There has long been an association in the popular imagination of archaeology with treasure hunting, an image that most academic and professional archaeologists would be at pains to distance themselves from. The idea that excavation was synonymous with treasure hunting doubtless reflects a longstanding antiquarian tradition of plundering barrows, but it was undoubtedly reinforced by the discovery by Howard Carter in 1922 of the tomb of Tutankhamun, and other famous discoveries of lesser magnitude. It would be self-deluding to deny that for most archaeologists the prospect of uncovering something spectacular, though not necessarily of intrinsic monetary value, is an important element in their motivation. I have frequently been asked what was my most exciting discovery, to which I have always carefully avoided answering with reference to anything of financial value. My choice was generally some of the remarkably preserved Iron Age artefacts or ecofacts, more than two thousand years old, from underwater investigations in the Western Isles. Straw from Iron Age deposits, perfectly preserved in the anaerobic conditions of the peaty waters around an island dun, and still golden in colour, turned black and crumbled the moment it was brought to the surface, like some mythical princess aging and dying when exposed to reality. But in that eerie sub-aqua environment one might briefly imagine that one was transported back two thousand years, to gain a glimpse of something from the remote past.

The notion that archaeology is a quest for treasure, of course, has also been reinforced by the film industry in figures like Indiana Jones, a character who unbelievably is cast as a professor of archaeology. It is closely related to the 'lost world' genre of creative fiction, notably represented by Rider Haggard's King Solomon's Mines of 1885 or Sir Arthur Conan Doyle's The Lost World (1912), also featuring an improbable academic in Professor Challenger, whose feats target a fantasy world of dinosaurs and apes rather than material treasure.

There are two key reasons why professional archaeologists would feel uneasy about treasure hunting. The first is that archaeology is about much more than the objects themselves, and particularly not simply objects of great intrinsic worth. Pitt-Rivers, as we have noted, had argued that objects of an everyday, mundane character were actually of much greater value in

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reconstructing the economic systems and social structure of past communities than exotic items, whose very rarity made them atypical. For this fundamental reason pottery, useless once broken but among the most durable of materials, has become the staple of the archaeologist’s repertory among the domestic assemblages of most post-Neolithic societies. The second reason is that archaeologists should be in pursuit of knowledge rather than personal gain, and for most practitioners the acquisition of artefacts is of no interest, either for private collection or for sale. There may be exceptions, neither illegal nor immoral, providing the artefacts have been acquired legitimately. Numismatists, for example, may have a personal collection of coins, and specialists in other materials may likewise have reference collections. But in general archaeologists in my experience are not acquisitive, and, far from making money out of their professional knowledge and skills, have little material wealth to show from their careers.

Many of the most important archaeological discoveries, of course, are chance finds, the significance of which may not at first be appreciated, and the circumstances of which might well have destroyed important contextual evidence. The first of the series of magnificent hoards from Snettisham, Norfolk in 1948 (Clarke, 1954) was just such a chance discovery resulting from deeper ploughing, and initially the torcs were cast aside unrecognized. But it was not until the 1970s that the sale of metal detectors on a substantial scale for private use launched the modern craze for treasure hunting, which potentially and actually poses a serious threat to the archaeological heritage and to the integrity of both known and new archaeological sites. This was never a serious threat hitherto, or if it was, it was on a scale so minor as to pose only occasional problems of national significance. Now the potential loss is infinitely greater, though its true scale is impossible to quantify for the self-evident reason that we cannot know how many important finds go unreported or are sold surreptitiously. Even the scale of activity is unquantifiable in the absence of any system of licensing or registration of metal detectors.

The objection to private metal-detecting is twofold. One is ethical, that the purpose is to uncover treasure, large or small, for personal gain, effectively to profit by raping the national heritage. The second is scientific, that arbitrary digging to retrieve artefacts destroys vital information regarding context and associations. In this key requirement lies the justification of archaeology to be a serious academic and professional discipline, and without it digging is no more than vandalism, whether conducted by reverend antiquaries of the eighteenth and nineteenth centuries or by clandestine diggers of the twentieth and twenty-first. To these two key objections we should add that the voluntary
code adopted in Britain in 1997 hardly meets the requirement of the Valletta Convention, which has been adopted and ratified by all of the forty-four member states of the Council of Europe plus the Holy See. This affirmed that the use of metal detectors and any other detection equipment must be subject to specific prior authorization, which in context plainly meant authorization by the state antiquities authorities and not just the landowner’s permission (see Article 3, para iii). A position statement by English Heritage of 2001 chose to interpret the explanatory notes of the Convention to permit the continuing use of unlicensed metal detectors on the grounds that existing legislation banned their unlicensed use on scheduled monuments, which simply evades the problem regarding the majority of archaeological finds, which are from non-scheduled or hitherto unknown sites.

