

# Restitution of Cultural Objects in Post-Communist Romania: an examination of the impact of the Communist period on current restitution procedures

A case study of the Brukenthal National Museum and the Medias Municipality Museum

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*Restitution of Cultural Objects in Post-Communist Romania: an examination of the impact of the communist period on current restitution procedures and cases at the Brukenthal National Museum and Medias Municipal Museum.*

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## Chapter One: Introduction

Restitution of cultural objects has been debated by academics for decades. In Roman times, historians such as Polybius critiqued the unethical nature of looted cultural objects. In his work *Histories* he wrote: “*it is more glorious to leave it where it was (...) not to plunder the cities subjugated by them, and not to make the misfortunes of other peoples the adornment of their own glory*” (*Histories* 9.3). Whilst Polybius’s statement was intended as a critique of the increasing opulence exhibited by Roman soldiers and generals, it is also a critique of their looting of conquered sites, and moving the objects to Rome where they did not belong. Thus, an ethical discourse for the protection of cultural heritage was first carried out around the first century B.C. Discourses on the protection of illicit cultural objects re-entered society on a more pervasive level only after the Second World War.

It was in the two decades after the war that the discourse of cultural heritage blossomed, separating further from the discourse of archaeology. Previously heritage was considered something that required passive interaction; today it has evolved into something that requires active interaction with the public (Smith 2006: 31). This also involved a transformation in the ways scholars interacted with object restitution. This thesis aims to continue the discourse on restitution of cultural objects in order to encourage further changes in this attitude. Presently some advancements have been made, with museum directors and curators having shifted their perceptions and comprehending that returning objects that do not belong to them is the correct course of action (Bienkowski 2015: 431). The issue tackled in this thesis is how Romania carries out these restitution claims, and the impact the Communist regime has had on them. The focus will be placed on the experiences of two museums within the county of Sibiu: the Brukenthal National Museum, and the Medias Municipal Museum. An examination of the restitution of cultural objects in Romania is important, as it differs vastly from restitution claims in Western Europe. It is what makes Romanian cases interesting to study; whilst Western restitutions often occur in former colonial nations, in Romania these are mostly internal and local.

To fully understand the types of cases witnessed in Romania, the thesis will examine the role of the Communist regime and its forceful nationalisation of cultural objects in current restitution claims. Museums are considered institutions that express coherent ideas of nationalism, and are meant to be representative of the population (Stefu 2017: 105). The Communist regime, which rose to power in 1945 with the support of the Soviet Union, endeavoured to solidify the cultural identity of Romania as part of their political agenda in order to further consolidate their power. This extended to demonstrating their influence and unity via concepts such as “cultural patrimony” - with a particular focus on Romanian ethnography (Appiah 2009: 73). This course of action included confiscating



cultural objects, which belonged to private citizens, or institutions such as the Church, and making them the public property of the State. The fall of the Communist regime in 1989 resulted in the execution of the dictator Nicolae Ceaușescu (1918-1989); however, no formal dissolution of the Communist party ever took place, resulting in a lengthy growth towards democracy (Hitchins 2018). Changes in both legislation and government in the early 2000s led to the creation of laws on the protection of cultural heritage, and the initial steps towards restitution of cultural heritage that had been taken forcefully from 1940 onwards. The emphasis on legislation and the judicial approach of the two museums in their restitution claims are evident from the data gathered. Whilst there remains a bias towards immovable cultural heritage in Romanian legislation, the protection and restitution of movable cultural heritage is gradually increasing.

The notion of restitution has also become symbolic with autonomous identity and the restoration of sovereignty and self-determination (Vrodoljak 2008: 71). This applies to Romania, where the people regained their power and identity after the fall of communism in the 1989 revolution. Objects taken forcefully and nationalised in museums have legislative support for their return, and numerous individuals and institutions are filing claims for their restitution. The reunion with their cultural property helps them reclaim the cultural identity. The concept of culture has been widely debated in academic circles, with anthropologists and archaeologists defining it in terms of what society collectively create, values, and believe (Kohler 2007: 105). Cultural objects therefore epitomize this. Thus, the return of these cultural objects is key to the development of the individual and their identity (Kohler 2007: 106).

Three main research questions will be answered in this thesis. The first question concerns the means through which legislation impacts the restitution process, in particular law no. 182/2000. This research question will also briefly examine how international and European legislation influence national laws on the subject, and what the benefits and limitations of the current national laws on restitution are. This helps answer the overall research query, as the current restitution procedure is almost exclusively legal in nature. By studying the laws in place, and their limitations, it helps the reader understand the procedures of participating museums. This leads to the second research question, of what the restitution procedures are of the Brukenthal National Museum and the Medias Municipal Museum. A detailed inquiry into how these two institutions address restitution claims provides examples of how successful the legislation is. This will be particularly evident in the discussion of the Gheorghe Cernea case, for which the claimant agreed to be interviewed, and therefore provides a different perspective on the legal process. The final research question studies the extent to which there is a correlation between the actions of the Communist regime and current restitution claims. This includes the direct and indirect impact on modern cases, and a brief examination on how Communist ideology influenced

museum activities. This will also link to the first research question, as all viable restitution claims are filed for objects that were taken forcefully until 1989.

## **Theoretical Framework**

Discourses are institutionalised ways of contemplating paradigms, and are utilised to enforce a structure of authority (Harrison and Linkman 2010: 75). Critical approaches to heritage are crucial to the understanding of heritage practices, as they create a base from which to appreciate the development of the heritage discourse. This section will briefly explore aspects of the chronological development of this discourse, and how various social and political factors have influenced this development. It will also consider the politicisation of cultural heritage as part of the more general discourse. This section will create an introduction to the cultural heritage discourse in general, whereas an analysis of Romania and communist literature is explored later on in the thesis.

The works of Michel Foucault deserve mention, in particular his 1967 lecture *Des espaces autres*, in which he considers the role of heterotopias. He defines them as real places “designed into the very institution of society in which culture is at the same time represented, contested, and reversed” (Foucault 1998: 178). In simpler terms they are ‘worlds within worlds’, which contain unseen links to other spaces, mirroring and upsetting the outside world. Museums are considered a heterotopia of time: they are spaces in which the systems of representation between words and things are historically determined – places where the power of the state is embodied in the built environment (Lord 2006: 2). Inside a museum, time is frozen and the future is depicted through the objects chosen for display: a narrative created by those in power. Foucault’s stance against capitalism, and his support of Marxism, allows for his argument to be applied to the case of communism in Central and Eastern European states. Indeed, Ssorin-Chaikov (2006: 357-58) applies Foucault to the rushed exhibition of Birthday Gifts to Stalin, using it as a perspective through which to understand how the exhibition was created in merely ten days, and how this explains the teleology of socialism and its focus on the future. This narrative created by those in power is also witnessed in Romanian museum in the Communist period; Chapter Three examines the control the government had over museums, and the role of the *Decorativa* institution in the regularisation of exhibitions.

James Clifford also examines the theoretical nature of museums as spaces. In his work, he defines museums as contact zones whose organizing structures reflects a power set of historical, political, and moral exchanges (Clifford 1997: 191). Whilst his work focuses on the post-colonial context, his theory is succinct in arguing the negotiations that occur between the state and communities, depicted in the cultural choices made by museums. The state control of museum exhibitions, the narrative created by them, and the efficiency and speed with which exhibitions were mounted is demonstrated

in communist Romania, with institutions such as the *Decorativa* in place to standardise the procedure. This will be explored in greater depth further on in the thesis, when the historical context for the restitutions of cultural objects is examined. These are important considerations when examining current restitution cases; the state controlled what was exhibited, and therefore dictated the types of cultural objects to be gathered. The political focus on ethnography and Romanian folk art led to an increase in cultural objects brought in to the newly founded ethnographic museums, re-creating the Romanian national identity to conform to the ideology of the Communist regime. The types of objects prioritised for exhibition, and the frantic timelines typical of Soviet socialism, led to objects being taken illicitly from their rightful owners. These developed into the restitution claims filed against the museums interviewed for this thesis.

A theoretical shift in the post-processual movement in the 1980s raised further awareness as to the political nature of archaeology, due to archaeologists arguing over the need to examine cultural and political contexts of their research (McGuire 2004: 384). In heritage institutions, museums took on a natural role in the establishment of national identities desired by political powers: their collections contained the ability to demonstrate the various achievements of their nation-state (Smith 2006: 18).

An example of this is the Rosetta stone, whose return has been requested numerous times by the Egyptian state. However, when the British exported the item, the territory was not that of the independent modern state of Egypt, which would not exist for another one hundred years (Cuno 2008: xiv). This illustrates how two modern nations can use the same cultural object for different political reasons: the British wished to enlarge their cultural patrimony and expand their legacy as preservers of cultural heritage, and the Egyptians desired to politically strengthen their cultural identity and cement it to their pharaonic history. The political role of the Rosetta stone is particularly evident in Egypt; until relatively recently, Egyptians did not consider any of their polytheistic, pre-Islamic history to be of cultural importance. The stone later became a useful instrument in their quest to strengthen their separation from the Ottomans, by emphasizing their non-Ottoman, pharaonic roots. This use of cultural heritage in consolidating one's rule or independence emphasizes how indispensable heritage can be in modern politics. The importance of cultural heritage in forming national narratives and cultural identities makes it a crucial political tool, utilised by governments around the world. This can be constructive, as it encourages nations to care for and preserve their national heritage.

These fabricated narratives do not always need to have a political purpose, and are sometimes used by a nation to increase tourism in a region. A current example of this is the connection forged between Bran Castle and Dracula. Whilst, historically, there is little to no proof that Vlad Tepes resided at the castle, the literature created by Stoker shaped a definitive connection between Dracula and the

Transylvanian countryside. This cultural identity is embraced in places like Bran, where much of the information presented to tourists is geared towards mythology and emphasizing the connection to Vlad Tepes. This created a cultural identity that moulded a national narrative when presented to the international stage, increasing tourism to the region and aiding the local economy.

Finally, the post-modern cultural heritage discourse examines the issue of archaeological stewardship as a link between the study of archaeology and the development of notions of national identity (Smith 2004: 83). Scholars, arguing it was their academic right, had previously commandeered the debate of who owns the material culture. This has since been heavily critiqued by post-processualists and post-modernists, who state that academic freedom is not an absolute right to study anything one wishes, but rather a privilege that must be consented on by the local groups (Joyce 2004: 87). This is not as established when considering cultural objects, but more evident regarding the repatriation of human remains, such as the Kennewick Man, which had been argued as essential research material in the past (Jenkins 2011: 33). This development in attitude away from scholarly privilege supplements the development of post-processual archaeology theory and post-modern heritage discourse and their principles. The discourse regarding the ownership of heritage resulted in an increase in calls for restitution of cultural objects. These two themes, archaeological stewardship, and the political use of heritage, are two of the main issues regarding cultural object restitution in Romanian museums.

In terms of restitution of cultural objects, the case study of Romania itself is quite different from both Western examples and other post-socialist states. The nation has little trouble returning cultural objects to other countries, and unlike many other modern nations has had little of its cultural heritage taken out of its territory illicitly. In contrast, the Communist regime in Romania differed other Central and Eastern European regimes, making it a unique case study. The issue Romania faces is the result of its own government illegally confiscating cultural objects belonging to private citizens and institutions like the Church. To better understand the significance of Romania as a case study, the historical context of the political regime will be studied in Chapter Three, prior to the analysis of the data.

## **Methodology**

The main data collection was carried out through semi-structured interviews with museum curators. This method was chosen because it would guarantee that qualitative data was gathered, and to certify face-to-face interaction with the individuals, thus ensuring a greater amount of information. However, there are numerous constraints to this method. The greatest limitation was the lack of positive responses received from the museums. Many responded that they would not participate due to a variety of reasons, from lack of time to them not wishing to represent the museum in this topic. This

was recurrent throughout the writing of this thesis and presented a potentially large problem, as a lack of data would render the research void and useless.

To gather additional data, a questionnaire was also created, which was sent electronically to the same museums contacted initially and could be filled out in the individual's own time. This proved slightly more successful with the museum employees, and resulted in an additional four museums responding to the questions. The addition of the questionnaire, alongside interviews and literary research, ensured the problem of restitution was explored through multiple lenses as opposed to one. This allows for multiple facets of the subject to be analysed and understood (Baxter and Jack 2008: 545). Nevertheless, the data provided in the questionnaires was not equal in detail, and provided relatively superficial information on the concept of restitution in Romania. The following museum participated in the research via the questionnaire: the National Museum of Transylvanian History in Cluj-Napoca; the Moldovan National Museum Complex in Iasi; Bran Castle in Poiana-Brasov; and the National Museum of Romanian History in Bucharest. The sample set of museums contacted was broad and included ethnographic, archaeological, and historical museums. In addition, museums of both national and local importance were contacted. This was to ensure a breadth in responses. The museum at Bran Castle was included due to its status as a former private residence of the royal family. This was interesting to add, as the experiences it has regarding the Communist regime contrast from the state-run public museums, and thus offered a different insight into the restitution of cultural objects.

The Medias Municipal Museum was open to interviews, and is therefore one of my focus museum, permitting me to carry out interviews with two of its three curators: ethnographic and archaeological. Viorel Stefu is the curator of the archaeological department at the museum, and the head curator of the museum overall. Diana Macarie is the ethnographic curator at the museum, as well as the conservator. Their interviews provided invaluable information on the current procedures of the museum. In addition to this, the participants were generous and extremely helpful in providing additional documentation and information of their cases. This includes archival documents, from the court hearings of the Bethlen case and the Gheorghe Cernea case, and photographs of the restituted objects. Furthermore, an interview was held with Doina Comsa, the museum's former ethnography curator, who was employed during the Communist period. This was a valuable interview, as it provided a first-hand account of how the museum was affected by the political ideology of the ruling Communist Party. Finally, an interview was held with Alexandru Teodoreanu, the nephew of Gheorghe Cernea, and the individual who filed a restitution claim against the museum. This provided an interesting comparison to the views expressed by the museum participants.

At the Brukenthal National Museum it was more difficult to obtain information from participants. The general director, Dr. Sabin Adrian Luca, agreed to discuss the subject of restitution but refused to comment on some of the questions. Nevertheless, his interview provides an interesting perspective on the procedures of his museum, and how restitution of immovable cultural heritage plays a more current role. In contrast, Raluca Teodorescu, the head curator of the archaeology sector, agreed to participate via the written survey, and provided more structured answers. Unfortunately, they refused to provide additional details or documentation on the cases they experienced, stating that the information is confidential. Photographs were also not permitted. However, due to the larger size of the museum, there are several newspaper articles written on their restitutions, which provided additional material.

Finally, an interview was held with Cristinel Fantaneanu, the head of the archaeology department at the National Museum of the Union, in Alba Iulia, Alba County. This interview was utilised as a brief comparison to the two museums in Sibiu County, and demonstrates that museums across Romania differ in their experiences of restitution: in contrast to the Brukenthal and Medias museums, Alba Iulia enlarges its collection via archaeological excavation only, and so has not had any experiences of restitution claims.

The use of the Medias Municipal Museum and the Brukenthal National Museum follows an instrumental case study approach. This was an appropriate choice for this thesis research; according to Stake (1995), an instrumental case study provides information on a subject, and is utilised in a secondary role to understand the larger phenomenon. Thus, the issue of restitution cannot be fully understood, or resolved, by examining the Medias Municipal Museum, and its participation can help provide context and is analysed in depth to understand the wider issue.

### **Questionnaire**

The interviews were carried out in a semi-structured way, with fourteen questions total divided into three sections. The first four questions were introductory, and were designed to open the interview. This included a question on how they would describe their museum collection and what characteristics ascribe cultural value to an object in Romania. These were followed by the main inquiries related to restitution and the Communist period. These eight questions were designed to understand how the museum proceeds when unprovenanced objects are found, and when restitution claims are filed. A comparison between the acquisition policy under the Communist regime and the present day is also queried. This is to understand whether the methods of enlarging the collection under the Communist period led to current restitution cases. Where objects were forcefully nationalised by the government, a correlation should be visible. Furthermore, one question relates to the involvement, if any, of the

museum with *Decorativa*, a government institution aimed at regulating museum exhibitions during the Communist period, and to some extent controlling the objects placed in exhibitions. This question was important to understand how the political system had an impact on the museum collection and exhibition, and the extent to which the institution followed Party policy. The final two questions were more general, related to restitution of cultural objects from an ethical perspective. These were a means through which to close the interview, enabling the participant to provide their personal opinion on the issue of restitution, and how this differs in Romania when compared to the rest of Europe. The same questions were provided in the electronic questionnaire to which the other museums responded. This allowed the answers to be compared, despite the differences in responses received.

