales.

Objectives:

i. To identify and discuss the related issue of the trade in antiquities, both licit and illicit, in an international context.

ii. To discuss the impact of metal detecting and other forms of treasure hunting on archaeology, and the measures currently taken to prevent, control or negotiate with, metal-detector users and other artefact hunters in other countries, for comparative purposes.

Aim 2. To research the history of campaigns and activities carried out by archaeologists and archaeological organisations in England and Wales with respect to metal detecting.

Objectives:

i. To determine and analyse attempts to protect heritage, including the curtailment of the illicit trade in antiquities, in England and Wales since 1945, from archival evidence from the Council for British Archaeology.

ii. To chart the formation and activities of metal detecting organisations in England and Wales, and analyse how these organisations have related to archaeological organisation in England and Wales.

iii. To reflect on selected cases of nighthawking on individual sites and consider their impact on larger issues such as legislative procedure in England and Wales.

iv. To assess the significance of input of key individuals from academic, professional and amateur backgrounds who were involved in campaigns, and events in England and Wales relating to metal detecting and archaeology.

Aim 3. To assess current opinion among archaeologists and metal-detector users, regarding issues concerning metal detecting and archaeology in England and Wales.

Objectives:

i. To review and evaluate the Portable Antiquities Scheme in England and Wales.

ii. To identify and discuss the ways in which metal detecting clubs and individual metal-detector users relate to and communicate with archaeologists and heritage professionals, including the individuals involved with the Portable Antiquities Scheme.

iii. To assess the significance of input of key individuals from academic, professional and amateur backgrounds who are involved in campaigns, activities and events in England and Wales relating metal detecting and archaeology.

Aim 4. To draw conclusions regarding the future development of relationships between archaeologists and metal-detector users England and Wales.**Objectives:**

i. To assess the Portable Antiquities Scheme in England and Wales, in light of past and present agendas as revealed in Aims 1, 2 and 3.

ii. To identify the importance of public inclusion, participation and education in the protection of vulnerable sites in England and Wales and the development of positive relationships between archaeologists and metal-detector users.

iii. To review the theoretical context within which the thesis sits.

iv. To make recommendations for appropriate future research.

1.8 Definitions

The following section defines key terms and how they are used in the thesis. The definitions established here are key to the themes of this research and are as follows: Metal Detector; Metal-Detector User (Metal Detectorist); Nighthawks and Nighthawking; Responsible Metal Detecting; The Hobby and Hobbyists; Provenance; Looting; Illicit Antiquities; Community Archaeology; Heritage; Archaeological Heritage; Heritage Professional; Heritage Organisation; Portable Antiquities; Portable Antiquities Scheme; Treasure; and, treasure trove.

Metal Detector

> "…*'metal detector' means any device designed or adapted for detecting or locating any metal or mineral in the ground…*"
>
> (Section 42, AMAAA 1979, HMSO 1996)

A metal detector is designed for detecting metal. There are a number of different types of metal detectors, for example those used for security in airports and other buildings requiring high security, and hand-held mine detectors, from which the hobby metal detector is derived (Addyman 2009: 51). The thesis uses the term 'metal detector' specifically to refer to the portable machines manufactured for individual use in the search for metal artefacts on a recreational basis or as part of an archaeological survey. A number of authors writing for a metal detecting audience describe the mechanics of the metal detector (e.g. Grove 2005: 7, Palmer 1995: 13-31). According to Grove (2005: 4), the origins of the machine date back to a "*primitive device*" devised by Alexander Graham Bell in 1881, and in its modern form comprises of a stabiliser, a control unit, a stem and a searchcoil (2005: 7). In 1946, archaeologists Tom Lethbridge and Gordon Fowler used mine detectors to aid in their search of the field where the Mildenhall Treasure had supposedly been discovered, to help establish whether any further artefacts remained (Lethbridge 1997: 725). However, early publicly available models appear to have started emerging in the late 1960s (Fowler, *pers. comm.*, 28th November 2006), such as the circa 1969 model in Figure 1.1, shown in between two slightly later models.

Figure 1.1 From left to right: a circa 1972 detector; a circa 1969 M L Beach detector; and a circa 1970 Webb Fletcher "British Prospector", photographed with kind permission of Frank Mellish, 2007

Metal-Detector User (Metal Detectorist)

'Metal-detector user' refers to the people who use metal detectors specifically in the pursuit of metal detecting as a hobby, as opposed to, for example, military personnel engaged in the search for mines, or archaeologists using a metal detector as one of a number of archaeological tools. Some authors refer to metal-detector users as 'metal detectorists' (e.g. Skeates 2000: 55; Merriman 2004: 12). This term is also widely used and accepted, although in the majority of recent literature the term 'metal-detector user' has been favoured, for example by PAS in its publications and reports (e.g. PAS 2006d; PAS 2005). The NCMD does not hyphenate the compound adjective, but also uses 'metal detector user' rather than 'metal detectorist' on their website (NCMD 2008a). Meanwhile the FID uses 'detectorist' on their website and indeed in their organisation's name (FID 2008), further demonstrating that the terms are interchangeable even among metal-detector users themselves. In this thesis, the term 'metal-detector user' is used as standard throughout. It is speculated here that the term 'detectorist' carries, and indeed implies, negative connotations for some, partly

for its use in past decades of literature, which has at times shown the metal detecting hobby in a negative light.

While there are some metal-detector users operating individually without any affiliation, many are members of one or both national metal detecting bodies: the National Council for Metal Detecting (NCMD) and the Federation of Independent Detectorists (FID). Membership of these organisations provides the metal-detector user with advice, insurance and, often, social networking opportunities. The NCMD, in addition, is particularly active politically, and works to ensure that metal-detector user interests are represented in relevant forums, such as the Portable Antiquities Scheme Steering Group and the recent advisory panel for Oxford Archaeology's nighthawking research project (Critchley, *pers. comm.*, 18th August 2007, and see above).

