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“There Is None So Blind as Those Who Won’t See”: Metal Detecting and Archaeology in France

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Abstract: Presented as an inoffensive hobby that is motivated by the interest for past and history, metal detecting represents an invisible danger for heritage. Since the passage of a 1989 law, it is prohibited in France without having an official authorization. However, there are loopholes in the legislation and the law is regularly flouted, even if the last years saw trials and condemnations. Detectorists claim they are not looters and want to participate in archaeological research, but there is a twilight zone between a „good detectorist“ and a nighthawk. Despite the restrictive legislation, it seems that metal-detecting still will be practiced and we will have to deal with it. Therefore, some French archaeologists agree to record the detectorists’ finds to avoid the loss of data. In so doing, however, they unwittingly become a crucial link in a vicious circle of looting and selling the common past. They provide to the detectorists a justification to always dig deeper to seek artefacts, and they participate in the black market by giving an added value to detectorists’ finds. The protection of our heritage will be efficient only when these archaeologists stop breaking the rules by practicing an „object archaeology“ like the 19th century scholars.

Keywords: metal-detecting; declarative scheme; looting; legislation; French; France

1 Introduction

First practiced using military mine detectors, searching for historic metallic artefacts appeared in Europe after World War II in the wake of the opening of US military bases. This hobby has grown quickly during the last forty years. Today, metal detecting is no longer a confidential activity that is practiced by only a few enthusiasts. The metal detectorist belongs to a strong community with its specific language and rules, specialized magazines, internet forums and associations. Producers and dealers provide detectors that are increasingly more powerful and cheaper. Today, the number of active metal detectorists is estimated around 9800 in England and Wales (56 million inhabitants), 10 000 in France (66 million inhabitants), and around 2500 in Austria (8,4 million inhabitants) (Robbins 2013, 85; Compagnon et al. 2011, 199-200; Karl 2011, 120).

Considered an inoffensive hobby, metal detecting is not without negatives consequences for the preservation of archaeological heritage. By tearing the metallic artefacts out from the ground in a haphazard way, detectorists can destroy the archaeological context of the find and cause the loss of most of its scientific interest. Unreported finds can also impede the discovery of future archaeological sites. Last but

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not least, we cannot forget that some metal detectorists are acting like real robbers of the common heritage by keeping and selling their finds.

Thus, it is necessary to legislate on metal detection to avoid the loss of our heritage caused by its excessive practice. But can we also permit the metal detectorists to contribute to archaeological research as amateur researchers? European countries set up different ways to control metal detecting and integrate it in archaeological surveys and heritage protection. France decided to create a restrictive scheme, in which metal detecting for archaeological objects is strictly controlled. However, the law does not completely prohibit metal detection and has flaws that cannot ensure a real protection of our heritage. Consequently, some French archaeologists are trying to preserve the archaeological data by setting up a “collaborative scheme” with metal detectorists, arguing “this is better than nothing”. But, by doing this, they are encouraging an illegal practice in opposition to any professional ethic and law. After examining the French regulation, this paper will expose how amateur metal detecting and archaeology have opposite purposes and why the “better-than-nothing” scheme practiced by some French scientists is one of the best methods to cause the loss of our ancestors’ testimonies.

2 The French Laws

2.1 The Story of a Regulation

Soon after the end of the war, the French archaeologists were interested in using mine detectors as tools for archaeological surveys. In 1947, the directors of the districts of prehistoric antiquities (one of the two early administrations for the management of the French archaeological heritage) made the detectors available to “qualified prehistorians” to be used in research on the Metal Ages sites (Exsteens 1947, 257). Note that the use of metal detectors was restricted to individuals who had the skills to proceed to an archaeological excavation.

But treasure hunting seems more interesting than archaeology. The 1980’s witnessed that the developing of the hobby of metal detecting could pose a serious threat to the preservation of archaeological remains. Then, in 1981, the submission of the report n° 4741 titled *Metal Detectors and Archaeology* (Beith & Flanagan 1981) to the Council of Europe reveals that the national laws cannot prevent damages caused to the heritage by the development of metal detecting and its unregulated practice. In response, the Council recommended to its member states to set up a system using a license or a registration as soon as possible (recommendation n° 921).