### **Limitations**

There are several limitations to the methodology employed by this study. The surveys were sent out in Romanian, and thus the replies were translated back to English by the author. This could present certain issues where phrases or ideas are mistranslated. To minimize this risk, the translations were checked over by native Romanian speakers who studied the language at school. Nevertheless, there are still possibilities of mistranslated extracts, or Romanian phrases that do not translate as well into English. For this reason, copies of both the Romanian and English questionnaires and transcriptions are attached in the appendices.

A further challenge lies in gathering data within one's native culture. Hann (1987: 144) argues that an objective outsider can comprehend more subtleties of a phenomenon, which a native may be blind to, particularly regarding phenomena related to politics. This is a relevant, albeit slightly simplistic, argument. Whilst I am a native Romanian, I was raised abroad, and my education reflects a Western style of instruction. Furthermore, I was born after the fall of the Communist regime, and therefore it has had little impact over my life, and has not clouded my judgement in a certain way. The reservations many of the curators had when discussing the Communist period are not shared by me, which makes the study of the impact of the Communist period particularly interesting for me. On the other hand, being a native Romanian has also helped me build a different kind of relationship with the participants, and allowed me to communicate in their native tongue.

Another issue is that the topic of restitution remains a controversial one, in which museums often risk coming across in a negative light. This was a drawback with no solution to overcome it: the vast majority of museums and individuals contacted did not wish to participate at all in the study, and could not be convinced otherwise. Instead, I chose to alter the ways in which the questions were asked. Through research regarding how to write questionnaires, such as Bernard (1989) and McIntyre (2005), an attempt was made to not create questions that were leading or appeared biased in their

nature. Similarly, queries on related topics, such as what makes an object culturally significant in Romania, were added to the body of questions. This was to avoid the questionnaire appearing like an inquisition on the museum's restitution processes, and to convince museums to participate in my research. Little control was possible over the extent of truthfulness present in the answers, and responses given have to be trusted as truthful and representing the opinions of the individuals and institutions interviewed.

Lastly, whilst the switch from interviews to a questionnaire allowed for more participants to join, the amount of participants is still limited in number. Bernard (1988: 221) writes that projects with qualitative data require forty to sixty interviews to generate sufficient data to make the study meaningful. To carry out such a large data collection on the topic of restitutions, a significant amount of time is required in order to establish a level of trust with the institutions. This is particularly due to the deep scar left by communism on the country, which left most Romanians extremely guarded in their public views of Ceausecu's ruling party, even after the 1989 revolution. Gabriela Nicolescu also mentions the difficulties she experienced when gathering data for her PhD in Romania, stating that many curators approached their conversations with reserve, and were resistant to provide their views on the Communist period openly (Nicolescu 2015: 45). Therefore, due to the limited number of participants, the data gathered is analysed in a discursive manner as opposed to a statistical one. The discursive analysis also allowed both deductive and inductive codes to be distinguished in the data (Hennik et al. 2008: 218). These are the themes outlined by the researcher through the interview questions, as well as the themes developed by the participants and raised in the interview. The latter ones, the inductive codes, are important because often they are only noticeable after the interview is concluded, when the transcription is analysed. These insights are valuable as they can vary from individual to individual, thereby making them different from the assumptions of the researcher, and can bring a new interpretation to the subject (Hennik et al. 2008: 219).

The limited nature of this study creates an incentive for future research, generating a platform for a more in-depth data collection over a longer period of time. The creation of a longer study would facilitate the participation of a greater number of institutions, and would result in a greater build up of trust, thus creating a more consequential data set.

## **Thesis Structure**

This thesis will explore the topic of restitution in Romania through the lenses of the Brukenthal National Museum and the Medias Municipal Museum. To do this, the first chapter will examine the current legislative and ethical framework available at an international, European, and finally national level. These help place the case study in its wider context. By narrowing the focus of the legal



framework, it helps the reader understand both what is in place to ensure the return of cultural objects, as well as how international law can influence a regional law. This chapter will furthermore explore limitations in the Romanian law, particularly the focus placed on *immovable* cultural objects, as oppose to *movable* cultural objects. This is a crucial shortcoming in the problem of restitution, as very little emphasis is placed on the need to ensure the return of cultural objects taken abusively by the government. This significantly complicates the restitution process for claimants.

Following this, Chapter Three explores the historical and social context of communism in Romania. This chapter is important because it helps the reader understand how great the impact of communism was, and still is today, in Romania. The ways in which the national identity was altered based on the political affiliations and ideologies of both Gheorghe Gheorghiu-Dej and Nicolae Ceausescu, paves the way to identifying how the government exercised control over museums and their collections. The chapter will explore the importance of ethnography in communist Romania. This focus on ethnography is key, as one of the restitution cases of the Medias Municipal Museum was of ethnographic objects taken forcefully in the 1950s. Finally, an examination of past studies in Romania is carried out, with a focus on the relevant study of Andrea Zbucea (2015) on the restitution of immovable cultural property. The lack of an abundance of studies on the subject of restitution signifies how this is a subject that scholars need to increase their interest in, and why this thesis fills in certain academic gaps.

Finally, the data gathered from the museums is presented and analysed. Chapter Four begins with an examination of background information on the two museums interviewed. A more general background of the museums participating only via the questionnaire follows this. The interviews are analysed based on present themes, including the restitution processes of the museums and the cases they have experienced. A discussion of the data presented examines the themes presented within the greater context of restitution of cultural objects, the limitations of current procedures, and what can be done to improve restitutions. This section will include additional information provided by museums from the questionnaire. The overall results demonstrate that museum procedures follow the legislation regarding protection of cultural property, and that most restitution claims experienced have been in relation to objects taken abusively by the Communist state and forcefully nationalised in their museum collections. To balance the legislative approaches, personal opinions of participants on whether objects should be returned on an ethical reason is also examined.

## **Chapter Two: Legal Framework for Restitution of Cultural Objects**

To understand the complex nature of restitution it is important to briefly place it in the context of a wider international framework. This chapter will examine both international and European legislation on the topic of restitution, creating a foundation to identify what has been done, and what is currently being done to guide the process. It will cover the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property and 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, as well as the ICOM Code of Ethics. This chapter will create a context that will enable the reader to understand how international law can influence the creation of regional laws, which have a higher chance of successful implementation. This can be subsequently compared to the Romanian domestic laws regarding protection of cultural heritage and object restitution. It will also explore the most common internal restitutions described in literature, from the state to local indigenous communities, as a point of comparison to the internal restitutions practiced in Romania.

### **International Standards: UNESCO, UNIDROIT, and ICOM**

The importance of international law lies in the idea that laws required to amass a nation's dispersed cultural property often transcend national laws (Lewis 2006: 380). In other words, the weight behind international laws regarding cultural heritage is more likely to successfully protect and facilitate the return of cultural property than the national laws of one country, particularly in high-profile cases. On the other hand, the successes of international laws can also be measured in their influence in the creation of national laws.

The need for international legislation on the subject of restitution has been demonstrated by various historic developments. An example was the restitution of the Napoleonic art collection; the first large-scale restitution that took place for cultural property plundered through warfare (Simpson 2004: 158). This marked the beginning of restitution, and would influence future direction of international laws with reference to return of cultural property. These laws advanced under the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, a UNESCO revival of the 1938 International Convention for Protection of Historic Buildings and Works of Art in Time of War. The 1954 Convention was created in response to the Second World War, demonstrating an international consensus on the importance of culture to people (Vrodoljak 2008: 139). Therefore, the development of legislation regarding the protection of cultural heritage had its origins in armed conflicts. This included the need to reunite victims of the Holocaust and German invasions with their stolen property.

Later on, with the 1970 UNESCO Convention, a treaty created during peacetime as opposed to during armed conflict, that attention was drawn to the dangers of illicit trade. Its lengthy title implies that UNESCO considers any export or import without an authorized certificate an illicit transaction of cultural property.

Many scholars debate the extent to which the 1970 Convention is successful. Lewis (2006: 380) emphasizes how UNESCO has provided a base framework for safeguarding cultural property for the last forty years. This is a valid argument; the Convention has influenced numerous other international and national laws, and brought the issue of illicit cultural objects to the foreground. The downfall of UNESCO is that its greatest strength is also its greatest weakness: its international nature. In order to create a Convention that is successful it must get as many State Parties to sign and ratify it as possible. However, to achieve this, its clauses must remain relatively neutral and vague. Furthermore there is no real consequence if a State Party does not adhere to these clauses, aside from a general demise in international reputation and possible refusal of UNESCO funds. It is for this reason that its influence on local legislation is more useful and successful in creating change regarding protection of cultural property, rather than the Convention in its own right.

This is witnessed in the 1995 UNIDROIT Convention of Stolen or Illegally Exported Cultural Objects. The main difference between the two Conventions is that the 1995 UNIDROIT places the obligation on buyers and institutions, as opposed to Member States. Thus, it has the potential to be more successful in preventing acquisitions of illicit cultural objects, and aiding their return. Lazar (2015: 118) emphasizes the successful impact of the 1995 UNIDROIT Convention in providing judicial assistance for stolen Romanian cultural goods sold in auction houses. These include the 2009 incident where five Dacian gold hoards were illegally excavated from Sarmizegetusa Regia and exported from the country, and later surfaced in auction houses in various countries (Yates 2012). Whilst not all objects were recovered and returned to Romania, the ones that were indicate an accomplishment in both international legislation and cooperation in the fight against illicit cultural objects. The crucial limitation to the 1995 Convention, however, is its low level of accession: only 63 Member States as opposed to the 134 Member States of the 1970 UNESCO Convention. This already severely hinders the impact it can have on an international level, making its likely success minimal. Accordingly, the legislation is useful, but not more so than the 1970 UNESCO Convention. This gradual evolution of international legislation, from the protection of heritage in armed conflict to the protection of cultural objects against illegal export, demonstrates how international attention has increased, and become more supportive in the fight to return objects to their rightful owners.

Aside from the two aforementioned Conventions, an International Code of Ethics released by ICOM presents an additional guide to illicit cultural objects and restitution. Whilst the Code of Ethics is not a binding treaty, it provides a supplementary base to the framework created by the 1970 and 1995 Conventions. Its implementation is based on both individual and institutional membership, and thus can be executed at a lower level than the State. Museums and representative organisations can set a moral bar for the public, and therefore it is important that they take a strong stance against the trade of illegal material (Brodie 2006: 54). The release of the Code of Ethics demonstrated that much of their ethical standards were already widely used across the world at various institutional levels (Boyland 1995: 96). This reveals that museums were already conscious of the ethics behind their practices. Therefore, the Code simply ensures there is a publically known set standard across the various nations.

ICOM also takes a more direct approach to the fight against illicit cultural objects. The creation of their Red Lists and Databases allows for easy access to updates of stolen items. These databases can be crucial to investigations regarding crimes against cultural heritage, in particular when containing information concerning suspicious transactions and illicit activities (Lazar 2015: 113). Other Codes of Ethics exist from various museum associations, including the UK Museum Association and the American Museum Association. However, none have the international reach of the ICOM Code of Ethics; its membership at boasts over 20,000 museums worldwide. Many scholars are supportive of ICOM, emphasizing the positive approach that is promoted regarding the inevitable restitution claims of modern nations (Lewis 2006: 381). One argument frequently debated by scholars is whether stewardship of the cultural object matters. Organisations such as ICOM see ownership as multiparty, and promote mediation between the two parties, as opposed to legal proceedings, in disputes over ownership of cultural property (Barrett 2015: 105). This could ameliorate tensions between the two parties, and promote the ethical importance of the return to the public.

Membership to ICOM was one of the questions of the interview, as it is an international framework that can be directly applicable to the institution. In contrast to the 1970 UNESCO and 1995 UNIDROIT Conventions, whose influence can be explored in EU or national Romanian legislations, the membership to ICOM demonstrates how the museum directly adheres to a global standard of ethics. Thus, the extent to which the Code of Ethics is successful in aiding the return of cultural objects can be measured.

## **European Legislation**

By briefly narrowing the focus to European Union legislations, it is possible to contemplate how these laws act as the middleman between the international legislations, examined above, and Romanian

national laws, examined below. Whilst the legislation is on a more regional level, it is not national in nature, as it is intended to cover all EU Member States. This implies that it is more likely to be successfully implemented than the UNESCO Conventions, as its reach is smaller. The Treaty on the Functioning of European Union (2007) is one of the two primary treaties of the EU, focusing the scope of the European Union's principles of law. The preamble states that signatory Member States are 'inspired by the cultural, religious, and humanistic inheritance of Europe'; highlighting their understanding of European heritage as universal and shared, and echoing international Conventions, like those of UNESCO. The cultural focus of the Treaty is emphasized further in article 36, which states, "(...) prohibitions or restrictions on imports, exports, or goods in transits on grounds of (...) the protections of national treasures". This article is in reference to articles 34 and 35, which prohibit restrictions on imports and exports between Member States. This is the only article in the Treaty that directly references cultural heritage, and it successfully closes a potential loophole that would be exploited with the open Economic Area.

The language used in European legislation should be briefly considered as translations can vary in terminology used, resulting in varying national efforts placed on protecting and limiting the movement of cultural goods. A good example of this is the use of the term "patrimony", "heritage", and "treasure" when referring to cultural property. "Patrimony" has a more political, governmental association and is used in Italian and Spanish translations, whilst "treasure", used in French and English translations, implies a more singular, unique object of elevated value. Peters (2015: 142) supports a distinction in translations, and argues that differences in terminology imply different legislative approaches by the countries. This must be kept in mind when assessing the success of European legislation. If using Romania as an example the distinction is proven, as the term *patrimoniul* denotes a political and governmental association. As will be explored in Chapter Three, the national and cultural identity of Romania was utilised by the Communist government to reflect their political beliefs and to legitimize power, using institutions like *Decorativa* to implement governmental control over museum exhibitions.

European legislation that is more specific regarding the protection of cultural heritage is illustrated in the 1992 Regulation 3911/92, regarding the exportation of cultural goods, and Directive 93/7/EEC, on the return of cultural property, among numerous others. The 1992 Regulation 3911/92 was later codified into Regulation 116/2009, and was created in response to the Single European Market. Its subject is similar to article 36 of the Treaty on the Functioning of European Union, however it further discusses the export of national cultural property outside the European Union's customs territory. For this the Regulation demands the presentation of an EU export license (Peters 2015: 143). Directive 93/7/EEC, on the other hand, is a development on previous legislation regarding the return of cultural

goods that unlawfully left the territory of a Member State. Article 10 shifts the burden of proof regarding the receipt of compensation: it is now up to the possessor of the cultural property to provide evidence of due diligence and provenance as opposed to the Member State. It mimics article 4 of the 1995 UNIDROIT Convention, however it is signed and ratified by a higher number of EU Member States. This implies its legislative force has a wider reach, and is therefore more likely to be successfully implemented than the UNIDROIT Convention. This is an example of how international treaties can have a positive impact on other legislation, and how they are successful in implementing a standard in certain Member States. Together, the two EU laws were created to preserve freedom of movement whilst at the same time protecting cultural heritage (Hoffmann 2006: 191).

This issue of restitution and protection of cultural heritage is further demonstrated in two Council of European Treaties. Both treaties mention the importance of the “shared” cultural heritage of Europe. The European Cultural Convention (1954) is the most general of the treaties related to cultural heritage protection. The preamble discusses the desire to create bilateral cultural agreements between members of the Council and to pursue a policy to ensure the safeguard and development of European culture. Article 5 mentions the need to “take appropriate measures to safeguard [cultural property] and shall ensure reasonable access thereto”. Whilst this is a relatively general statement, it is relevant to the case study of Romania, as many museums utilise this as a reason for which to not return requested objects. As demonstrated in the study undertaken by Zbucea (2015), in Chapter Three, many museum professionals appear against the surrender of cultural objects in private hands due to the inability to properly conserve them, along with the desire to retain public access to the objects. This treaty was ratified and implemented by all Member States, including three non-Members of the Council of Europe.