Metal-detector users can join the NCMD and/or the FID as individual members, but can also gain affiliation through membership of a metal detecting club if the club is affiliated. While some metal-detector users are not involved with clubs, either because there is not one conveniently close to them or because they prefer to detect alone, there are many who join clubs as well as, or sometimes instead of, joining the NCMD or the FID. One particular advantage for a metal-detector user joining a club is that they can obtain easier access to land for searching, as clubs often have existing relationships with farmers and landowners (Palmer 1995: 15).

Current numbers of metal-detector users in the UK cannot be measured exactly, especially since, as mentioned above, some are not members of the NCMD or the FID, and are as such immeasurable in any precise terms. Grove (2005: 5), a metal-detector user, suggests there are around 30,000 active metal-detector users, whereas Bland (2005b: 441), from an archaeological background, suggests that there are more likely to be only 10,000. Ten years earlier Dobinson and Denison (1995: x) estimated the number of people metal detecting to be around 30,000, with the acknowledgement that an absolute certainty on the figure was impossible.

Even in the case of affiliated metal-detector users, the NCMD and the FID generally do not disclose exact membership numbers, largely as these tend to fluctuate per

month with memberships lapsing or being renewed. A recent rough guess by a FID official suggested that FID membership might currently be approximately 6,000, with perhaps 5,000 NCMD members (Wood, *pers. comm.*, 5th January 2008). The NCMD claim to have affiliation from around 150 clubs in the UK, and officers support the estimations that there are around 30,000 to 50,000 active metal-detector users in the UK (Critchley, *pers. comm.*, 13th January 2008). The results shown in Chapter 7 lead the researcher to estimate that there may currently be between 10,000 and 15,000 metal-detector users in the whole of the UK. The higher estimates given by metal-detector users may be evidence of optimism on their part, and perhaps demonstrate a wish to appear to be representative of a higher number of people than may really be the case.

Nighthawks and Nighthawking

'Nighthawking' is the term commonly used for metal-detector users who operate outside of the law. Effectively, it is a form of 'looting' (see below) specific to metal detecting. Oxford Archaeology (2007) defined nighthawking as "*the use of a metal detector to remove material from the ground without permission, often to sell it on*". Elsewhere, authors have described nighthawks as metal-detector users who operate illicitly, often on scheduled sites or without permission on private land, and often under the cover of darkness (Addyman 1995: 168), although nighthawking in the daytime is not unheard of (Montalbano 2007: 11). This was nicknamed 'dayhawking' by some metal-detector users encountered in visits to metal detecting clubs for the thesis. Additionally, many metal-detector users argue that metal detecting at night does not necessarily constitute illegal activity. The circumstances may be that, due to work commitments or even the stipulations of the landowner, they are only able to metal detect that particular (legally permitted) area at night (Mellish, *pers. comm.*, 26th October 2007).

Figures 1.2 and 1.3 depict a nighthawk's torch allegedly used for nighttime work. Figure 1.3 shows the reddened end of the torch, which causes the light of the torch to shine red, which is harder to spot from a distance. One of the participants at the Durobrivae (Water Newton) metal detecting rally in August 2007 found the torch, amid rumours of nighthawking taking place around the periphery of the rally, and donated it to the researcher.

Figure 1.2 A 'nighthawk torch', discarded and then discovered at the Durobrivae (Water Newton) metal detecting rally, August 2007

Figure 1.3 Detail of the 'nighthawk torch', showing the reddened lens of the light

The legal parameters that affect metal detecting in England and Wales were introduced earlier in this chapter, but basically a nighthawk contravenes one or more of those laws, usually deliberately although occasionally inadvertently. Hence, a metal-detector user will have done one or more of the following actions in order for their activities to constitute nighthawking:

- Discovered a find that should be declared as Treasure[2], but failed to declare it as such within the required time;

[2] According to the *Treasure Act* 1996 and the 2003 amendments to that Act. Also see below for further analysis of the definition of 'Treasure'.

- Searched on private land without permission, i.e. trespassed, with anything found therefore constituting theft from the landowner;
- Searched on a SAM without authorisation, hence violating AMAAA 1979[3];
- Searched on private land with permission from the landowner, but then failed to disclose what had been found, especially if they are items of financial value or items of Treasure, constituting theft from the landowner and/or the Crown.

Some have suggested, anonymously, that artefacts found in a nighthawking context can sometimes be planted in a more legitimate setting, in order to create a more legally acceptable, although false, provenance (or find spot – see below). Some anonymous sources suggest that the larger metal detecting rallies, for example, where archaeological supervision may be limited or haphazard, can present an opportunity to invent a new provenance for tainted, nighthawked, artefacts. Particularly well-known cases of nighthawking have included the looting of Iron Age hillfort Yeavering Bell in Northumberland (Kennedy 2002), the Salisbury Hoard (Stead 1998a), the Icklingham Bronzes (Renfrew 2000: 67) and the looting at Wanborough in Surrey, which is explored in depth in Chapter 6.

Responsible Metal Detecting

In contrast to nighthawks, the vast majority of metal-detector users are assumed responsible to the extent of not breaking any laws, and even adhering to codes of conduct, such as those of the NCMD, the FID or the CBA-led *Code of Practice for Responsible Metal Detecting in England and Wales*. This was launched in 2006 with, ostensibly at least, support from both metal detecting groups and heritage organisations. Within this responsible majority of metal-detector users, there are still different levels of what different parties would call 'responsible'. For example, although it is legal to sell finds, even after they have been recorded in detail through PAS or similar, many archaeologists still object to the practice of selling archaeological material (e.g. Oliver 2007). While the sale of these artefacts is not strictly illegal, it is a questionable practice from an archaeological viewpoint, as it reveals a materialistic motivation of metal-detector users regarding their search for artefacts. In addition, other opinions of archaeologists and metal-detector users on

[3] Part III, Section 42.

what constitutes an acceptable and reasonable level of 'responsibility' can at times differ.