At the same time, archaeologists tried to inform public opinion and politicians. In United Kingdom, the STOP campaign (1980-1983) unified several archaeologists from museums and associations (Thomas 2012). In France, Patrice Birocheau, a member of the Groupe Vendéen d’Études Préhistoriques [Group for Prehistoric Studies in Vendée] noted in 1983 the unethical practices of some metal detector dealers (Birocheau 1983). In 1983-1985, Gilles Gaucher, the president of the Société Préhistorique Française [French Prehistoric Society], one of the oldest and most famous French archaeology societies, led a campaign to regulate the use of metal detectors. He wrote letters to 200 other learned societies, inviting them to join his petition. He received an answer from the Minister of Culture, Jack Lang, who expressed his support, and gave to the senator Marc Bœuf a proposed law to regulating metal detection (Gaucher 1984; Société Préhistorique Française 1984). In February 1984, Henri Gaillard de Sémainville and Catherine Gosselin published a paper titled “Metal Detectors, the Archaeological Heritage in Danger” in the French popular magazine *Archeologia* (Gaillard de Sémainville & Gosselin 1984).

While the British STOP campaign failed, the French archaeologists’ campaign seemed successful and the debate on the law started in April 1989. The parliamentary reports and discussions referred to the recommendation 921 of the Council of Europe and especially pointed out the difference between archaeology and metal detecting. They explained how the two activities have different purposes (artefacts in context versus isolated finds) and showed the impossibility of allowing metal detecting apart from a few selected protected sites. Even ploughed soil should not be subject to metal detecting, since it still

might contain valuable artefacts of archaeological value. Indeed, a lot of archaeological sites could not be protected because they had not been discovered yet. Moreover, an isolated object can prove the existence of a hidden site beneath and the depth of the signal of metal detectors may vary according to the power of the device or the size of the find. The Members of Parliament also noted that the law would be useful only if the people's interest for the archaeological heritage was encouraged by education and participation in amateur archaeological excavations (Assemblée Nationale 1989; Miroudot 1989). The law 89-900 was passed on 11 December 1989 and promulgated on 18 December.

2.2 Actual Regulation

2.2.1 Metal Detecting

Since 2004, the law 89-900 has been integrated into the Heritage Code, which brings together all the French regulations on heritage and certain cultural services (archaeology, archives, libraries, museums).

Article L542-1 states that “none may use devices for the detection of metal objects, for researching of monuments and objects which may be of interest to prehistory, history, art or archaeology, without having previously obtained official authorization according to the skills of the applicant as well as the nature and modalities of research.” Thus, the law protects the objects in any location in the whole country, on public or private land, regardless of any presence of a protected or registered archaeological site. Applicants must present a real scientific research project and justify their archaeological skills and experience. They also need the landowner's permission. At the end of their research, they must hand over to the Ministry of Culture (Service Régional de l'Archéologie [Regional Department for Archaeology]) a report of their finds and takes all measures necessary for their good preservation. According to the Civil Code (art. 552: “the ownership of the land overrides the ownership of what is under the land”), all the finds always belong to the landowner. The finder cannot be rewarded for any finds in any case.

Detecting for archaeological artefacts without official authorization is punishable by a fifth-class fine (1,500 €) (Heritage Code, art. R544-3). If detectorists dig the soil, still without official authorization, they can be sentenced to a 7,500 € fine (digging the soil to seek archaeological objects, even to a small depth, is an archaeological excavation (Société Préhistorique Française 1981)) (Heritage Code, art. L544-1).

The Heritage Code also provides (art. L542-2) that “any advertisement or user manual for metal detecting devices must include a notification of the prohibition referred to in article L542-1, criminal sanctions and the reasons for this regulation.” So, if they buy detection magazines or devices, no detectorist can deny the knowledge of the regulation.

