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Rational Grounds for Dialogue Between Archaeologists and Metal Detectorists in Spain

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Abstract: The sudden emergence of metal-detector users and subsequent swelling of their numbers rocked the field of professional archaeology due to the impact that the use of metal detectors has on the conservation of archaeological heritage. The situation has led to confrontation, polarisation and mistrust on both sides. These problems are particularly severe in countries such as Spain, where the law does not allow the unauthorised use of these devices. However, merely enforcing the law is not enough to resolve such conflicts, just as encouraging ‘treasure hunting’ is no solution either. This paper uses sociological models to explain the lack of communication and distance between the two groups with a view to finding principles that can be used to establish rational grounds for communication. Here ‘rational grounds’ is understood to mean foundations that will enable the convergence of the different interests whilst at the same time respecting the social function of archaeological heritage. To this end, a model is suggested based on a new wave of scientific communication aimed at including detectorists in archaeological research projects.

Keywords: Detectorists, Archaeologists, Metal Detectors, Archaeological Heritage, Archaeological Research

1 The Decline of Amateur Archaeology and the Rise of the Detectorist

As in most of its neighbouring countries, in Spain the first people to engage in archaeological activities were amateurs, meaning they collected and studied antiquities in their spare time and in addition to their main occupations. By the second half of the 19th century, professional archaeologists had come to exist alongside amateurs and collectors, although the latter still outnumbered the former in the main institutions dedicated to the protection of antiquities.

Until relatively recently, the gap left by the lack of a professional government department of culture other than museums was filled by honorary appointments of local amateurs and local-history experts, whose main role consisted in collecting random archaeological finds and performing small-scale digs. The programme *Misión Rescate*, broadcast between 1967 and 1980 on Spanish television (Televisión Española [TVE]) and radio (Radio Nacional de España [RNE]), was the final instalment in this institutionalisation of amateur archaeology. The programme encouraged schools to form teacher-led groups of pupils for the

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primary purpose, in theory, of saving at-risk objects. In reality, however, such efforts only exacerbated the problem of the lack of professional curators and were rejected by professional archaeologists, although they did plant the seed for the justification of free access to 'endangered' objects (Rodríguez Temiño, Matas Adamuz 2013, 200).

Unlike in the United Kingdom, where civil society played a fundamental role in salvage archaeology (Rahtz 1974, Henson 2011, 124), in Spain there was no such involvement by civil society actors in archaeological digs; rather, the prevailing idea in many official archaeological sectors was that the public disrupted the progress of the dig and should thus be advised not to interfere. The relationship between archaeology and the public was, and continues to be, based on what is known as the 'deficit model' of communication (Lewenstein 2003, 3-4). This model is based on filling any knowledge gaps by providing accessible information and always sticking to a rigid top-down communication process that ensures the desired message reaches the public, which is given only a passive role.

In the 1980s, Spain also found itself in the midst of the movement to professionalise archaeology (Querol et al. 1995) that resulted from the shift away from salvage archaeology and towards the management of archaeological heritage. This approach is technically more demanding and based on preventive action (Rodríguez Temiño 2004, 48-52). The change led to the expulsion of the few remaining amateur archaeologists from the field.

At the same time, the use of metal detectors spread, having been introduced in Spain by American metal-detecting enthusiasts working on the joint-use Spanish-American military bases in Morón de la Frontera (Seville) and Rota (Cadiz). Although these users initially included local-history experts who used the devices to obtain finds to support their research, the core users were using them both to find metal objects near the surface and to loot burial sites, principally from the Roman era. The sole aim of these users was to feed the illicit antiquities market and private collections (Rodríguez Temiño 2012, 89-95).

To this day, it remains impossible to estimate with any certainty how many people were using metal detectors to search for coins and archaeological remains in the 1980s. Due to the lack of reliable sources, media speculation grew and figures were inflated for greater impact. In 1983 there was talk of a thousand people going out on a weekly basis in Andalusia alone, a figure that was linked to rural unemployment due to the mechanisation of agricultural work (Relaño 1983). Ten years later, the media estimated the number of users nation-wide at around fifteen thousand (Cortés Ruiz 2002, 71). As I have explained elsewhere (Rodríguez Temiño 2012, 89), my experience as a municipal archaeologist in Écija in the second half of the 1980s does not support such figures. Although I am certainly unable to provide a definite number of users for this period, when the activity went virtually unpunished, my reasoning in the aforementioned publication was based on subsequent data, such as the publication of documents from the Fondo Arqueológico de Ricardo Marsal Monzón (Ricardo Marsal Monzón Archaeological Collection) (Gómez López 2014). At the time, Ricardo Marsal's collection was one of the primary points of sale for Andalusian looters. He generally took notes on his purchases, using a code to indicate who the sellers were. Although it was not possible to identify these sellers after the Guardia Civil (Civil Guard) confiscated the collection in 2002, we do know that the number was not enormous in the twenty years that the private collection existed. The list of payments had to correspond to people involved in serious looting. According to the police investigations, each purchase was recorded on a business card indicating the date, the initials of the seller and the buyer lot, as well as, sometimes, a sketch of the site where the looting had been carried out (Gómez López 2014, 70). Logically, new users would have appeared during the period, but it still seems unlikely that the figure would have reached a thousand in Andalusia by the end of the last century. Furthermore, although the numbers may have increased in the first ten or twelve years of this century, the frequency of users' trips into the field has fallen as a result of police and government action, leading them to redirect their efforts to beaches to search for lost items.

