

Chapter 5: How STOP Started: early approaches to the metal detecting community by archaeologists and others

5.1 Introduction

The previous chapter introduced some of the issues concerning the CBA, British Museum and others concerning archaeological heritage, particularly where it seemed that material was leaving the country without record. The emergence and popularity of metal detecting drew even greater attention to archaeological material discovered by non-professionals, since it exacerbated this rate of discovery (Renfrew 2000: 84). This chapter assesses the different successes and failures of both metal detecting and archaeological organisations from the late 1960s through to the early 1980s. This was a crucial period for the development – or deterioration – of relationships between the two groups, due to the rapid rise in the popularity of the metal detector as a commercially available item in the UK. First, this initial emergence, and the reaction it received from archaeologists and popular media, is analysed. Then the events leading up to major campaigns on the part of both archaeologists and metal-detector users, particularly through the opposing groups of STOP ('Stop Taking Our Past') and DIG (the Detector Information Group) are examined. The roles of both groups in shaping public opinions, and government decisions, are discussed.

The CBA and other heritage organisations, as discussed in Chapter 4, were involved in attempts to safeguard British archaeological material, including lobbying government offices when necessary (e.g. Grimes' letter to RA Butler on 17th September 1953, concerning the Waverley Report). From the 1970s, much of this energy was devoted to metal detecting. The issue of export of antiquities had continued, and continues more recently, to involve the interests of antiques and antiquities dealers. This is exemplified in the inclusion of art and antiquities trade representatives on the Ministerial Advisory Panel on Illicit Trade (Palmer 2000: 7). In contrast, when the metal detecting hobby appeared, it not only affected archaeologists, antiquity dealers and collectors (the latter two involved through the sales of coins and other artefacts found through metal detecting), but also a new interest group: those taking part in the hobby for recreational purposes. Chapter 7 discusses in more detail the various motivations for contemporary metal detecting. These differing motivations

aside, with the manufacture of affordable metal detecting machines, the number of hobby enthusiasts grew and immediately caused concern among archaeologists (Addyman and Brodie 2002: 179). One of the underlying issues concerning the protection of archaeological material, exacerbated by the onset of amateur treasure hunting with metal detectors, was the inadequacy of the treasure trove common law. The issue of treasure trove, introduced in Chapter, is examined later in this chapter in relation to the onset of metal detecting, in particular regarding attempts to reform the law through the *Abinger Bills*.

Described as “*an initial knee-jerk reaction*” to metal detecting (Addyman and Brodie 2002: 179), the now-infamous STOP Campaign was planned from 1979 and launched in 1980. Later authors writing about STOP have suggested that the campaign was unsuccessful in its principal goal to persuade public opinion that treasure hunting with metal detectors was unacceptable behaviour. According to Addyman and Brodie (2002: 180), STOP led to “*loss of sympathy and the polarization of attitudes*”. Bland (2005b: 441) suggested that in the battle for public and political support, metal-detector users were far more successful than archaeologists during the ‘STOP period’; the NCMD, for example, made Prime Minister Harold Wilson its honorary patron (Bland 2005b: 441). Gregory (1983a) suggested that professional archaeology’s failure to engage with the public had even contributed to the growth in popularity of metal detecting. STOP is regarded as a pivotal moment in the history of the relationships between archaeologists and metal-detector users, and is regularly cited by commentators on this issue (e.g. Addyman 2009; Bland 2005b; Addyman and Brodie 2002). However, it has also diverted attention from earlier responses to metal detecting, some of which were more placatory than others. In other publications, the ambiguity with which some authors have referred to STOP indicates that there is a need for a more thorough study of the evidence, in order to clarify what really happened. This is epitomised by Faulkner’s (2003: 175) indirect, and obviously incorrect, implication that the looting at Wanborough may have led to the formation of STOP, despite it having occurred three years *after* STOP had been launched. The impact of legislation and the role of personal opinions must also be analysed to understand the events leading up to STOP: the Campaign against Treasure Hunting.

5.2 Amateurs, archaeologists and treasure hunters

A cutting in the CBA's archives of a letter in a British newspaper dating from around 1969 from the CBA's Honorary Secretary, Professor Richard Atkinson, discussed the "threatened introduction to Britain of the American hobby of treasure-hunting", involving the use of a device described as a "treasure-finder" (Atkinson c.1969: np). It went on to make the case for supporting the CBA's proposed *Antiquities Bill* in order to "give to archaeological objects the same kind of protection in law that we have long since accorded in principle to archaeological structures". Green and Gregory (1978: 161) asserted in 1978 that metal detecting had been around for a decade at that point correlates with the appearance of such newspaper reports in the late 1960s.

Earlier than that, *The Times* featured a picture of a Mrs J Merrick operating a 'Decco' electronic device invented by Herr Claus Calani to locate items three feet or even deeper, on 14th July 1966 (*The Times*, 1966). Another early example of hobby detecting emerged in the survey results of metal detecting clubs, analysed in Chapter 7, indicating that one of the responding clubs had started up in 1965.

Other electronic devices such as mine detectors could presumably be developed or applied to treasure hunting if one had the equipment available. A letter in 1970 from an army sergeant based at the Catterick garrison in North Yorkshire, already mentioned in Chapter 4, demonstrated the possibility of military personnel having access to mine detectors but not necessarily an opportunity to access archaeology in a more conventional way. Sergeant Coveney lamented about archaeology that, "unfortunately people in my position can't get close enough to it" (Coveney to Magnusson, 6th March 1970). A military connection to treasure hunting was already identified in the American airmen purchasing artefacts from local people in East Anglia in 1952 (see Chapter 4), although no mention of a metal detector was made in correspondences about that issue. Years later, in 1969, another newspaper report suggested that US Air Force personnel were still operating as 'dealers' of various artefacts from East Anglia, with claims that antiquities were even being sold openly in the departure lounge at Heathrow Airport (Hopkirk 1969a: np).

Metal detecting was attracting substantial publicity by 1969, including in local newspapers and through a number of articles in *The Times* (de Cardi, c.1970: 1). Purchasers of metal detectors were writing to museums, professors and others, keen to gain advice from archaeologists on where to find items of interest with their machines. These developments led the CBA to undertake a nationwide survey to audit the extent of all types of treasure hunting, metal detecting included. Responses were sought from the secretaries of the regional groups of the CBA, to help establish the facts (de Cardi, c.1970). Evidence was sought and collated:

- a. *of the looting of sites where qualified archaeologists have been carrying out excavations;*
- b. *random burrowing and treasure-hunting;*
- c. *any information regarding the extent to which metal detectors are being used by archaeologically unskilled persons on site.”*

(de Cardi, c.1970:1)

The summarised results of the survey indicated at least some incidents in most regions, including a Lincolnshire farmer who had bought a metal detector to work on his own land (de Cardi c.1970: 3). Another example was of a dealer in East Anglia who had apparently established a network of local people in pubs and garages from whom he could buy artefacts, including flints, and that even acted as agents on his behalf (de Cardi c.1970: 2). Newspaper cuttings from the late 1960s, such as the headline, “*Give us our history back, you medieval pot snatchers*” in the *Croydon Midweek* (1969: np), confirm that metal detecting was not the only type of artefact hunting taking place. Some areas, such as Yorkshire, seemed not to have any known instances of metal detector use by “*archaeologically unskilled persons*” (de Cardi c.1970: 2), but an overriding concern from the summarised evidence submitted to the CBA seems to have been with the actions of amateurs. Certainly archaeological societies started to form in the late 1960s and early 1970s (Alexander, *pers. comm.*, 20th March 2007). Amateur archaeological societies and groups are acknowledged to play a significant role in building up archaeological knowledge through their “*rich tradition of research-orientated investigations*” (Darvill and Russell 2002: 3). However, the risk also existed that less skilled or principled groups could form that

were not necessarily recording excavations and other archaeological work to an acceptable standard, or, worse, using a misleading group name to disguise the fact that they were actually treasure hunters. The formation of local amateur societies, such as “*a body calling itself the Folk House Arch. Club*” (de Cardi c.1970: 3), which contractors allowed to excavate during construction of the Keynsham by-pass, Avon, seems to have caused major concern. Alongside this amateur group, who were permitted to examine the site of an abbey (Owen to de Cardi, 7th November 1969), other members of the public seem to have been involved in the “*systematic looting, and local schoolchildren were encouraged to do so by their teachers*” (Owen to de Cardi, 7th November 1969).

In another instance, two “*characters*” went “*prospecting*” at the site of Deganwy Castle, Conwy (‘Robin’ to de Cardi, 6th January 1970). One of the individuals involved was apparently a member of the Welsh CBA regional group, and had used this membership as a means of looking official in order to gain access to the site (‘Robin’ to de Cardi, 6th January 1970). In Yorkshire another metal-detector user had joined the Yorkshire Archaeological Society, much to the dismay of the Society’s Honorary Secretary, who complained that this individual could now offer his detecting services while honestly stating that he was a member of an archaeological society (Hartley to de Cardi, 4th May 1970). This concern was apparently amplified by the appearance of a local newspaper advertisement placed by the same metal-detector user, which read: “*TREASURE TROVE hidden on your property. We have the modern equipment to find it, many successes. Phone Mr Allen. Batley 2084*” (unknown newspaper 1970: np).