Finally, the European Convention on Offences Relating to Cultural Property, originally written in 1985 and revised in 2017, has the most direct impact on the protection of cultural objects. Whilst the 1985 draft referred only to types of cultural property listed in its Annex, the list was broadened in 2017 to cover anything made by humans with archaeological, historical, or ethnographic value. This is both an improvement and a limitation: the greater the number of potential cultural objects, the more difficult it is to control and protect them. The 2017 draft also covers a much wider range of crimes than in the 1985 draft, including the illegal importation (article 5) and exportation (article 6) of cultural property. Article 3 states that “each Party shall ensure that the offence or theft and other forms of unlawful appropriation as set out in their domestic criminal law apply to moveable cultural property”. As will be seen in below, this is severely limited in Romania, where only one law refers specifically to the protection of moveable cultural heritage. This is not surprising, as neither draft was signed or ratified by Romania.

## **Internal Restitutions**

This chapter has demonstrated that the return of cultural objects has been a recurring focus in international legislations, both at a global and European level, how these Conventions have influenced each other, and the evolution of legal attempts to protect cultural objects. In many countries the objects are returned from state collections to different nations, from where the objects were often illegally taken in the past. These are mostly associated with colonial rule and conquering forces, such as the United Kingdom or the Netherlands. Therefore, whilst certain exceptions remain, restitutions today are often carried out to encourage diplomacy and make amends for past crimes. In these examples, judicial proceedings are not always necessary as these objects are returned for political and ethical reasons.

The case study of Romania is more unique in this sense: it involves the domestic, internal return of objects taken illicitly by the government to citizens. Internal returns are not common in Western nations, unless the recipient is an indigenous community. Whilst legislation related to the return and protection of indigenous heritage is outwith the scope of this thesis it is still useful to consider, as the internal style of restitution is somewhat similar to that occurring in Romania. Evidently, the issue regarding indigenous peoples is much more complex and difficult than that of Romania. Often indigenous understanding of culture and heritage differs vastly from the European, westernized concept of both heritage and ownership (Koehler 2007: 104). This causes problems in how the two parties wish to handle cultural heritage.

Among the most well-known nation to handle these internal restitutions is the US, with numerous laws, such as the 1990 NAGPRA (Native American Graves Protection and Repatriation Act), in force to prevent the illegal possession of Native American cultural objects. It has also been utilised for the return of cultural objects from museums and research institutions. Examples of returns often include human remains; their restitution becomes a way to heal the trauma of history (Thornton 2004: 29). *Bonnichsen v. United States*, colloquially known as the Kennewick Man case, resulted in the return of the remains to a coalition of Colombia Basin tribes after a lengthy and controversial case on the basis of NAGPRA. Examples of internal restitutions also appear in Australia, such as the 1990 return of the Kow Swamp remains and grave goods to the Echuca Aboriginal Cooperative from the Museum of Victoria (Mulvaney 1991: 12). Here, the 1984 Aboriginal and Torres Strait Islander Heritage (Interim Protection) Bill was implemented to rule that the Aboriginal people of Victoria were the rightful owners of their heritage (Mulvaney 1991: 14).

The restitutions of cultural property to indigenous peoples demonstrate that internal returns are possible, especially if supported by the law. Furthermore, they highlight the different types of restitutions that are possible. Within Romania itself there are some governmental institutions in place to protect cultural heritage. The country adopted the principle of *restitutio in integrum*, wherein cultural heritage taken by force between 1945-1989 must theoretically be returned as an ethical and legal restitution for the injustices (Zbuchaea 2015: 4). Nevertheless, the realities of the national legal framework is limited and often complicated to apply. The following section will explore in greater depth the national legislation in place in Romania, and evaluate the limitations of these laws.

## **Romanian Legislation for the Return of Movable Cultural Property**

Romanian legislation defines national cultural heritage as “the ensemble of goods identified as such, regardless of ownership regime therefore, which represents a testimony and an expression of the values, beliefs, and traditions that are in continuous evolution” (Lazar 2015: 107). What is difficult in restitution cases is the assessment of whether an object was taken illegally; by extension, this poses the ethical question of archaeological stewardship (Bator 1982: 286). This links to the discussion carried out in Chapter One on the theoretical framework of archaeological stewardship, and who has the right to ownership.

Unfortunately, unlike the more varied European laws on the return of cultural objects, local legislation in Romania is less extensive. Out of twenty-five laws regarding cultural property, one law specifically mentions ‘movable cultural objects’ in its title: law nr. 182 from 20.10.2000 on the protection of movable cultural heritage, which states that objects taken by the state since 1940 must be returned to the rightful owner. The legislation defines the *patrimoniul cultural national mobil* (movable cultural heritage), which is also useful in the preparation of restitution claims. Article 5.1 states that cultural objects can be both private and public property, which reinforces restitution requests made by individuals and institutions for objects taken by force. Furthermore, article 60.2 states that public museum collections are the property of Member States of the European Union, emphasizing the universal values of Romanian heritage and reflecting collective ideas discussed in the previous section on EU law.

In an attempt to create transparency, law no. 182/2000 moreover recommends that the government create a report every three years on restitutions that have been carried out. Even so, Romania does not have an official document relaying this information to the public (Nitulescu 2006: 95). This implies a lack of communication between the cultural bodies and national statistics institutions, which in turn creates an obstacle in the publishing of these reports. Indeed, in the National Institute of Statistics



there are two types of classifications of museum statistics. The classification that contains statistics on museums with archaeological and heritage collections is published solely for the state authority and is not made public (Nitulescu 2006: 96). In contrast, the public statistics provide a limited amount of information and do not include all the museums within the country. This hinders the ability to research the subject, and transparency of information regarding restitution of cultural objects within the country. The issue of transparency between museums and the public was further witnessed extensively during the research of this thesis, where many individuals rejected calls for interviews, and were wary of representing their museum on the subject of restitution cases. This made it difficult to gather data.

Aside from the specific focus of law no. 182 from 20.10.2000, law no. 123 from 30.05.2017 relates to the protection of movable cultural heritage that has been exported illegally. Article 65.4 calls for greater transparency in museum management and activities: every five years the Romanian government is expected to provide the European Union Commission with a report on its actions regarding the restitutions of objects that have illegally left a Member State. No confirmation was received when contacting the government on whether these reports are issued by their five-year deadlines, and little has been reported in the national media regarding the subject. However if the government is creating these reports, it is a step in the right direction; greater transparency regarding information on objects that have been illicitly taken allow for the creation of more viable procedures in the prevention and return these cultural objects.

Law No. 2044 from 09.05.2001 states the need for a register of cultural goods destroyed, stolen, missing or illegally exported which have been found in the property of legal entities governed by private or public law (article 1). The Annex contains methods for how to register these cultural objects, although the methods are heavily bureaucratized. This could create a problem, as the bureaucracy in Romania is notorious for its slow pace and complex nature. The collective group CIMEC (*Institutul de Memorie Culturala*), representative of the National Heritage Institute, published a database entitled 'Index of Movable Cultural Objects Damaged, Stolen, Missing, or Illegally Exported' ([furate.cimec.ro](http://furate.cimec.ro)). This recalls ICOM's Red List and various databases, explored previously, demonstrating how ICOM's standards have been modified and adopted by Romania. The database created by CIMEC contains a variety of categories that can be searched, including owner, issuer, or originating county. One striking issue is that the list has not been updated since 2013. Both the database, and intended registers would be greatly enhanced if they were kept up to date, and if there was an increased communication between legislators and the individuals in the field.

One significant issue regarding the restitution of cultural objects in Romania is the lack of importance placed on *movable* cultural heritage confiscated by force under the Communist regime. This is in

contrast to the legal framework found in UNESCO and the EU in which, particularly in recent years, an increasing emphasis has been placed the diversity of heritage, including intangible and environmental. Romania's emphasis on immovable cultural heritage in its laws accentuates the need to expand and improve on their current legislative practices. The current law often focuses on the restitution of physical property forcefully nationalised by the Communist regime. Examples of these laws include nr. 10/2001 and nr. 165/2013. The National Authority for Property Restitution, henceforth the NAPR, a branch of the government overseeing the restitution and compensation of properties confiscated by the government between 1940 and 1989, was created in tandem with this legislation. Whilst the existence of the NAPR implies that the current government understands the immorality of its predecessor, the lack of a comparable government branch aimed at aiding restitution of movable cultural objects taken abusively prior to 1989 indicates an inconsistency in governmental procedures. This is not an issue that could be resolved by the museum institutions, and must instead be initiated at a higher level within the government.

This emphasis on immovable cultural heritage is further evidenced when examining Romanian news articles on the subject of restitutions: the vast majority place the focus on the return of formerly confiscated land. One of the more prominent scandals occurred when the Brukenthal Palace, part of the Brukenthal National Museum, was returned to the Evangelical Church based on the judicial decision 614/21 of 2005 (Timonea 2006; Oprea 2017). In his article, Oprea briefly mentions how the objects within the Palace that were confiscated from the Church in the past would also be returned together with the building. However, this short mention is overshadowed by the controversy of the property restitution. Both journalists placed the restitution of the building and a minority of its disputed contents in the context of political turmoil, and the collaboration between Traian Basescu (former president of Romania) and Klaus Iohannis (current president, and former mayor of Sibiu): together, they were accused of political allegiances that resulted in the unlawful return of the property by the NAPR (Oprea 2017). The 2017 Activity Report of the Brukenthal National Museum confirmed this restitution of land to the Evangelical Church.

## **Concluding Remarks**

This chapter has explored the types of legal and ethical frameworks currently in place regarding restitution claims. Beginning at an international level, the 1970 UNESCO and 1995 UNIDROIT Conventions create a global standard of legislation regarding the protection of movable cultural heritage. This standard is further enforced by NGOs such as ICOM, whose Code of Ethics is widely followed by institutions and individuals alike. Their ability to encourage restitutions on diplomatic and political motives is unparalleled. They impact the restitution process by influencing the creation of more regional laws on the matter. This was evidenced when examining EU legislation, and the

Council of Europe treaties. The import and export of cultural objects in particular is important in the EU, due to the open borders, which could encourage the illicit removal of cultural objects from the country of origin. European legislation in turn impacts the national legislation in Romania, particularly after 2007 when Romania joined the EU.

Romanian legislation on the protection of cultural heritage is numerous; however, legislation that ensures the return of stolen movable cultural property is limited. The emphasis lies on the return of physical property and land forcefully nationalised between 1940 and 1989, both in legislation and in governmental institutions. Law no. 182/2000, the sole one focusing on movable cultural heritage, states in its articles that objects that have been taken forcefully by the state since 1940 are to be returned to the rightful owner. Furthermore, the legislation supports the universal, collective style of heritage proposed by the EU laws: implying a communal need to protect and maintain the heritage. This demonstrates how some influences from UNESCO's international legislation trickled down to impact national laws. The single piece of legislation promoting the return of cultural objects taken by force also implies the acceptance of the government in the wrongdoings of the past. As will be demonstrated in Chapter Four, participating museums base much of their internal procedure on this law, and often quote no. 182/2000 when defining their restitution procedure.

The reliance on the law for the return of objects to the rightful owners should therefore be a relatively straightforward process. Nevertheless, its application to practical cases is complex, and impacted by several political and social concerns. Aside from the evident influence of the Communist regime on the objects taken forcefully, the nation's slow transition to democracy over the past thirty years has shaped how museums operate, along with the public opinion on museums. The following chapter examines the historical context of the Communist Party in Romania, to provide a clearer context around how these laws were created. It will furthermore provide context for the limitations created by Romania's national legislation, thereby helping the reader comprehend the data presented in Chapter Four.

## **Chapter Three: Romanian Communist Party and its impact on society**

### **Historical Background**

As a territory, the modern nation of Romania was formed as recently as the 1919 Paris Peace Conference (Brett 2015: 373). This resulted in the unification of the Transylvanian region, previously under Austro-Hungarian rule, along with the provinces of Banat and Bukovina, with the Kingdom of Romania. Prior to the Second World War, the Romanian Communist Party enjoyed limited domestic support, as the social class they claimed to represent did not support their ideology (Stoica 2005: 692). It was only after the exile and abdication of King Michael in 1947, that the Party gained popularity and stability in its rule. Gheorghe Gheorghiu-Dej (1901-1965) was the first Communist leader of Romania. Under his rule, Romania was considered Stalinist in its approach, and a loyal subject of the USSR. In 1965, Nicolae Ceausescu (1918-1989) succeeded Gheorghiu-Dej as General Secretary of the Romanian Communist Party, and later established his role as the first President of Romania, until his execution during the 1989 December Revolution.

It was under the leadership of Ceausescu that Romania experienced both the extreme highs and lows of communist rule. During 1968-1971, many praised Ceausescu for his Western approaches to politics, his stance against the USSR, and his loosening of censorship and cultural control (Stoica 2005: 699; Brett 2015: 379). These 'golden years' ended after Ceausescu's visit to China and North Korea in the early 1970s, which resulted in numerous extreme changes to both the Romanian economy and social life. This included a hypercentralisation of the economy, collectivisation, and increased nepotism, which grew to such an extent that his rule was labelled as 'dynastic socialism' (Stoica 2005: 700). This is in addition to the massive domestic austerity measures imposed by him to rapidly pay off Romania's foreign debt (Brett 2015: 379). These sudden re-radicalisations resulted in mass poverty and political fear throughout the nation, with locals executed or jailed for the smallest perceived insult against the Party. The fear Ceausescu created in the country led to people being wary of confiding even in their closest friends, afraid they would be reported to the *Securitate*. Ceausescu enjoyed increasing extravagance and power; eventually, these extremes resulted in the 1989 Revolution, his show trial, and hasty execution by the people of Romania.

It is also useful to consider a brief comparison between Romania, other Central and Eastern European states, and the former Soviet Union. Scholars, who utilise it as an example of distinctive communism and Soviet resistance, often note the uniqueness of Romania. The Soviet resistance was due to nationalistic beliefs against imperialism, which was particularly encouraged by Ceausescu (Young and

Light 2001: 944). Romania's Westernized outlook was notable in the support he received from various world leaders, including Nixon, and due to the fact that Romania was the only nation in the region to have been a member of the International Monetary Fund (IMF) (Brett 2015: 383).

The use of nationalism and national identity to separate from the Soviets and the USSR is explored in greater depth below. Additionally, Romania had both proportionally the largest Communist Party of the Central and Eastern European States, and is considered to have been one of the most repressive and totalitarian states outside the USSR and Albania (Brett 2015: 373; Stoica 2005: 687). This sets it apart as a nation from its neighbours both in terms of the influence of communism during the Cold War, and the impact felt today in the transition to a democracy. The latter is expanded on later in this Chapter, where effect of the Communist period on present day Romania is examined. This brief political summary generates a backdrop against which to examine the issue of restitution, helping understand the historical context under which the objects were collected.

## **National identity and Romanian communism**

Both Gheorghiu-Dej and Ceausescu governed Romania in distinctive ways, exhibiting different priorities. This is demonstrated in the types of national identities they wished to exude. The definition used in this thesis of national identity is the traditions, culture, and language utilised by a nation to create a unified image. Initially, Gheorghiu-Dej followed a strict Stalinistic style of Communism, which included nationalisation of enterprises and housing, forced collectivisation of agriculture, political persecutions, and spread of terror through the *Securitate*, the Secret Police (Stoica 2005: 694; Brett 2015: 378). The *Securitate* employed similar tactics to the KGB and Gestapo, inspiring fear and political terror in the citizens of Romania – many were afraid of falling out of line and being reported by neighbours or friends to the *Securitate*. As explored further below, they investigated even the curators and directors of the state museums, to ensure their loyalty to the government.