The Hobby and Hobbyists

Many metal-detector users, both in conversation and in literature, refer to metal detecting as 'the hobby' or 'our hobby' (e.g. NCMD 2008b). Thus in later chapters, when metal-detector users or metal detecting publications are quoted directly, one should assume that this term refers to metal detecting. Similarly, metal-detector users may refer to themselves as 'hobbyists'. Some academic authors (e.g. Pollard 2009: 181) have echoed this term of reference.

Provenance

Provenance, sometimes 'provenience', is a term used for the point of origin of an artefact. Archaeologically, provenance means, literally, the find spot (Brodie 2002: 185). A report by the Select Committee on Culture, Media and Sport (2000), which gave a definition of 'provenance' in the context of archaeology as relating "*to the location and context of an object's excavation*", supports this. However, the antiques and antiquities trade use the term slightly differently. Although broadly it still refers to where an artefact or object comes from, an auction catalogue, for example, may be satisfied with listing previous owners and only a very broad region of origin as a 'provenance'. The Grove Dictionary of Art defines provenance as:

> *"Term used for the record of ownership of movable works of art. A complete provenance provides an accurate account of the locations of a work of art from the time and place of its manufacture to the present."*
>
> (Grove Online 2007)

Christie's, an international auctioneering firm, advises through its website's glossary that a provenance is "*information concerning a lot's current or prior ownership. Provenance may affect a lot's value*" (2007). For the purposes of this thesis, provenance is used in the archaeological sense unless otherwise stated, but it is important to be aware of the differing uses of the word. The variation in the two types of definition is also indicative of the often-conflicting priorities and values of the

commercial art and antiquities trade, as compared archaeological research, not unlike the debate over different values assigned to the term ‘responsible’ by metal-detector users and archaeologists.

Looting

In order to understand why there is such concern about the potential damage caused by metal detecting, and particularly nighthawking, it must be established what it means for an artefact to be ‘looted’. Renfrew (1995: xvii) makes a clear distinction between ‘looted’ and ‘stolen’, by defining looting as, “*…the excavation of sites without the maintenance of a competent record for publication, and with the subsequent sale of the finds for commercial gain.*” With stolen goods, however:

> “*…the implication is usually that the goods are already known and documented…In the case of stolen goods, the legal position is often more clear cut since there is usually no doubt about the identity of the original owner…*”
>
> (Renfrew 1995: xvii)

Other authors have not separated the definitions in this way, but rather have presented them as interchangeable, with theft from individual owners of known artefacts considered in the same light as looting from sites. Skeates, for example, suggests that:

> “*If the physical archaeological heritage can be regarded as property that is owned, it can also be regarded as ‘stolen’, ‘looted’ and ‘plundered’, when it is dishonestly taken from a person or place without right or permission and without any intention of returning it.*”
>
> (Skeates 2000: 39)

Refraining from differentiating between looting and stealing, although in principle both are unlawful and unethical, can confuse the issues being discussed. Clearly, items stolen from museums, individuals, or other situations where the artefacts are recorded have more of a case in claims for repatriation, as there is proof of where the artefact came from. This is because the ownership by a museum or individual is

(wholly) provable, whereas an artefact from an archaeological site is often previously unknown, making it impossible to confirm where exactly it came from. There are also cases of looting from standing monuments, such as the long tradition of looting associated with Angkor Wat and similar structures in Cambodia (Stark and Griffin 2004: 125), where there may be more likelihood of there being documentation of what was originally there (although not always, see Watson 1997: 176 for an example in India). This monumental theft is again different from the looting of archaeological sites. Museum records as well as records of well-documented monuments have meant, for example, that the International Council of Museums (ICOM) has been able to issue the *100 Missing Objects* series, cataloguing missing artefacts from monuments and museums for circulation among museums and dealers (ICOM 1997a, 1997b, 1997c, 2000a). The case for previously unknown artefacts is different in that, if the artefact or even the site is undocumented, then it is virtually impossible to argue effectively for the artefact's return. Even if a successful return occurs, the important archaeological information surrounding the artefact, the *context* (or provenance), is lost forever (Brodie, Doole and Watson 2000: 11).

Broader definitions of looting do not necessarily require the removed artefact to be sold on, which may compare with enthusiastic individuals such as metal-detector users, who in many cases take an artefact from the ground but do not necessarily intend to sell it, instead keeping it themselves. In this case the debate of what constitutes looting is further complicated. For example, according to the law in England and Wales, it is not illegal to remove finds from the ground provided that rules are abided as described earlier in the chapter (see 'Nighthawking' section), and that potential Treasure is declared to the coroner (PAS 2006c). The implication here is that English and Welsh law protects only artefacts from protected sites, or belonging to the narrow definition of 'Treasure', "*a tiny part of the known archaeological landscape*" (Addyman and Brodie 2002: 179).

Illicit Antiquities

Brodie (2002: 2) describes illicit antiquities as "*archaeological objects which have been torn from monuments, stolen from museums, illegally excavated and/or exported*", referring to an artefact's status after its initial extraction, without this term including the said item's position in subsequent re-sales. This definition again

includes recorded pieces from museums, although this thesis focuses on previously unknown and unexcavated archaeological material. Some authors have challenged the concept of the past as 'property', something that can be owned at all (e.g. Carman 2005). However, most countries now regard archaeological heritage (defined below) as publicly owned, often in practice, owned by the state on behalf of the public, making the removal of antiquities from their countries of origin illegal (Brodie 2002: 2). Examples of this include Turkey, where antiquities have been state property since 1906 (Brodie, Doole and Watson 2000: 32), and Egypt, where a national ownership law is in operation (Eck and Gerstenblith 2003: 572). In cases such as the United States and the United Kingdom, there are issues of private ownership of land (and therefore of any finds made on them), which complicate and inhibit deterrence of individuals from removing artefacts from certain sites. Chapter 3 explores further the issues surrounding the trade in antiquities, both licit and illicit, in an international context.