Histories of archaeology commonly dwell on the activities of clerical barrow diggers, whose plundering of prehistoric burials is viewed as reprehensible but mildly eccentric. The potential loss of crucial information from targeted metal-detecting, however, is of a different scale order. An analysis of Iron Age coin hoards (de Jersey, 2014) showed that, compared to the period between 1801 and 1970, when an average of 2.4 hoards were uncovered per decade, since 1970 that number has leapt to 60 per decade, the majority (88 per cent) as a result of metal-detecting (Fig. 5.1). This is commonly hailed by advocates of the Portable Antiquities Scheme as a research dividend, accepting that the benefits of discovery outweigh the loss of information that generally results from the circumstances of discovery. What is even more discouraging is the

![Graph](image_url)  

**Fig. 5.1** Graph showing discovery of coin hoards, 1801–2010, based on de Jersey, 2014.
very high percentage of these finds that are only approximately located, which means that any prospect of investigation of their context has been lost. And the figures, of course, cannot include any finds by night-hawkers whose loot was never declared and has been illegally spirited away or dispersed. Yet ministers of government continue to laud the metal-detecting community for their integrity in declaring their finds under the Portable Antiquities Scheme, and professional archaeologists cravenly applaud the system as one of the successes of modern collaboration between professional archaeology and the community.

The fundamental limitation of the Portable Antiquities Scheme is that it is voluntary; in effect what should be an illegal act of spoliation is condoned provided that the perpetrator reports finds to an appropriate authority, so that some inadequate record can be salvaged. In England and Wales the problem has been exacerbated by the fact that Treasure Act of 1996 only covered items of gold or silver, or hoards of more than ten base metal coins, or non-bullion artefacts found in association. Single gold coins do not count; so the aureus of Allectus found by a detectorist near Dover in April 2019 did not qualify as treasure, though it subsequently sold at auction for £0.5 million. The opportunity for fragmenting hoards and disposing of their contents by private sale, unregistered and deprived of context, is therefore considerable. The issues, legal and moral, have been highlighted by the auctioning of finds, including human remains, from the Welbeck Hill, Lincolnshire, Anglo-Saxon cemetery, excavated between 1962 and the late 1970s. In the twenty-first century one might have hoped that the law would regard archaeological heritage as something more than simple treasure, and whilst that attitude prevails amongst our legislators it is hardly surprising that the rest of the population should regard night-hawking as fair game. In Scotland the definition of treasure trove is more comprehensive, including artefacts that are not solely of gold or silver. The announcement (The Daily Telegraph, 1 February 2019) that the Department for Digital, Culture, Media and Sport (where government authorities evidently think oversight of the heritage should lie) was reviewing the definition of treasure to include non-bullion items over £10,000 in value is therefore welcome, if too long overdue. The decision of the Milford Haven coroner to rule that the Pembrokeshire chariot burial was treasure (BBC News, 31 January 2019) was presumably based upon the fact that it was an associated group, but does not alter the fact that the National Museum of Wales will probably need to raise an exorbitant sum to prevent its being sold off to a private collector. Meanwhile, the damage done by inexperienced digging into this uniquely located burial can only be surmised.
When spectacular finds are made by treasure hunters, archaeologists who believe that metal-detecting should be more rigorously controlled are sometimes asked if they would rather that the treasure had never been unearthed, with the implication that to respond negatively would be dog-in-the-manger. This poses a false dilemma. In a system in which the use of metal detectors had to be authorized under licence, legitimate clubs and their members could still operate, but in conjunction with official archaeological agencies, for example, in covering areas due for development, or in organized surveys of known sites of archaeological interest. This would ensure that any find was properly recovered and recorded, as appears to have been the case at Schaprode in Mecklenburg-West Pomerania, which led to the discovery of Bluetooth’s silver hoard (Daily Telegraph, 17 April 2018). But compliance with the legal requirement should not be voluntary, to be ignored by unqualified individuals in pursuit of personal gain. In Britain the traditional attitude that has always accorded priority to landowners’ rights rather than the interests of national heritage has always treated archaeology as essentially a hobby. No longer the hobby of the leisured landowner or country parson, it now has a major role in the entertainment and tourism industries as community archaeology.