2 Archaeology and Detectorists: Two Models of Relationship

The Council of Europe has sought to establish common rules regarding the use of metal-detector devices in relation to archaeology since 1981, most recently through the inclusion of new recommendations on metal detectors in the European Convention on the Protection of the Archaeological Heritage (Revised) (Malta 1992), which updated the content of the 1969 London Convention. However, the mildness of the tone used, which in no way reflected the severity of the problem, surprised many archaeologists and experts (Cleere 1993). The reason for this mildness lay in the UK representatives' opposition to a more categorical statement, which would have prevented that country from signing the Convention; instead, preference was given to "a rather watered down paragraph, hidden in Article 3, that still says what the standard should be but that does not really oblige state parties to do anything" (Willems 2007, 62).

Thus, two models have been established to govern the actions of metal detectorists with regard to archaeological heritage. On the one hand, there is the 'liberal model' (Dobat 2013), which has spread from England and Wales (Bland 2004) to other northern European countries (Karl 2011, Dobat 2013, Deckers 2013, Thomas et al. 2015). This model draws on the development of so-called public archaeology (Merriman 2004), which seeks to determine public attitudes towards archaeology and has found in metal-detector users an interested public with which to interact. The model's main contribution, with regard to detectorists, has been the creation of a voluntary cooperation system for recording findings in an online database via the Portable Antiquities Scheme (Bland 2004). This model is based on legal systems in which property rights take precedence over the protection of cultural goods (Gill 2010) and very little punitive action is taken against offenders (Graham 2004, 310).

The other model has received less attention than the first. Although it is widespread in southern European countries, how it works in countries such as Spain (Rodríguez Temiño 2012) or Estonia (Ulst 2013) has barely been explained. This model restricts the use of metal detectors and provides for specific licences as a means of controlling how they affect archaeological heritage and of separating academic investigations from other kinds. However, to highlight only the restrictions it entails would be to trivialise its rationale. Unlike the permissive or liberal model, this model gives much higher precedence to the concept of the common interest than to property rights. At the same time, it strongly takes demand management into account as a means of conserving archaeological heritage. Finally, it is mainly used in countries that are actively engaged in the fight against the illicit trafficking of cultural goods, as opposed to other countries fitting the first model, such as the UK, where it began. Indeed, without seeking to evaluate which of the different legal systems for protecting archaeological heritage is best, as each has its benefits and drawbacks, I believe that certain objective assessments can be made.

In the sphere of international law, the UK and other northern European countries have been very slow to sign important UNESCO conventions, such as the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970), which the UK did not ratify until 2002. Others, such as the Convention on the Protection of the Underwater Cultural Heritage (2001), it has yet to sign at all. It is worth noting that the British government's failure to recognise the latter Convention is what enabled it to sign an agreement with the treasure-hunting company Odyssey Marine Exploration Inc. to find and 'recover' the *HMS Sussex*, among other shipwrecks. This attitude has been censured by British experts (Dromgoole 2004, Lambrick 2002) and stands in contrast with that taken by the Spanish authorities, which required the same company to conduct genuine archaeological research at the wreck site. The approach also differs from subsequent attitudes with regard to the recovery of coins looted from the wreck of the frigate *Nuestra Señora de las Mercedes* (Rodríguez Temiño 2012, 217-238).