For this reason, Romania under Gheorghiu-Dej fell in line with surrounding Communist nations, and promoted the idea of a collective Soviet identity (Young and Light 2001: 943). The nation participated in the giving and receiving of socialist gifts, as a sign of friendship and support of the Soviet bloc (Nicolescu 2015: 22). This furthered the idea of a common Soviet identity, and therefore resulted in little Romanian nationalism in the 1950s. Gheorghiu-Dej's support for Russia waned after the death of Stalin, and he began to mobilise resources for an independent socialism. To do this he began to revive the former anti-Russian sentiments of Romanians (Stoica 2005: 697). This change in political stance already demonstrates how political affiliations impact national identity: in the case of Romania, the collective Soviet identity grew into a nationalistic, anti-Russian one that demonstrated the independence of Romania from an imperial force. It was under Gheorghiu-Dej that a focus began on

the folk traditions of Romania, as a means to emphasize this distancing from the USSR. An example of this is the connection between the newly opened Museum of Folk Art (*Muzeul de Artă Populară*) and the name of the state, the Romanian People's Republic (*Republica Populară România*): the importance of the term *populară*, or People, to the state is evident (Nicolescu 2015: 141). The focus on ethnography and folk art became a political tool to unify Romania, whilst creating a detachment to both the Soviet and the pre-communist, monarchic national identities.

The distancing from the USSR reached greater heights under the rule of Ceausescu, who employed an overtly nationalistic stance, and saw Romania's independence from the Soviet Union as a means of gaining legitimacy in his rule (Young and Light 2001: 945). To accentuate this independence, he began to place an emphasis on the Dacian national identity. Dacianism brought with it a symbolic opposition to imperial expansion, represented through stories of Decebal and Trajan (Verdery 1991: 36). Verdery (1991: 37) uses this analogy to explain how Dacians were not ancestors of the Austrians or the Russians, and therefore provided an independent national identity to Romania. Whilst she discusses this in the context of 19<sup>th</sup> c. Romania, it can also be applied to Ceausescu's wish to gain independence from the USSR. This was also a theme brought up by Viorel Stefu, of the Medias Municipal Museum: the state-approved historical narrative contained an emphasis on their Dacian ancestors, and the hero cult of Romanian historical figures. It was this type of narrative that aligned with the nationalistic ideology, and promoted the image of Romania they desired. In contrast, other historical narratives, like the local Saxon community in Medias, were erased from the exhibitions of the museum.

Further distancing from the communal Soviet identity was witnessed in the 1964 Declaration of Independence, in which the Latin spelling of the country name was reinstated (Verdery 1991: 116). This had previously been changed, as Romanians had to amend their alphabet to appear more Slavic, and less Latin, in their culture (Young and Light 2001: 944). The decision to revert the language back to the Latin spelling created an additional emphasis on the historical roots and ancestral rights the Romanians had to their land. This prominence of the Dacians and Romans as the ancestors to modern Romanians enabled the national identity to develop from a Soviet to an independent one and demonstrates how national identity can be influenced by political decisions and historical contexts. It also led to the more evident highlighting of Romanian ethnography and the subsequent creation of numerous ethnographic collections throughout the nation.

This sudden importance of ethnography is depicted in academic sources, as well as in the data collected in this thesis: the objects from the Gheorghe Cernea case in the Medias Municipal Museum

were of ethnographic nature. The nationalistic discourse adopted by Ceausescu's government to mark Romania's independence from the USSR included the forced relocation of peasants to cities for industrialisation, and the collectivisation of agriculture (Nicolescu 2016: 72). Gilberg (1990: 51) emphasizes how this rapid industrialisation, which was supported by internal migration to areas that had previously been the territory of Germany or Hungary, was reinforced through the unification of the Romanian identity to its peasant past. Thus, the role of ethnographic museums grew, and became increasingly important as the regime developed. Aside from the use of museum exhibitions to emphasize the political and social separation from the USSR, they were further employed in the creation of a unified Romanian identity, depicting the transformation of the nation from a monarchy to a People's Republic (Nicolescu 2016: 72). An example of this is the Ethnographic Museum in Sighetul Marmatiei, which was established around the time when collectivisation was completed, and whose exhibition featured 1,236 objects of all kinds from all around Romania (Iosif 2008: 87). This promoted a narrative of a unified Romanian identity to all those who visited.

Ethnographic objects represented a neutral idea, an empty vessel, which could be filled with the desired political ideology (Nicolescu 2015: 23). The importance of ethnography is also witnessed in other socialist countries, such as the USSR, where exhibitions based on the "People of the USSR" were held, to promote a unified cultural identity and establish the Soviet narrative (Hirsch 2005: 189). Indeed, the governmental support for ethnographic cultural objects resulted in an exponential increase in museums: from 51 in 1970 to 91 ethnographic museums in 1980 (Nicolescu 2016: 75).

Aside from forced nationalisation of these cultural objects, the Communist government employed further means to control the use and display of culture. Nicolescu's (2016: 74) article explores in depth the role of *Decorativa*, a communist-era governmental institution that standardised museum displays and worked with the curators to ensure efficiency. The group was responsible for the design, production and mounting of displays in museums (Nicolescu 2015: 167). This would have aided museum curators in smaller museums to create displays that were of similar quality to larger, more national museums. This was a means for the government to control the narrative and identity that was exhibited, and thereby propagandize museums. Furthermore, the government replaced the curators of the monarchic period, who specialised in art history, and created the *muzeografi* - curators who specialised in materialism and brought a more scientific perspective to the objects displayed. This resulted in the successful insertion of technocrats in the arts sector (Nicolescu 2016: 79).

As stated earlier, the *Securitate* were a constant part of life in communist Romania, and most *muzeografi* were members. They helped monitor the activity of their colleagues and the creation of

exhibitions (Nicolescu 2015: 152). Tancred Banateanu, a former director of the National Museum of Romanian Peasants was placed under surveillance, in particular due to the government's fear that his reading of British philosophers was infusing him with unhealthy concepts and with cosmopolitanism (Opris 2009: 110). This surveillance only ended when he was no longer considered a flight risk (Nicolescu 2015: 155). Thus, the extent of control exercised by the communist government in culture did not exclude the technocrats they themselves placed in the role of power; they continued to monitor their activity and loyalty to the state-sanctioned thoughts.

This new class of curators, working alongside employees from *Decorativa*, led a shift from the decadent museum exhibitions of the pre-communist monarchic past to simplistic proletariat ones (Figure 1). This further empowered the communist government in their desire to create their narrative of Romania as an independent socialist country. Furthermore, it allowed them to propagandize the relocation of peasants to industrial cities, and to control the culture that was presented to the public both domestically and internationally. After the change in political regime in 1989, the *muzeografi* rebelled against the cold materials used under communism, and began to experiment with colours and organic materials in their displays, in order to humanize the museum space (Nicolescu 2015: 29).



Figure 1: A Communist-era exhibition from the Medias Municipal Museum (picture from museum archives).



This chapter section has examined how the Romanian national identity was influenced by political alignments, and how this developed from Gheorghiu-Dej to Ceausescu, and how the desire to distance Romania from the USSR created an emphasis on its Dacian-Roman roots and on ethnography. The control the government exercised on the creation of museums displays, through the use of *Decorativa*, demonstrates the importance of culture in the creation of narrative, and in the legitimization of a political power. The following section will briefly examine the impact Communism has had on present day Romania. This will create an understanding of how the post-socialist country has adapted to democracy and provide context as to why the restitutions of cultural objects of today, as explored in Chapters Two and Four, is a lengthy and complex process.

### **Impact of the Communist period on present day Romania**

One of the greatest impacts the Communist regime has had on modern-day Romania is how slowly it has transitioned to democracy. Indeed, the 1989 Revolution, whilst bloody and violent compared to other Central and Eastern European nations, did not succeed in overthrowing the whole regime. Brett (2015: 45) succinctly summarises the political result, stating: “*when the dust settled, and the new leadership appeared, many wondered if there had been any revolution at all*”. After the execution of Ceausescu, Ion Iliescu (b. 1930-present), along with numerous other former Communist Party members, took control of the government under the pretence of democracy. During his presidency, from 1989-1996 and 2000-2004, the official government policy was a sort of amnesia to the recent past (Ploscariu 2015: 45). However, one thing worth mentioning is that the legislation related to the return and protection of movable cultural heritage discussed previously, no. 182/2000, was drawn and implemented during the presidency of Iliescu. Therefore, it can be inferred that his government did, to some extent, understand the grievances caused by the former Communist party, and attempt to right the wrongs. On the other hand, it can also be interpreted as a politically calculated move, which would gain him further popularity with the Romanian people, and create a distance between his quasi-democratic government and the totalitarian Communist rule.

The unofficial coup carried out by Iliescu and other lower-level communists, ones who had previously fallen out with Ceausescu, resulted in only a quasi-democratic regime (Tismaneanu 2008: 166; Brett 2015: 382). The general Romanian population no longer supported socialist ideas, forcing Iliescu to promote nationalistic ideas and exploit the poor economic conditions to maintain his power (Young and Light 2001: 949). This resulted in a much slower transition to democracy compared to neighbouring post-socialist nations: the former communists in Iliescu’s government were reluctant to relinquish their political and economic power. Even within the museum structure, there were many streams of continuity after the revolution. For example, no staff changes occurred at the National Museum of Romanian Peasants after the regime change (Nicolescu 2015: 36). The lack of trust the

population had towards the government, established during the Communist period, extended to the new government. This lack of trust furthermore encompasses by proxy the museum institutions, as these are often state owned and subsidised. On the other hand, as will be demonstrated in the research by Andrea Zbucea, the museums often do not trust individuals to handle cultural objects, and often cite the need to properly care for and conserve the objects as a reason to deny their restitution. This cycle of distrust creates additional issues to the restitution process.

It was only in 2006 during the presidency of Traian Basescu (b. 1951-present) that the Communist Party and its actions were officially condemned, sixteen years after the Revolution and the death of Ceausescu (Tismaneanu 2008: 166). This was partly motivated by the desire to enter the EU and NATO, which placed constraints on the actions of these political elites (Brett 2015: 386). Whilst the EU cannot be named as an influencing factor in the Romanian legislation no 182/2000 for movable cultural objects, its influence is seen in the increased restitution cases carried out since 2007. The pressure placed by the EU on Romania, both politically and socially, has encouraged the nation to slowly create more change. Nevertheless, the transition is still in place today, and the effect of the Communist period is still noticeable around the country. Whilst in the 1990s ‘decommunization’ was a popular notion throughout nations that emerged from the Iron Curtain, other transitions began to take priority and certain nations fell behind in the public eye (Tismaneanu 2008: 169). The transition from communism to a democratic state impacts all aspects of daily life, from political, to economic, cultural, and social, and therefore it is natural for it to take a certain period of time.

The lengthy delay in governmental condemnation of the Communist regime resulted in numerous smaller reminders of Communism that were left unchanged. An example of this is street and metro signs. *Strada Muncitorului* (Worker’s Street) was only changed in 2006 before Romania’s entry into the EU. The Bucharest metro station *Armata Poporului* (People’s Army) was only renamed in 2009, whilst *Piata Muncii* (Worker’s Square) still remains today. This presents subtle reminders to the communist past and indicates how the nation is coming to terms with it. The issue is also present in current museum exhibitions, and discussions whether to display items linked to the Communist Party. In general, there has been a reassertion of European heritage, and an attempt to link the “Golden Years” of pre-communism to post-socialist society (Young and Light 2001: 948). Naturally, there are individuals who look to the past with nostalgia and argue that many, including pensioners and those suffering economically in the present, were more prosperous under the Communist period. Nevertheless, Brett (2015: 377) summarises a popular sentiment within the nation: “*Many today view the communist period as a uniquely dark one in Romanian history, as an alien system imposed from outside*”.

These two perspectives highlight the divisions still experienced in Romania with regards to the Communist period. Museums tend to not display material from the Communist period, and no memorials or monuments have been erected to remember the past. Some exceptions to this include the inauguration of the National Museum of Romanian Peasants, whose inauguration in the building that previously housed the Communist Party Museum occurred a mere forty days after the death of Ceausescu (Nicolescu 2015: 33). This can be seen as a symbol of victory in post-socialist societies over the propaganda of the communist regime, and a re-claiming of censored space (Ploscariu 2015: 39; Nicolescu 2010: 1). It further demonstrates the importance of ethnography in the creation of a national identity, whether utilised by the communist or post-socialist state.

On the other hand, many museum professionals remain wary of commenting on the actions of their museum in relation to the Communist past, or on the restitutions carried out by their institutions. This was one of the main impediments experienced in the collection of data for this thesis. Often museums would respond negatively to requests for interviews. Similarly, many whom I managed to contact directly were hesitant to accept the request immediately, and would state that they need official approval from their management, or that I needed to apply via legal means to gain access to any sort of information regarding their restitution procedures and cases. The National Museum of Transylvanian History, henceforth the NMTH, which had responded to the written questionnaire, replied to a request for a supplementary interview with a statement that they did not wish to implicate themselves further in this study. Even when details of cases were requested, some, like the NMTH and the Brukenthal National Museum, insisted they could not provide details due to the confidential nature of the court cases. To overcome these hesitations and official obstructions, requests would have to be filed through legal representations. The desire to avoid the subject in official terms, which made the research of this thesis considerably more difficult, indicates how the topic remains a controversial and cautious one to many of the institutions implicated. Gabriela Nicolescu also felt this guarded approach to interviews and questions in her PhD thesis, and observed that investigations into the communist past have strong anti-communist connotations in Romania, resulting in many of the *muzeografi* refusing to openly express their views, and regarding the conversations with suspicion (Nicolescu 2015: 45). These examples demonstrate how in modern times, the communist period still has an impact on various aspects of Romanian culture, and on how openly individuals with state-funded jobs feel they can discuss these pasts.

The crimes committed by Ceausescu's regime are numerous, and therefore the cultural crimes of the Communist Party are often overlooked in literature and studies. Several other crimes, such as those

impacting the economy or the lingering corruption of the political and economic elite, present a much graver issue to Romanian society. Brett (2015: 373) states that since 1989, the country has suffered from economic, social, ethnic, and environmental issues related to the transition to democracy. Issues of culture, and particularly of the restitution of legal property are often overshadowed by the more urgent problems. Even within the issue of heritage, priority is given to the restitution of illicitly confiscated land, with several governmental branches available to help individuals file claims. For this reason, it is important to consider the issue of restitution of cultural objects, and how the procedure can be improved upon to help individuals reclaim their heritage. The following section will examine previous studies that have been carried out on this topic, with a focus on the study of Andrea Zbucea on the restitution of property to rightful owners, both individual and institutional.

### **Past Studies on Restitution of Cultural Objects in Romania**

It is difficult to study the restitution phenomenon in Romania from a scholarly and theoretical perspective, as there is little written by scholars on the issue. It is hoped that this study will create incentive to carry out future research on Romanian museums and their policies regarding the restitution of cultural objects. In the recent past, Alexandra Zbucea (2015: 15) carried out a similar study, with a focus on the restitution of immovable cultural heritage. Her survey was significantly larger and more detailed, as it was carried out over thirteen years, and on a larger scale across Romania. Her study is useful in gaining information on the subject, however the focus on immovable cultural heritage results in a gap in research concerning movable cultural objects.

Overall, her study demonstrated that museum professionals supported the right of ownership, but were concerned for the welfare of the objects returned. Statistics revealed that 79% of participants' deemed objects that formed the national cultural patrimony should not be returned (Zbucea 2015: 15). Instead, 84% confirmed that former owners should instead be compensated monetarily, and 75% of museums professionals expressed worry over the fate of the returned objects, believing that the owners wished to sell them and gain various financial benefits (Zbucea 2015: 15). These statistics illustrate a general distrust of those individuals who file restitution claims. According to Faracsiu (2018), this distrust is due to a loophole in the legislation utilised by bad-faith purchasers of litigation rights, and often connected with a property mafia.