2.2.2 The French Concept of Treasure Trove

In French law, the concept of treasure trove does not depend on a certain proportion of precious metal or on the age of an object. It is defined by the Civil Code, promulgated in 1803, as “any object hidden or buried which no one can justify as his property [*res nullius*], and which is discovered by the pure effect of chance” (art. 716). It is shared half and half between the landowner and the finder.

However, an object found while metal detecting is not considered a treasure trove. Indeed, the case law has shown that the use of a metal detector annuls the effect of chance (Launoy 2002). The find then belongs wholly to the landowner, according to article 552 of the Civil Code.

2.3 A Useless Regulation or a Misapplied Law?

2.3.1 From Impunity...

Despite the enactment of the law, the looting of archaeological heritage by metal detecting did not disappear. Indeed, the selling of metal detectors is not regulated – apart from a notification of the law on the user

manual— and a lot of metal detectorists argue (wrongly) that they do not search for archaeological objects (Schoellen & Pautrat 2010).

In 1995, an employee of the Ministry of Culture using the alias of Louise Girard wrote and published a paper in *le Journal des Arts* which points out the double game of detection magazines and metal detector advertisements. While they must notify the law to their readers and customers, they praise the power of their devices for discovering hoards and others hidden testimonies of the past, presenting treasure hunting as different from archaeology. This paper also points out the role of the private collectors, auction rooms and some museums in the looting of our past, acting as paymasters and middlemen of a real black market (Girard 1995). In fact, the law seems quite useless against the bad faith of the detectorists.

However, despite the publication of others papers on the same theme (Dumeurger 2009), especially a whole book chapter in 2010 (Compagnon 2010, 189–297), a minor group of archaeologists continues to practice the head-in-the-sand policy, while the majority of the archaeological community tries to avoid as best as it can the loss of data and the destruction of sites by metal detecting.

So why is archaeological heritage still threatened by metal detecting in spite of the law meant to protect it? Through our own experience, we realized that law enforcement services are not well informed about archaeology and metal detecting, often seen as a minor problem in comparison to the mass of daily offences. All the internet forums and social network groups talking about detection quote the poor knowledge of the law from the constables, who sometimes, practice metal detection themselves. Given this situation, it seems quite difficult to enforce the law and pursue offenders. Moreover, unless an individual is caught in the act, it is impossible to prove the detectorist’s intention of searching for archaeological artefacts. When a complaint leads to a trial, the penalties incurred are too low to be a disincentive. For example, having done metal detection close to the Gallo-Roman site of Mâlain-*Mediolanum*, two detectorists were condemned in June 2011 to only a 600 € fine each (Le Bien Public 2011). All these facts reinforce a sense of impunity among the detectorists, who are convinced that archaeologists are jealous of their finds and just want to retain tight control over the whole common history.

2.3.2 ...to Condemnations!

Nevertheless, things have been changing over the past five years. Following the plunder of an archaeological excavation in Noyon (Oise) in February 2010, the French ministry of Culture decided in 2011 to appoint an officer to help the archaeologists in their legal steps against the detectorists. Simultaneously, work has been done to raise the awareness of judges and law enforcement services (Thivent 2014; Muscat 2015). This work, combined with a well-coordinated action of legal services, has highlighted several networks of the black market related to the badly-named practice of “leisure detection.” Two such networks were brought to justice in 2014 and 2015.

The “Marne winemaker case” was judged in August 2014. Arrested in April 2012, the defendant was accused of plundering hundreds of archaeological objects using his metal detector over the span of ten years. He kept at his home close to 2,300 artefacts (coins, pottery, sharpened flints, etc.), arguing that he had a passion for archaeology. He sold some of his finds, too. He was convicted of illegal excavation and illegal trade of archaeological goods and sentenced to a 197,000 € fine (Agence France Presse 2014a).

At the end of 2013, some archaeologists from the INRAP (Institut National de Recherches Archéologiques Préventives [National Institute for Preventive Archaeological Researches]) and the Ministry of Culture identified a Facebook group used to sell artefacts found during metal detecting. Following a careful investigation, six men were identified and simultaneously arrested in different places of France. During their police custody, they confessed to have done metal detecting without authorization—even the landowner’s—, found a 2,000 coin hoard dated from the 1st century BC, and illegally sold a part of it. The trial took place in September 2015 and the sentences have ranged from a 2,000 € fine to a three-month suspended sentence and a 15,000 € fine (Dupont 2015; Agence France Presse 2015).