Moreover, British governments have been characterised by their foot-dragging in undertaking both domestic legal reforms and the ratification of international conventions for the protection of archaeological heritage. In terms of domestic legislation, the late enactment of the 1996 Treasure Act has been ascribed to a certain lack of interest in regulating archaeological finds consisting of precious metals, especially gold and silver. The finding of precious metals had hitherto been dealt with through the application of customary rules known as the law of *treasure trove*, despite their clear obsolescence (Graham 2004, 308,

Addyman 2009, 54-55). Additionally, the proposed reform that did finally emerge differed considerably from that originally sought, as several key punishable acts had been removed (Hanworth 1995, 175). Perhaps, as argued by R. Bland (2004, 278), the main constraint did not come from the professional or amateur sectors involved, but rather the government itself, which did not take a favourable view of expanding the concept of *treasure trove* in any way that might result in greater financial costs than those already in force. As a result of this refusal to expand the *treasure trove* concept, reflected in the new Treasure Act and clearly unsustainable for up-to-date management of movable archaeological goods, the British government later was forced to modify its policy, expanding the Act in 2002 with the Treasure (Designation) Order.

The laws governing Spanish archaeological heritage are very restrictive with regard to the use of metal detectors due to the proven impact the practice has on the conservation of the country's archaeological heritage (Rodríguez Temiño, Roma Valdés 2015, Yáñez Vega 2015). Under Spanish law, archaeological heritage is public property, given that it serves a specific purpose: the cultural enrichment of society. Therefore, any activities aimed at recovering archaeological objects (digs and surface prospecting) must be performed for research purposes only, in order to increase knowledge of the past. This requires establishing a suitable methodology and setting specific objectives, neither of which is the case with the search for metal objects as a hobby.

In England and other countries that adhere to the liberal model, detectorists are classified into two groups, depending on whether or not their behaviour falls within the scope of the law and codes of conduct. On the one hand, there is a large group of metal-detector users who formally collaborate on programmes to record finds and engage in responsible detection (Bland 2004). On the other, there are the 'nighthawks', who search in places where they have not been granted permission to look, seriously disturbing sites in the process (Oxford Archaeological Unit 2009).

In Spain, several factors must be taken into account to distinguish between types of detectorists. First, under the law, the use of metal detectors is subject to prior authorisation, and this authorisation is withheld when the applicant intends to search in places where archaeological remains might be discovered. This includes virtually the entire national territory and territorial sea, except for areas such as alpine ski resorts and beaches, where archaeological remains are unusual. Second, archaeological objects in Spain are public goods by law, such that any unauthorised appropriation of such goods is considered an administrative or criminal offence, depending on the severity thereof (Rodríguez Temiño, Roma Valdés 2015). Finally, Spanish cultural law defines archaeological looting as any action or omission that might endanger these goods.

In accordance with these principles, it is not the detectorists who are classified, as under the liberal model, but rather their impact on the archaeological heritage, as searching for these goods is prohibited. Thus, it is possible to distinguish between two types of users, depending on how they affect archaeological heritage: a minority who engage in serious looting, and a majority who perform 'low-intensity' looting (Cortés Ruiz 2002, Muñoz et al. 2004, Rodríguez Temiño 2012, 45-66, Morales Bravo de Laguna 2015). The first group uses the devices to locate archaeological burial sites and then excavate them in search of grave goods without any sort of scientific rigour or methodology. They are normally organised groups characterised by the use of sophisticated techniques and their exclusive dedication to archaeological looting. They belong to networks that have restoration and falsification workshops at their disposal, as well as connections and co-conspirators to help them avoid customs controls or to authenticate objects and arrange for sales that are free from suspicion. The damage they do is enormous, as they destroy everything they do not consider to be of monetary value.

The second group comprises occasional metal-detector users, who for the most part use the devices as a hobby. Although they do not generally excavate archaeological sites, they do regularly go out into the field at the weekend, stripping sites of any metallic objects, which they then sell or store haphazardly in their homes. The degree of seriousness of their looting is related to its cumulative nature, as it tends to be quite constant throughout the time they pursue their hobby. This they do for five to seven years on average, although some people keep at it much longer.

The effects of this type of looting are felt even when there are no clandestine digs involved and the activity is limited simply to collecting surface finds. This is due to the detectorists' selection of material, which damages the informative quality of the archaeological record (Ferguson 2013, Ruiz Rodríguez 2014,

120 f.).

Based on my own contact with various detectorist associations, I would argue that there is also a third group of detectorists, whose ranks are gradually growing. It consists of people who have decided not to use their devices at archaeological sites or in places where they are likely to find archaeological remains, but rather to pursue their hobby in places of no archaeological interest, such as on beaches and in mountain areas, in search of lost objects or in competitions. These are skills competitions in which participants search for metal objects intentionally buried for the purpose of the competition itself. It is difficult at present to determine the frequency with which such events are held, as well as whether the majority of individuals in this group have permanently ceased to seek archaeological objects or if they engage in both activities. In any event, searching on beaches, in mountain areas or in the context of competitions logically has little to do with the protection of archaeological heritage and, therefore, has not been taken into account in this paper.