This property mafia is written about in several newspaper articles. Most critiques the length of time it takes for these restitution claims to be resolved, with many individuals choosing to sell their property for little money rather than apply for restitution themselves. This results in a new breed of rich citizens, who are given the title of property middlemen, a self-made property mafia dealing with land nationalised by the Communist government (Deacu 2016). These, together with complications or

alleged corruptions in the ANRP procedures, result in certain individuals being compensated monetarily twice, whilst others wait years for their claim to be approved judicially (Deacu 2016). Another article quotes that only a quarter of claimants are compensated, and those that are receive payment by preference as opposed to chronologically (TVR.ro). This concern over the property mafia was also voiced by the Medias Municipal Museum, in their critique of the current legal process of restitution.

Indeed, corruption was proven in restitution institutions as well: in 2011 the Vice President of the ANRP, Remus Baciu, was arrested for corruption. This was due to the notification that sixty claims amounting to 145 million euro had been paid out, whilst other claimants were delayed and redirected by bureaucracy (TVR.ro). This further encouraged rightful property owners to sell their disputed land to the mafia, as they believed they would not receive any monetary compensation by the state. This indicates not only how complex the application for restitution can be, but also how corruption and economic elites, many born in the post-communist transition but still used to communist practices, can influence the outcome of these claims. However, these critiques and issues only concern immovable cultural property. In other words, this is related to houses and public buildings that have been taken out of the care of the state and heritage professionals and given back to the private citizen, and not to the return of movable cultural objects. The issue of immovable cultural heritage restitution will be discussed further in Chapter Four, with a focus on the Brukenthal National Museum.

There is no overarching data collection concerning the exact size of the restitution phenomenon in Romania, particularly regarding movable cultural property. However certain museums like the National Museum of Art have published their statistics. At the beginning of 2015, over two thousand objects were restituted from the National Museum of Art, with numerous others still pending litigation (Zbucea 2015: 13). This demonstrates how vast the issue may be and, due to a lack of transparency, often simply not known to the general public.

Overall, Zbucea (2015: 9) argues that there appears to be a negative notion of restitution within the country, with many museums commenting on the opening of floodgates of requests. This is an argument similar to ones used to defend the collections of universal museums, which hinges on the idea that granting restitution claims will result in numerous subsequent claims and the outcome would be an emptying of the museum collections. This fear originated post World War II with the return of the Ghent altarpiece, when museums became worried they would be inundated by delegates of other countries ‘clamouring to have their treasures returned’ (Nicholas 1994: 408). This shows that, whilst the scholarly discourse of post-modernism increasingly encourages the need to return objects to their

rightful owners and cultures, in the practical application of restitution many institutions and individuals alike hold a different opinion.

In the case of Romania, this argument includes an concern related to goods that had been donated in good faith in the past that are now claimed as being taken under pressure (Zbucea 2015: 10). This presents an interesting conflict, and one that is difficult to prove right or wrong. As will be seen in the analysis of the data in Chapter Four, the Medias Municipal Museum faced issues regarding a lack of detailed object inventory. Nevertheless, the amount of care given to this issue would vary across the country, and would vary based on the size of the museum. This can be exemplified in a comparison between the Brukenthal Museum and the Medias Municipal Museum, where the latter reported a severe problem with the inventory, whilst the former did not consider it an issue. This could further indicate differences in treatment of cultural objects between a national and a local museum in the Communist period: whereas one was given more prestige and more detailed registrations of cultural objects, the other did not receive as much attention. When the details of how the object was introduced into the museum collection is not available, it is difficult to state whether the object was indeed donated in good faith, or taken illicitly. Stefu (2017: 121), the curator of the Medias Municipal Museum, remarks on the pervasive nature of this issue, stating that some objects in collections are registered only in summary, and confusion can be caused by this lack of detail.

Certain examples of restitution in Romania are portrayed in written sources and the media. In 1998, a large hoard of 3,600 Hellenistic gold coins was looted and illegally exported from the country; only thirty-four pieces were later recovered from dealers in the UK, Germany, and Romania and returned as national patrimony, now on display at the National Museum of Romanian History (Lazar 2015: 108). INTERPOL aided officials in the search for the missing items. Another example of this is the Memorial Museum Octavian Goga in Cluj-Napoca, where Goga (b. 1881-1938), a Romanian poet and politician, donated his private possessions to the state. These included furniture, paintings, jewellery, and manuscripts. In her study, Zbucea found that the three most valuable objects were in the midst of restitution claims. When questioned on the subject, Dr. Ilea, a museum employee, stated that the donation had been perfectly valid and had had nothing to do with the Communist regime enforcing it (Zbucea 2015: 21). Furthermore, he considered that the move to privatise the objects would jeopardise the conservation of the objects, and it would represent a great loss to the local and national community (Zbucea 2015: 21).

Museum professionals at the Art Museum in Brasov voiced a similar opinion. There, between 2010 and 2013, around twenty-five pieces of art were returned to their rightful owners. The most notable of the objects, which included paintings and sculptures, was Anton Chladek's *Portret de femeie*

(Zbucea 2015: 25). One employee replied to Zbucea's survey that any restitution where museum conditions do not exist at the claimants' location is a grave danger to the conservation of the object, in particular regarding the radical changes in the microclimate (Zbucea 2015: 25). These findings demonstrate a perspective that differs from the late-modern heritage discourse: that museums are seen as the rightful stewards of all things archaeological, and that non-museum entities would not be able to conserve or take care of the objects as successfully.

These cases, along with the statistics and commentary provided by Zbucea's study, can be compared to this study's findings of how Romanian museums carry out the restitution of cultural objects, seen in Chapter Four. It is interesting to compare the two studies, as they appear to complement each other. Zbucea's study focuses on immovable cultural heritage, and places a partial focus on movable cultural heritage. Additionally, her study is much more in depth, containing a significant number of participants and carried out over a long period of time. In contrast, this study is carried out on a much smaller scale, on a shorter timeline, and focuses on the practices of restitution of movable cultural objects, their acquisition, and the extent to which the Communist regime had an impact on the collections of the two focus museums. The emphasis on a national and local museum creates a comparative element that sheds some light on how these two institutions can differ, alongside the more general information provided by other participants. Together, the two studies create a more comprehensive understanding of restitution in Romania, and present a stepping-stone in to future research.

## **Concluding Remarks**

This chapter has explored the historical context of communism in Romania, and the ways in which it still impacts today's society. The effects of communism are still evident in numerous aspects of modern day Romania, as the transition to democracy was relatively slow compared to other post-socialist states. The government immediately following the 1989 Revolution was a conglomeration of lower-level communists led by Iliescu, who took advantage of the economic and political disarray of the nation. Since Romania became a member of the EU there have been increased pressures to further democratise the country, and to fight the high level of corruption encouraged after the fall of Ceausescu. These gradual transitions, which are still occurring today, impact the process of returning stolen objects to the rightful owners. This is more evident with the restitution of land, wherein the Vice President of the ANPR was imprisoned for corruption related to the payment of monetary compensation. This corruption and complex bureaucracy are remnants of the post-communist period, where a political and economic elite who were reluctant to renounce their positions, now filled the power vacuum.

This chapter also considered how national identities can shape and influence museum collections. The ways in which both Gheorghiu-Dej and Ceausescu changed the focus of the Romanian national identity to reflect their political beliefs demonstrates how malleable it is. In particular, the attention placed on ethnography and folk art under Ceausescu helped distance the Romanian identity from the collective Soviet one. The sudden rush to establish more ethnographic museums, and the standardisation of museum exhibitions through the works of *Decorativa* illustrates the role museums had in the establishment of a Party-approved national identity. The utilitarian exhibition styles, so different from the previously decadent, monarchic ones, further established the proletariat and communal nature the Party wanted to emphasize. This could be considered a form of censorship, particularly when many of the *muzeografi* were under surveillance or were aiding the *Securitate*.

It is relatively simple to imagine museums as vehicles for political propaganda, as they are often the bastions of culture, and are the places where people visit to understand local and national histories. Nicolescu (2015) concentrates on the symbolism presented by ethnographic objects for Romania, as empty vessels that could be filled with the desired political meaning. The government under Ceausescu wanted to create a heavily collectivized and industrialised nation, bringing the peasants to the cities to work in factories. The ethnographic museums helped encourage this, by created a historicised notion of the old Romanian peasant life. This created a barrier between the past and the future, with the future being a source of major focus for the Communist Party. The future was idealised as an egalitarian, industrial, and proletarian society. Aside from re-writing the narrative past of Romania, placing an emphasis on ethnography also created a contrast between the People's Romania and the pre-communist monarchy. The importance of ethnographic objects is demonstrated in the questionnaires and interviews carried out in this thesis, particularly that of the Medias Municipality Museum. Many of the objects forcefully nationalised by the government between 1940 and 1989 were ethnographic in nature. Thus the link between national identity and museum collections in Romania is evident, and the link between current restitution claims and the Communist regime becomes more marked.

This link is somewhat explored in previous studies, however none explore the link between the Communist period of current restitutions of movable cultural heritage. Many scholars examine the Communist period in general, with much focus on the political, social, and economic impact of the regime. Gabriela Nicolescu studies the impact of the Communist regime on museums in depth, and has written several articles on the cultural impact still felt today. Her PhD thesis on the National Museum of the Romanian Peasant in particular considers how communism has influenced the museum in the past and in the present (Nicolescu 2015). The study by Zbucnea (2015) is the most



relevant to this thesis, as she examined the restitution of immovable cultural heritage in a large study across Romania. This thesis compliments her study, by adding the additional examination of movable cultural heritage, and focusing on the two museums: Brukenthal National Museum and the Medias Municipal Museum. The following chapter will analyse the data gathered, followed by a discussion on how restitution is carried out that the participating museums.

## **Chapter Four: Case Study**

This chapter will examine restitution of cultural objects within the modern state of Romania, and the ways in which the fall of the Communist regime in 1989 potentially affected these cases. The data will illustrate the judicial approaches of these museums regarding the process of restitution, and the extent to which it is carried out.

### **Background**

The first section will provide historical and contextual information on the participating museums. The Brukenthal National Museum and the Medias Municipal Museum will be presented in greater depth as they provided interviews for this thesis.

#### **Brukenthal National Museum**

The first museum interviewed is the Brukenthal National Museum in Sibiu, which opened to the public in 1817 with a private collection of cultural objects, including paintings, manuscripts, and sculptures, belonging to Samuel van Brukenthal (Figure 2). As such, it is the oldest museum that participated in this thesis research, from both interviewed and surveyed museums. Its location, similar to that of Medias, in Transylvania means the region experienced multiple changes in cultural identity in the 20<sup>th</sup> century. As part of the Austro-Hungarian Empire until Romania's unification, and Samuel von Brukenthal being a Habsburg governor between 1774-1797, much of the original collection held an Austro-Hungarian cultural identity until 1918. After the death of the last male heir in the Brukenthal family the collection was donated to the Evangelical Church of Sibiu.

The museum itself was nationalised during 1948, and became property of the Romanian Communist State under the leadership of Gheorghiu-Dej. Later, in 1988 under the orders of Ceausescu, the Museum of History in Altemberger House was inaugurated, and remains to this day the place where historical and archaeological objects are displayed and stored. This inauguration occurred at the height of his intense policies and re-structuring of the Romanian nation, prior to the 1989 Revolution. Thus, the Brukenthal National Museum is an interesting case to study; its age means the collection is more varied and developed, and yet the Communist regime altered the set-up of the collection by opening the Altemberger House as a separate section of the museum complex. This implies that the collection was also potentially re-organised to reflect the political ideology of the regime.

The Altemberger House collection today is relatively large at over 200,000 pieces from various time periods and typologies, with the archaeological collection alone numbering 120,000 pieces (Appendix 4). Overall, the Brukenthal National Museum estimates their collection at over 1,000,000 pieces.

When examining the website of the museum, the current permanent exhibition was created in 2006, and covers local history from the Palaeolithic period to the national emancipation movement of the region in the 20<sup>th</sup> century. An interesting factor is that the collection does not acknowledge the Communist period. This reflects back to the issues post-socialist nations have when dealing with the past, discussed in Chapter Three. The way in which the museum will choose to display the region's Communist past, if it does choose to do this in the future, will be interesting as it will illustrate how the institution handles the controversial period.



**Figure 2: Exterior of Brukenthal Palace, the main building of the museum (<http://www.brukenthalmuseum.ro/europeana/01.htm>).**

The order in which the categories of collections are presented on their website is also interesting. The first two are the ancient and medieval lapidarium, respectively, followed by weapons and armoury, the national movement of the Romanians in Transylvania, and finally the evolution of humans. Whilst this does not reflect an order in which the objects are exhibited, it does indicate the collections they consider most important. It also supports the emphasis of the 'golden' Dacian-Roman past reminiscent of the national identity promoted by Ceausescu. This recalls the discussion on the impact of politics on the national identity, in Chapter Three. This emphasis on lapidariums, and Dacian-Roman cultural objects, is also illustrated in two other contributing museums: the National Museum of Transylvanian History, and the National Museum of Romanian History, who both participated via written questionnaires. Their responses highlighted these collections, above the ethnographic ones of their museum. This indicates that the museums consider these to be of greater interest to the visitor, as

opposed to folk art material, denoting a change in perspective from the heavily ethnographic museums of the Communist period.

The visitor numbers of the museum fluctuate greatly. According to the museum's 2017 Activity Report, the museum welcomed 490,108 visitors in 2017, up from the 261,554 visitors in 2016. The highest number since 2012 was experienced in 2013, when a total of 739,378 people visited the Brukenthal National Museum. These numbers are important to consider; the museum is state run, therefore, when the number of visitors increases the amount of funding received also increases. According to their 2017 Activity Report, in 2014 the museum received 4,758,000 lei (c. 1 million Euro) from the state, which increased significantly to 27,855,700 lei (c. 6 million Euro) in 2017. This confirms that the Romanian government is slowly increasing its funding to certain cultural institutions, particularly for national institutions like the Brukenthal Museum. Increased funding implies greater ability to conserve the objects in its property and to enlarge the collection, among numerous other administrative activities.

The museum is relatively transparent about the fact that restitutions are constantly on going in their institution, with Activity Reports available online for every year. Nevertheless, these cases are referred to only vaguely. In 2014, the report states that due to restitution procedures, the inventories and deposits had to be re-structured. This was repeated in the 2017 report. The report itself is very detailed in all aspects of activity carried out in the museum, yet falls short when discussing restitution cases. A meeting on the 15 January 2015, and on 21 July 2016, are described briefly regarding the return of cultural goods to the Evangelical Church of Sibiu. Furthermore, the report states that in 2017 fourteen objects were placed on the list for restitutions. However, when asked to elaborate on these cases the museum stated that it is confidential information. This was also experienced during the interview with the General Director, Dr. Sabin Adrian Luca, who did not consent to a semi-structured interview, and rather provided answers to questions he deemed relevant. Dr. Raluca Teodorescu, the head of the Archaeology section, who responded to the written questionnaire, agreed to participate but was cautious in the responses regarding their restitution cases.

### **Medias Municipal Museum**

The Medias Municipal Museum, in central Sibiu County, first opened in 1901 and was nationalised in 1948. In contrast to the Brukenthal, is of local importance. Similar to the building of the Brukenthal Museum, it is housed on property owned by a church, this time the Roman Catholic Church. The museum still shares the building with the Church today. Thus, already a noticeable difference is evident between the two interviewed museums; whilst the Brukenthal National Museum originated from the 19<sup>th</sup> century, the Medias Municipal Museum opened in the 20<sup>th</sup> century and experienced a re-

structuring under the rule of Ceausescu. Furthermore, Figure 3 illustrates the differences in size between the two: Brukenthal resides in a palace, whereas the Medias Municipal Museum has a much smaller budget, and its appearance denotes its local status.



**Figure 3: Exterior of Medias Municipal Museum.**

The collection is smaller than Brukenthal's, at 30,000 pieces, but covers the disciplines of archaeology, ethnography, and natural sciences (Appendix 3). The focus on ethnography is more evident here: the ethnographic exhibitions are located on the ground floor, and are among the first objects witnessed by visitors. These focus on the agricultural and traditional culture of the Valea Tarnavelor, the valley in which Medias is situated. Interestingly enough, its ethnographic collection includes Romanian, German, and Hungarian cultural objects. This illustrates the variety in cultural identity found in the region, and the museum chooses to display all of them. The ethnographic department is larger than the archaeological one, which could indicate a preference for ethnography during the time of the museums' inauguration. This was explored in greater depth in Chapter Three, where the link between the Communist regime and ethnographic objects was demonstrated. These would have enabled the museum to portray to the public an image of the hardworking Romanian peasant, which supported the government's future plan for a proletariat and industrialised nation.