However, in the two cases the defendants lodged an appeal and new trials are expected to be heard in the years 2016-2017.

3 Metal Detectorists and Archaeology

3.1 Treasure Hunters vs. Archaeologists

In France, the regulation does not allow the existence of a hobby of metal detecting as it exists in others countries like Great Britain or Denmark (Ulst 2010). Indeed, the search for archaeological or historical objects cannot be practiced without formal authorization and apart from any scientific survey. In fact, metal detectors could be used freely only to search for pipes in the ground, metal flakes in timbers before cutting, or recently lost items like car keys or wedding rings. However, as I wrote previously, the existence in France of a practice equivalent to a hobby cannot be denied, even if it is without any legal basis (Conseil National de la Recherche Archéologique 2011, 4). The supporters of the hobby of treasure hunting circumvent the laws, and their community benefits from many resources like well-established shops in the commercial landscape, widely-circulated magazines and internet forums. Although they argue that they do not search for archaeological artefacts, most of them are nonetheless interested in history or archaeology. They have then a real love-hate relationship with archaeologists, from the desire of participating in archaeological surveys to the refusal of regulating their practice. However, it is quite difficult to conduct a study about these relations in France. Indeed, why study the contribution of amateur archaeological metal detecting to research while it is prohibited? This would then recognize a status for and a scientific interest in an illegal practice! Moreover, as an archaeologist, I would face mistrust from the detectorists, and they could be biased in their answers, especially according to their motivations and their willingness to report the finds (Yates 2014, 9). Therefore, the following survey is based upon the reading of several detection internet forums, detection magazines and newspaper articles, in which the detectorists feel more free to talk.

3.2 The Three Types of Detectorists

Three types of detectorists may be determined: the almost archaeologist, the ill-informed, and the vandal or nighthawk (Figure 1).

To the almost archaeologists, also known as “the good detectorists”, metal detecting is not a simple hobby; it is a part of scientific research. They have already done archaeological excavations. They know the entire purposes of the discipline and have the skills to practice it. They do not do metal detection randomly, but according to questions about a site, a chronology or a thematic focus. In fact, they are doing metal detection like we do an archaeological survey, and their metal detectors are just a tool, similar to an excavator or a trowel, to run their research program. With their skills and a real research project, they can ask for an official detection authorization, even if they are not a professional archaeologist or do not have an archaeology diploma. However, this profile is very rare. I surmise that they consider themselves like archaeologists prior to be detectorists, and they do not think that they belong to the detection community.

The “ill-informed” like history and archaeology. They want to discover their past and look for their ancestors (Féret 2013). Frequently, they refer to the adventure stories about treasures like Stevenson’s *Treasure Island*, and they dream of discovering their own hoards. However, nobody informs them about the regulation, even the metal detector sellers, who mislead them by not adequately informing them about the law, despite the obligation of including a notification of the regulation in the user manuals. Sometimes, the seller wilfully omits certain elements of the law so as not to prevent the sale of a metal detector. In some rare cases, the ill-informed become alarmed when they discover the real regulation and the applicable sanctions. They then give up their devices and switch to another hobby. In several cases, they are convinced they are not doing anything wrong and they do not understand why the archaeologists do not want to work with them. They then theorize that archaeologists want to retain control over history and do not want to share their knowledge with non-academic people (Le Parisien 2013; Detecteur.net 2014). They differentiate the “good archaeologist”, who kindly registers their finds even if they found them illegally, from the “bad archaeologist”, who does not want to consider the metal detectorists’ voluntary input to archaeological research. “Maybe this archaeologist is frustrated by his wretched career and jealous of my finds because he