The sociocultural profile of Spanish detectorists has changed since the late 1960s, as has been noted elsewhere (Rodríguez Temiño 2012, 105-111, Rodríguez Temiño, Matas Adamuz 2013, 211-216), but the average academic capital continues to be fundamental. The idea that “[t]he experience of treasure hunting may be a different, perhaps more fulfilling, adjunct to the sense of the past offered by museums” (Merriman 1989, 165) is still applicable to Spanish detectorists. However, today, police studies on metal detecting in Spain that affects archaeological heritage (Cortés Ruiz 2002, Morales Bravo de Laguna 2015) agree that amateurs and local historians are in the minority; most detectorists use their instruments for personal gain.

The different ways of ensuring that archaeological heritage fulfils and is, or is not, adapted to its legally determined social function have reopened the old rift between professional archaeologists and detectorists. In order to understand this rift, I believe it is essential to look at certain sociological models.

In short, in my view a general theory is needed on the relationship between these two social groups. The difference is not necessarily one of academic capital, but rather values. For instance, despite the many attempts made in liberal-model countries to build bridges and foster trust between archaeologists and detectorists, the latter remain wary even though the open hostility they once faced ceased years ago (Spencer 2009, 134). Nor does it strike me as plausible that archaeologists begin to sell the objects found at their digs, even as a means of funding further research. These are different conceptual maps requiring something more than mere voluntarist efforts if there is to be communication between them. Therefore, I believe there is a need for a sociological approach, which, to my knowledge, has not been offered to date inside or outside Spain. I likewise believe it is necessary to further explore those scientific communication strategies that make it possible to integrate interested detectorists groups, allowing them to collaborate on historical-archaeological research.

3 Archaeologists vs Metal Detectorists

In addition to the different attitudes, the illicit nature of this activity and its negative consequences for archaeological heritage have widened the breach between the two groups. This breach is fuelled by clear sociological differences; metal-detector users generally have only basic cultural capital, despite having acquired certain classification skills, especially with regard to old and mediaeval coins.

In general terms, the two groups obviously have different viewpoints regarding both the impact of these instruments on the conservation of archaeological heritage and their indiscriminate use. This controversy is particularly noticeable in relation to those detectorists who use their metal detectors in their free time, for fun, and who are increasingly aware of the legal limitations of their hobby. Those seeking only to make money prefer not to acknowledge the social harm of their actions and thus mostly remain on the sidelines of any rational dialogue.

For the first group of detectorists, as stated in the code of ethics of the Federación Española de Detección Deportiva (FEDD) (Spanish Federation of Metal-Detector Enthusiast Associations), the respect they must show for archaeological heritage whilst metal detecting is basically limited to two ethical principles: not using their metal detectors on protected sites and not altering the stratigraphic location of finds when

they are able to appreciate what has been preserved – a highly controversial point. Consequently, the aforementioned code limits digging to no deeper than 30 cm and prohibits the use of certain types of metal detectors, such as those with antennae, pulse induction detectors with search frames, or those with coils over 40 cm in diameter.

On the other side of the debate, many archaeology professionals lament and reproach the lack of sensitivity of the *piteros* (or ‘beepers’, as detectorists are colloquially known in Spain due to the beeping sound made by their devices) with regard to the contextual value of the objects they find, which is lost once they are removed from the site, and the disappearance of metal movable property found on, and off, sites as a result of their searches (Querol Fernández 2010, 132 f.). Therefore, although the law does well to subject the use of metal detectors to prior authorisation, these professionals believe they should be banned altogether.

In order to understand why no agreement has been reached, it is necessary to reframe the situation, drawing on certain common concepts in sociological theory, such as ‘language games’. In this regard, I believe the situation between archaeology professionals and detectorists can be compared to the post-modern concept of ‘language games’ (Lyotard 1979). According to Lyotard, modern society is broken up into myriad language games, the flexibility of which allows us to better mould ourselves to each situation or interest group. These language games include statements, whose legitimacy stems from rules agreed on by the participants in the game themselves, without referring to any higher moral order. In this scenario, all language games – those used by the detectorists and those used by the archaeologists – have the same value and are comparable because they are equally legitimate. Therefore, all are recognised as having the same interpretative capacity in their respective fields. This equality of conditions both prevents them from being arranged hierarchically and prevents the creation of solid grounds for understanding.

The extreme autonomy of the participants in different language games results in those guided solely by whim being equated with those who base their actions on rational criteria. This isolation leads us down a blind alley, preventing us from acting on the social order.