Edward Fletcher, later a contributor to metal detecting magazines and a vocal opponent to archaeologists (see Chapters 1 and 6), was initially an employee of ML Beach Products Limited, an early British metal detector manufacturer. In his enthusiasm to promote metal detecting, he also made use of local media publicity. One newspaper article called him a “*historical researcher*” (*News Shopper* 1970: 1). He even advised other metal-detector users, in literature published a few years later, to use terms of reference implying archaeological expertise in order to gain credibility when looking to secure access to areas for searching (Fletcher 1978: 32).

Although there is no direct evidence of this in the archival material researched, it is feasible that it was the use of archaeological-sounding names by some artefact hunters, including metal-detector users, to persuade landowners and developers into permitting them access, which led to mistrust of more legitimate amateur archaeological societies forming at the same time. Interestingly, almost a decade later in 1977, the tension between amateur and professional archaeologists was recalled in another newspaper article covering the issue of metal detecting:

“The moderates bend in the breeze, recalling that a decade ago a similar furore broke over the heads of small amateur archaeological societies conducting their own digs. Now the two sides work amicably together.”

(Roscoe 1977: 9)

The last sentence possibly over-simplifies the relationship between archaeological societies and professional archaeologists, particularly as both amateur and professional groups changed dramatically in the 1970s (and see Selkirk 1997: 10-20 for discussion of this). However, the question remains of whether, in the 1960s and 1970s, when metal detecting was still relatively new, better communication with these groups and individuals might have proven effective. For example, in the case of the Deganwy Castle “*prospectors*” mentioned above, efforts had been made to explain to them the importance of recording their finds, with the realisation that: “...*too severe an attitude does not deter these people from their activities, but merely stops them from telling anybody about them*” (‘Robin’ to de Cardi, 6th January 1970). However, when a Mr Allen, possibly the same man who had joined the Yorkshire Archaeological Society in 1970, contacted Bristol and Gloucestershire Archaeological Society for their views about a proposed Gloucestershire branch of the British Amateur Treasure Hunting Club, the Society was advised to “*have no truck*” with him (Fowler to Ralph, 1973). This dilemma of whether to work with or against metal-detector users is evidenced again in later sections of this chapter, and is a key issue of the research as a whole, and carries through to current debates on the subject (see www.paul-barford.blogspot.com for arguments against the engagement practised by PAS).

Correspondences in the CBA archives also revealed that in some regions evidence of the selling of archaeological artefacts as collectibles dated back to the 1940s. The amateur excavation of artefacts by members of the public was certainly not a new phenomenon, and Hope-Taylor's draft proposals discussed in Chapter 4 indicate that archaeologists were aware of the activities of the public, through chance finds, development work discoveries, or other activities. A letter from the Luton area responding to the CBA survey indicated that an early instance of looting seemed to have been in 1948 or 1949 when *Exchange and Mart* ran an advertisement for "a large collection of local Bedfordshire flint implements for sale - £10" (Anon. a to Grimes, January 1970). The correspondent had responded to the advertisement as they were interested for research but discovered that an "archaeological agent" had already purchased the collection (Anon. a to Grimes, January 1970). They did, however, visit the house of the vendor, and found it to be "a museum indeed", including a lot of things from Verulamium; "about a dozen Samian bowls, numerous brooches and coins"; flint arrowheads; Bronze Age and Iron Age urns, and so on. "It was then that I became aware of a ready market for excavated material purchased from, presumably, the excavators" (Anon. a to Grimes, January 1970). The fact that the author mentioned excavators suggests that archaeologists might have been involved in eliciting sales. This was certainly not unheard of; Sir Mortimer Wheeler, the famous archaeologist who had been in charge of major excavations at Verulamium, had raised funds to support his excavations at Maiden Castle in Dorset in part through the sale of "insignificant antiquities such as potsherds and bones" (Hawkes 1982: 97).

Other examples through the decades were listed in the same anonymous letter to Grimes, including the amateur excavations and display of finds by schoolchildren in 1965 in Bletchley, Buckinghamshire, with no attempt made to record the finds archaeologically (Anon. a to Grimes, January 1970). The correspondent concluded that the market for archaeological objects was evidently growing, with a comment similar to those sometimes made by observers of the current antiquity trade, that: "any legal restraint will be of no avail, the market will be that much more clandestine".

The inadequacy of treasure trove to protect finds of archaeological interest doubtless exacerbated the apparently growing trend in buying and selling artefacts. Despite the

time that it took to achieve changes, the desire to strengthen existing protective measures, including treasure trove, had been central to the objectives of the CBA since its formation in 1944 (Heyworth 2006). For example, in 1969, one of many attempts to reform treasure trove took the form of an *Antiquities Bill*, drafted by Charles Sparrow, the legal advisor to the CBA, and sent out to 370 different bodies, including the Council's regional groups, museums, local and county societies and even a selection of individuals, for feedback (Anon. b 1969).

An earlier meeting, in 1966, on antiquities legislation had established that, although extension of treasure trove was desirable, this was considered difficult to achieve (Antiquities Legislation Meeting Minutes, 12th May 1966). A general Bill on antiquities, however, might have more success: “*those against tinkering with T.T. might at least support the ideal of protecting the national heritage*” (Antiquities Legislation Meeting Minutes, 12th May 1966, *sic.*). The draft Bill, which underwent at least eight drafts, carried the aim to “*ensure the reporting and protection of archaeological finds and for other purposes necessary to safeguard the archaeological heritage of the nation*” (*Antiquities Bill* eighth draft 1969). It specified the procedure for reporting finds, including specifying seven days in which to report the find (*Antiquities Bill* eighth draft 1969, Section 1(1)). Section 6 identified offences, carrying penalties of £250 or less as a fine and/or up to six months imprisonment. The Bill also included Section 11: “*Definitions*”, defining “*archaeological object*”:

“The expression ‘archaeological object’ includes any chattel which has by reason of its archaeological interest a value greater than its intrinsic value or which is otherwise deserving of archaeological study”

(*Antiquities Bill* eighth draft 1969, Section 11)

In light of the difficulties experienced in defining ‘archaeological material’ for the purpose of effecting changes to the export regulations concerning ‘archaeological material’ (see Chapter 4), this definition, only a few years later, seems particularly broad, perhaps deliberately. Another section of the draft (10) explained that the majority of the Bill applied to archaeological material not already covered under

treasure trove, *bona vacantia* in Scotland, or wreck. The inception of the *Treasure Act* 1996, when treasure trove was finally abolished, also applied to more archaeological material by extending the items classified as Treasure to categories beyond those which would have been treasure trove before (PAS 2006c). The 1969 *Antiquities Bill* also aimed to extend legislation to cover material found during development or demolition, almost a precursor to Planning Policy Guidance 16 (PPG16), which since its 1990 inception has provided advice for archaeological recording in urban and rural planning processes (DoE 1990: 1). A CBA report in 1968 (Alexander and Christie) had also identified this concern for the provision of “*emergency archaeology*” in redevelopment cases.

The sentiments of the draft *Antiquities Bill* mostly attracted support from respondents, but it also attracted criticism, from suggestions for rewording through to wider disagreements. A response from the Yorkshire Philosophical Society, for example, claimed that there were greater problems facing archaeology than “*the withholding of knowledge of and access to chance finds*” (Ramm to de Cardi, 28th April 1969). It was a broad and ambitious Bill, however, and had advanced as far as the House of Lords when the Government changed, and the Bill automatically lapsed (*Antiquity* 1982: 199).

5.3 “The Hobby of the Year”

Certainly the general threat of chance finds disappearing without record was as much a concern as it had been in the previous decades, whether it was through amateur archaeology, urban development, agriculture or treasure hunting. However, metal detecting was about to attract even greater attention than the other amateur interactions with archaeology.

The numbers of actual metal-detector users active in the early years of the hobby, as with current figures, remains unclear. Evidence collected from newspapers and magazines indicate that the hobby experienced a rise in popularity, or at least in its profile, from an early stage. However, the statistics shown in Chart 2, collated from

the Home Office's licensing of metal detectors under the *Wireless Telegraphy Act* 1949 (a legal requirement repealed in 1980), suggest that a rapid growth of metal detector use may have occurred after 1975:

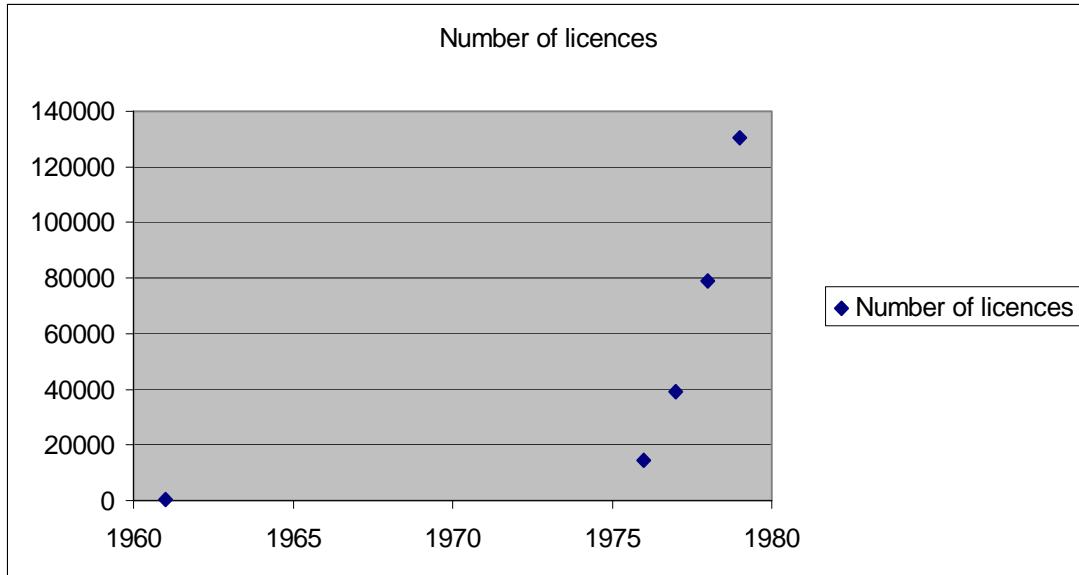


Chart 2 Statistics for Pipe Finder/Metal Detector Licences issued by the Home Office