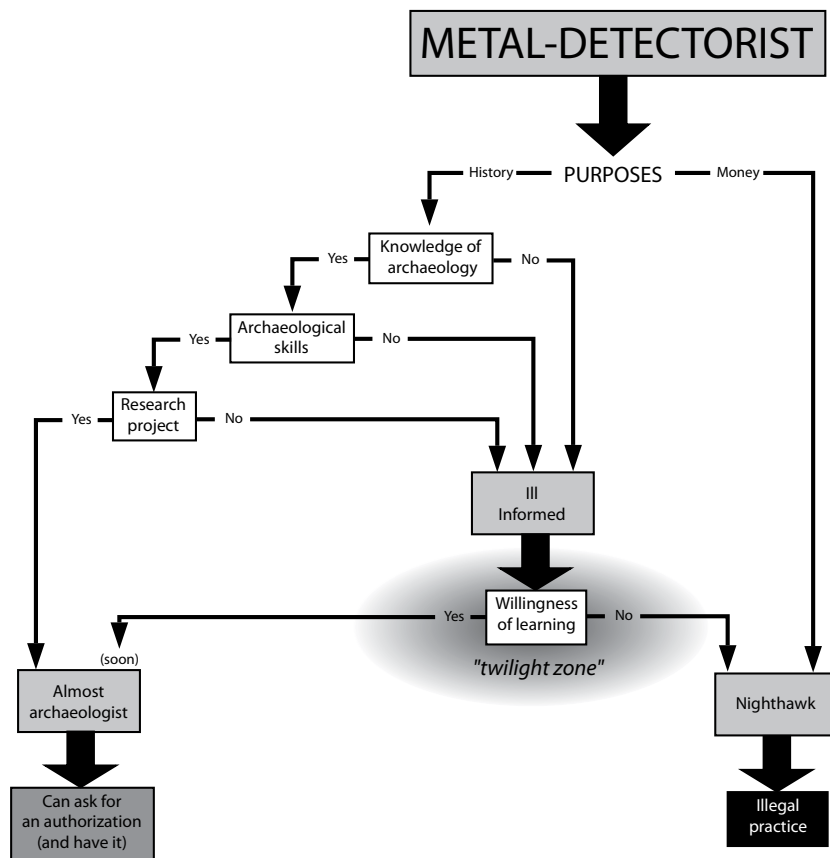


Figure 1: The three types of detectorists.

has never found objects like these”, they think (Hisbacq 2015). In fact, the ill-informed may be very willing to contribute their findings to research, but they fully ignore the real purposes of archaeology. Convinced that archaeology is treasure hunting like in Indiana Jones movies, they seek for objects to put on shelves and do not care about notions of stratigraphy, extensive excavation and archaeological context. They also misunderstand the principles of preventive archaeology and “in situ conservation”, under which sites are better preserved in the ground and the excavations are made only when they are threatened with destruction (construction of a highway, a railroad, a building...). For ill-informed detectorists metal detecting is a way to participate in the increasing of people’s knowledge by going where archaeologists “would never go”, studying sites they “would never study” because of a lack of funds, or, even worse, the pressure of construction lobbies which do not want to be stopped by three shards of pottery and four bones (Perrier 2012; Vantighem 2015a; Vantighem 2015b). More than just a hobbyist, these detectorists see themselves as the only real defenders of the common heritage.

The nighthawk is the worst type of detectorist. They do not care about archaeology, history or heritage. They just want to earn money by selling the objects they steal on archaeological sites. They are the first step of antiquities trafficking, supplying the black market or acting at the request of a paymaster, who could be a collector or a reseller. In opposition to the previous type, the nighthawk knows the laws, and above all how to circumvent them. They take the opportunity of night, weekends or public holidays to raid archaeological excavations and registered sites. In February 2010, at least four people armed with metal detectors raided an archaeological diagnosis in Picardie (north of France) during the night. They destroyed, amongst other things, the soil of a Gallo-Roman villa and a Merovingian grave (Evin 2010). The Merovingian cemetery of Allonnes (Eure-et-Loir, 100 km south-west of Paris) was plundered during the European Heritage Days in September 2011. In June 2013, two nighthawks were arrested while metal detecting on the excavated site of Magalas in the south of France (Fulleda 2013). According to my own experience and my professional

relationships, I am able to write that looting is more frequent than it can be read about in the news, and every French or even European field archaeologist has faced a metal-detecting plunder at least once during his or her career. In France, the plunderer of an excavated or registered archaeological site can be sentenced to up to seven years imprisonment and given a 100,000 € fine (Penal Code, art. 322-3-1).