In opposition to the idea of nihilism as the only chance, J. Habermas (1987) presented a new theory that allows rational communication for conflict resolution. His theory of communicative action acts as a basis for intersubjective dialogue in order to reach agreements on regulatory content: guidelines and moral regulations on which to base social coexistence. He defines it as the interaction of at least two subjects capable of language and action who enter into an interpersonal relationship. Communicative action is guided by binding intersubjective rules, i.e. rules that have to be understood and accepted by the subjects of the action. In his opinion, the dialogue has to be guided by rational principles aimed at mutual understanding. To this end, it is not enough to recognise the subjects’ legitimacy; communicative reason is immanent to the use of language when the aim is to reach a mutual understanding.

Therefore, there can be no consensus without the will to reach it. If the defence strategy consists in diminishing the importance of everything so as not to give value to anything, we will find ourselves facing parasitic actions that diminish the will to engage in dialogue.

Rational dialogue about agreed terms would be the optimal way to overcome the rift between the two minority groups, archaeologists and detectorists, with their divergent ideas about the conservation of archaeological heritage, although other likeminded views may also be held on the subject. Both groups coincide in cutting those who engage in serious looting (with or without the aid of metal detectors) out of this dialogue, along with anyone else who justifies or encourages it.

As noted, accepting and tolerating dialogic games is an essential step to advance towards a different situation from the initial one, although one need not always completely agree with the results (Rodríguez Temiño, Matas Adamuz 2013, 194 f.). Over-simplifying a little, one might say that the difference, for our purposes, between Lyotardian language games and Habermasian communicative action is that the former, by rejecting consensus, become a fundamentally self-justifying resource, whilst the latter is designed to foster understanding.

In order to establish these solid foundations on which to build the links that will support better mutual understanding, and to organise the debate rationally, it is not enough to merely look to the law, which in Spain encourages a situation of preponderance and social recognition of archaeologists as the legitimate

parties to mediate between archaeological heritage and its social enjoyment. Detectorists do not internalise respect for these regulations as a rule of conduct subject to punishment through their own language game. Furthermore, it is more interesting to look at the foundations of legitimacy rather than the *de facto* power, i.e. legality. The former not only have to be justified, but also based on agreement. In the end, this legitimacy justifies the cause of common interest, although in Western systems it has been erroneously resolved with the principle of legality (Bobbio 1985).

My basis for this is the undisputed existence of a catalogue of goods from the past (I am referring, restrictively and exclusively, to portable objects). For the sake of convenience, I will call this catalogue ‘archaeological heritage’, in recognition of the fact that it is a product of the relational and attributive process of the taxonomy of a specific humanistic discipline, namely, archaeology.

Given this premise, one might well ask where the general interest lies in this collection of goods, as this interest should be the cornerstone of its legal architecture and of any consequent public action. To this end, it is necessary first to briefly clarify what is understood by ‘general interest’ in countries, such as Spain, with a continental legal culture, as it is an indeterminate concept that does not have a precise and unequivocal application outside of what is established by law. General interest refers to the will of the majority, which bestows on the state the mission of pursuing aims imposed on the citizenry as a whole that go beyond each person’s individual interests. It reflects a collectivising tradition that transcends individual space to the benefit of society as a political subject (Bobbio 1985).

Adapting these principles to archaeological heritage, one might think that perhaps the general interest claimed for this catalogue of goods lies in its antiquity, one of the original values attributed to it. This is an affective, aestheticising and attitudinal feeling that, although it may be one of the reasons society appreciates the past and may promote both its enjoyment and conservation, as well as prompt its appropriation, does not hold as the cornerstone of public interest for archaeological heritage.

Another argument often brandished comes from the use of the adjective ‘archaeological’ to qualify the noun ‘heritage’, signifying that the goods that form our heritage are fundamentally of interest in an area of humanistic knowledge, i.e. archaeology. Moreover, archaeology enables practitioners of the discipline to piece together a story from history, with all the limitations such an affirmation entails.

This argument is not entirely acceptable as the centre of the debate either, as it places one of the groups in a position of advantage. Although in social practice this group does enjoy such recognition *de facto*, that should not be transferred to the dialectical reasoning, as it would quickly become a tautology that would be ineffective for reaching a consensus.

I think the cornerstone of general interest lies in the fact that the value of archaeological heritage must be based on the social benefits these goods can offer. The importance of this heritage for the community will depend on the nature and irreplaceability of these benefits, although this view may not be unanimous. Here the state has a legitimate role to play as arbitrator and guarantor of the rights of future generations, i.e. future members of society, and of the general will, as there is no longer any doubt that there is a high degree of consensus regarding the value of these goods amongst a significant share of the population.