Community Archaeology

Community archaeology, as a term, is closely related to the term 'public archaeology' – "*any area of archaeological activity that interacted or had the potential to interact with the public*" (Schadla-Hall 1999: 147), with 'public archaeologists' defined by Smardz (2000: 238) as "*people who consciously educate the public about archaeology and its objectives*". As a concept, community archaeology has been around for a number of years (e.g. Isherwood, *in prep.*). However, with recent developments such as the launch in 2006 of the Community Archaeology Forum (CAF) website (see www.britarch.ac.uk/caf), and the increased focus of recent conferences and research projects on the topic in the UK and elsewhere (e.g. Isherwood 2009; Simpson *in prep.*), community archaeology is arguably increasingly of interest to researchers.

The key principle of community archaeology is that involvement by non-archaeologists is encouraged. While some interpretations of cultural resource management have assumed that merely preserving and managing archaeological resources on behalf of the public is sufficient (Carman 2005: 55; Merriman 2004: 3), current focus is on facilitating active participation in the practice of archaeology by the public (e.g. CBA 2006: 3). In some cases, such as the Upper Coquetdale

Community Archaeology Project in Northumberland, local residents have received training in archaeological field techniques, carried out full-scale excavations, surveys and field walking exercises, and even written their own funding applications to continue the project (Johnson 2005). This is a step further on from the tendency of many professional archaeological units to allow open days to excavations, where the public can view the work going on, but engage with the archaeology itself only passively. Reid (*in prep.*) identifies this type of activity as a supposition that the public are "*best served through educational entertainment*", in other words that *performance* is preferable for public involvement with actual *participation* in 'doing' archaeology restricted to the professionals themselves.

The ideological concepts of community archaeology can be debated further, for example, there is ongoing debate as to the extent that community archaeology projects can aspire to be 'democratic archaeology', or whether they in fact need some form of control or framework within which to operate. In some instances, conflict has evidently emerged as the result of attempts to control community archaeology projects by certain stakeholders (see Faulkner 2009). Others have suggested that the term can cover a range of organisational models, from 'top-down' projects coordinated by professional or academic organisations, through to "*projects designed by and for the community with little or no professional guidance*" (Simpson and Williams 2008: 74). Whether the 'top-down' approach, where professional archaeologists take the initiative, can be more accurately described as 'archaeological outreach' rather than 'community archaeology' is still open to debate.

Within the context of this thesis, a further question has to be asked of whether working with metal-detector users necessarily qualifies as 'community archaeology'. There have been numerous community archaeology projects involving metal detecting surveys, often using the skills of local metal-detector users or clubs. In addition, Bland describes PAS as "*a case study in developing public archaeology*" (2005b: 272). The activities of FLOs definitely include 'archaeological outreach', and may even be 'community archaeology'. That said, reservations about describing PAS' work with metal detecting as 'public archaeology' have been expressed from some observers, with arguments made that archaeology has certain ethical and methodological frameworks that metal-detector users largely work outside of (PAWG

Minutes, 15th December 2005). Chitty and Edwards (2004: 50) also described media depiction of PAS as "'*the largest community project' in the country*" as "*misleading*" and observed that it "*risks overstating the element of genuinely local community archaeology in the project*". On the other hand, it was also argued that:

> "*PAS could be classed as 'community archaeology' when compared to community projects carried out by local archaeological societies, and that its aim was to involve the public, not just metal-detector users, in archaeology and to make them aware of good practice.*"
>
> (PAWG Minutes, 15th December 2005)

Some archaeological fieldwork involves metal detecting because, for finding metal artefacts, this is the most useful machine to use. For example, a metal detecting survey of Flodden battlefield in Northumberland in 2007, directed by the Battlefields Trust, tried to identify possible locations where stages of the conflict took place based on material evidence, such as musket balls and cannon balls. The team assembled to carry out the project included both archaeologists and metal-detector users who were known to the team as "*trustworthy*" (Foard, *pers. comm.*, 9th September 2007). Interestingly, care was also taken by the team to keep the location of the survey secret, for fear of arousing interest among more locally based metal-detector users who might be keen to make unsupervised searches of the area if it was thought that there was anything to find. This is particularly significant as at present there is no statutory protection of battlefield sites in the UK, even though a battlefields register does exist (Battlefields Trust 2008). A planned *Heritage Protection Bill*, although not included for debate in the current Parliamentary session, included plans to alter the way in which historical and archaeological areas are recorded and protected, which would have afforded more protection to battlefield sites (DCMS 2008).

Clearly in the case of Flodden, this was not 'community archaeology' as such, but rather fieldwork carried out with the assistance of volunteers, none of whom were from the local area, although the team gave talks about the project and its progress to the local community in Branxton during the period of fieldwork. At the Durobrivae (Water Newton) metal detecting rally, analysed in Chapter 7, there was a high

archaeological presence and a great deal of co-operation. However, it is questionable as to whether the activities of the rally still constituted 'archaeology' in a professional sense, since it was still a metal detecting rally, and furthermore whether it was 'community archaeology' given that usually this term implies the community local to the site. While metal-detector users can be identified as a specific 'community' interacting with archaeological material, as demonstrated in this thesis, Mills (2007:16) observed that at the Durobrivae (Water Newton) rally there was little interaction with local people, with very few local visitors to the rally site.