The data in the graph above comes from STOP Campaign press information, sourced from the Home Office records (Pretty 1980), and although the data for years 1962-1975 are missing from the sequence, the indication is still of a rapid growth in the purchase of licences in the late 1970s. Fletcher (1978: 13) also described 1976-77 as “a ‘boom’ year for metal detector sales”. This growth of the metal detecting hobby towards the end of the 1970s has meant that some authors have stated that metal detecting did not emerge until the 1970s (e.g. Dobinson and Denison 1995: x). Their much later estimate of the emergence of metal detecting may be in part due to their not having had access to only recently uncovered archival material from the CBA concerning metal detecting, including correspondences and media coverage of the hobby from the late 1960s and early 1970s. This material had not been stored with the other archives in York, but was in the possession of Peter Fowler, a former Honorary Secretary of the CBA (see Chapter 2). In an email discussion about the documents, it was hypothesised that this body of information had likely not been looked at since it was initially put together in the 1960s and 1970s (Fowler, *pers. comm.*, 16th October 2007).

Significantly, however, the licensed detectors statistic in Chart 2 probably only accounted for a small number of the actual population of metal-detector users at this time, as many were likely to be operating without a licence (Pretty 1980). In 1980 around 130,000 of these licenses were in use, but with treasure hunters' claims to number between a quarter and half a million, STOP observers concluded that the licensing system was not very effective (Cleere to Duckworth, 19th March 1980). Additionally, although the research methodology for the thesis did not include contacting metal detector manufacturers, sales records, even if available, would not necessarily indicate the true population of metal-detector users in this period. For example, some individuals might own more than one metal detector, whereas others might own a metal detector without being a regular user, for example, the recipient of a metal detector as a gift. Others might share or borrow a metal detector without owning one themselves.

Although metal detecting seems to have increased in popularity in the later 1970s, alarm bells were ringing to archaeologists before then. A 1972 letter from the then CBA Honorary Secretary, Peter Fowler, expressing concern about treasure trove, confirms that metal detecting was already under scrutiny in the early 1970s:

“We would urge that a new legislation be extended in some form to cover portable antiquities, not least now that deliberate exploitation of this lack of statutory protection is being organised and advertised (even in The Times!) by the treasure hunting fraternity (!). Not only is the present Treasure Trove procedure inadequate in these new circumstances. It is also unfair, and indeed a positive encouragement to “treasure-hunters” with their metal detectors.”

(Fowler to BH Hobbs, 3rd July 1972, *sic.*)

Coin Monthly, a numismatic publication, predicted in 1969 that treasure hunting would be “*hobby of the year in 1970*” (cited in Wheatley to de Cardi, 23rd November 1969). There were other depictions of treasure hunting, whether with or without a metal detector, which caused concern for archaeologists. Figure 5.1 shows an illustration published in the December edition of the *ITV Times*, possibly for 1970 (no

date available), a popular magazine that at the time had large readership: a handwritten note on the copy kept in the CBA archives reads, “*Circulation 2 1/2 million*”. The illustration indicates likely spots to find ‘treasure’. These include a Roman ruin for “*antiques and jewellery*” and an excavation that “*turns up valuables*” (Fairley c.1970: 14).



Figure 5.1 illustration accompanying “*Getting Down to your Fortune*”, an article in the *ITV Times*, (Fairley c.1970: 13-14)

This type of publicity, apparently encouraging the public to take up treasure hunting, was echoed both in print and on television. The media seemed to have noticed enthusiasm for the new hobby, perhaps inadvertently disregarding, or unaware of, the risk that such encouragement posed for archaeological material. The popular children’s programme, *Blue Peter*, even featured metal detectors in a 1969 episode,

telling viewers that an outlet in Twickenham sold them. Roman roads and verges were recommended for searching, causing grave concern among archaeologists (Whybrow to Owen, 20th November 1969), particularly as there was no suggestion of where or how to report any discoveries (Wheatley to de Cardi, 23rd November 1969).

In 1971, the BBC was again criticised by professional archaeologists for an edition of *24 Hours*, a magazine news programme, in which the issue of metal detecting was addressed, in a way that was “*oddly slanted*” (‘Amanda’ to Fowler, July 1972). The producers were reprimanded for their bias against the archaeological point of view; Peter Fowler lamented that the programme’s “*journalistic skill could not present a more balanced and penetrating report of a subject which is not entirely trivial*” (Fowler to Bower, 29th July 1971).



Figure 5.2 Newspaper cutting from the *Cheltenham Chronicle and Gloucester Graphic* (1970: 5) showing story about metal detecting (or “*coin spotting*”)

If national media were underestimating the significance of the issue of treasure for the archaeological community and the wider public, then local newspaper coverage also regularly demonstrated little, if any, regard for the impact of metal detecting on archaeological material. Figure 5.2 reproduces a photograph and headline from an article in the *Cheltenham Chronicle and Gloucestershire Graphic* (1970: 5), which, while making little mention of archaeology, suggests to the reader that, “*It can’t be denied that there is a profit motive however slight, as in coin or stamp collecting for that matter*”. The photograph features a ML Beach metal detector similar to that shown in Chapter 1.

There was, of course, also media coverage of the damage to archaeological sites caused by metal detectors and other treasure hunting. For example, *The Times* ran an article in October 1969 that drew attention to metal detector damage at West Stow in Suffolk (Hopkirk 1969a: np), and another article two years later that stated that since the newspaper’s first report of looting with a metal detector, “*the trouble is now nationwide and increasing*” (Hopkirk 1971a: 1). However, two other articles by the same reporter, while acknowledging the archaeological viewpoint, appeared in tone more sympathetic to the treasure hunting perspective (Hopkirk 1969b: np; 1971b: np), perhaps in an effort to present both arguments. The 1971b article even featured an interview with Edward Fletcher, described as “*one of Britain’s leading treasure hunters*” (Hopkirk 1971b: np), who himself decried looting, not for the damage it did to archaeology, but because of the negative reputation that it gave to metal detecting as a whole.

5.4 “At variance with the general opinion of archaeologists”

Communication with metal-detector users is a key component of current initiatives such as PAS. However, when metal detecting first emerged, archaeologists were generally more reluctant to consider collaboration, although there were exceptions, notably the work of individuals such as Tony Gregory and Kevin Leahy (Austin 2009: 119). As early as 1970, Michael Beach, the director of ML Beach Products Limited, had contacted the CBA suggesting collaboration:

“Dear Sir,

I am really most disturbed by the increasing press references to ‘looting’ with detectors. As you know we manufacture ‘Prospector & Explorer’ detectors which we have supplied to many museums and archaeologists – as shown on the attached instruction leaflet we advise strongly against any interference with archaeological sites.

We are besieged by reporters and TV producers who sense controversy and edit our comments and their filming to produce sensational items.

As there is no doubt this type of publicity is going to vastly increase sales and cause further large imports of U.S. detectors we feel some obstructive effort to advise detector owners and help you gain possible benefits is well worth discussing...”

(Beach to CBA, 25th October 1970, sic.)

The proposal included the suggestion that the CBA endorse a code of conduct to be included in a leaflet distributed with ML Beach metal detectors, which would have the purpose of:

- “1. Firmly – but politely ! – warning users away from archaeological sites and explaining why.*
- 2. Explain exactly what to do if they find anything of interest, who to contact and how to record it.*
- 3. Possibly advising good reference books or suggesting areas where searching could be useful, i.e. the proposed Thames barrier makes the foreshore very important ?”*

(Beach to CBA, 25th October 1970, sic.)

The CBA did not act upon Beach’s suggestion, partly due to a suspicion about his motives for including apparent endorsement from an archaeological organisation (de Cardi to Fowler, 30th November 1970). The CBA eventually informed Beach that collaboration was not an option, beyond possibly pointing out the legal situation for

metal detecting (Fowler to Beach, 12th December 1970). Fowler added that he did not see why the CBA:

“...should enlighten those relying on your advice when a few successful prosecutions would support our arguments more strongly than appeals to a conscience presumably lacking in the market at which you are aiming.”

(Fowler to Beach, 12th December 1970)

Fowler ended the letter with the comment that, if the response from the CBA to Beach's request seemed hostile, it was because Beach's product conflicted too much with the CBA's, and British archaeology's, interests (Fowler to Beach, 12th December 1970). A year later, Edward Fletcher, mentioned above, who was at one time an employee of ML Beach Products Limited himself, also claimed to have sought partnership from the CBA for a code of conduct¹⁰, and that he had also been turned down (Hopkirk 1971b: np). Notes from a telephone conversation between Fletcher and Elizabeth Fowler, Peter Fowler's then wife, also suggests that Fletcher had, among other claims, effectively threatened that:

“...the manufacturers will not only resist any attempt to insist on the enforcement of the present or any improved licensing regulations for metal detectors, but would react by producing a more powerful machine of deeper penetration.”