Therefore, the sole characteristic of archaeological heritage that is solid enough to act as a foundation is neither its age nor the fact that it is the specific focus of archaeology, although it is related to both of these characteristics. The fact that these objects come from the past means they harbour essential information for understanding the societies that created and used them. However, this documentary value is not self-evident. To be sure of our interpretation of it, a methodology and taxonomy are required, which archaeology and other related disciplines used for this interpretive work provide in the case of academic output.

However, little progress would be made were this information to remain in the minority circles of the academic community and history experts. It is precisely the availability of this information – as is or adapted to reach the broader public by means of dissemination, schools and informal education services in museums and similar institutions – that is the fundamental core of the public utility of archaeological heritage. This is connected with the right to culture as an essential good for the development of the individual, which the public authorities must guarantee through both regulations and legal and executive powers (Alonso Ibáñez 1992).

Indeed, the valorisation of cultural goods (in this case, of the objects comprising archaeological heritage) uses this public to satisfy the right to culture. Thus, the goods contribute to the entire educational process, including not only formal education, from primary and secondary school to university, but also the lifelong learning curve. Although informal, learning that takes place outside formal education is no less crucial for enriching our knowledge and technical abilities and, perhaps even more importantly, as a key structure for an individual and for the relationships between individuals, groups and nations.

In relation to this public interest, attention should be drawn to a worrying aspect that impacts our social responsibility to future generations: durability. As has been repeated virtually ad nauseam, albeit with little success, archaeological heritage is a finite good; it is non-renewable. Whilst it is true that as new fields of research open up, the catalogue of goods of archaeological interest is expanding and, with it, the subrogated concept of archaeological heritage itself, this does not resolve the problem of the erodibility of these goods, which are so vulnerable to damage and destruction by natural and, especially, anthropic causes (Muñoz et al. 2004).

From this perspective, the experience of metal detecting in Spain has been more negative than positive, even though in its infancy a large part of the minority group that took up metal detecting as a hobby probably did so with altruistic ideals and a genuine interest in local history.

4 The Integration of Detectorists in Research Processes

The relationship between professional archaeologists and detectorists is just one aspect of another much more general one, one that links archaeology to society. This general aspect is, in turn, encompassed by the complex process of scientific dissemination. By briefly analysing this general framework and then applying it to archaeology, we can identify ways that the antagonism between the two groups might be overcome, once the premises for dialogue have been established.

Scientific dissemination is based on the notion that the degree of technical and scientific acculturation is related to social wellbeing and even participative democracy. To this end, science has had a direct interest in explaining not only the advances in different fields, but also its social function since at least World War II. This interest is perhaps further compounded by other more pragmatic goals, such as ensuring public funding for research projects by broadening the social base that identifies progress with scientific development (Lewenstein 2003, 1-2).

The demands of modern society make continued adherence to the 'deficit model' unviable. The main consequence of questioning the prevailing scientific principles throughout nearly the entire 20th century was the involvement of the lay public in science. The new models have received several different names, such as the 'contextual model', 'lay expertise model', or 'public engagement model' (Lewenstein 2003, 5 ff.). All of them recognise the importance, even in scientific work, of public participation. It is no longer about communicating a message, about educating a population that is almost illiterate in terms of scientific methodology and terminology; it is about requesting and recognising the involvement of society itself, or at least part of it, in a dialogue with scientists. In other words, it is a transition from the democratisation of culture to cultural democracy, a new focus that criticises the heritagisation of culture by some élites (Trilla Bernet 2004, 17 ff., Waterton, Smith 2010).

In Spain, however, this awareness is still underdeveloped, notwithstanding some examples of social involvement in archaeology (Almansa Sánchez 2013). One of the areas to see the most convergence of archaeologists and detectorists is that related to locating and excavating the common graves of civilians shot during the Spanish Civil War, whose descendants wish to recover their remains in order to heal the wounds of the recent past. The Ley de la Memoria Histórica (Historical Memory Act) covers such activities when they are requested by family associations.

5 Conclusion: A Path of Future Understanding

One of the main points of contention between archaeologists and detectorists in Spain may be that the latter believe that the ‘liberal model’ should be implemented in all countries, including Spain. In their view, this model would minimise legal, social and even academic problems in terms of the production of historical archaeological studies it entails. However, whilst it is always good to seek inspiration elsewhere, one must also know how to choose where.