The public view of metal-detecting is obviously influenced by the screening in 2014, 2015, and 2017 of the situation comedy The Detectorists, which proved sufficiently popular to win a British Academy Television Award for 2015. It speaks volumes for the archaeological profession and for the standing of archaeology in the public perception that there was no adverse response to this trivialization of a serious threat to the archaeological heritage, albeit that the characters involved behave strictly in accordance with the Portable Antiquities legislation. It is plainly no coincidence that the village in which the action is set is called Danebury, which in reality, of course, is a protected ancient monument, where, even under Britain’s slack regulation, unauthorized use of metal detectors is illegal. According to the Department for Digital, Culture, Media and Sport the incidence of metal-detected finds being reported has increased since the programme was screened (Daily Telegraph, 23 November 2017). Any increase in night-hawking resulting from the popularization of metal-detecting through television, of course, will be unknown. Meanwhile, American and other overseas tourists are even being encouraged to join treasure-hunting holidays by local clubs and amateur entrepreneurs (‘Detectourists’, The Times, 2 January 2019).

A fundamental argument advanced by those in favour of the voluntary code embodied in the Portable Antiquities Scheme is that it promotes co-operation between archaeologists and metal detector users, whereas prohibition would
simply drive the problem underground and thereby result in an unquantifiable number of finds being sold illicitly. The weakness in this argument is that it assumes all or most detectorists comply with the Portable Antiquities Scheme, which even a cursory examination of eBay would suggest was not true, and that those who currently comply would defy the law if required to register their equipment. It also assumes that the only alternative to a voluntary code is prohibition, which is simply not true. For generations amateur archaeological groups contributed positively to archaeological fieldwork, and there is no reason why licensed and authorized survey should not be conducted by metal detectorists in active collaboration with professional archaeological agencies. Even if many detectorists do comply at present with the voluntary requirement to declare their finds, this hardly mitigates the damage that is done by unskilled excavation and inadequate recording. Questions over the reliability of reported locations arose from the suspicion that detectorists wished to keep the provenance to themselves for future exploration, rather than risk competition from fellow detectorists or professional archaeologists. But one must presume that the majority of honest detectorists would comply with a licensing system, and would not risk the sort of penalties that might be incurred, if legislation similar to the Irish were adopted in Britain. Equally, we must assume that legitimate metal detectorists would repudiate those night-hawkers who seriously injured two individuals who were trying to prevent criminal damage to the archaeological site at Pocklington on 6 April 2019, as a result of which Humberside Police appealed to the public for information. As to those who are professionally engaged in the illicit sale of antiquities, with established outlets to the lucrative international market, they plainly are unlikely to avail themselves of the voluntary provisions of the Portable Antiquities Scheme.

However difficult to assess, the scale of unreported digging up and sale of antiquities recovered by metal detectorists in Britain is evidently not insignificant. Though there are marked regional variations in the numbers of active metal detectorists, calculations some years ago (Gill, 2010) based on the number of known detectorists’ clubs and their membership against the number of reported finds in their area suggested either that a significant proportion of the membership was dormant or that a very low proportion of finds was reported. This of course takes no account of maverick detectorists who are not affiliated to any club, who on that account alone may be less disposed to conform to any voluntary code of practice. This reinforces the case for licensing. If the purchase of equipment required the vendor to register the sale, at least the number of detectors in circulation could be compared to the number
of reported finds, to give a more realistic indication of the level of compliance, either with a voluntary code or with a stricter antiquities law. The reality of the present system is that the voluntary code is a successful exercise in public relations designed to evade the real responsibility for protecting ancient monuments and portable antiquities, while a significant proportion of detectorists, quite legally at present, simply dispose of their unreported finds to dealers or online. This conclusion would certainly be consistent with the number of individual finds, such as Roman coins and brooches, regularly offered for sale on eBay, most of which could be adequately identified by amateurs without reference to specialist expertise. Some of these would certainly have qualified under the Treasure Act, and are therefore presumably being sold illicitly, though eBay has published guidelines that its users are supposed to respect. But in other instances objects would not have qualified as treasure, in England at least, and therefore under current legislation can be offered for sale legally, provided, of course, that they were recovered by the metal detectorist with the landowner’s consent.