However, it could also be due to the fact that the region has less archaeological material, and thus the ethnographic objects are greater in number. The archaeological department is divided chronologically, in: prehistoric, classical, medieval, and modern objects. Similar to the Brukenthal Museum, the modern section focuses on the independence movement of the 19<sup>th</sup> century, and does not cover the Communist period.

The archive of the museum contains documents from 1950, and therefore mostly documents from when the museum was a state-funded museum.

### **Other Museums: Questionnaire Participants**

The National Museum of Transylvanian History in Cluj-Napoca opened in 1937 and holds a collection of over 400,000 objects focused on Transylvanian history. These include a Roman lapidarium with 700 pieces and an Egyptian collection of 660 pieces. The museum is a member of ICOM and has experienced both restitution and unprovenanced objects. The Moldovan National Museum Complex, in Iasi, opened its doors in 1955. The museum is a member of ICOM and has reported cases of restitution, but none regarding unprovenanced objects.

Bran Castle, in Poiana Brasov, is unique in the study as the only private museum. It was the private residence of Princess Ileana until 1947, when it was forcefully taken into state property following the exile of the royal family. Its doors opened to the public in 1957, and it holds a varied collection: furniture, paintings, drawings, and sculptures from various historical periods. However, due to its status as a private museum it does not hold ICOM membership and has no objects where the provenance is unknown. Finally, the National Museum of Romanian History, opened in Bucharest in 1970, is a member of ICOM and has reported instances where objects have unclear provenance. The collection is among the biggest of the participating museums, at 750,000 objects, and includes ceramics, numismatics, manuscripts, and a Treasury. Particularly important is the Treasury, which holds over 3,000 objects of unique cultural value originating from previous civilisations on Romanian territory.

This background examination of the participating museums brings to light several things. Four of the museums studied are national museums, implying they have a greater amount of funding and larger collections. Only one museum is of regional importance: Medias Municipal Museum. Aside from Bran Castle, three of the museums were opened under the Communist regime, between 1940-1989. The National Museum of Romanian History is particularly interesting, as it is the principal museum in Bucharest, where the Communist regime was based. The types of collections, and ways in which the museum was run, could potentially indicate the aims of that government in the nationalisation of

portable cultural heritage. Unfortunately, the museum was relatively vague in their response and refused an interview, stating that it was not possible to provide additional information on any of their restitution cases.

## **Presentation of Results and Analysis**

This section will present the data collected in the study regarding the Brukenthal National Museum and the Museum Medias Municipal. It will break down the six interviews into the various subject segments, and examine the responses of the participants. This will contain, where the museums agreed to share additional documents, an in-depth examination of the restitution cases. Alongside the Brukenthal National Museum and the Medias Municipal Museum, one interview was carried out with head of the archaeology department at the National Museum of the Union in Alba Iulia. This was to demonstrate the uniqueness of each museum, and how the issue of restitution does not affect all institutions across Romania the same way.

In addition to the museums interviewed, answers provided in written questionnaires by the seven other museums are included. Whilst not all museums responded with the same level of details, their answers can provide an additional, albeit superficial, understanding of the restitution cases across the country. In particular, the Moldovan National Museum Complex omitted answering several questions. This is also true for the interview with the Brukenthal National Museum director, in which not all questions were responded or addressed by the Director, Dr. Sabin Luca. Nevertheless, he provides an interesting insight into the issues facing the Brukenthal museum, and focuses more on immovable cultural property being returned.

Three main subject areas were identified in the interview transcripts with the museums: the acquisition procedures; the way in which the government imposed and still imposes itself in the museum activities; and the restitutions. The data gathered on these four themes will be examined here, and will be followed by a discussion on the significance of the findings in the subsequent section.

### **Acquisitions made by the museum**

The participants interviewed contemplated the manner in which objects entered their collection, and how this has developed since the 1989 Revolution. This theme relates to the issue of restitution because the method through which the collection is enlarged impacts current claims; if objects are obtained illicitly, or under suspicious circumstances, current claimants have the right to obtain the return of these objects. The Medias Municipal Museum was the most descriptive with their procedures, and how these changed. The two *muzeografi* interviewed, consisting of the heads of

archaeology and ethnography, provide a well-rounded picture of how their museum enlarges its collection. They mention how the museum held additional funds prior to 1989 for their collection, and how this has decreased significantly in the last thirty years.

Viorel Stefu, the curator of the archaeology department stated that: *“nowadays, this type of fund remains only at the main museums, the big ones. And that is why from 1989, our museum has not had any more access to the annual fund (...) making it very difficult to acquire new objects (...) donation is the main method of enlargement nowadays”* (Appendix 2). The statement made by Diana Macarie, the curator of the ethnographic department, that only two purchases were made in the recent past, supports the argument of Stefu. These two paintings contrast with the numerous purchases and donations carried out in the 1970s, which she labels *“the richest years for the ethnographic department at the museum”* and argues, *“the government no longer invests in smaller museums”* (Appendix 3). Indeed, the Communist government provided more money to the small museum, due to their *“intention to enlarge this part of the cultural patrimony of the museums within the area”* (Appendix 2). This political initiative is covered below, in the second theme examined.

Although the interview with Dr. Luca does not cover this topic, Raluca Teodorescu, head of the archaeology section at Brukenthal, provides some information on how their museum carries out current acquisitions. In her response, she states that *“a purchase report is made by a specialist of the domain of the object, which is approved by the management”*, and that these purchases are certified by the Ministry of Culture and the institution’s budget (Appendix 4). She does not comment on the way in which this differs from the procedure pre-1989. From interviews with the Medias Municipal Museum, in particular Diana Macarie’s statement that *“the government no longer invests in smaller museums”*, it is implied that funding continues for national museums. Therefore, the procedure to acquire objects should remain quite similar for the Brukenthal National Museum, with consistent support directly from the Ministry of Culture.

In contrast, the National Museum of the Union stated that almost the entirety of their collection originates from archaeological research, both systematic and rescue. Cristinel Fantaneanu, the head of the archaeological department at the museum, stated that through a legal provision the *“museum can give 30% of the value to the individual who found it”* but that according to Romanian laws everything below the soil is the property of the State (Appendix 5). Thus, the museum does not make active purchases and relies on archaeological excavation to enlarge the museum collection. The only difference to how they acquired objects before 1989, he stated, was that *“after 1990 there were fewer funds available for systematic archaeological research”*, however this is offset by the increase in rescue archaeology carried out in the past decade (Appendix 5).



If comparing these in-depth interviews with the surveys received from the other participating museums, a pattern becomes evident: the larger museums continue to receive high levels of state funding for object acquisition, whereas funding for smaller museums has decreased steadily. Museums such as the National Museum of Transylvanian History still have the Museum Procurement Committees, which gather necessary funds from the Ministry of Culture, and encourage the expansion of collections (Appendix 6). The National Museum of Romanian History, the largest in the country, also cites the use of these committees, and emphasizes that there are “*no notable differences between how items are acquired today as opposed to before 1989*” (Appendix 7).

The greatest issue concerning current acquisition processes remains a financial one, in which the current government does not supply enough funds to the public museums, in particular the local ones, to help expand the collections. During the Communist period, the state Committees placed in the museums to help carry out these purchases provided a greater support to the institutions. Interestingly enough, none of the participants mention any objects brought in as a result of forced nationalisation during the Communist period. This could imply that these forced nationalisations were not frequent. However, the restitution cases reported by the participating museums all relate to objects that were illicitly confiscated from the owners and placed in museums. It is noteworthy to contemplate the reasons why these museums do not consider these forced entries into the collection as part of the Communist-era policy.

### ***Provenance of Collection***

Related to the acquisition procedure is the extent to which the museums in question are aware of the provenance of their collection. Knowledge of an object’s origin signifies that they are aware of its history, and of how the object entered their collection. If an unprovenanced object is part of a restitution claim, it cannot be proven for certain whom it truly belongs to. At the Medias Municipal Museum, Viorel Stefu states that: “*the register we have now is from 1949*”, and Diana Macarie emphasizes how “*this is a very big problem for us, because we often do not have the necessary information*” (Appendix 2; 3). In contrast to objects from local Romanian donations, those of Saxon origin are more detailed in documentation, and better organised (Appendix 3). This disorganisation of inventory and objects that are not properly registered could hinder restitution cases, and make it more complex to determine whether an object entered the collection. As will be illustrated below with the Gheorghe Cernea case, the incomplete register of the Medias Municipal Museum resulted in five objects, which the descendant of Gheorghe Cernea insisted were part of the collection, but could not be proven to have entered the collection with the rest of the contested objects. Thus, their return to the Cernea family could not be legally justified. In this case, the lack of known provenance, which

originated from the entry of the objects into the museum collection under the Communist period, directly impacted a current restitution case.

However, not all museums have unprovenanced objects. As stated earlier, the National Museum of the Union enlarges its collection through archaeological research, both systematic and rescue. Thus, Cristinel Fantaneanu stated: *“in general, the origin is known because after the object enters the museum it is registered in the inventory and enters the archives”* (Appendix 5). Similarly, Raluca Teodorescu from the Brukenthal National Museum reported they have no cases of unprovenanced objects (Appendix 4). In the interview with Dr. Sabin Luca, although he focuses on the problems the museum has experienced with the restitution of immovable property, he discusses the addition of cultural objects in the official patrimony list. This, he says, is vital for restitution cases, as these *“cannot be carried out if the object is not entered into the list”* (Appendix 8). Indeed, *“if the object is classed on the official patrimony list, we are entitled by European law to claim the item back”* (Appendix 8). This procedure, although referring more to the return of patrimonial objects from abroad, indicates the importance of proper registry and classification. Dr. Luca states that it takes around two and a half years for each object, but that the complex nature of the procedure is good as it ensures mistakes are not easily made (Appendix 8).

This once again demonstrates a difference in methodology between the national and municipal museum: whereas the Medias Municipal Museum faces many difficulties with their incomplete registry, the Brukenthal National Museum has a well thought-out procedure that results in a collection with known provenance and a complete registry. However it also indicates that, if a restitution claim is made against the Brukenthal National Museum, they cannot state whether the object entered illicitly. When comparing these answers to those of the written surveys, it shows that numerous museums experience unprovenanced objects, and those that do have a process set up through which to try to pinpoint their origin. This indicates that the museums are aware the importance the object’s provenance has, both to enrich their collection and to understand how it entered their collection.

### **State involvement in museum activities**

The second significant theme that was evident from the responses received was the way in which the Romanian state involved itself in the museums, particularly during the Communist period. This is particularly evident when considering the interview with Viorel Stefu at the Medias Municipal Museum; he goes into great depth on how the Communist regime promoted a certain type of history, with an emphasis on a cult of Romanian heroes. This cult, based on the likes of Mihai Viteazu, Stefan cel Mare, and other well-known historical figures, was conceived in order to set up *“a history that*

*suited their interests that we [Romanians] were the best, (...) and used it to developed a sense of nationalism”* (Appendix 2). He goes on to elaborate on how this selective history impacted the themes exhibited at the museum in Medias: *“in 1949, when all objects and collections were nationalised by the government, and the state museum was formed, all objects in question were closely related to the local Saxon community and culture. The transformation to the public, state-owned museum changed everything: the Saxon community became virtually erased from the museum record. A model of exhibition came up from Bucharest, which influenced how these were set up”* (Appendix 2). An interview with a former *muzeograf*, Doina Comsa, who worked at the Municipal Museum Medias during the Communist period, supported the idea that the state involved itself in the museum. She stated that: *“at some point, I could not tell when, but anyway it was under Ceausescu, there was a process of refurbishment, and reorganisation of the history exhibitions”* (Appendix 9). Viorel Stefu further supports this refurbishment, stating: *“they introduced a uniform style of exhibition, which aligned with their political objects, and emphasized the national history”* (Appendix 2).

These statements indicate that the Romanian government was involved in the museum exhibitions, and had a say in what they exhibited. This should not be too surprising, as it still happens today: the museum is state-owned and they still depend on the government for funds. Whenever certain cultural objects are desired, or when an exhibition is to be created, approval is still sought from the local town hall. However, the main difference is that today the government is less controlling over what is exhibited. What is important to note, is how the political stance of the communist government influenced the museums as institutions. The erasure of the Saxon community in Medias and the emphasis on national history and Romanian heroes created a written history that was approved by the regime. This involvement was also evident in other aspects of the museum: the *muzeografi* *“visited factories and farms to speak to the workers about national history, a version that was approved by the government. This included exhibitions on agriculture, which was something that did not belong in a museum”* (Appendix 2). Indeed, Viorel Stefu states that: *“among the first exhibitions created in Medias were in support of the ideas of construction, housework, agriculture, and the tovarăș [comrade]”* (Appendix 2). Thus, by government orders, the *muzeografi* had to create exhibitions, both permanent and travelling, which placed a focus on the importance of collectivisation and industrialisation, in a bid to convince the locals of their socialist beliefs.

The Medias Municipal Museum was more forthcoming with regards to this topic, and provided an in-depth understanding of the extent to which the government influenced the exhibitions at their museum. In contrast, the Brukenthal National Museum did not wish to respond to this question. However, from the interview with Doina Comsa it is hinted that the *muzeografi* at Brukenthal were the superiors of the ones at Medias. She stated: *“regarding the thematic decisions, I made these myself,*

*although a colleague helped me from Brukenthal and lent me a thematic model. (...) I created the theme of the exhibition, and after I sent it to [him] for approval. He was my superior. At Brukenthal my model was studied and observations were made, which I obviously took into account"* (Appendix 9). Thus, from this answer it is implied that Brukenthal was in charge of ensuring certain themes were exhibited, which were, by proxy, state-approved. Brukenthal interviewees did not comment on this when inquired.

Individuals were promoted to higher positions in the management of the museum if they suited the communist outlook. This was particularly true for the first director of the museum at Medias, Constantin Coros, who was an auto mechanic, and the first director of the National Museum of the Union, who was a hairstylist (Appendix 2b). Members of the cultural intelligentsia were shunned from these potentially powerful social positions, and priority was given members of the lower class. This further highlights the emphasis placed on the working class by the Communist government, and how they sought to replace all individuals who could oppose their ideology. This goes together with the creation of the *muzeografi* and replacement of the traditional art-historical curators, which is explored in greater depth in the discussion section.

Diana Macarie also commented on the reach of the government, stating: *"in documents in the archives, I found how muzeografi were given written instructions for how to create x and y political event at the museum. They had to create exhibitions and speeches that followed the guidance of the political party"* (Appendix 3). In contrast, Doina Comsa argued that representatives of the government, such as the mayor, *"were not really bothered"* about the activities of the museum, aside from the openings of bigger exhibitions, where *"a ceremony was held with the mayor at the head of the show"* (Appendix 9). Thus, it is difficult to ascertain the extent to which the government involved itself. It is possible that today's *muzeografi* are inherently biased against the communist period, and overestimate the level of influence that was exercised. Nevertheless, there is abundant evidence that the government, and their political ideology, impacted the museums as institutions. From the promotion of working class individuals to positions within museums, to the erasure of non-Romanian culture in preference of a nationalistic narrative, the communist government had an effect on what museums exhibited. By controlling what the museums exhibited, the government also influenced what types of objects were entered into the museum collection. Thus, restitution cases of objects taken during the Communist period would reflect a more nationalistic, and working class, culture. As will be seen below, in the Gheorghe Cernea case at the Medias Municipal Museum, these objects were of ethnographic origin, and represented the local Transylvanian peasant culture. Furthermore, aside from this emphasis on nationalistic history, the government involved itself in the activities of the museum through the institution of the *Decorativa*, a state-owned firm that helped in the creation and design of

exhibitions. The institution “*counselled the style of museum installations (...) they encouraged certain aesthetics and interior architecture*” (Appendix 9).