Heritage

The term 'heritage' can be difficult to define. The term may have connotations pertaining to archaeology, tourism, family, cultural identity, nature, or history, among other things. The Compact Oxford English Dictionary gives three possible definitions for the term 'heritage':

> "***1*** *property that is or may be inherited; an inheritance.*
> ***2*** *valued things such as historic buildings that have been passed down from previous generations.*
> ***3*** *before another noun relating to things of historic or cultural value that are worthy of preservation.*"
>
> (www.askoxford.com, accessed 14th October 2007)

For the thesis, the latter two definitions are more relevant, rather than issues of 'inheritance' in a legal or family sense. Dictionary.com offers the following:

> "*1. something that comes or belongs to one by reason of birth; an inherited lot or portion: a heritage of poverty and suffering; a national heritage of honor, pride, and courage.*
> *2. something reserved for one: the heritage of the righteous.*
> *3. Law. Something that has been or may be inherited by legal descent or succession.*
> *4. Any property, esp. land, that devolves by right of inheritance.*"
>
> (www.dictionary.com, accessed 14th October 2007, *sic*.)

Lowenthal's (1998) *The Heritage Crusade and the Spoils of History* discussed the many different types of heritage, and the contemporary fascination with it. He reminds us that heritage and history are quite different concepts, with heritage "*sanctioned not by proof of origins but by present exploits*" (1998: 127). Heritage is not, as sometimes thought, "'*bad' history*":

> "*In fact, heritage is not history at all; while it borrows from and enlivens historical study, heritage is not an inquiry into the past but a celebration of it, not an effort to know what actually happened but a profession of faith in a past tailored to present-day purposes.*"
>
> (Lowenthal 1998: x)

Shanks and Tilley (1992: 83), in their critique of Beamish Open Air Museum in County Durham, also point to the idealisation made of the past through its presentation, using local heritage to create a "*mythical past*". Yet this 'heritage' is based on the personal experience of the visitor, and on their interaction with the objects, their setting and with each other, and so forms an essentially individualistic experience. They also describe heritage as "*a palimpsest of unspecific 'history' around us*" (Shanks and Tilley 1992: 23).

That heritage, then, can be a very personal experience, an emotive understanding and appropriation of the past based more on current needs and agendas than on historical 'fact', may contribute to explanations for the motivations to metal detect as a hobby. Interviews with metal-detector users carried out for the thesis (see Chapter 7) demonstrate the very personal interpretations given by these amateur hobbyists as they interact with the artefacts that they find. There is often a romantic appeal connected with speculating about the last person who may have held, used, or owned the artefact before it was lost, which fits in with the more theoretical explanations for the popularity of the concept of 'heritage'. Furthermore, the apparent failure of professional and academic archaeologists to take into account the public's need to interact with their heritage; to apply their own personal, even relativist, ontologies, may have contributed further to the popularity of metal detecting. Metal-detector users have been thus described as people who have sought for their own ways of

making a personal and physical connection with the past (Shanks and Tilley 1992: 25; Stone 1994: 196).

'Heritage', then, is something that seems to be difficult to define, at times contentious and politically loaded, while at the same time personal. Once a legislative or administrative position is required, certain frameworks become essential. The United Nations Educational, Scientific and Cultural Organisation (UNESCO) (2008) deals with the concept of heritage as part of its activities, introducing it with a broad definition that: "*Heritage is our legacy from the past, what we live with today, and what we pass on to future generations*". UNESCO supports a World Heritage List as part of its remit, whereby sites deemed to have "*outstanding universal value*" are inscribed (UNESCO 2008), with appropriate management plans devised, under the World Heritage Convention, overseen by the World Heritage Committee (Cleere 2001: 23). In order to be able to decide as to whether a site attains World Heritage status, a list of criteria was developed that UNESCO regularly reviews and updates (UNESCO 2008). These relate to natural and cultural heritage, the tangible, and the intangible. Cleere (2001: 28) has suggested that the World Heritage List can have different meanings at a national level depending on the country. Developed nations seem to have regarded inscription on the List as "*little more than international recognition of the wealth of cultural properties on their territories*" (Cleere 2001: 28). Meanwhile, developing countries may see benefits to inscription of World Heritage Sites in their borders both through grants becoming available, and through awareness building, leading to greater consideration and protection of cultural heritage in those countries (Cleere 2001: 28).

Archaeological Heritage

It is appropriate for this thesis to make the distinction between 'heritage' in general terms, and 'archaeological heritage' specifically. As was demonstrated above (and see Skeates 2000: 9), the term heritage on its own can have several interpretations, hence a differentiation between the term 'heritage' where it relates to, for example, the representation of a nostalgic aspect of social history, as at Beamish, and where it relates specifically to archaeological material, is necessary.

Archaeological heritage is a term often used to describe that which is physically left in the ground. Although, one could argue that archaeological material removed from its site of origin, for example, kept and conserved in a museum collection, also counts as 'archaeological heritage'. An example is the recovered relief that was stolen from the Chinese tomb of Wang Chuzi in 1994, later discovered at an auction in New York and eventually returned to China to be kept in the National Museum's permanent collection (Magness-Gardner 2004: 37). Skeates (2000: 9-10) suggests two definitions for 'archaeological heritage': "*the material culture of past societies that survives in the present*"; and, "*the process through which the material culture of past societies is re-evaluated and re-used in the present*".

As in situ material from the past surviving in the present, there has been extensive research and discussion into the importance of archaeological heritage management, (e.g. Cleere 1989), also referred to as cultural resource management (e.g. Merriman 2004). Cleere (1989: 6) has suggested that a common thread in discussions of attitudes towards the past and its physical remnants is "*the concept of identity or identification – a sense of belonging to a place or a tradition*". Given, then, the often-emotive nature of the concept of heritage, the concept of archaeological heritage arguably goes beyond the physical archaeology itself, and incorporates not only the information derived from archaeological evidence about the past but also the senses of identity and connection that people associate with their awareness and perception of the past.

Magness-Gardner (2004: 37-38) discusses how "*wealth, leisure and the ability to travel to once remote archaeological sites*" has made much of the world's archaeological heritage more accessible and thus more appreciable to more people. While this in turn may lead to "*support of research projects, preservation efforts and museum exhibits*", the negative aspect associated with this increased appreciation is the increased risk of looting of sites for personal gain (Magness-Gardiner 2004: 38).