3.3 The “Good Detectorist” and the Nighthawk: The Twilight Zone

The difference between the “good detectorist” and the nighthawk seems quite clear. On the one hand are simple hobbyists and history lovers, who only want to discover the past by themselves. They are well intentioned and always ready to learn new knowledge about their heritage, share it and participate in scientific research. On the other hand, nighthawks have no interest in the past apart from the market value of their finds. But the reality is not as Manichean; there is a twilight zone between good metal detecting and nighthawking. Indeed, even if they deny it, the “good detectorists” regularly sell their collections in collector shows or in online auction rooms. Thus, the Marne winemaker (see Section 2.3.2) claimed a passion for history but also sold his finds. By spotting the “most interesting” sites, sometimes using a plane, he acted like a real nighthawk. Similarly, in November 2011 a detectorist came to the little village of Rom in Poitou (south-west of France), known as the ancient city of *Rauranum*. He metal detected all around the museum and even in the cemetery, close to the excavation site, but on the other side of the fence. According to him, he was “not on an archaeological site” (Touren 2014, personal communication from L. Malécot). Of course, the detectorists’ community declares they are always doing “responsible metal detecting.” They provide justifications in bad faith to explain their illegal behaviour, arguing that France has “badly drafted legislation” that does not define where one can do metal detecting. They try to extrapolate how to recognize an archaeological site or define when one should stop detecting (Detecteur.net 2015a). They must acknowledge that the law protects the objects regardless of any presence of a registered archaeological site (see Section 2.2.1). When detectorists are arrested and tried, they are rejected as “bad guys” who are “acting against a good representation of the hobby,” even if they were a member of the community (Detecteur.net 2015b; Detecteur.net 2016).

4 Archaeologists and Metal Detecting

4.1 An Unintentional Contribution to the Loss of Heritage...

In France, even if metal detecting for archaeological objects is prohibited without authorization, we cannot deny that the law is not obeyed and thousands of artefacts are illegally torn from the ground per year. Thus, the association Happah considers that close to 500,000 archaeological objects disappear each year because of metal detecting (Agence France Presse 2014b). In this case, why do archaeologists not try to avoid this loss of heritage by encouraging detectorists to report the finds? Setting up a collaborative scheme, however, focuses on only the objects with no consideration of their context, which may be narrow (stratigraphy) or broadest (site, surroundings). The isolated object, so-called “lost” or “hidden”, is a myth. Every artefact is always in relation with a subjacent site. All over the detection magazines and internet forums, even in scientific literature, we can read the discovery of “lost purses.” I hardly believe that our ancestors were so incompetent as to lose their money or their belongings so often. Moreover, archaeological experience also shows that farm labour, especially ploughing, even if it disturbs the stratigraphy, does not scatter the objects all over the land. They always stay close to their related feature. It is, moreover, the basic principle of pedestrian survey. Therefore, there is no doubt that many artefacts found by detectorists are evidence of an unknown archaeological site. By picking up them, the detectorists condemn our heritage to oblivion or even destruction.

French detectorists often say that this heritage is condemned anyway by the unavoidable “concreting of the land” (highways, supermarkets, buildings, car parks,...), and they explain that they

preserve it as much as they can by detecting. However, in France, the process of preventive archaeology has been clearly defined since the law 2001-44 (17 January 2001), modified by the law 2003-707 (1st August 2003). To prevent the disappearance of our common history, every construction work must be preceded by an archaeological survey. Before construction can begin, each Regional Department for Archaeology (ministry of Culture) prescribes a diagnosis, and, if it is positive, may order a larger excavation. But they cannot presume that there is an unknown archaeological site without first finding evidence. So, by taking artefacts off the ground, detectorists impede the registration and preservation of archaeological sites. Indirectly, they are responsible for the destruction of sites by “concreting,” which they want to avoid.