### ***Decorativa***

A brief mention of the institution is essential, as it is one of the ways the Communist government extended its control over museum exhibitions. Collaboration between the museum and *Decorativa* would indicate definitive political influence in the heritage sector. It would be a means through which the Party-approved nationalistic history and censorship of certain historical figures or communities could be ensured. However, from the interviews carried out it is evident that *Decorativa* only collaborated directly with larger museums. Viorel Stefu states that at Medias there was only an indirect collaboration, through the occasional employment of a designer named Muresan, who was also employed by *Decorativa*, however “*there was little interdisciplinary action in which we worked with a designer from outside (...) that is, there was no agreement between the Decorativa and the museum in which they came and developed our exhibitions*” (Appendix 2). Doina Comsa supported this, stating that: “*We did not get to work directly with the Council of Culture and Socialist Education [former Ministry of Culture] (...) we tried to do everything locally, we did not get materials sent directly from the state*” (Appendix 9). Thus, the museum at Medias claims it did not directly collaborate with them.

Cristinel Fantaneanu, from the National Museum of the Union, argued that it was only at larger museums that this collaboration occurred directly. He stated: “*as far as I know, and although I was not employed in a museum at the time I visited many museums with my school, a lot of work was done with Decorativa. I also heard about this collaboration when I worked at my old job in Râmnicu Vâlcea. And I think here, at Alba, they also collaborated*” (Appendix 5). Thus, at the larger museums the institution had a hand in the museum collections and exhibitions. These were likely considered more important to the political ideology of the government as more people visited these museums, and more control was invested in them. On the other hand, municipal museums like that of Medias, which according to Doina Comsa were considered third tier, as opposed to national and county museums respectively, did not experience this level of governmental control over exhibitions. Thus, it is important to understand how museums were affected differently by the Communist regime, and by extension the restitution cases they experience today can differ vastly. Larger museums had more governmental control, larger collections, and were more attractive to the state in an attempt to promote their cultural ideas. Municipal museums, on the other hand, were not awarded the same level of attention and were not controlled to the same extent. Thus, it could be presumed, that larger museums have a greater number of restitution

cases of objects that illegally entered their collection during the Communist regime; if the state focused its attention more on these national museums, they were bound to hold these confiscated objects. However, as the following section illustrates, both Brukenthal National Museum and Medias Municipal Museum experienced restitution cases in recent times. Therefore, whilst the influence of the government was greater in one type of museum, the government placed stolen objects in institutions of both local and national importance.

### **Restitution of Cultural Objects**

The final theme evident in the interviews is the procedures of the museums regarding restitution claims, and by extension restitution cases that they had experienced. This was a delicate subject to breach directly during the interviews, as it remains a controversial topic in Romania as a whole. This is evidenced simply by the difficulties experienced in trying to convince museums to participate in this study. As explored in the Methodology section, numerous museums refused outright, or were hesitant to agree to participate. The ones that were hesitant to participate did not wish to represent their institution and would refer me to a colleague, who would refer me to somebody else; museum professionals seemed wary of giving specifics of restitutions their institution has experienced. This makes the data gathered quite limited, yet all the more important: it is evidently a topic that affects both individuals and institutions, and it must be discussed more openly to normalise it.

In contrast, the Medias Municipal Museum was very open to discussing both their experiences and procedures, and the state of restitution in the country in general. Viorel Stefu, as both the head of the archaeology sector and the main curator of the museum, provided the most details regarding this. He stated that: *“overall, the majority of restitutions made, as far as I know, are for cases related to the establishment of the communist regime in Romania, and the moment in which they confiscated private property (...) the target of the legislation on restitution of property is therefore only to return that which was considered confiscated by the communist regime. I do not think there are objects that were not confiscated by the Romanian state up for restitution”* (Appendix 2). He goes on to state that: *“the only way to resolve this wrong is through the legal path. The person must prove through documentation that he was the legal owner of the object, or is the legal heir, and only then can he proceed to the legal court (...) it is only after the judicial decision that the museum can return the cultural objects – it cannot be done before it is legally permitted”* (Appendix 2). Here, the focus on the legal dimension is evident, as he states that nothing can be done until it is legally permitted to take the objects out of the collection. Two survey participants also demonstrate this importance of the law: Bran Castle and the Moldovan National Museum Complex. The Moldovan National Museum Complex provides a somewhat detailed account of their procedure: to carry out a restitution claim,

they require the name of the two parties, along with the legal title of the object in question, a description of the cultural item, and a statement of conservation (Appendix 10). Bran Castle is a slight anomaly in data, as they are the only private museum to participate. This makes for an interesting comparison to the other participating museums. As stated previously, the property was restituted to the children of Princess Ileana based on a certified will, after being forcefully nationalised by the government, and therefore they have benefitted from restitution themselves. They quote the importance of legislation No. 165/2013, related to the restitution of immovable cultural heritage (Appendix 11). It was this legislation that enabled the castle to be fully returned from state ownership to the descendants of the royal family.

The importance of the laws emphasizes how significant it is for the law to be well developed and just: as seen in the previous chapter, only one law (no.182/2000) deals with the return of movable cultural property. If this law is not developed sufficiently, it has an enormous impact on the ability to return objects to the rightful owners. Furthermore, it must be fair in its judgment, and ensure the claimant rightfully holds ownership. This is done through proof that the individual is the rightful heir of the confiscated objects, as stated by Viorel Stefu.

### ***Brukenthal National Museum***

Dr. Sabin Luca comments: “*restitution itself cannot be carried out if the object in question is not entered into the official patrimony list*” (Appendix 8). The procedure to inscribe cultural objects into the patrimony list is defined above, in the section related to acquisition procedures. Indeed, Dr. Luca argued: “*legislation is badly defined here. In more central European countries it is more nicely organised (...) we are here in the Orient, we are not in the West*” (Appendix 8). This split between Eastern and Western Europe further emphasizes the differences experienced in the museum sectors, and how some Romanians continue to see their nation’s development as second place to other Western European countries. It also demonstrates how the Communist regime still has an impact in the current society: the legislation for the protection and return of cultural property confiscated during the forty-year regime is not fully developed, and is behind even in comparison to other post-socialist countries. Dr. Luca comments: “*even Hungary moves faster than we do*” (Appendix 8). Both museum professionals admit the reliance on the law for the return of objects, along with the limitations of this law. This was similar to the answers received in the written surveys by the other participating museums, with many defining their procedure as dictated by the law. Thus, any improvements to law no. 182/2000 would directly impact museum practices. The creation of additional laws to control this action, to ensure the objects are returned to the rightful owners, and to ensure the objects are cared for appropriately where they enter private ownership, would benefit both parties. This could additionally

placate certain museum professionals, whose main worry is that restituted objects will not be conserved and will become damaged (see Appendices 2; 3; 4; 5).

In contrast to the Medias Municipal Museum, Dr. Luca placed a greater emphasis on the restitution of immovable cultural property his museum experienced, as opposed to cultural objects. Although the *“heritage of the museum is estimated at 1,600,000 pieces total”*, he discussed the return of land to the Church and the Saxon communities, stating that *“in a city like Sibiu (...) about 90% of the central area belongs to the Church”* (Appendix 8). This refers back to the restitution scandal in which Brukenthal Palace was given back to the Church, discussed previously in Chapter Two on the Romanian legislation (see Figure 2). This was covered by several news articles, like Oprea (2017) who placed it in the context of the political turmoil and secret allegiances. The return of the property to the Church occurred together with the restitution of certain cultural objects in the building (Oprea 2017). However, Dr. Luca critiques the move, as he comments that the Romanian state continues to pay for its restoration and upkeep, whilst having renounced their ownership (Appendix 8b).

From his interview, Dr. Luca gave the impression that much of their dealings with restitution claims concern the Church. This is an interesting consideration, as the incompatible nature of communism and religion is generally well understood. Thus, it is reasonable to assume that when the Romanian state nationalised all institutions, that they confiscated both land and objects from the Church, and placed them in museums instead. This is supported by the answers provided by Raluca Teodoreanu, the head of the archaeology section at the Brukenthal museum. She stated: *“annually, verbal proceedings are handed over for the restitution of cultural items between the museum and the Evangelical Church”* (Appendix 4). However, when asked to provide greater details about these on-going restitution claims, both participants refused as they said the information is confidential, and part of an on-going legal case. This is unfortunate, as a more detailed account of these restitution claims of the Church could provide a better understanding as to what the Brukenthal Museum experiences annually, where both objects and land are returned and yet the institution continues to pay for their upkeep. The annual nature of these proceedings implies that a significant number of objects currently reside in the property of the museum. Similar to this was the response from the NMTH, where in the early 2000s they *“returned some religious icons, which were confiscated in an abusive manner by the Communist state in the 1980s, to their rightful owner”* (Appendix 6). Thus, the confiscation of the religious objects is explicitly mentioned, yet the request for additional details was rejected. This potential link between religious objects and confiscation of property belonging to the Church provide an interesting perspective on restitution in Romania. However, without additional information it is difficult to draw clear conclusions on this.



### ***Medias Municipal Museum***

The two case studies experienced in recent years by the Medias Municipal Museum can shed a more detailed light on the restitution process, as the museum offered archival documents and photographs in addition to a more detailed description in the interviews.

#### **Case Study: Bethlen Family**

The first of the two cases was the restitution of two family portraits to the Bethlen family, a noble family whose castle in Cris became the property of the Romanian state in 1949. When their property was seized, “*all the goods that were in the interior (...) paintings and pieces of furniture of quite high value*” were also seized and “*two paintings came to our museum. Many other objects arrived at the museum in Sighisoara, along with the Art Museum in Brasov, and the Brukenthal National Museum*” (Appendix 2) (see Figures 4 and 5). Speaking of the return of the paintings, Diana Macarie commented: “*I understand why they would want, and should rightfully have, the paintings of their ancestors in their house*” (Appendix 3). This is in contrast to her opinion of the return of the Gheorghe Cernea collection, examined further along in this chapter.

The procedure itself was quite lengthy: whilst law no. 10/2001 ensured the castle was returned to the heirs, certain cultural objects were still contested until 2013 (Appendix 12). Eventually the court ruled two paintings to be returned to the family, citing law no 182/2000, on the protection of cultural heritage, as their reasoning.

The case is interesting as it involves several museums across the country, one of which is the Medias Municipal Museum. In total, five museums were taken to court over the restitution claim. The History Museum of Sighisoara returned a wooden wall clock, numerous paintings, and lithograph prints. The Augustin Bunea History Museum in Blaj was ordered to return four paintings, whilst the National Hungarian Museum in Sfantu Gheorghe held one painting that belonged to the family. The Medias Municipal Museum returned two paintings and one wood and glass wall clock. The National Museum of Art Brasov was ordered to give back eight paintings, a ruling they contested. Finally, the Brukenthal National Museum agreed to the restitution of a stone sculpture to the family (Appendix 12). The geographic spread of these museums illustrates how dispersed the restitution cases can be within the nation. This complicates certain restitution claims, as the individuals must take several institutions to court, resulting in a lengthening of the duration of these cases. This is demonstrated in this case study: the initial claim for the return of cultural objects to Cris Castle was filed in 2006, and the objects from the Medias Municipal Museum were only received by the family in 2014 (Appendix 13). It is not known when the objects from the other museums were returned.



Figure 4: Bethlen family portrait, returned to the claimants (photo: Medias Municipal Museum).



Figure 5: Second Bethlen family portrait, taken out of the museum collection (photo: Medias Municipal Museum).

The large scale of this restitution claim is also demonstrated by a court hearing on the 27 November 2012, in which the claimants attempted to sue the Ministry of Culture alongside the museums, claiming they were all responsible for the return of the contested items (Appendix 14). This was later denied by the court, which argued that the objects in question were in possession of the museums rather than the Ministry of Culture. One interesting consideration is whether the Ministry of Culture should be held liable for the actions of museums, particularly if the museums are public and state-funded. Whilst the decision that the items are not housed in the Ministry is valid, it is important to consider whether the Ministry should hold responsibility for the actions of the government in the Communist period. The addition of the Ministry of Culture to these restitution claims could bring the issue to a higher level within the government, and could stimulate greater movement to return objects confiscated illicitly. The court also denied a handful of additional restitution requests from the family, including cultural objects such as stamps, manuscripts, and porcelain objects, which had not been identified by the claimants in their initial claim (Appendix 14). This demonstrates that the Romanian judicial court consider each case on its own merit, and do not grant the restitution of cultural objects easily. This is a positive thing, as it prevents objects being wrongfully returned if not enough evidence of ownership is provided.

In its concluding remarks, the court stated that the museums were obliged to return the contested cultural objects to the Bethlen family. The National Museum of Art, Brasov was the only museum to dispute this verdict, and attempted to argue that the claimants had not sufficiently proven their status as heirs (Appendix 12). Furthermore, they stated that their archive holds no documents with the provenance of the paintings, and therefore this was not sufficient proof that the objects are the ones claimed by the Bethlen family (Appendix 12). This demonstrates the importance provenance has in restitution cases, and why the systems employed by museums like the Medias Municipal Museum must evolve to include detailed notes on the provenance of every object in their collection: to ensure the origin of the object in their collection is always inventoried. The development of the claim itself appears slow when considering the documents provided by the Medias Municipal Museum. The court hearings were postponed and delayed several times, and many of the documents are lengthy and repetitive. This creates a tedious and confusing concept of how the case developed. It also demonstrates how complicated filing these restitution claims can be in the Romanian justice system, and it emphasizes the lack of governmental body intended to help citizens in these issues. The creation of a branch like the National Authority for Property Restitution (in Chapter Three) that focused on movable cultural property could improve the standard of these claims, and could potentially speed up the restitution processes. The imbalance between restitutions of immovable and movable cultural objects, also explored in Chapter Three, is further demonstrated in this case as the cultural objects within the castle were contested for much longer than the castle itself.

Whilst this case contained numerous museums and institutions, the length of the procedure was similar to that of the second case study of the Medias Municipal Museum, in which only the museum and the claimant were involved.

#### Case Study: Gheorghe Cernea

A more recent case experienced by the museum concerned the contested ethnographic collection of Gheorghe Cernea held by the museum. The museum provided archival documents for this case, making it easier to understand how the restitution claim was carried out and resolved. In addition to this, one of the claimants, Alexandru Teodoreanu, the nephew of Gheorghe Cernea, agreed to meet to discuss his story. This was invaluable, as he was the only claimant who agreed to this, providing a more three-dimensional perspective of the case. Unfortunately, he was against the interview being recorded and agreed only to an open conversation, and so only notes are available of what was discussed (Appendix 15). Nevertheless, he provided a detailed account of how he regained the objects, and demonstrated that although it was difficult, he believes the current procedure is just.

The case began in 2013 with the initial court hearing, during which the claim was officially made. The objects in question were taken by the Romanian Communist state in 1948 from the village of Palos, after Gheorghe Cernea was imprisoned for alleged revolutionist ideas, and placed in the museum's collection (Appendix 16; Appendix 17). Cernea was a political prisoner from 1948 to 1953. The role of the Communist regime is evident in this case study, as in the previous one, and relates to Catalin Popa's discussion on the political use of the identity of the Romanian people to facilitate the state's consolidation of power (see Popa 2012). According to Teodoreanu, he was prosecuted for holding illegal and propagandistic objects, and was presented as a supporter of the fascist Iron Guard (Appendix 15). His arrest was in tandem with the arrests of several other intelligentsia members of the region. Teodoreanu commented that the house then went under state ownership, and that the more valuable objects were in fact stolen by the *Securitate* guards – the rest went to the local museums (Appendix 15). This included a numismatic collection of c. 2,500 Trajanic coins, which were hidden by Mr. Teodoreanu's mother (Gheorghe Cernea's sister) in her garden until the *Securitate* came and threatened her and her son (Appendix 15).