(Fowler to Fletcher, 17th June 1971)

Another apparent claim made by Fletcher during the conversation was that treasure hunters consulted the CBA's *Calendar of Excavations* to locate possible sites to search (Fowler to Fletcher, 17th June 1971). Such a claim, if true, is an early example of metal-detector users, whether deliberately, maliciously or naively, using archaeological information to augment their hobby's potential to yield interesting (and valuable) finds.

¹⁰ Although it is unclear whether this is the same code as the one that Beach had suggested previously.

In 1975-6, the CBA and the Museums Association (MA) formed a joint working party to look at the issue of metal detecting (Green and Gregory 1978: 161), the Treasure Hunting Working Party (THWP). By 1979, the decision had been made to embark on a campaign against treasure hunters, following the initial suggestion for such a campaign by Rescue (Cleere, *pers. comm.*, 10th September 2005), which by this time was involved with the THWP. Rescue, the full name for which is ‘Rescue – the British Archaeological Trust’, is an independent charitable trust that formed in 1971. Rescue had in fact already organised an anti-metal-detecting canvass in the earlier half of the 1970s (Cleere to Dalyell, MP, 3rd May 1980). This campaign was on a much smaller scale than STOP, and mostly took the form of articles in *Rescue News* (e.g. Fowler 1972: 15). In addition to this, material for Young Rescue, the junior branch of Rescue, and forerunner to the present-day Young Archaeologists Club (YAC), presented the threats posed by treasure hunting to its members through its newsletters (Pretty, *pers. comm.*, 20th March 2007). These were relatively small-scale efforts, however, and for many commentators on this period, the most memorable representation of early attitudes to metal-detector users by archaeologists has become STOP. The implication seems that, apart from a few localised examples of archaeologist/metal-detector user cooperation such as that in Norfolk and Suffolk (Bland 2005b: 441-2), most professionals in archaeology and museums were involved with trying to reduce public acceptance of metal detecting as a hobby (Addyman and Brodie 2002: 179).

Yet only one year before plans for STOP were initiated, the CBA and the MA discussed text for a joint statement on metal detecting which, while not condoning *all* metal detecting, did concede that:

“Metal detecting is not a transient phenomenon, it is becoming increasingly apparent that many metal-detector users are motivated by the same interest in the past as archaeologists... ..It should be made clear, however, that in the view of the two organizations, treasure hunting as it is practiced at the present time in no way conforms to standard archaeological techniques, nor does it play any part in proper historical study.”

(CBA and MA 1978)

This proposed joint statement did not condone treasure hunting, but the joint statement did acknowledge that, since the early 1970s, attitudes of “*total opposition*” adopted by archaeologists had created “*a polarization of attitudes, with unfortunate and undesirable results*” (CBA and MA 1978). The initial plan was to release this statement concurrently with a “*Code of Conduct for Metal Detector Users*”, intended to help metal-detector users who followed the code to establish “*a constructive partnership between them and archaeologists*” (CBA and MA 1978). Henry Cleere, then the Director of the CBA, had even been in discussion with Sid Clayton, the President of the National Association of Metal Detecting Clubs (NAMDC), on the development of this code (Cleere to Ditchfield, DoE, 3rd February 1978). The Department of the Environment (DoE), a representative of which had been present at the NAMDC 1978 seminar in Bournemouth, was even willing to offer a ministerial foreword to the final Code and financial support from the DoE (Ditchfield to Cleere, 31st January 1978). The presence of the Government representative at the seminar demonstrated, if nothing else, the politicisation of the metal detecting hobby.

The proposed code, although apparently receiving support from both metal-detector users and a Government department, ultimately failed to gain acceptance in the archaeological community. The two organisations involved in the THWP, the CBA and the MA, were reliant on their councils’ approval of any actions taken. First the MA rejected the proposed joint statement and code of conduct. One Council member wrote to a colleague about the development of the *Treasure Hunting* magazine and the market for detected finds that: “*These have led me more and more to believe that I cannot support any compromise that might encourage or allow such practices to continue*” (Barton, Hampshire Museums Service, to Davies, Verulamium Museum, 20th February 1978). In particular, the main cause of the MA’s rejection of the proposed actions was the strong opinions of particular individuals on the Council (Capstick, MA, to Cleere, 10th February 1978), although practical issues such as the need to insert text referring to Scottish treasure legislation were also cited.

The initial reaction from Cleere was to try to action the proposed statement and code of conduct as a CBA-only venture, without the support of the MA, pending the support of the CBA’s Executive Board and Council (Cleere to Capstick, 10th February 1978). In the months following, the MA did in fact reconsider the proposed joint

statement and code of conduct (again rejecting it), and in April 1978 the Society of Museum Archaeologists (SMA) added their support to the statement (Davies to Cleere, 6th April 1978). However, although some regional organisations also wrote in support of the draft code and statement, such as the Archaeology Panel of the Area Museums Service for South Eastern England (Gowing to Cleere, 26th April 1978), others were as equally opposed to it. The Surrey Archaeological Society and Working Party on London Archaeology, for example, expressed their concern to Cleere that *“the code of conduct would give respectability to the use of metal detectors and that this would result in more harm than good”* (McCracken to Cleere, 11th May 1978).

Opposition to any form of cooperation or communication on a local level with metal-detector users was apparent in a number of regions (e.g. Thomas, Bristol City Museum, to Cleere, 27th September 1978), but this was not the case nation-wide. There were some regions where steps had already been made to communicate, and in some instances, to engage with metal-detector users. The most cited case is that of Norfolk, with a finds-recording policy that, shortly after its formation, rolled out to include Suffolk (Green and Gregory 1978: 161). Green and Gregory suggested that the initiative, in which they were instrumental, was in response to the lack of archaeological policy to the threat of uncontrolled metal detecting at a national level (Green and Gregory 1978: 161). This was no doubt exacerbated by a failure to reach a consensus on the joint statement and code of conduct by MA and CBA councils and executives. The East Anglia policy, involving a leaflet offering advice to metal-detector users who found archaeological material (Scole Archaeological Unit 1978), was considered so exemplary that it eventually formed the basis for the nation-wide PAS (Bland 2005b: 442).

Authors commenting more recently on the pioneering work of Gregory and others (e.g. Austin 2009; Bland 2005b) fail to note that even in Norfolk in the 1970s, not all archaeologists supported cooperation with metal-detector users. Robin Walpole, the Chairman of the Norfolk Museums Service and the Area Museums Service for South Eastern England, indicated his disapproval in a published letter in *Museum’s Bulletin* responding to Green and Gregory’s (1978) article about their work with metal-detector users:

“The recent article in the Museums Journal by two members of the Norfolk Museums Service is of course a professional and personal approach but I must make it clear that it is just that and does not reflect the less naïve attitude of the Committee and its chairman”

(Walpole 1978: 52)

There were other regions of England and Wales where some archaeological units and museums took preliminary steps to create links with their local metal detecting clubs and societies. The CBA’s Regional Group 2 reported the development of “*formal links between some museums in South Wales and metal detecting clubs*” (Lynch to Cleere, 1978). Lancashire, Hampshire and Yorkshire were also regions where contact between archaeologists and metal-detector users had been established for “*many years*” by the time that STOP was under way (STOP Committee Minutes, 10th June 1980). In Wales, Nigel Kerr of University College Cardiff (Kerr to Cleere, 11th May 1978) reported regular communication with metal detecting clubs encouraging finds reporting, discussion of potential search sites, and even plans to run a course on “*Archaeology for Metal Detector Users*”.

By September 1978, the Executive Boards of the CBA had rejected the draft code of conduct and the draft statement, considering the cooperative tone “*at variance with the general opinion of archaeologists*” (Cleere to Smith, Inspectorate of Ancient Monuments – North Wales Office, 25th September 1978). Cleere himself was in fact relieved, in spite of supporting the more conciliatory approach at the time, believing privately that the cooperation that the THWP’s draft statement offered was actually a step too far (Cleere, *pers. comm.*, 17th July 2006). The next phase, the reworking of the draft (Cleere to Smith, 25th September 1978), moved more towards the anti-metal detecting tone associated with STOP. The reworked CBA statement included the following passage:

“The Council for British Archaeology states unequivocally that, as a way of using the country’s archaeological heritage, treasure hunting is not in the public interest; and further that, as a matter of principle, the concept of treasure hunting is totally at variance with the objectives and conduct of

archaeology in studying and safeguarding our tangible past for the public good.”

(CBA 1978)

The new statement conceded that some metal-detector users might have a “*genuine interest in the past*”, but, that:

“...in the interests of our common heritage in the landscape, however, and not least in the interests of their own ultimate satisfaction, their participation, as for everyone else, must be on archaeology’s own terms.”

(CBA 1978)

This time round, an approved code of conduct did not accompany the statement.

5.5 STOP is formed



Figure 5.3 The STOP Campaign logo, 1980 (taken from a letterhead courtesy of CBA)

After several months of planning and committee meetings to develop strategies, the STOP Campaign was launched officially on 12th March 1980. The campaign’s full title was STOP: The Campaign against Treasure Hunting (Figure 5.3). It is an

important point to stress here that the campaign was intended to be against treasure hunting, harmful to archaeological material, rather than simply the activity of metal detecting, which, for example, when used in partnership with other archaeological techniques, could be a useful tool.

A direct development from the THWP's deliberations on how to deal with the issue of treasure hunting with metal detectors, STOP was influenced by an earlier, smaller-scale anti-treasure-hunting campaign organised by Rescue, mentioned above.