For the purposes of this thesis, archaeological heritage, rather than the broader concept of 'heritage' in general, is the main theme of research in relation to interaction between archaeologists and metal-detector users.

Heritage Organisation

For the purposes of this thesis, 'heritage organisation' is taken to mean any organisation involved in what is broadly termed the 'heritage sector'. This includes museums, heritage sites, research centres (including university departments) and conservation bodies. In addition, this category subsumes professional commercial archaeological units. As well as organisations connected to the Government, such as English Heritage and Cadw, there are many charities with an interest in heritage in the UK, including the National Trust, local heritage and museum trusts, and the CBA. The CBA has had a significant role in influencing national policy towards archaeological heritage, and Chapters 4 and 5 chronicle its role since its 1944 foundation.

Heritage Professional

Similarly, for the purposes of this thesis, a heritage professional is taken to be a personal working professionally in any part of the heritage sector. This includes academics, professional archaeologists and museum professionals.

Portable Antiquities

Portable antiquities, by their nature of portability, are easily removable from the ground or monument. In practice, this covers a range of items, from coins and jewellery through to larger, but still 'portable' items such as weapons and pieces of masonry. The key part of the terminology here is 'antiquity', a term less common in archaeology nowadays than 'artefact' (Brodie 2006a: 9). The term 'antiquity' also conveys, "*a sense of the archaeological artifact as collectible art object*" (Brodie 2006a: 9, *sic*.). This has perhaps led to its use as the preferred term in the 'antiquities' trade. That 'antiquity' may be a more readily recognisable term to non-archaeologists, as well as a more interesting one than merely 'artefact' or 'object', may explain why it is commonly used in organisations aimed at engaging with non-archaeological audiences: PAS is not the Portable Artefacts Scheme. According to PAS' website (2006e), "*Archaeological objects discovered by members of the public are commonly referred to as 'finds', or sometimes as 'small finds' or 'portable antiquities'*." Following on from this, PAS records portable antiquities brought to their attention that date to before 1650, although occasionally PAS may record later artefacts (PAS 2006f). This raises the question of whether an artefact post-1650 is an 'antiquity'.

Addyman (1995: 172) noted his own use of the term "*archaeological material*" as referring to anything over 100 years old. Additionally, with the increased interest in military and industrial archaeology, items of interest to archaeologists become increasingly younger (Schofield 2005: 14-15). In the thesis, the term 'antiquity' relates to the different contexts in which PAS and the antiquities market use it.

Portable Antiquities Scheme

PAS is a project of voluntary participation designed to support the *Treasure Act* 1996, so that finds not legally defined as 'Treasure' can still be reported by finders and recorded by FLOs (Addyman 2001: 143). PAS was initially funded by the Heritage Lottery Fund, and is now supported by the Department for Culture, Media and Sport (DCMS), and has grown since its pilot stage, when it covered six regions in 1997, now to cover all regions in England and Wales (PAS 2006a). Most commentators accept PAS as a positive development. For example, the NCMD (2008a) supports PAS "*wholeheartedly*", and many archaeologists have commented on the scheme's success and its potential for future expansion (e.g. Addyman 2001: 143; Renfrew 2000: 84; Addyman and Brodie 2002: 182). The future of PAS was recently in question due to funding and management issues, explored in Chapter 8.

PAS is also not without critics, for example, the Council for Independent Archaeology (CIA) has noted the scheme's failure to make contact with local archaeological societies (CIA, *no date*). Other individuals have discussed the scheme negatively through the medium of the CBA's email discussion list known as *Britarch*. One strand of discussion on *Britarch* in December 2005 was titled "*Portable Antiquities scheme in Wales is a failure*". Chapter 8 reviews the criticisms that PAS has attracted.
In addition to PAS, which is an initiative led primarily by archaeologists and heritage professionals, there is another finds recording database in operation. A group of metal-detector users (UKDFD 2005) set up the United Kingdom Detector Finds Database (UKDFD) in 2005. Chapter 7 demonstrates that, at present, relatively few metal-detector users use the UKDFD. However, it is pertinent to mention the database's existence here, and its role is further analysed in Chapter 8.

Treasure

'Treasure' is a contentious term in archaeology. Legally, it defines the categories of artefacts covered by the *Treasure Act* 1996 in England, Wales, and Northern Ireland, and by treasure trove systems in Scotland and the UK Crown Dependencies. The categories qualifying as Treasure for England and Wales are defined on PAS' website, and were reproduced earlier in this chapter.

Certainly, the term 'treasure' carries with it connotations of value, both in a financial sense and in terms of what light it can shed on the past. This is something that the *Buried Treasure* touring exhibition, curated by the British Museum and toured in England and Wales in 2004-5, aimed to convey. In the volume accompanying the exhibition, Hobbs (2003: 10) introduces the concept of 'treasure', explaining its different meanings in different contexts, including the romantic image of 'buried' and 'sunken' treasure in stories and games, and the legal sense in which it is used by archaeologists and historians. The financial aspect of the term 'treasure', exacerbated by the fact that much legally defined 'Treasure' is also highly valued financially, can have a "*difficult association*" for archaeologists (Hobbs 2003: 11). This was highlighted in an online debate about the title of the *Buried Treasure* exhibition and the *Buried Treasure: Building Bridges* conference co-organised by the researcher in 2005, through the Britarch discussion forum (see Chapter 8). When used in a legal sense, the term 'Treasure' is often spelt with a capital 'T' (e.g. PAS 2006g). For this reason, 'Treasure' in this thesis is used for reference to items defined as Treasure under the *Treasure Act* 1996, whereas 'treasure' with a small 't' is used for other instances, such as when referring to 'treasure hunters'. As a contrast to 'Treasure', the old law of treasure trove is referred to in lower case, as other authors and have done (e.g. Wyman and Havers 2005; Faulkner 2003; Halfin 1995; Sparrow 1982; Bray and Trump 1982). There does not seem to be a standard way to refer to treasure trove, since others have done so with the upper case: 'Treasure Trove' (e.g. Hobbs 2003; Renfrew 2000; Addyman 1995; Palmer 1995). For continuity, and to make a differentiation between 'treasure trove' and 'Treasure' according to the *Treasure Act* 1996, lower case is used as standard for treasure trove throughout the thesis.