Some people argue that maybe this heritage would not be destroyed if detectorists could register their finds. If this is the case, then they must register all their finds. Indeed, even in the countries where metal detecting is allowed freely, the incidences of registration are not systematic. In England and Wales, it is estimated that only 40-70% of finds are reported to the Portable Antiquities Scheme (Robbins 2014, 14). A 2006-2008 survey during four metal-detecting rallies revealed that 15.6% of respondents never reported their finds (Thomas 2011, 54). Detectorists must identify the artefacts rightly, too. Experience shows that they can only identify common objects, like coins, fibulae or statuettes. The rest of the objects are considered to be “non archaeological finds” that are not reported and kept at home, or worst sold to a junkyard. In France, I saw a photo of a Bronze-Age sickle in a “trash bucket” that was intended to be sold as scrap metal (Figure 2).



Figure 2: Identifying artefacts according to the detectorists: Bronze-Age sickle in a trash bucket. © all rights reserved

We cannot talk about archaeology and metal detecting without raising the case of battlefields. Whilst they represent an important part of the common history, they are not protected in the same way as other archaeological site, especially the recent battlefields like those of the two World Wars. Arguing they are not archaeological because their history is too recent, detectorists pick up the objects at these sites without bothering to report them. Thus, there is not only a loss of soldiers’ testimonies, but also a lack of respect for the dead. Detectorists often destroy unknown provisional graves in order to collect personal belongings, dog tags or regimental badges (Adam & Prouillet 2010). Worst of all, detecting on battlefields exposes people to the discovery of unexploded ordnance, with all the related risks (injuries or even death) (Schoellen 2015).

4.2 ...with the Complicity of “Good Archaeologists”

The detectorists' contribution to the loss of our heritage is permitted, or even encouraged, by a certain category of archaeologists. Indeed, based on their concern that a huge part of metal artefacts disappear without being studied, these archaeologists agree to report the objects found during metal detecting. These archaeologists argue that we can never stop illegal metal detecting, and therefore we have to control it by reporting what we can, even if the data are incomplete (no stratigraphic context, imprecise localisation). This is furthermore the view of the proponents of the declarative scheme of the Portable Antiquities Scheme in England and Wales. In France, despite the law, some archaeologists are well known for asking detectorists to report their finds to them. They are members of detection internet forums and are always ready to identify the artefacts. Obviously, as the detectorists do not respect the law, the archaeologists cannot clearly reveal the source of their data, which are only indicated as “private collection” without any indication of the real provenance. This raises the question of the critical need for data in scientific research. This “better than nothing” policy progressively gives a legal basis to an illegal practice and feeds a vicious cycle of “grey data” laundering.

Here is the process (Figure 3). Detectorists find an artefact. They want to identify and publicize it. However, they have no authorization and they know they have detected the object illegally. Luckily, some “good archaeologists” are ready to help them. These scientists are indeed seeking to complete their pool of data to prepare their future publication. No matter of the origin of the data, these “scientists” give priority to its quantity rather than its quality. So, they agree to act as a go-between for the detectorists and the archaeologists' community by recording the find. Everyone seems happy: the detectorists participated to the science, the scientists recovered data successfully, and together they demonstrated that the law is counterproductive for advancing knowledge.