However, STOP took place on a much larger scale than Rescue's campaign had, with support from at least 32 organisations. The seven core organisations forming the STOP Committee were: the CBA; MA; Rescue – The British Archaeological Trust; Standing Conference of Unit Managers (SCUM); Association of County Archaeological Officers (ACAO); SMA; and the United Kingdom Institute of Conservation (UKIC).

Young Rescue contributed, through a partnership with staff from English Heritage and the CBA's Education Committee, educational material for teachers to use for teaching in schools about the aims of STOP (Pretty, *pers. comm.*, 20th March 2007). Figure 5.4 shows the front cover and contents of the first issue, which was produced on a low budget.

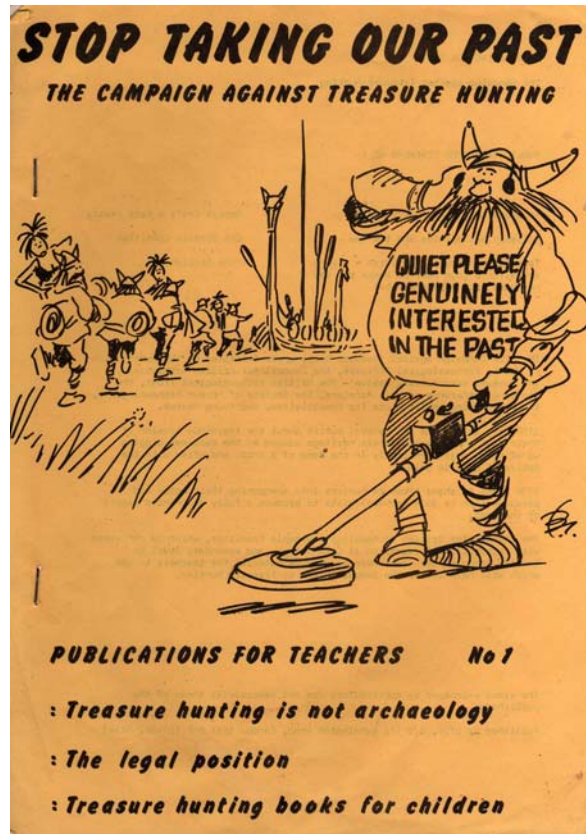


Figure 5.4 STOP publication for teachers, 1980 (courtesy of Kate Pretty)

The other supporters of the campaign included a number of organisations with interests in the nation's heritage, such as the National Trust and the National Monuments Record for Wales (although, curiously, not the National Monuments Record for England). Additionally, some organisations with wider remits also supported STOP such as the National Farmers' Union (NFU), and Institution of Park and Recreational Administration. The support of these organisations indicates that other concerns were attached to the growth of the metal detecting hobby beyond the security of archaeological heritage. For example, the Country Landowners Association (CLA), requested more information about STOP (CBA c.1980). Presumably the CLA was concerned about its members' rights in cases of artefacts classified as treasure trove discovered on private land, as under the contemporary treasure trove common law (repealed in 1997), only the finder received the reward money, and not the person on whose land the object was found (Cleere to Jones, landowner, 18th June 1980). For landowners and farmers, the issue of trespass may also have been a deciding factor for lending their support.

There was also indication that political support was available for STOP. The Secretary of State for the Environment, Hector Munro, informed a Labour MP that although the Government did not officially support the campaign, “*if STOP succeeds in educating metal detectors users to leave all archaeological sites alone, then well and good*” (Munro to Dalyell, 14th April 1980). However, not all those approached were positive about the strategies of STOP, which included a Core Document stating the aims of the campaign. Patrick Cormack, a Conservative MP, was approached for support of STOP. However, his response was not entirely accommodating of STOP, feeling “*that the title is very unfortunate and the whole tone too negative...*” and he suggested that a press release could be made that was:

“*...more appealing to young people. I believe, for instance, that it is unrealistic to expect the total banning of metal detectors, and that if they were used under supervision you could actually recruit young people to the ‘archaeological brigade’.*”

(Cormack to Cleere, 12th February 1980)

Concerns were raised from not only MPs, but also other archaeologists, about the possible effects of STOP. The STOP-inspired policy of not cooperating with metal-detector users at that time was apparent in many museums (Austin 2009: 119). Robert Rutland, of Leicestershire Museums, explained that a local treasure hunting club in Leicester, who had a good record for responsible behaviour, were “*angered and puzzled*” by STOP. He warned that, if this was the effect of STOP on a responsible society, what would it do to the “*rogues*”? (Rutland to Cleere, 16th April 1980). This warning seems to have been prophetic, supported by suggestions that many metal-detector users at the time of STOP were aggravated by the campaign and its seemingly aggressive approach towards metal detecting. As a result, many refused to let archaeologists or museums see the information that they had gathered while metal detecting; what use the data from find spots and other information could have been to the archaeological record was instead lost permanently. As one prominent metal-detector user observed of archaeologists during the ‘STOP period’:

“These were the professionals, these were the people who were educated elite, who should have been able to guide archaeological knowledge and development through that period with common sense. They failed in every, every respect... ..and because of that... ..there was an awful lot of information available then, which was lost because of the STOP Campaign.”

(Critchley, *pers. comm.*, 13th January 2007)

While, then, the STOP Campaign might have had success in raising awareness about the destruction of sites (Alexander, *pers. comm.*, 21st March 2007), its aim of reducing treasure hunting did not reach fruition (e.g. Alexander, *pers. comm.*, 21st March 2007; Corbishley, *pers. comm.*, 28th January 2008).

5.6 The Detector Information Group and the battle for public opinion

The Association of District Councils (ADC) and the Association of County Councils (ACC) supported STOP, not only because of the threat to archaeological heritage in their areas, but also because of the potential for “*physical damage of land and property*” (ACC 1980). The ADC and the ACC both pressured the Home Office at this time for the right to issue local bye-laws enabling local councils to control where metal detecting could take place (Thornley, ADC, to Capstick, 24th January 1980). Initial responses from the Home Office to these requests had been of the view that there was no harm in using a metal detector, and that for digging offences there was already the *Criminal Damage Act 1971* (Thornley to Capstick, 24th January 1980). Naturally, these responses were a cause for concern for the STOP Committee members. When the Home Office reconsidered their stance, with the proviso that district councils consult with any local metal detecting clubs before adopting any new bye-laws (Elder 1980: 137), there was concern among archaeologists that the Home Office had failed to include museums and professional archaeologists as recommended consultees alongside metal detecting clubs (e.g. Cleere to Cormack 23rd September 1980).

STOP arguably had further encouraged metal detecting organisations to become politicised. There had been formations of metal detecting clubs already, such as the Amateur Treasure Hunters Association, formed around 1970 (Barley to de Cardi, 9th November 1970), and the British Treasure Hunting Association (Critchley, *pers. comm.*, 13th January 2007). Initially formed into groups at local levels and on a small scale, a national body eventually emerged (Alexander, *pers. comm.*, 21st March 2007). STOP may have led, eventually, to the formation of the NCMD by raising the awareness among metal-detector users that they needed to form themselves into groups (Critchley, *pers. comm.*, 13th January 2007). The NCMD finally formed officially as a national umbrella organisation bringing together the existing regional metal detecting groups in 1982, in order to provide a “*voice for the hobby*” (Austin, *pers. comm.*, 25th November 2006), no doubt encouraged by the activities of preceding organisations such as DIG that a representative organisation was needed.

The attitude of the Home Office indicates the greater success experienced by metal-detector users than archaeologists in influencing public opinion and politicians, acknowledged by Bland (2005b: 441). Metal-detector users, while amateur, organised their own publicity and lobbying groups to defend the hobby’s interests. DIG formed in 1979 in direct response to the development of the STOP Campaign and the other activities carried out at that time by archaeologists (DIG, 2003). DIG’s name was even chosen, according to a founding member, with the specific acronym in mind:

“...it was the idea for the name because I just thought well, ‘dig’s’ the thing always coming into use in archaeological terms and I thought, if we could get a name and get under their skin, every time we mention that word it’s gonna ...it’s gonna grate. I thought, how can we get DIG? And I just worked out Detector Information Group with the particular letters...”

(Mellish, *pers. comm.*, 26th October 2007)

Significantly, DIG not only represented metal-detector users, but also “*manufacturers and retailers involved in the hobby of metal detecting*” (DIG Committee 1980). Hence, although it was “*entirely founded by voluntary contributions*” (DIG

Committee 1980), some contemporary archaeologists considered it likely that there were reasonable funds available to DIG (Morris, CBA, to Cleere 9th May 1980).

Like STOP, DIG had a priority of using the media as a tool to raise the profile of their cause. Media releases contemporary to STOP indicate that DIG was well organised, even compiling a list of regional contacts for the media (DIG Committee c.1980). What is also indicated is that, at times, the information provided by DIG was designed to present metal detectors as numerous - “*at least half a million tax paying supporters*” (DIG Committee c.1980) – and therefore a politically significant proportion of the population. It also, at times, provided inaccurate information about STOP, for example claiming that their funding ran to as much as £15,000, when in fact the funds were less than £1000 in mid-1980 (Cleere to Regional Group Secretaries, 14th July 1980). It is hard to tell whether DIG deliberately fabricated this information, or made assumptions about how much money was actually available to archaeological organisations. However, the regular media releases, and the organisation of democratic protests, demonstrate that the strategy of DIG was clearly determined to raise the profile of the metal detecting hobby both in the public sphere and at government level. Activities included running a rally in Parliament Square, followed by a march to Downing Street to hand in a petition at the Prime Minister’s residence (DIG, 2003) in circa 1979. The development of the political aspect of DIG’s campaign was particularly critical, given the perception of “*Official Archaeology*” as having “*its access to the ‘corridors of power’ in both local and national government*” (Hunter 1981: 25). DIG organisers may have also been aware of the political influence of large museums such as the British Museum and the National Museum of Wales, through the involvement of their trustees in Parliament (e.g. HL Deb, 8th February 1982, col. 30).