Meanwhile, of course, scheduled ancient monuments, that is, a limited number of sites that have the notional protection of the law, continue to be vulnerable to plundering by metal detectorists, some of whom might well regard the distinction between a scheduled and unscheduled monument as a bureaucratic nicety. One such site is the Romano-British temple at Icklingham in Suffolk, which has been repeatedly looted by night-hawks, who are evidently not deterred by the derisory penalties imposed in the event of their being caught and prosecuted. Because of concerns that illicit night-hawking was damaging scheduled ancient monuments, the combined heritage agencies of the United Kingdom commissioned a report from Oxford Archaeology, which, notwithstanding the difficulty of obtaining reliable evidence, not least because of the reluctance of some sections of the metal-detecting community to co-operate with the enquiry, concluded that over a ten-year period the problem had not significantly changed. Evidently among the public at large this is not regarded as a serious issue. An entry in Wikipedia in 2017 reported that ‘the review, which cost the taxpayer £66,000, proved that over the ten-year study period, attacks on archaeological sites equated to fewer than 1.5 incidents a month and was far from the crime-wave some archaeologists believed it to be’, in effect, that the enquiry was a waste of taxpayers’ money. By contrast, there is almost universal acceptance that ivory poaching is iniquitous and should be stamped out by the full rigour of the law. In a classic instance of virtue-signaling, however, under new legislation even ancient artefacts that happen to incorporate ivory might be threatened with destruction, notwithstanding
the self-evident fact that criminalizing owners of previously legitimate antiques would not save or resurrect a single elephant.

The total inadequacy of the present British antiquities legislation, however, is best demonstrated by the more celebrated examples of discoveries by metal detectorists. The Crosby Garrett Roman parade helmet (Fig. 5.2) was reportedly found in May 2010 by metal detectorists on a Romano-British site where subsequent excavations by the Tullie House Museum of Carlisle suggested

Fig. 5.2 The restored Crosby Garret helmet. Private Collection, photo © Christie’s Images/Bridgeman Images.
that proper investigation might well have recovered a great deal of contextual information. The helmet was found in pieces, and being of copper alloy rather than precious metal was not covered by the terms of the 1996 Treasure Act. It was declared to the Portable Antiquities authorities, but an inspection of the claimed provenance did not take place until the end of August. By this time the helmet had been sent to Christie’s in London, where arrangements were made for its restoration for sale at auction in September. It is claimed that the rapidity with which the restoration was done precluded a detailed examination by experts appointed on behalf of the Portable Antiquities service, potentially resulting in further loss of information. The helmet was sold at auction for nearly £2.3 million, a sum that proved to be beyond the £1.7 million raised by the Tullie House Museum, and remains in the possession of a private collector in Britain. The fact that the local museum was expected to raise any sum, let alone £2.3 million or more, to secure for the nation what should rightfully be on public display is a national disgrace. This is not to say that antiquities or works of art that are already in private possession should not remain so; provenance and the history of ownership is generally complex. But rewarding the arbitrary removal of antiquities from context not only violates the integrity of the archaeological site but encourages the belief that the archaeological heritage can be plundered for personal gain.

Archaeologists are certainly conscious of the limitations of the current arrangements in respect of portable antiquities, though most appear to acquiesce in the Portable Antiquities Scheme as the best of a bad job. Many recognize the unfortunate implications of rewarding the finders with the full value of the artefacts or hoard, and many are well aware of the anomaly of distinguishing between precious metals and artefacts made of other materials, as if the archaeological importance of a discovery could only be measured in terms of its monetary value. The whole concept of ‘treasure’ in terms of gold and silver introduces a blight into the evaluation of the archaeological heritage that is a legacy of the past. Agreeing the valuation itself can be a matter of dispute, as in the case of the Jersey hoard, discovered on the crown dependency by metal detectorists in 2011, and variously estimated at between 2 and 10 million pounds (The Times, 5 April 2019). The failure to resolve this issue after eight years is simply unacceptable.