Treasure Trove

Treasure trove was, until its cessation in 1997 when the *Treasure Act* 1996 came into force, the primary way in which portable antiquities were protected by legislation, and the oldest law still in use in Britain (Gilchrist 2003). A prerogative right of the Crown, it has its origins in Anglo-Saxon times (Cookson 1992: 399), although it has also been said to have been formally introduced in 1195 by Richard I (Halfin 1995: 16). The term 'treasure trove' itself is "*derived arcanely from the Norman French trésor trové – 'treasure found'*" (Addyman 1995: 164). From these early medieval origins, demonstrated in the Thirteenth Century account of Henry de Bracton (Graham 2004: 312), to its eventual cessation, treasure trove has inevitably been a key issue for both archaeologists and metal-detector users. As described in Chapter 3, treasure trove still operates in Scotland in a more exhaustive format of *bona vacantia* – "*i.e. that property without a known owner belongs to the Crown*" (Sparrow 1982: 200). The Isle of Man and the Channel Islands still operate systems similar to, but not exactly like the treasure trove practices formerly adhered to in England and Wales. The development of treasure trove from medieval times to its final state went through a number of changes, for example the introduction of a reward to finders in 1886, summarised by Hobbs (2003: 10-17). Treasure trove as it finally operated in England and Wales in the decades prior to 1997 is described below.

Under treasure trove, a finder of an artefact or artefacts that were potentially treasure had to report them to the police. An inquest would follow in the presence of a coroner to determine whether the artefact classified as treasure. The principle of treasure trove was "*unwritten and therefore imprecise*" (Sparrow 1982: 201), and so has sometimes proven difficult to define clearly in a court of law, as demonstrated in Chapter 6. However, there are some definitions available. According to the *Penguin Dictionary of Archaeology*:

> "*In Britain antiquities are the property of the owner of the land on which they are found unless, in the present state of law (reform is being urged), they have been declared treasure trove by a coroner's inquest. To be so, they must be of gold or silver, must have been lost or hidden with the intention of recovery, and by someone who is no longer traceable. In these circumstances, the Crown takes possession, rewarding the finder with the*

> *market value or with the object itself if it is not required for the national collections. By way of examples, a hoard of loot (TRAPRAIN) or personal possessions containing precious metal would be treasure trove, a votive HOARD or GRAVE GOODS (SUTTON HOO) would not.*"
>
> (Bray and Trump 1982: 249, *sic*.)

Halsbury's Laws of England (1974, in Cookson 1992) has the following definition:

> "*Treasure Trove is said to arise 'where any gold or silver in coin plate or bullion is' found hidden in the earth or any other secret place and belongs to the Crown by prerogative right, unless the person who hid it is known or afterwards discovered, in which case it belongs to him'.*"
>
> (Halsbury 1974: para. 1513, cited in Cookson 1992: 399)

Treasure trove had "*a common law, not a statutory basis*" (Cookson 1992: 399). Its principal features involved the notion that anyone finding gold or silver in the ground was obliged to report it to the coroner. It was effectively a medieval safeguard against tax evasion by hiding one's valuables rather than declaring them to the monarch. It certainly was not intended initially as a framework for dealing with archaeological finds. If it could be demonstrated at the coroner's inquest that the reported objects were probably buried with the intention of recovery, but that the owner could not be found, then they were determined to be treasure trove, and as such property of the Crown. If the inquest was satisfied that the objects had been lost accidentally or buried without the intention of recovery, then ownership passed to the landowner (Cleere 1984: 57).

There were obvious weaknesses in this system, such as its focus being limited to precious metal (Saville, *pers. comm.*, 19th October 2006). As mentioned above, it was not intended at first as a way of protecting antiquities, but instead was "*designed to get gold and silver to melt down into coinage*" (Graham, *pers. comm.*, 29th July 2006), and was a "*historical artefact in itself*" (Cleere, *pers. comm.*, 17th July 2006). The requirement for a coroner to ascertain what intention lay behind the deposition of an artefact many years before, whether it was accidental, ritual or an intentional attempt

to conceal it, was virtually impossible to follow through without any doubt – "*nobody could do that*" (Heyworth, *pers. comm.*, 13th September 2006). There are other observers less critical of treasure trove; for example, Renfrew (2000: 83) has argued that the old system worked perfectly well until the increased diversification of the types of artefacts becoming attractive to collectors combined with the rise in popularity of metal detecting. Selkirk (*pers. comm.*, 13th November 2006) also suggests that treasure trove was more effective than the Act that replaced it, largely because the rights of the landowner were better served before the change. On reflection, the *Treasure Act* 1996 would seem to be an improvement on treasure trove, especially if the increased rate of declared Treasure is taken into account. This increase seems to be down to a combination of the new law, and the role of PAS FLOs in increasing awareness about the law and facilitating declarations (e.g. DCMS 2004a: 4). The factors that did lead to the eventual change of the law are analysed in Chapter 6.

1.9 Chapter outlines

The following paragraphs summarise the content of each of the chapters of this thesis. These paragraphs are followed by Table 1, which illustrates the relationship of each chapter to the aims and objectives.

1. Introduction

The first chapter introduces the thesis, demonstrating what research has already taken place in this area and why the thesis represents an important contribution to understanding the relationships between archaeologists and metal-detector users in England and Wales. The research aims and objectives are outlined, and it introduces the current legislation and practices relating to England and Wales. Key terms are defined, and the chapter outlines presented.