Another phenomenon of the early 1980s was a series of letters, which a number of museum archaeologists and curators received from metal-detector users. They asked whether the rumours and recent local news articles were true that local museums were refusing to identify objects brought in by metal-detector users (e.g. Souch, metal-detector user, to Bateman, Oxfordshire Museums, 28th March 1980). It was widely believed that these letters were part of a choreographed prelude to legal action, thus museum staff had to take care when replying to them (Sparrow, CBA legal advisor, to

Morris, 25th April 1980). In his letter to Oxfordshire Museums, Souch raised a significant point by asking the Oxfordshire Museums service “...by what authority...” they were “...able to discriminate against a section of the community?” (Souch to Bateman, 18th March 1980).

This sense of discrimination, whether real or imagined (or at least exaggerated at times), was a feature of metal detecting literature. *Treasure Hunting*, a magazine for metal-detector users, also contributed a number of provocative articles, some of which were not entirely accurate. Payne’s article “*STOP SCUM (that’s you)*” (1979) misrepresented the title of the STOP campaign, although it is unclear whether this was deliberate or a simple misunderstanding, as SCUM was the acronym for the Standing Conference for Unit Managers, one of the organisations involved in STOP.

Other items in *Treasure Hunting* were proactive in rallying metal-detector users to take action. In January 1981, DIG used the magazine to urge metal-detector users to conduct their own investigations into the destination of material from professional excavations (Hunter 1981). DIG specifically asked readers to find out whether the finds were, as, so the article argues, many would assume, “*carefully and painstakingly preserved and cared for in museums*” (Hunter 1981: 25). The article hypothesised that this would often be shown not to be case, and urged that the information collected by individual metal-detector users should not only be sent to “*the headquarters of the DIG Campaign*”, but also kept by the individual for use “*when next the subject of ‘archaeologists-v-treasure hunters’ becomes ‘news’*” in their local area (Hunter 1981: 26).

In another example, a letter was published, which readers were asked to detach and send to their local MP demanding the “*immediate investigation*” of public spending on archaeology, to discover “*what the tax-paying public has to show for its money*” (Boudicca 1982: 31). This tactic seems to have had an effect at Parliamentary level, as two Written Answers appeared in the House of Commons in April 1982, (the same month that the letter template was published). These dealt with questions about the cost of archaeological funding and the output that materialised for that spending (HC Deb, 6th April 1982, col. 319-320; HC Deb, 7th April 1982, col. 365-366).

In another incident, there was even suspicion that a ‘mole’ had infiltrated STOP, and was possibly passing information to DIG organisers (Morris to Cleere, 9th May 1980). In particular, there was the appearance of a rather unrealistic illustration in the STOP leaflet, which over-exaggerated the penetration capability of metal detectors. Figure 5.5 shows the illustration, which depicted a greatly exaggerated representation of the metal detector’s ability to find a couple of coins apparently beneath many complex layers of archaeologically rich stratigraphy. The embellishment represented by the illustration was seen as something that could be used against STOP “*very easily*” (Morris, *pers. comm.*, 26th September 2006). Despite insistence from STOP organisers that it not be included in the final leaflet, it somehow did appear, fuelling further the suspicion of at least one of the STOP Committee members that foul play had been involved (Morris, *pers. comm.*, 26th September 2006).

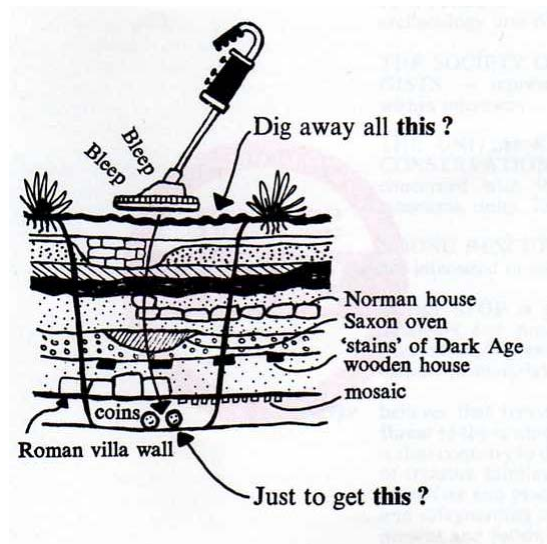


Figure 5.5 illustration featured in STOP Campaign leaflet, reproduced courtesy of the CBA

Indeed, three years later, it was shown in a metal detecting publication titled *The Detectors Journal* (Turrell 1983: 5-6) that leaks from within the CBA were perhaps not uncommon. The pages revealed to the magazine’s readers the contents of the CBA’s *Treasure Hunting – Report to CBA Members*, for circulation to the CBA’s membership of archaeological organisations, listing the types of criticisms allegedly being levelled at the CBA, the *Antiquities Bill*, and other archaeology-related targets by metal-detector users. This included a description of anonymous anti-archaeology campaigner ‘Boudicca’ (see below). The editors of *The Detectors Journal* claimed that the fact that they had received several copies of the “*Secret*” (*sic.*) CBA booklet

indicated that it went “*to show how many people, within the ranks of the CBA, are on our side*” (Turrell 1983: 5).

The anonymous ‘Boudicca’ was an active contributor to *Treasure Hunting* for a number of years, and was responsible for many, often outlandish, criticisms of archaeologists. Gregory (1983b: 45), for example, acknowledged that Boudicca sometimes used “*distortions of the truth*” in ‘her’ efforts to damage relationships between archaeologists and metal-detector users. That this type of offensive against archaeology through the media could occur, and arguably continues to do so even now in certain quarters, is an indication of some of the strategies employed by metal-detector users to raise their hobby on the political agenda. However, it also indicates a wider issue of the interests of the ‘public’, versus the vested interests of groups classed as ‘authorities’, such as archaeologists (Skeates 2000: 85). It also suggests the apparent failure of professional archaeology to “*take enough notice of the perceptions of the past held by the public*” (Stone 1994: 195).

One major obstacle for the scope of the STOP Campaign was the limited finance that it had available. A few donations came from supporters, but the organisations spearheading the campaign had little or no money to contribute (Cleere, *pers. comm.*, 17th July 2006). Even some of the publicity developed by the STOP Committee, such as a series of posters designed by Bill Tidy, a popular British cartoonist (Figures 5.6 and 5.7), were limited in their success due to their limited distribution. STOP Committee meeting minutes and letters from the period indicate that material such as posters, car stickers and badges, were having to be sold rather than distributed freely to assist with generating revenue for STOP (STOP Committee Minutes, 3rd October 1980). Despite car stickers and other stickers selling quite well, by December 1980 only a few hundred STOP posters had sold (STOP Committee Minutes, 1st December 1980). If these posters had been offered for free distribution, one can speculate that more of them would have been visible nationally than the few that were sold. It perhaps points to another issue that archaeology has not always been most successful at securing funding and sponsorship, as initial investment would have been needed to cover the costs associated with producing posters or other items for free distribution. Layton (1994: 18), for example, has commented on the importance of gaining public interest and support, since so much in archaeology relies on public spending.

However, to raise awareness in the first place in order to gain that public support, and thus further funding, the problem of finding the initial funding, demonstrated by the limited distribution of STOP posters, may simply form a vicious circle.



Figure 5.6 STOP poster design by cartoonist Bill Tidy, image courtesy of the CBA and Bill Tidy



Figure 5.7 STOP poster design by cartoonist Bill Tidy, image courtesy of the CBA and Bill Tidy

5.7 Legislative developments

There were some legislative developments during this period that had positive and negative implications for both archaeologists and metal-detector users. One of the

most significant legislative victories of the metal-detecting lobbyists still cited decades later (e.g. DIG 2003) was their successful petition against Clause 100 of the *Kent Bill*. The Bill was planned “*to re-enact with amendments and to extend certain enactments in force within the county of Kent*” (Dyson, Bell & Co, 1979-80: 1). Clause 100 was a provision to grant Kent County Council new powers to control metal detecting, not unlike the ACC and ADC requests to the Home Office for the power to enact bye-laws on this matter, already discussed in this chapter. The Clause had three petitions against it, from C-Scope (a metal detector manufacturer), DIG, and a private landowner (STOP Committee Minutes, 15th July 1980). In 1980 the *Wireless and Telegraphy Act 1949* was also modified, so that a license was no longer legally required for operating a metal detector. One of the implications of the defeat of Clause 100 of the *Kent Bill* by representations from metal-detector user and manufacturers meant that C-Scope (1980) released publicity drawing attention to their success. Their media release also cited the exemption of metal detectors from the *Wireless and Telegraphy Act 1949* requirement to have a licence as a further victory and “*freedom for individuals*” (C-Scope 1980). Legal observers suggested, however, that the licence requirement was abandoned, not as a matter of individual freedom, but because it had proved to be “*an ineffective means of control*” of treasure hunting (Bennett and Brand 1983: 152). In the battle to use the media to greatest effect, STOP responded by placing their own positive spin, as C-Scope had, on the cessation of licenses:

“Now the licence for metal detectors has been abolished, treasure hunters can no longer claim the spurious respectability of being ‘officially licensed by the Government’ to carry out their hobby, when in fact the issue of a licence gave no right to extract objects of antiquity from land, whether public or private, without the owner’s permission. This will help to make it clear to the public at large that it is archaeologists, not treasure seekers, who are truly interested in recovering the evidence by which we understand and appreciate our country’s past.”