A more recent find, comparable in monetary value to the Crosby Garrett helmet, was made in September 2014 in Dumfries and Galloway (Fig. 5.3), and hence under the jurisdiction of the Queen’s and Lord Treasurer’s Remembrancer of Scotland, where the Treasure Trove legislation covers all finds of archaeological significance, and not just those of precious metals. In this instance the
metal detectorist, who was operating with permission on Church of Scotland property, promptly reported his discovery so that, apart from the initial pit, subsequent excavations were supervised by qualified archaeologists, though hardly under ideal conditions in view of the risk of unauthorized interference once the discovery was known. Following a gradiometer survey of the field,
an area 30 metres square was stripped mechanically over the find spot, hardly the most sophisticated way of uncovering a site of such potential importance. In consequence, a number of artefacts and fragments were reportedly recovered from the spoil heap, ironically with the metal detectorists’ assistance (Owen, 2015: 20). The excavation revealed a rectilinear structure comprising a double line of post pits, beneath the corner of which the hoard had been buried. In fact, the hoard was found at two levels, the lower containing a group of arm rings with runic inscriptions, a gold finger ring and gold ingot, and a Carolingian metal vessel, wrapped in textile and containing six silver Anglo-Saxon brooches, an Irish silver brooch, silk fragments from Byzantium, and a gold ingot. Among items from the upper assemblage were silver ingots, arm rings, a pectoral cross wrapped with silver chain, and a gold pin in the form of a stylized bird. It seems likely that the hoard was buried in the ninth or tenth centuries, though some of the items were undoubtedly old when buried. Whether the two levels indicate successive deposits, or simply a subterfuge to foil robbers, is unclear, though the same tactic at Snettisham, Norfolk is generally seen as a measure intended for added security. The hoard’s significance lies in its scale and wealth, but also in the wide-ranging connections that are indicated by its contents. The find spot lies within the area of the excavated buildings, though the relationship between the two has yet to be confirmed, and within an area of ditched enclosures that had previously been recognized through air photography (Truckell, 1984: no. 16).

Hardly surprisingly, the contents of the hoard took more than two years in specialist examination. Meantime the competing interests of the National Museum and the local authority, which proposed a custom-built museum display in Kirkcudbright, were being marshalled for the Finds Disposal Panel to adjudicate, which eventually awarded custody to the National Museum. Compromise in such cases is always vexed. National institutions invariably argue that visitors, especially from abroad, will find it easier to see major finds of this kind in a central location. Local museums will argue that a find of this calibre could do much to boost regional tourism. Generally, national museums will offer a selection of objects for local display, but the impact of the hoard depends substantially upon its totality. The technical capacity to produce authentic-looking replicas might facilitate an acceptable solution, though there will doubtless be continuing debate as to where the core of authentic items should reside. Most visitors would be unable to distinguish good replicas from the real thing, especially in a museum case in the twilight atmosphere currently favoured by exhibitors. On the other hand, serious scholars wishing to examine the real thing would probably wish to study the hoard in its local context anyway.
The outcome, of course, remained dependent upon the National Museum raising £1.98 million to compensate the finder and landowner, a task that might have been even more difficult for a regional museum. Had they failed to do so, then presumably the hoard could have been auctioned and sold to a private collector, as in the case of the Crosby Garrett helmet. In that event, there would have been no assurance that a hoard of more than a hundred items would have remained intact, nor that it would be available for visitors and scholars to study. Only in Britain could unique antiquities be subject to such arbitrary disposal. There remains, of course, the question as to what should be done with the site. Its function remains unclear, but it seems possible that the hoard was related in some way to an important community, possibly monastic, the structural remains of which would plainly be worth investigating more extensively. Whether or not there is any prospect of further hoards lying undetected within its precincts, it seems likely that the site will continue to be targeted by detectorists, or more specifically by illicit night-hawkers, since it is now a scheduled monument. Welcome though the discovery might be, it is hard to avoid the conclusion that continuing problems are the product of inadequate controls on unauthorized detection and excavation in the first place.

It seems ironic if not offensive that the public should be expected to make donations to save for the nation what might rightfully be regarded as belonging to the nation in the first place. Metal-detecting for archaeological treasure simply reflects the attitudes accepted by today’s ‘something-for-nothing’ society. It betrays a distorted sense of priorities when a lady can be threatened with prosecution for pocketing a ten-pound note that had been dropped in a local supermarket, on the grounds that the principle of ‘finders keepers’ is not accepted in law (Daily Telegraph, 28 February 2017), yet illicit pillaging by night-hawkers with metal detectors of antiquities that are then flogged off on eBay can happen with brazen impunity. If we must give credence to the argument that unless the treasure hunter is rewarded he/she will dispose illicitly of the finds, which will thus be lost irretrievably, it surely cannot be appropriate to pay the finders the full market value, which they would assuredly not receive from some dodgy under-the-counter dealer. A bounty based on a percentage with a maximum ceiling, together with realistically severe penalties for failing to declare finds, would surely be sufficient to persuade most detectorists that declaration of the find was the safer and more productive option.