In Spain, the dialogue should be conducted on a rational basis that enables cooperation within the scope of the law. I believe that social media could be used as a channel for establishing this dialogue. There are currently multiple groups on Facebook, today the world’s largest social network, whose members include both archaeologists and detectorists, although there is little connection between them. My personal experience participating in online detectorism forums, especially the now defunct Detectomania.com, confirms that for this dialogue to be effective, it cannot be governed by the imposition of positions of power, but rather by rational discourse. This paper has highlighted what I consider to be a key element for this rationality, the primacy of inherent interest in the significance of archaeological heritage, above and beyond group interests. This process should involve citizens interested in researching and valorising archaeological heritage in a more active way than merely through the contribution of finds, enabling a deeper involvement in the creation of archaeological knowledge itself.

The involvement of detectorists in research environments not only helps achieve the social goal of archaeological heritage, but also establishes solid grounds for trust and mutual enrichment. Other than that, there should be no future for would-be Indiana Joneses who go out into the field, metal detector in hand.

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References

- Addyman, P. V. (2009). Before the Portable Antiquities Scheme. In S. Thomas & P. G. Stone (Eds.), *Metal Detecting & Archaeology*. (pp. 51-62). Newcastle: Newcastle University.
- Almansa Sánchez, J. (Ed.) (2013). *Arqueología Pública en España*. Madrid: JAS Arqueología SLU.
- Alonso Ibáñez, M. R. (1992). *El patrimonio histórico. Destino Público y valor cultural*. Madrid: Civitas.
- Bland, R. (2004). The Treasure Act and the Portable Antiquities scheme: a case study in developing public archaeology. In N. Merriman (Ed.), *Public archaeology* (pp. 272-291). London: Routledge.
- Bobbio, N. (1985). El poder y el derecho. In N. Bobbio & M. Bovero. *Origen y fundamento del poder político* (pp. 19-36). Mexico D. F.: Grijalbo.
- Cleere, H. (1993). Managing the archaeological heritage, *Antiquity*, 67, 400-402.
- Cortés Ruiz, A. (2002). Actuaciones policiales contra expolios arqueológicos. In *La protección del patrimonio arqueológico contra el expolio*. (pp. 61-78). Sevilla: Junta de Andalucía.
- Deckers, P. (2013). The past, present and future of amateur archaeological metal detecting in Flanders. In *Forum: The looting of archaeological heritage (Part I - Beyond metal detectors: around the plundering of archaeological heritage)*. *AP Journal*, 3, 13-17.
- Dobat, A. S. (2013). Between Rescue and Research: An Evaluation after 30 Years of Liberal Metal Detecting in Archaeological Research and Heritage Practice in Denmark, *European Journal of Archaeology*, 16(4), 704-725.
- Dromgoole, S. (2004). Murky waters for government policy: the case of a 17th century British warship and 10 tonnes of gold coins. *Marine Policy*, 28, (3), 189-198 (doi:10.1016/j.marpol.2003.08.006).
- Ferguson, N. (2013). Biting the bullet: the role of hobbyist metal detecting within battlefield archaeology. *Internet Archaeology*, 33 (<http://dx.doi.org/10.11141/ia.33.3>).
- Gill, D. W. J. (2010). The Portable Antiquities Scheme and the Treasure Act: Protecting the Archeology of England and Wales?. *Papers from the Institute of Archaeology*, 20, 1-11.
- Gómez López, A. B. (2014). Fondo documental asociado al Farmm. In *Fondo Arqueológico Ricardo Marsal Monzón*. (pp. 67-84). Sevilla: Junta de Andalucía.