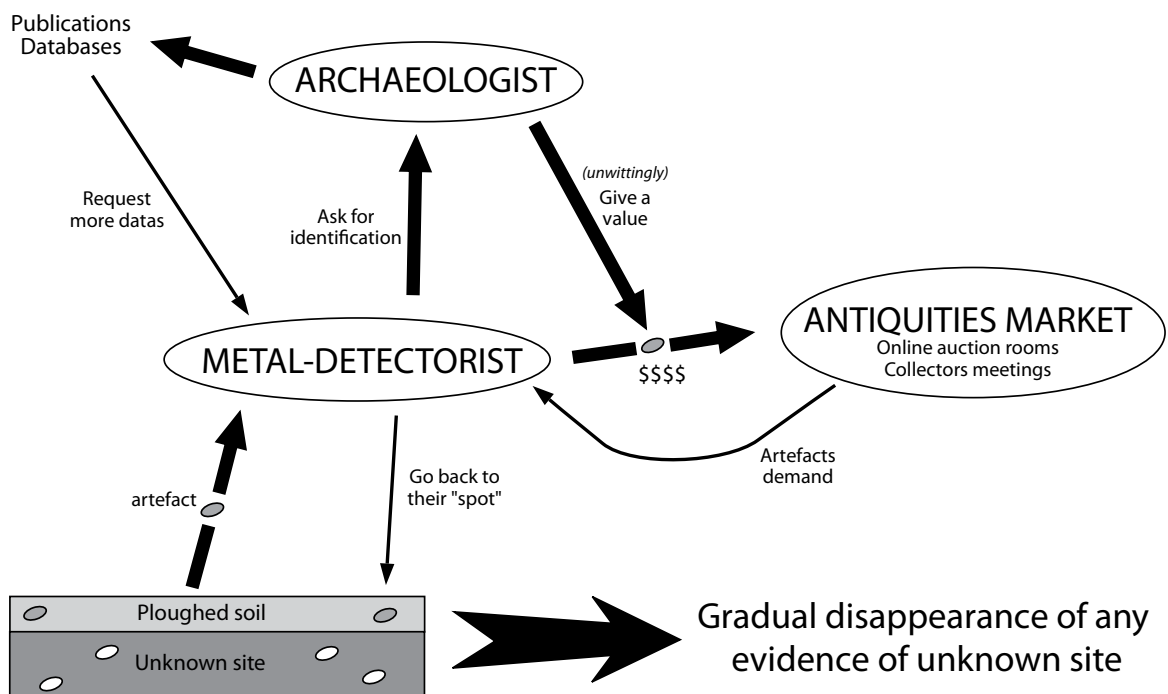


Figure 3: The vicious circle of grey data laundering.

But the story does not end there. The identification gives a certification to the artefact, which increases its value, and therefore it can be sold in an online auction room or a collectors meeting. So, under the guise of preserving heritage from excessive metal detecting, the “good archaeologists” inadvertently

become a crucial link in looting and the black market of the antiquities. Moreover, by recording the finds, the archaeologists create a demand and an extra motivation for detectorists, who are convinced that they act rightly and go back onto the fields. Then, they deplete the sites of their metallic objects, struck by a “metal rush”, and detect deeper with clearly no concern for stratigraphy, ploughed soil or even disturbing a registered site. In short, they destroy the common past while explaining to the public and politicians that they are doing a harmless hobby only based on their interest for history and archaeology. And when this lobby works, the archaeologists, blinded by the possibility of recovering more data than they could by excavating, create a declarative scheme like the Portable Antiquities Scheme, with obvious consequences for the heritage and the scientific rigour that Nigel Swift calls an “avoidable depletion with inadequate mitigation” (Swift 2014).

5 Conclusion

Presented as an inoffensive hobby, motivated by an interest for the past and history, metal detecting represents an invisible danger for heritage by considering objects without any stratigraphic or site context. The French archaeologists and politicians quickly understood this matter and metal detecting has been regulated by the law since 1989. However, there are loopholes in the legislation and the law is regularly flouted, even if the last years saw trials and condemnations. By agreeing to record the detectorists’ finds, some archaeologists unwittingly become a crucial link in a vicious circle of looting and selling the common past. Experience then shows that the declarative scheme has proved its limitations and its inability to impede the looting of archaeological heritage. Rather than channel the detectorists, it provides them with a justification to always dig deeper to seek artefacts, and it contributes to the black market by giving an added value to their finds. Therefore, we will not efficiently protect our heritage from metal detecting if some archaeologists continue to break the rules and to behave like 19th-century scholars, practicing an “object archaeology” for the sole benefit of their own research and career regardless of the common good.

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