There is, of course, nothing inherently wrong with a metal detector being used on an archaeological site, provided that the purpose is genuine research and that the operators are working in collaboration with heritage agencies.
A good example of the contribution that can be made with detectors is the programme of investigation at Burnswark in Dumfriesshire (Reid, 2016), where the case for the site’s assault by Roman forces, as opposed to use of the derelict hillfort as a training ground, has been greatly advanced by survey with metal detectors that have been fine-tuned to respond to the known categories of assault missiles, combined with experimental exercises using those missiles to test their likely capacity and performance in the context of an assault from the southern Roman camp. This is not simply a case of arguing that it is alright for some (a self-selected elite) to use metal detectors but not for others (ordinary folk like us); the difference is that some are trying to contribute to the sum of knowledge for the benefit of all, while others are motivated by acquisitive self-interest from which the public benefit, assuming the discoveries are reported, is entirely secondary.

A case that came before magistrates in Ipswich in early 2017 illustrates the problem for archaeology. A police constable was dismissed from the Norfolk force for defrauding the farmer, who had given him permission to use a metal detector on his land, of his share of the proceeds, in this instance ten Merovingian gold coins that the detectorist had subsequently sold to a dealer for a meagre £15,000. He was deemed by the Chief Constable to have been guilty of a breach of trust, but no suggestion was made of any obligation to declare the find as one of considerable historic significance. Another detectorist who had made a similar discovery, had reported his find to the farmer and to the authorities, and it had duly been declared Treasure Trove. Accordingly he had complied with his legal and moral obligations, and his treasure hunting therefore was of no concern to the police any more than the press. The national heritage is treated like the National Lottery, an opportunity for the individual to acquire something for nothing.

The Irish view British pride in the Portable Antiquities Scheme with something bordering on incredulity. In Ireland the law is unequivocal and uncompromising. Metal detectors may only be used with a licence, and penalties for night-hawking are not token. Unauthorized digging, with or without a metal detector, carries a maximum penalty of 100,000 euros or twelve months’ imprisonment. Licensing of metal detectors became mandatory in Ireland in the Ancient Monuments Amendment Act of 1987, following an upsurge in detecting after the discovery by detectorists of a set of communion plate on a protected monastic site in 1980 at Derrynaflan in County Tipperary. At the time of the Derrynaflan discovery the finders would have been entitled to a reward, the size of which was not finally determined until six years later. With Ireland by then in deep recession, the scale of the valuation at IR£5.5 million
turned public opinion against metal detectorists, prompting the passage of the 1987 Act, and the Derrynaflan finders received a much more modest settlement. That Act also made any finds of archaeological significance the property of the state. A further Amendment Act was passed in 1994 to curtail the illegal export of antiquities.

The situation in continental Europe is variable, especially in countries like Germany, where despite the legal requirement to have a licence in order to use a metal detector, enforcement is the responsibility of the federal states. In Hesse there has been a history of illegal metal-detecting on major ancient monuments like the Bullenheimer Berg, where no less than nineteen separate hoards are known to have been dug up. In consequence, archaeologists more recently have been conducting planned metal-detecting surveys around the site of the Glauberg in order to pre-empt further illicit activity. This seems to be an extreme course of action to protect sites of national importance, but it certainly suggests an alternative strategy for archaeologists, if the state authorities neglect to enforce proper protection from vandalism. In Britain, by contrast, despite the concern of politicians about looting of cultural heritage internationally, as for example from war zones in Iraq or Syria, the domestic situation appears to arouse rather less public concern.