(STOP, 16th July 1980)

A Bill that could have altered matters in favour of archaeology, but that was not successful, was an *Antiquities Bill*, known as the *Abinger Bill* after its sponsor, Lord Abinger. This Bill had already been pursued in 1979, when it lapsed with the fall of the Labour Party administration (Bennett and Brand 1983: 148). The Bill, “*an act to provide for the better protection of small antiquities discovered in the ground and elsewhere; to amend treasure trove; and for connected purposes*” (Abinger 1981), was introduced a second time in 1981 under the Conservative administration, when it again failed. The reasons for the second failure of the Bill were various, discussed below, but certainly there were connections with the results of the STOP Campaign. The Bill’s development paralleled the STOP Campaign, demonstrated by Cleere’s contacting of several politicians in 1979 to enquire whether they would patronise STOP, including Lord Abinger (Cleere to various, 17th August 1979).

The *Abinger Bill* was drafted by the CBA’s legal advisor, Charles Sparrow (Cleere, *pers. comm.*, 17th July 2006), with input from interested stakeholders, such as the CLA (Parrish to Cleere, 27th July 1980). Sparrow knew Lord Abinger, and was able to convince him, in the course of several meetings about “*threats to archaeological sites*” (Cleere, *pers. comm.*, 17th July 2006), to pick up the paper in the House of Lords.

The 1979 introduction of the Bill did not get past its first reading (HL Deb, 5th February 1979, col 454). As well as the end of the Labour Government, as mentioned above, its progress may have been hampered by its coinciding with the second reading of the *Ancient Monuments and Archaeological Areas Bill* (AMAA Bill) (HL Deb, 5th February 1979, col 453-493, and see below). The AMAA Bill also dealt with issues concerning heritage protection, including Clause 42 with constraints on metal detecting on scheduled areas, and was enacted that year. Perhaps Parliamentarians felt that archaeology had sufficient legislative reform with the AMAAA 1979. The discussion of the AMAA Bill in the House of Commons was even described as almost the first heritage debate in the Commons for that particular Parliament (HC Deb, 4th April 1979, col 1364). A Written Answer from the Chancellor of the Exchequer in February 1979 confirmed that there were no plans to “*amend the law on treasure trove*” at that time (HC Deb, 22nd February 1979, col 963).

Two years later, the *Abinger Bill* passed successfully through the House of Lords (Cleere, *pers. comm.*, 17th July 2006), but then failed in the House of Commons. There have been different theories as to why this happened; Cleere (1984: 57) suggested cynicism and deliberate action in the Commons. According to Cleere:

“...the amazing thing was that the Bill passed certainly successfully through the House of Lords. Andthe plan that was hatched up by Abinger and Charles [Sparrow], was that it would be picked up [in the House of Commons] by Norman St John-Stevas. But he didn't pick it up, too busy fluttering about doing something, so it was picked up by some other MP, with strict instructions from the Government... ..to talk it out.”

(Cleere, *pers. comm.*, 17th July 2006, brackets added by the researcher)

Cleere's suspicion is supported by McKie's newspaper article in 1996, in which he claimed that the 1981 Bill was:

“...killed by infanticide when the Tory MP who had volunteered to steer it through the Commons deliberately throttled it, revealing that he'd secretly been opposed to it all along.”

(McKie 1996: np)

Sparrow (1982: 199) concurred that the Bill was “*checked, by the Government*”, and Addyman (1995: 167) wrote that the *Abinger Bill*, after success in the House of Lords, was “*killed off in the House of Commons, arguably at Government behest*” (Addyman 1995: 167). Morris (*pers. comm.*, 26th September 2006) was also unsure as to why the *Abinger Bill* was unsuccessful. However, he suggested that there may have been a concern from some contemporaries, including treasure hunters and some heritage professionals, that the Bill had a ‘Marxist’ tone with its aim of extending the types of artefacts to be classified as treasure (and thus to be legally subject to ownership by the state). This correlates with the comments of DIG founder Frank Mellish (*pers. comm.*, 26th October 2007), that metal-detector users at the time were struck by what they viewed as a political, and overtly Marxist, tone to archaeological research. The

concerns of these observers, particularly the treasure hunters, must have been affected by the STOP Campaign's activity as well.

One group that the *Abinger Bill* possibly failed to consider was landowners, as some observers felt it offered no protection to them in cases of “*treasure seeking*” (Hanworth 1995: 174). Given the representation of “*country landowners*” in the House of Lords (Hanworth 1995: 174), this factor may too have proven significant.

Morris (*pers. comm.*, 26th September 2006) described the *Abinger Bill* as “*elegant*”, as did Hanworth (1995: 174). Analysis of the House of Lords debate concerning the *Abinger Bill* in 1982 suggests that Peers viewed the Bill as succinct and well written (HL Deb, 8th February 1982, col. 22). Moreover, there was a significant case involving treasure trove in 1980 and 1981, which set precedents in the interpretation of treasure trove. The case of *Attorney-General of the Duchy of Lancaster v. G.E Overton Farms Ltd* verified in court both that “*the law of treasure trove does not apply to any metal other than gold and silver*” and “*that a treasure trove object must contain a ‘substantial’ amount of gold or silver*” (Sparrow 1982: 199). The case stemmed from a discovery, using a metal detector, in 1975, of a hoard of Third Century coins in a field in Lincolnshire (Bennett and Brand 1983: 143; Fincham 2008: 352). An appeal established that ‘substantial’ gold and silver meant that there had to be content of 50% or more, where many of the coins in the Overton case were found to be 18% or less (Halfin 1995: 18). Complications emerged as a result of this ruling. For example it led to the exclusion of many items that previously might have been classified as treasure trove because of their lower gold or silver percentage, and also to the breaking up of many subsequent finds, making archaeological recording of such finds even more difficult than it already was (Halfin 1995: 18). The Overton case was cited in arguments to support the *Abinger Bill* in the House of Lords debates, as it demonstrated the ambiguity and unsuitability of treasure trove to deal with portable antiquities (HL Deb, 8th February 1982, col. 18).

In the 1981-2 session, the 1979 version of the *Abinger Bill* was criticised for trying to abolish treasure trove altogether (HL Deb, 8th February 1982, col 20), and it was noted that it had failed to gain support from the British Museum (Morris, *pers. comm.*,

26th September 2006). Lord Windlesham, a British Museum trustee, stated that the museum:

“...declined to support a previous *Private Members Bill*, also sponsored by the noble Lord, Lord Abinger, largely because it abolished the concept of treasure trove and made no reference to the system of rewards which in our view is essential to prevent the concealment of finds.”

(HL Deb, 8th February 1982, col 23)

Later parliamentary debate suggested that the 1981 *Abinger Bill* failed, “not because of opposition in either House but because of a lack of parliamentary time” (HC Deb, 8th March 1996, col 571). However, Halfin (1995: 20) suggested that the Government “was fearful of the effect... ..on property laws and on the rights of ownership” that the changes listed in the Bill would entail. Others have criticised the time taken by the CBA to develop a Bill for antiquities, with a huge number of redrafts of one prepared Bill – eleven versions (Addyman 1995: 166) – before the *Abinger Bill* was even developed (Addyman, *pers. comm.*, 30th November 2006). The archives confirmed that drafts of an *Antiquities Bill* were being circulated to CBA regional groups for comment as early as the mid-1960s. Bland (*pers. comm.*, 8th November 2006) has also suggested that Lord Abinger, in his promotion of the Bill, may have lacked the vitality of the Earl of Perth, with his more energetic and determined promotion of the *Treasure Bill* in the 1990s, analysed in Chapter 6. Another significant factor was that the tensions between archaeologists and metal-detector users were greater in the late 1970s and early 1980s than in the mid-1990s. The *Abinger Bill* was, after all, contemporaneous to the activities of DIG, such as the democratic protest to Downing Street, and the letters to MPs about the ‘value’ of funding archaeology, as well as the relatively hard line against treasure hunters taken by STOP.

Whichever version of events is closer to the truth: foul play; relative apathy; factors from the contemporary political climate between archaeology and metal detecting, or simple misfortune, it took another ten years after trials connected to the looting of Wanborough in 1986 for treasure trove common law finally to be discarded and replaced by the *Treasure Act* 1996. The implications of Wanborough, and the

development of the Act, including the differing political climate to the late 1970s and early 1980s, are discussed in detail in Chapter 6.

While the metal detector licence from the *Wireless and Telegraphy Act 1949* was repealed, and it was to be another 16 years until treasure trove was reformed, archaeologists experienced some success in the ‘STOP period’ in bringing about legislation to protect archaeological heritage from different threats, from agriculture and town planning, to metal detecting. There had been an *Ancient Monuments Act* from 1913 with several amendments already (HL Deb, 5th February 1979, col 454). There had also been an attempted prosecution under the 1913 Act of two people accused of “*injuring or defacing a scheduled monument*” in connection with the Mildenhall site, but the prosecution had failed (Munro to Dalyell, 14th April 1980), illustrating the Act’s weakness. The AMAA Bill, already mentioned above, sought to strengthen and enhance the existing provisions, including pointing to the significance of rescue archaeology (HL Deb, 5th February 1979, col 457). Unlike the *Abinger Bill*, which was a Private Members Bill, the AMAA Bill had Government support, and was devised as a team effort at the DoE, led by Andrew Saunders, Chief Inspector of Ancient Monuments and Historic Buildings (Cleere, *pers. comm.*, 22nd October 2008). The Bill’s origins may also be found in a 1974 consultation document issued by the DoE (Wainwright 2000: 920).