- Graham, D. (2004). To change the law: the story behind the Treasure Act 1996. *Surrey Archaeological Collections*, 91, 307-314.
- Habermas, J. (1987). *Teoría de la acción comunicativa*. Cátedra: Madrid.
- Hanworth, R. (1995). Treasure Trove: new approaches to antiquities legislation. In K. W. Tubb (Ed.), *Antiquities, Trade or Betrayed: Legal, Ethical and Conservation Issues* (pp. 173-175). London: Archetype Publications.
- Henson, D. (2011). Does archaeology matter? In G. Moshenska and S. Dhanjal (Eds.), *Community Archaeology: Theory, methods and practices* (pp. 120-127). Oxford: Oxbow Books.
- Karl, R. (2011). On the Highway to Hell: Thoughts on Unintended Consequences for Portable Antiquities of § 11(1) Austrian *Denkmalschutzgesetz*. *The Historic Environment: Policy & Practice*, 2 (2), 111-133.
- Lambrick, G. (2002). Council for British Archaeology slams government treasure hunt, press release issued 8 October 2002, <http://www.britarch.ac.uk/conservation/sussepr.html> (accessed 18 September 2007).
- Lewenstein, B. V. (2003). Models of Public Communication of Science & Technology, http://www.somedicyt.org.mx/assets/hemerobiblioteca/articulos/Lewenstein_Models_of_communication.pdf (visited 12th December 2012).
- Lyotard, J.-F. (1979). *La Condition Postmoderne: Rapport Sur Le Savoir*. Paris: Editions de Minuits.
- Merriman, N. (1989). The social basis of museum and heritage visiting. In S. M. Pearce (Ed.), *Museum Studies in Material Culture* (pp. 172-179). Leicester: Leicester University Press.
- Merriman, N. (2004). Introduction. Diversity and dissonance in public archaeology. In N. Merriman (Ed.), *Public Archaeology* (pp. 1-17). London: Routledge.
- Morales Bravo de Laguna, J. (2015). La Guardia Civil y la lucha contra el expolio arqueológico. *Cuadernos de Prehistoria y Arqueología de la Universidad de Granada*, 25, 26-44.
- Muñoz Reyes, A. M., Rodrigo Cámara, J. M. & Fernández Cacho, S. (2004). Los datos a examen: estadística e índice de perdurabilidad de los sitios arqueológicos andaluces, PH. *Boletín del Instituto Andaluz del Patrimonio Histórico*, 49, 72-79.
- Oxford Archaeological Unit (2009). *Nighthawks and Nighthawling: Damage to Archaeological Sites in the United Kingdom and Crown Dependencies Caused by the Illegal Search for and Removal of Antiquities*. Final Report. Oxford: Oxford Archaeological Unit.
- Querol Fernández, M. A. (2010). *Manual de gestión del Patrimonio Cultural*. Madrid: Akal.
- Querol Fernández, M. Á., Martínez Navarrete, M. I., Hernández Hernández, F., Cerdeño Serrano, L. & Antona Val, V. (1995). The value of archaeological heritage: an analysis by the Professional Association of Spanish Archaeologists (APAE). *Journal of European Archaeology*, 3 (1), 233-247.
- Rahtz, P. (1974). Volunteers. In P. Rahtz (Ed.), *Rescue Archaeology*. (pp. 274-279). Harmondsworth: Penguin Books Ltd.
- Relaño, A. Tesoros para jornaleros sin tajo [Treasures for jobless day-labourers]. *El País* 11th September 1983, 22.
- Rodríguez Temiño, I. (2004). *Arqueología urbana en España*. Barcelona: Ariel.
- Rodríguez Temiño, I. (2012). *Indianas jones sin futuro. La lucha contra el expolio del patrimonio arqueológico*. Madrid: JAS Arqueología SLU.
- Rodríguez Temiño, I., & Matas Adamuz, F. J. (2013). Arqueólogos contra «piteros», «piteros» contra arqueólogos. In J. Almansa Sánchez (Ed.), *Arqueología Pública en España*. (pp. 187-218). Madrid: JAS Arqueología Editorial.
- Rodríguez Temiño, I & Roma Valdés, A. (2015). Fighting against the archaeological looting and the illicit trade of antiquities in Spain. *International Journal of Cultural Property*, 22 (1), 111-130.
- Ruiz Rodríguez, A. (2015). La Protohistoria en el Farmm. In *Fondo Arqueológico Ricardo Marsal Monzón*. (pp. 119-130). Sevilla: Junta de Andalucía.
- Spencer, P. D. (2009). The Construction of Histories: Numismatics and Metal Detecting. In S. Thomas & P. G. Stone (Eds.), *Metal Detecting & Archaeology*. (pp. 125-136). Newcastle: Newcastle University.
- Thomas, S., Wessman, A., Siltainsuu, J. & Perttola, W. (2015). Understanding metal detecting and archaeology in Finland. *Cuadernos de Prehistoria y Arqueología de la Universidad de Granada*, 25, 187-199.
- Trilla Bernet, J. (2003). *La educación fuera de la escuela. Ámbitos no formales y educación social*. Barcelona: Ariel.
- Ulst, I. (2013). Combating Illicit Metal Detecting in Estonia. In *Forum: The looting of archaeological heritage (Part I - Beyond metal detectors: around the plundering of archaeological heritage)*. *AP Journal*, 3, 21-28.
- Waterton, E. & Smith, L. (2010). The recognition and misrecognition of community heritage. *International Journal of Heritage Studies*, 16, (1-2), 4-15.
- Willems, W. J. H. (2007). The work of making Malta: the Council of Europe's archaeology and planning committee 1988-1996. *European Journal of Archaeology*, 10, (1), 57-71.
- Yáñez Vega, A. (2015). *Actividades ilícitas contra el patrimonio arqueológico: sistemas punitivos penal y administrativo*. *Cuadernos de Prehistoria y Arqueología de la Universidad de Granada*, 25, 13-30.