The particular issue of treasure hunting with metal detectors raises a wider concern of unauthorized or unqualified excavation of archaeological sites and materials, and the damage that such activity may inflict through incompetent recovery and inadequate recording. The Valletta Convention is quite clear on this matter. Article 3 requires the signatory states

i, to apply procedures for the authorisation and supervision of excavation and other archaeological activities in such a way as:
   a to prevent any illicit excavation or removal of elements of the archaeological heritage;
   b to ensure that archaeological excavations and prospecting are undertaken in a scientific manner…
ii, to ensure that excavations and other potentially destructive techniques are carried out only by qualified, specially authorised persons
iii, to subject to specific prior authorisation… the use of metal detectors or any other detection equipment

Under this provision, not only would the unauthorized use of a metal detector be illegal, but digging a hole and retrieving archaeological materials other than under controlled archaeological conditions would also be illegal.
This, of course, need not preclude fieldwork, including excavation by local societies and amateur organizations, many of which have a longstanding and commendable track record for field research and publication. It merely requires that a competent individual or individuals should have obtained the necessary authorization from the state antiquities agencies to supervise the programme of research and to ensure the maintenance of proper standards. It is intriguing nevertheless that the Department for Digital, Culture, Media and Sport’s consultation exercise of February 2019 should also have sought public opinion on the longer-term prospect of requiring a permit for ‘archaeological digging of any sort, both by professional archaeologists and others’, a condition that one might have supposed was already required as a signatory of the Valletta Convention.

Amateur enthusiasts may well feel, of course, that their prospects of obtaining a licence might be undermined by official prejudice against ‘amateurs’ muscling in on their private preserve. Regrettably, but not always without justification, there has sometimes been a public suspicion of officials from the state antiquities agencies, in part because of their role in monitoring scheduled monuments and listed buildings, particularly in the context of planning applications. In this regard, members of staff from the former Royal Commissions were generally more favourably received by landowners and tenants, which is one reason for regretting the demise of these agencies in England and Scotland. Safeguards of the archaeological and historic heritage should apply, of course, to all known or suspected sites, including those that are discovered by accident or erosion, not just those that happen to be on the shortlist of scheduled monuments, since experience has demonstrated that some of the most important ancient sites and finds were chance discoveries.

In effect, then, the issue of metal-detecting is only one aspect of a wider concern for the archaeological and historic heritage, and the extent to which it is adequately protected by antiquities legislation. As with archaeological interpretation, Jacquetta Hawkes might well have observed that each generation gets the antiquities laws that it desires, for nothing reflects so accurately current attitudes towards the past than the extent to which we regard it as warranting statutory protection. Britain rightly prides itself on the fact that it was among the first countries in the world to have any antiquities legislation; the Ancient Monuments Act of 1882 listed some fifty sites in Britain (and Ireland), almost all of them prehistoric monuments, that would have statutory protection for the first time. The owners of historic buildings, on the other hand, could do what they liked with them until after the Second World War, when the importance of regulating standards was finally recognized by the
Town and Country Planning Act and the concept of listed status was introduced. The key difference in British legislation is that it only covers scheduled or listed sites or buildings, whereas the legislation of more enlightened countries covers all sites, including crucially those that were unknown until the moment of discovery. If a nation is serious about the protection of its heritage, its legislation must cover all sites and discoveries, and must make it an offence for anyone to damage or deface them wilfully, including excavating without authorization. The British love to project themselves as the conscience of the world, by espousing the cause of repatriation of the Elgin Marbles or aboriginal remains, or by condemning the international trade in illicit antiquities. In fact, we are very good at telling the rest of the world how to behave whilst ignoring our own advice at home. As Andrew Saunders (1985) pointed out many years ago, the British promoted the recording and protection of ancient monuments in its former colonies, including India and Ireland, long before adopting a comparable approach to the archaeological heritage of the United Kingdom, and the truth is that the British antiquities laws still only provide very partial protection in deference to the national antipathy towards state intervention into what we see as personal liberty.

Meanwhile, the public at large is unaware of or unmoved by the issue. In consequence, a BBC World Service Business Matters programme (8 January 2018) positively encouraged metal-detecting in Britain and abroad, apparently unaware of what limited legal restraints are currently in force, and evidently oblivious of any ethical issues. Equally oblivious to legal constraints was the Cadbury Freddo Treasures website that encouraged families to ‘grab your metal detectors and go hunting for Roman treasures’ from ‘the UK’s top treasure hotspots’ (The Guardian, 18 March 2019). We accept that collecting bird’s eggs is a criminal offence, taking plants and flowers from their natural environment is illegal, and even collecting pebbles from the beach may constitute an offence. But the archaeological profession as a whole has failed to convince politicians and the public that the archaeological heritage deserves equal protection. In fact, archaeologists generally have acquiesced and actively colluded in the prostitution of the heritage to make us philistines in an Age of Self-Interest in the treatment of our archaeological heritage.