2. Research Methods

Relating to the aims and objectives, the chapter explains the methodologies for the research carried out for the thesis. This chapter includes potential and actual

limitations, and explanations of the methodologies with reference to research design literature.

3. Metal detecting and the antiquities market: a global perspective

This chapter discusses and evaluates selected international examples. The wider antiquities trade is analysed for context, and issues are discussed for countries where metal detecting is practiced, both legally and illegally, taking a broad look at examples from a selection of countries. The chapter draws upon information from literature reviews of related material, and from personal communications and interviews with practitioners in selected countries. This creates a context for more in depth analysis in later chapters of the situation in England and Wales. Northern Ireland, Scotland, and UK Crown Dependencies are included in this chapter because their legislation differs to England and Wales.

4. The Council for British Archaeology: *"measures for the care of antiquities"*

This chapter analyses information collected through archival research and supplementary interviews about the different activities and campaigns since the foundation of the CBA in 1944, which have affected the treatment of finds made by the public in England and Wales. Evidence dating from the 1940s until the late 1960s is analysed, and the chapter illustrates the attempts to influence policy and opinion pursued by the CBA and other organisations concerned with the protection of heritage in England, Wales, and the UK as a whole. This provides a historical context for the subsequent chapter.

5. How STOP started: early approaches to the metal detecting community by archaeologists and others

Following on chronologically from Chapter 4, Chapter 5 focuses specifically on the events leading to and occurring during the STOP ('Stop Taking Our Past') Campaign. The political climate for archaeology and metal detecting is analysed, including the reactions in the media both to STOP (a coalition committee of archaeological and conservation organisations) and DIG (Detector Information Group – a metal detector manufacturer-led group organised as a reaction to STOP). The influences at play, both internal and external to the archaeological profession, which shaped the evolution of

STOP are analysed. The reception in Parliament of the *Abinger Bill* and the AMAAA 1979 are also analysed in light of the political background to the period.

6. Events after STOP

The chapter analyses archival evidence from the CBA relating to events after the STOP campaign, which eventually led to the development of PAS. A key case study of this chapter is the 1983 looting of the Romano-British temple site at Wanborough in Surrey, and its subsequent exploitation and politicisation in the battle to change the treasure trove common law, culminating in the inception of the *Treasure Act* 1996. Its significance is cross-referenced with its occurrence in the aftermath of the STOP Campaign, and with other events contemporaneous to it.

7. Metal-detector users today

Original questionnaire and interview data is analysed, demonstrating an accurate and up-to-date picture of attitudes of current metal-detector users, from why they metal detect, to how they feel about archaeologists and the extent to which PAS is affecting their hobby. Interviews with individual metal-detector users were carried out, but there was also a nationwide survey of metal detecting clubs. This was the first time that such a survey had been carried out on this scale since Dobinson and Denison's 1995 report, and it has experienced a much higher response rate than their survey.

8. The Portable Antiquities Scheme as an effective system for England and Wales

The promotional literature for PAS is compared with literature and personal communications voiced both by critics and supporters, and with evidence from original data collection for the thesis, presented in this chapter and the previous one. The UKDFD, a rival database set up privately by metal-detector users, is also discussed.

9. Conclusions

Drawing on evidence from previous chapters, the impact of developments since the 1940s until present is evaluated for its impact on and possible explanation of current conditions in relationships between archaeologists and metal-detector users. The research questions, aims, and objectives are reviewed to ensure that they have been achieved and answered. The historical and theoretical contexts explored in the thesis

are reviewed. Finally, reflective conclusions are made about the process of developing the thesis, and about the potential for pursuing future research in this area.

As a means of summarising, Table 1 maps the main types of evidence and research methods used onto the chapters. For added clarity, the aims and objectives feature in this table, but only by numeric reference. This table is a guide, given that chapters cross-reference each other and the different evidence types. It also links in and can be cross-referenced with Chapter 2, which describes the research methods. Furthermore, Tables 2a, 2b, 2c, and 2d demonstrate the research methods in relation to the aims and objectives.

Table 1 Chapters in relation to the Aims and Objectives, the principal evidence and the research methods used

CHAPTER	AIMS AND OBJECTIVES	PRINCIPAL EVIDENCE	RESEARCH METHODS
1. Introduction	Aim 1: Objectives i, ii	Books; journals; conference papers; internet; theses, media.	• Literature review • Archival research
2. Research Methods	All aims and objectives	Methodology literature, personal observations	• Literature review
3. Measures taken to control metal detecting in other countries	Aim 1: Objectives i, ii	Published literature; legislative literature; archives, interviews	• Literature review • Interviews
4. The Council for British Archaeology: "*measures for the care of antiquities*"	Aim 2: Objectives i, iii, iv	CBA archives	• Archival research • Literature review
5. How STOP Started: Early approaches to the metal detecting community by archaeologists and others	Aim 2: Objectives i, ii, iii, iv	CBA archives; Rescue literature; published literature; Hansard debates, interviews.	• Archival research • Literature review • Interviews
6. Events after STOP	Aim 2: Objectives i, ii, iii, iv;	CBA archives; Surrey Archaeological Society archives; Hansard debates; Portable Antiquities Working Group/Standing Conference on Portable Antiquities minutes; literature, interviews.	• Archival research • Literature review • Interviews
7. Metal detector-users today	Aim 2: Objective ii; Aim 3: Objectives i, ii, iii.	Questionnaires; interviews, literature.	• Interviews • Questionnaires • Literature review
8. The Portable Antiquities Scheme as an effective system for England and Wales	Aim 3: Objectives i, ii, iii; Aim 4: Objective i.	Questionnaires; interviews; PAS annual reports and conference proceedings; literature including internet sources; theses.	• Questionnaires • Interviews • Literature review
9. Conclusions	All Aims and Objectives, emphasis on Aim 4.	All evidence from previous chapters.	All Research methods.