When the Bill was introduced in 1979, the proposed Section 42 in Part III (‘Miscellaneous and Supplemental’), which proposed forbidding metal detecting without permission on protected sites and monuments, was significant to the (not yet launched) STOP Campaign. As Baroness Stedman explained at the debate in the House of Lords at the time of the second reading of the Bill:

“The need for this restriction arises from the recent hobby of ‘treasure hunting’ with the aid of electronic detectors. This can be an innocent pastime, but it can lead to irreparable damage and loss of knowledge. It is not, of course, the detector itself that is harmful but where the metal object it locates is below ground, the action of digging up that object is very likely to be harmful to an archaeological site. This is because the removal of the object from its context, that is the stratum of soil in which it was contained, destroys

a relationship that would be significant to a scientific understanding of the site.”

(HL Deb, 5th February 1979, col 462-463)

The mention, in the same debate, of developing a strategy to educate treasure hunters may be another reference to the development of STOP, particularly as Baroness Stedman suggested that any work should be led by the CBA and its associated branches and organisations (HL Deb, 5th February 1979, col 487). However, she also stated that, “*the Department is certainly willing to help as much as it can in the education of treasure-hunters by giving advice or in any other way which is possible*” (HL Deb, 5th February 1979, col 487). This would seem more in line with sentiments of the 1978 THWP draft statement discussed earlier in the chapter, and eventually abandoned ahead of the more hard-lined STOP Campaign.

The Parliamentary debates around the AMAA Bill consistently referred to metal detecting. There were arguments that the use of metal detectors, increased by the growth in popularity of treasure hunting, posed a threat to archaeological sites if not controlled (e.g. HL Deb, 5th February 1979, col 479; HC Deb, 4th April 1979, col 1371). On the other hand, statements such as the one below by Arthur Jones MP, indicated that views of advocates of metal detecting were not being ignored either:

“It is difficult to say that metal detectors should not be used elsewhere, because they have been instrumental in revealing sites that might not otherwise have come to our notice.”

(HC Deb, 4th April 1979, col 1371)

The eventual enactment of the AMAAA 1979 must have been considered a success, as it had support from Rescue, the CBA, and the wider archaeological community (Cleere, *pers. comm.*, 22nd October 2008), many of whom were also involved with STOP. While scheduled monuments had some legal protection before, the provision in Section 42, which actually came into force in 1981, made a significant political statement by drawing attention specifically to metal detecting. It also indicated the

difficulties faced by most Private Members Bills, such as the *Abinger Bills* and even the 1994 version of the *Treasure Bill* (see Chapter 6). Government support for the AMAA Bill and the 1996 *Treasure Bill* may well have been crucial to their enactment.

5.8 Conclusions

The STOP Campaign only lasted a brief period, as a letter from Henry Cleere to Mr L G Tagg (Commerce and Technical Librarian, Central Library, Newcastle) regarding STOP's inclusion on a mailing list explains:

“This campaign was a relatively short-lived joint activity of a number of organisations for a specific purpose. Although it has not been formally dissolved, I think it is fair to say that its work is completed...”

(Cleere to Tagg, 26th January 1983)

However, Pretty (*pers. comm.*, 20th March 2007) suggested that the “*ripples*” of STOP continued to have effect in the years following its short term of activity. Indeed, STOP had effectively ceased after only a year of action, but its repercussions may still be felt today. Certainly, the memory of STOP was significant in the events that occurred at Wanborough; only two years after STOP ceased (and see the next chapter for discussion of this). Even though STOP was aimed at treasure hunters rather than more ‘responsible’ metal-detector users, this distinction was not necessarily sufficiently emphasised either at the time or afterwards. There are certainly metal-detector users still actively pursuing their hobby who remember with genuine sadness the difficulties they faced in the early 1980s (e.g. Barwell, *pers. comm.*, 8th March 2003). Some of the responses collected in the surveys analysed in Chapter 7 also indicate that some metal-detector users still remember and resent the campaign.

STOP tried to persuade public opinion against the growing metal detecting hobby, particularly the irresponsible side of it, but in reality, it “*probably did more harm than good*” (Addyman and Brodie 2002: 179). The campaign has been criticised for

creating a polarity between metal-detector users and archaeologists (Gregory 1986: 26). But, while some observers have remarked on the failures of STOP, this chapter has demonstrated that there were nonetheless some successes to be attributed to STOP, and also to wider archaeological developments in the case of the AMAAA 1979. Treasure trove, for the time being at least, continued to be the primary legal framework, despite attempts to bring about change.

One significant achievement of STOP was its ability to unite the many heritage organisations in the UK. Some have questioned the number of different archaeological organisations in existence in England and Wales, let alone the UK as a whole (e.g. Lodwick, *pers. comm.*, 1st August 2005; Austin 2009: 121), but the STOP Committee did at least bring seven of those major organisations together in a united effort. Equally, the ability to gain support from at least 32 different organisations, demonstrates that STOP was not without its proponents. The National Trust, for example, was directly influenced by the prevailing views of STOP when it adopted a policy of not allowing metal detecting on its land (Thackray 2001: 21). This policy, based on the view that artefacts were better off left in situ in the absence of professional excavation, but not taking into account the threats of modern agriculture, was only questioned twenty years later (Thackray 2001).

The metal detecting community was also successful in its publicity and political campaigns at this time, and had the support of both a national magazine and metal detector manufacturers such as C-Scope, particularly in its lobbying to drop Clause 100 of the *Kent Bill*. In addition, if DIG claims were true, then half a million Britons were metal detecting in 1979-80 (DIG Committee c.1980). Ultimately, if there was a battle for public opinion between STOP and DIG, many have claimed that DIG was more successful than STOP (e.g. Bland 2005b). As one metal-detector user observed about archaeologists and STOP, “*they really did think that that would work. Well, we beat them*” (Wood, *pers. comm.*, 20th November 2006).

If this is compared to conclusions drawn by Stone (1994: 201) from the survey of four English urban areas in 1983-4, then more people would appear to have been interested in, or at least to have been able to have the opportunity of, accessing the past through the metal detecting hobby (whether their motives were to learn about that past, or to

make money out of it), than in accessing it through information provided by professional archaeologists. This was in part due to the failure of archaeologists to “*disseminate their findings widely and in an acceptable form*” (Stone 1994: 201). The 1978 Joint Statement, rejected by the majority of MA and CBA officials, which looked to opening a dialogue with metal-detector users rather than trying to ‘stop’ them, is a case in point. The statement and the proposed code of conduct were even welcomed by at least some contemporaries, who seemed to have been more aware of this lack of public communication in archaeology: “*In essence, I feel that the metal detector problem is merely a symptom of a general failure by archaeologists to communicate with non-specialists...*” (Kerr to Cleere, 11th May 1978).

It is worth noting that in 2006 a code of practice, the *Code of Practice on Responsible Metal Detecting in England and Wales* (CBA *et al.*), was finally launched – almost thirty years after the THWP’s initial attempt, mentioned in this chapter. Other metal-detector user-led codes of practice or conduct exist, devised by the NCMD and the FID (2008b and 1996 respectively). Ostensibly, and certainly compared to the era of STOP, the achievement of 2006 Code of Practice of garnering support from both archaeological and metal detecting bodies, albeit only applicable for England and Wales, seems impressive indeed. While there are some limitations in its actual application, it is particularly significant when placed into the context of so many other codes and regulations devised by different heritage and Government that affect metal detecting, such as the English Heritage advice leaflet for “*Users of Metal Detectors*” concerning SAMs and protected archaeological areas (1985). Austin (2009:121) suggests that these different regulations and guidelines, especially if produced without consultation with the NCMD and other metal detecting organisations, are counter-productive, and that PAS, as an archaeological organisation with a tradition of cooperating with metal-detector users, should be the main channel for communication between archaeology and metal detecting:

“...*I want to send a clear message to all these bureaucrats: ‘get off our case’, leave the responsible hobby alone. You are preventing serious co-operation by trying to inflict archaeological controls; matters that relate to the detecting hobby should be channelled through the Portable Antiquities*”

Scheme. The Scheme had already succeeded in gaining our confidence while you were messing about formulating rulebooks!”

(Austin 2009: 121)

Austin’s comments indicate, certainly from the perspective of the metal detecting hobby, that the multiplicity of professional archaeology, and the failure at times of the different organisations involved to coordinate their strategies, is not only potentially confusing but may even have a negative effect on developing relationships with different communities and stakeholders.

The issue of communication between archaeologists and metal-detector users has nonetheless improved, with “*closer integration and mutual understanding*” favoured (Hodder 1999: 7). Chapter 6 analyses the events in the years after STOP, particularly the factors that led to the enactment of the *Treasure Act* 1997 and PAS, both of which have been praised (e.g. Renfrew 2000: 82-84). In spite of progress, however, the next chapters of the thesis, particularly Chapter 7, demonstrate that there is still a case for improving communication, and trust, even further.