Indeed, Teodoreanu hypothesizes that what entered the museum collection were only the things that did not interest the 'Bolsheviks': traditional dress and costumes, and religious objects (Appendix 15). This contradicts much of the literature on the period, which argues that ethnography was used by the government to create a distance from the monarchic past, and promote the idea of the working class (see Nicolescu 2016). Their placement in a public museum, would have offered the public a deeper

understanding of the traditional Romanian culture, and linked the population to a specific cultural identity favoured by the government. The bias of Alexandru Teodoreanu must be noted however, as although he provides an alternative perspective to that of the museum, for him the actions carried against his uncle were much more personal. His perspective should not be utilised on its own, but rather considered together with the archival documents and the interviews of the museum employees. Viorel Stefu stated simply: *“this was what happened with most illicit seizures: homes, for example, became the property of the state, and the cultural goods were divided to the museums of the area”* (Appendix 2). Nevertheless, even if the *Securitate* guards that carried out the seizure did not act on specific orders to seize ethnographic objects for public museums, the political nature of this restitution case remains obvious. The incarceration of Gheorghe Cernea for his alleged actions against the Communist government creates a direct link between communism and current restitution cases.

Alexandru Teodoreanu and his relatives filed a claim for the restitution of 87 contested items, including combs, ecclesiastical objects, photographs, and traditional clothing items. This was an unexpected decision according to Viorel Stefu (Appendix 2). Several images of the returned objects were obtained from the Medias Municipal Museum (Figures 6, 7, and 8). A complete list of these items is found in Appendix 18: an Annex of the museum inventory containing the objects, their inventory number, and their provenance. The dates of these objects vary, with some entering the collection as early as 1932. An interesting consideration is that only five of the objects are noted as ‘donations’, indicating that 82 objects from the Gheorghe Cerna collection were not willingly given. The claimant enquired as to how the objects entered the collection, to which the museum responded that there is no documentary proof, as there were no official procedures or curators in those times to ensure objects were correctly registered (Appendix 14). The interview with Viorel Stefu also covers this, in which he stated: *“We had the list of objects that were confiscated, but the museum’s collection could not identify all of them. (...) We filed through our legal representation proof that only part of our collection came from Gheorghe Cernea. If there was not complete certainty that the object came from his collection, we could not include them in the list of objects intended for restitution”* (Appendix 2). This once again demonstrates how the provenance of a cultural object is the origin of many restitution cases, and emphasizes the inadequacy of the system inherited by current museum professionals at the museum. The lack of legitimised provenance for the items in this collection make it difficult to prove how, or when, the objects were entered into the museum collection.



Figure 6: Peasant homespun skirt, one of the items in the Gheorghe Cerena restitution claim (photo: Medias Municipal Museum).



Figure 7: Ecclesiastical object, returned to claimant Alexandru Teodoreanu (photo: Medias Municipal Museum).



**Figure 8: Peasant drinking vessel, from the Gheorghe Cernea collection (photo: Medias Municipal Museum).**

During a hearing in September 2013, in which the museum claimed the heirs of Gheorghe Cernea did not provide proof the donations were made forcefully, led to the court requesting proof that the objects were forcibly taken by the State (Appendix 19). This was proven by documents showing that Gheorghe Cernea was imprisoned from 1948-1953, and that a total of 77 objects were placed on the inventory only after he recognised them in the museum in 1957 (Appendix 17). Nevertheless, the confusion created by lack of considerable written evidence under the Communist regime makes it difficult to always correctly assess who is the rightful owner of the objects. The judicial decision to return all 87 cultural objects held by the museum, including the five that were donated legally, is evidenced by a contract of exchange between the two parties (Appendix 18).

Evidently, current museum professionals cannot be held liable for a lack of provenance on objects that entered the collection during the Communist period, as many were not employed with the institutions at the time. Instead, Mr. Teodoreanu was advised to sue the municipality of Medias and the town's mayor. He chose to carry out the restitution claim without legal representation, and received two consultations from a lawyer to help him understand the precedents and steps to carry out the legal



claim (Appendix 15). He was forced to ensure all documentation and proof was available, which led him to the *Consiliul National pentru Arhivele Securitatii* (National Council of *Securitate* Archives) to gain additional proof of his uncle's incarceration, along with documentary proof of his uncle's intent to open an ethnographic museum in Sighisoara with his collection (Appendix 15). This he says gained him additional favour from the judge. He commented that although the process was hard overall, he had the necessary documentation that helped him receive a positive judgment. Currently the objects are in his possession, however his attempts to open a museum based on his uncle's legacy is delayed, and so the objects are still held in boxes in a deposit (Appendix 15). He concluded the interview by stating that the problem of restitution is quite vast in Romania, for both cultural objects and land; a problem that he argues is being compounded by the 'crypto-communists' and current politicians who are betraying their country (Appendix 15). The Gheorghe Cernea case study demonstrates how small, municipal museums can also be affected by restitution cases. The additional documentation and participants creates a well-defined perspective of how restitution cases occurred, and how the current procedure takes place. This is particularly true when compared to the amount of information provided by the Brukenthal National Museum, who insisted that information of their current and past restitution cases was confidential. Furthermore, in their interviews the two participants would not elaborate much on the relevant questions, and focused instead on other sections.

## **Discussion**

This section will build on the data presented and analysed in this chapter, and apply the three themes explored to a larger context. This will enable the placement of the data on a discussion platform for the restitution of cultural objects, and help the reader understand the significance of this study. This includes the positioning of the data uncovered in the wider discussion of ethical debates of restitution, along with its placement in the context of communism, and what the status of restitution in Romania in general is. Prior to this, the research question will be answered directly to create a base from which the discussion will launch.

### **Examination of Research Question: Impact of Communism on Restitution in the Brukenthal National Museum and the Medias Municipal Museum**

From the data gathered it is evident that the Communist government in Romania has had an effect on current restitution cases in the two museums featured in this study. The most recognisable effect is that the objects in recent restitution claims were all forcibly confiscated, and entered into the museum collections. The three main themes uncovered in the data help answer this research question: the acquisition procedures of the museums, the level of state involvement in museum exhibitions, and the restitution of cultural objects. A discussion on the three topics, linking them to current scholarly work

will create a three dimensional understanding of the research question. However, an analysis of the data gathered demonstrates that the objects featuring in restitution claims from the two museums were not confiscated due to a political desire to strengthen the Romanian identity, or to encourage political propaganda. Rather, the objects, particularly in the Medias Municipal Museum cases, were taken from their owners due to a nationalisation of property. The level of state involvement in museum activity allowed these objects to be placed in the collection, and to an extent dictated whether should they be exhibited or not. It created a setting in which these confiscations were not questioned by the *muzeografi*, a class of workers placed in these positions by the Communists, and were registered as donations in the inventory. It has also impacted current restitutions indirectly: through the creation of laws to ensure objects confiscated between 1940 and 1989 are returned to their rightful owners. This is reflected in the judicial approach of both museums in their restitution cases, with Viorel Stefu summing it up succinctly: “*the only way to resolve this wrong is through the legal path*”.

The first theme of the analysed data is important as the provenance of an object is needed to enable it to be returned. Due to the legal necessities of restitution claims, both the claimant and the institution must present proof of when the object entered the museum collection, and the means through which this happened. Without sufficient proof of this, the object in question cannot be returned to the rightful owner. The acquisition procedure was found to differ between the national and municipal museums that participated. Brukenthal National Museum responded that they continue to have Committees in place, like they did during the Communist period, which approve acquisition requests and collaborate with the Ministry of Culture to ensure funds are appropriated. In contrast, the Medias Municipal Museum does not have access to these Committees anymore, and the funding appropriated to their museum has diminished significantly since the Communist period. This presents an interesting consideration: despite all the negative associations of Communist Romania, one benefit appears to be the consistent investment in heritage across in local and national museums. The emphasis placed on heritage by the government is also reflected in scholarly articles on Communist Romania, and was explored briefly in Chapter Three on the historical context of Romania. This ties in the first theme with the second theme from the data: the level of state involvement in museum exhibitions.

The main point of this is that the Communist regime utilised the idea of national identity, and by extension cultural heritage, as a means to establish their power and consolidate their ideology. This national identity was altered as political allegiances shifted, and as the Communist Party sought more and more independence from the USSR. Gheorghiu-Dej’s support for Stalin resulted in the promotion of a collective Soviet identity to the Romanian people (Young and Light 2001: 943). After the death of Stalin in 1953, Gheorghiu-Dej’s policies turned towards a more nationalistic Romanian identity, and a focus was placed on the anti-Russian sentiments and the folk traditions of Romania to create

this. This was developed further under Ceausescu, and led to the highlighting of Romanian folk art and its Dacian roots. Viorel Stefu confirmed political influences on the Romanian national identity by stating that the Communist Party altered Romanian history to create a narrative that suited their beliefs - from the hero cult of historical leaders, which over-emphasized their victories and diminished their losses, to creating an idea of a united and strong Romania that succeeded over foreign invaders. This even extended to the erasure of local Saxon communities and their culture from the museum exhibitions in Medias after the museum was nationalised in 1949. This form of ‘picking and choosing’ aspects of the historical narrative to display to the public demonstrates how the Communist regime had a direct impact on museum activities in Medias. It implies a form of cultural censorship, a notion that is well known in totalitarian states. The impact on the Brukenthal National Museum is less evident, as the participants were less open to elaborate on the interview questions. The control the government had over museum activities could indicate the types of objects they chose to display, and the way in which these were displayed.

Nicolescu (2015: 23) discusses the idea that ethnographic objects were like an empty vessel, which could be filled with a politically approved ideology. Several scholars examine this relationship between ethnography and political intent, and the ways in which an emphasis on the peasant past supported the Communist goal of rapid industrialisation and collectivisation (Gilberg 1990: 51; Nicolescu 2016: 72). By creating exhibitions that displayed peasant objects from across Romania a unified identity could be presented, both to locals and to outsiders. The curators of the Medias Municipal Museum also reference the importance of ethnography in their museum collections during communism. Former curators were told to create exhibitions on agriculture and the importance of comrades, which travelled the surrounding villages and were aimed at the working class farmers. Indeed, “*the peasant was considered the sole of the country, and they were highly regarded by the Party*” (Appendix 3). Thus, the importance of ethnographic objects in the Medias Municipal Museum was evident. This indicates that the museums would place preference over certain types of cultural objects, which aligned with the state-approved version of history. If looking at cases described in this thesis, the collection of Gheorghe Cernea fits this idea: the large ethnographic collection was confiscated illicitly in 1949, and much of it entered the collection at Medias. However, according to literature on the subject, it was a bigger focus for museums such as the Museum of Folk Art, in Bucharest, and the Ethnographic museum in Sighetul Marmatiei (Iosif 2008: 87). A focus on ethnography and local peasant life aligned with the communist idea of working class, creating a greater distance to the monarchic past. It is possible that, whilst the original intent of the confiscation of objects was not to enlarge the ethnographic collection of the museums, the result benefitted the Communist Party in their intent to promote the Romanian peasant.

The creation of exhibitions was sometimes also done with the collaboration of *Decorativa*, a state-owned institution of artists, and these were designed in a manner that was approved by the regime. However, from the interviews with the Medias curators, along with the former ethnography curator, the municipal museum did not qualify for the funding or level of collaboration with *Decorativa*. Thus, only larger museums were awarded this help, despite Nicolescu (2015: 167) stating that it was meant to aid museum curators in smaller museums to create displays. On the other hand, their superiors at the Brukenthal National Museum controlled the *muzeografi* at the Medias Municipal Museum in their designs and exhibitions. Thus, a level of indirect control was still held over the smaller museums, even if they did not directly collaborate with state institutions.

Furthermore, the involvement of the government in the promotion of working class individuals to positions in museums, and the creation of the new class of *muzeografi* to replace curators demonstrates further control employed over museums. The first director at the Medias Municipal Museum was a mechanic, and had no background in history or archaeology. This replaced the cultural *intelligentsia* that had previously occupied these positions, and created greater space between the art-historical curators of the monarchic era and the proletariat technocrats of Communist Romania. Thus, the government also encouraged the creation of this new class of curators, a term which is still utilised today in Romanian museums, a group of individuals who specialised in materialism and brought a more scientific perspective to culture (Nicolescu 2016: 79). This ensured technocrats were introduced in the cultural sector, one that was most likely to disagree with communist ideology. By creating a new brand of curators, which were taught a socialist ideology of culture, and some of who were even part of the *Securitate* (see Nicolescu 2015), the state created a means that accepted their actions, without disobedience or questioning of their activities from the museum employees. This included the entry of forcibly confiscated cultural goods into the museum collection, which led to the current restitution claims.

### ***Restitution of Cultural Objects***

Bringing the focus of the discussion to the current restitution claims for cultural objects, the impact of the Communist regime is seen in the fact that all claims are the result of illegal confiscations between 1940-1989. This resulted in the creation of law no. 182/2000, which deals specifically with the return of objects forcefully nationalised during the Communist period. The restitution process itself was noted as very judicial in nature, both by the two main museums studied, and the survey participants. Viorel Stefu emphasized this, by stating that restitutions cannot be carried out at all without a legal decision by the court. Thus, diplomatic or ethically based restitutions do not occur in Romania, in contrast to many Western nations. All the participants in this thesis emphasized how this law is the basis of their museum procedure. Even Alexandru Teodoreanu, the nephew of Gheorghe Cernea,

quoted article 99.2 of law no. 182/2000 in his victory. His ethnographic collection was returned after a lengthy court case with the Medias Municipal Museum. Indeed, the wrongful incarceration of his uncle in 1949 demonstrates once again the fight of the Communist Party against the *intelligentsia*.

The biggest hurdle that Mr. Teodoreanu had to overcome in his claim was the need to provide large amounts of documentary evidence to the judge, which he had to obtain by himself. However, it must be noted that although he commented on the toughness of the process, he also refused to employ a lawyer to represent him and his family in court. His victory demonstrates that the restitution of cultural objects in Romania is possible, especially if the judicial requirements are respected. It is important to ensure that sufficient documentation is provided, to avoid the wrong objects being taken out of state property.

The provenance of the object is therefore key to restitution procedures, consequently the inventory of the museums is also important to these claims. However, as the data demonstrated, smaller museums like the Medias Municipal Museum struggle with their inventory and a demonstrable lack of detail in the registers dating back to the Communist period. Without the known provenance it is difficult to know whether the claimant has a right to ownership. Indeed, in his book Stefu (2017: 121) confirms that the majority of confusion is caused primarily by a lack of detail: those who filled out the registers wrote only brief summaries of the objects in question. It is difficult to prove the object was acquired rightfully by the museum if the description of provenance is lacking.

On the other hand, the Brukenthal National Museum registers its objects directly in the national patrimony list. This is another way through which the Communist period indirectly affects current restitution claims. One of the issues faced by Mr. Teodoreanu and the museum in Medias was that they could not agree on how many objects entered the collection due to the incomplete registry of those years. These incomplete registries also extend to larger databases, such as the one of CIMEC, discussed in Chapter Two. The intent of this database is to list cultural objects that are damaged, stolen, missing or illegally exported: under this, stolen objects should encompass objects illicitly confiscated, which are not yet restituted ([furate.cimec.ro](http://furate.cimec.ro)). However, at the time of publication, the database had not been updated since 2013. If these databases, both local museum and national ones, were kept up to date, it would ease the process of restitution and would simplify the work of claimants. In contrast, Brukenthal National Museum noted that they inscribe all their objects in the national patrimony list, a total of around 1,600,000 objects. This is an improvement when compared to the Medias Municipal Museum, and shows that the national museum is more rigorous in its documentation. This should, in theory, simplify the return of cultural objects, yet the lack of details offered by the museum makes it difficult to ascertain.

Another important consideration is that in the Cernea case, the municipality of Medias was prosecuted, and not the museum itself. This is significant, because current museum employees should not be held accountable for the actions of their predecessors. Furthermore, the museum is funded by the state: it can be argued that it is the state that should be held responsible. This was also witnessed in the actions of the Bethlen family in their restitution case, when they not only filed their claim against numerous museums, but also attempted to prosecute the Ministry of Culture for the suffering of their ancestors. It is worth contemplating whether the government itself should be held accountable for their actions in the past. This relates to the recent condemnations of crimes of the Communist Party by the government of Traian Basescu (Tismaneanu 2008: 166). If family members of the communist-era victims could prosecute the government directly, it could encourage greater change in relevant legislation. Moreover, it could encourage the creation of additional laws to ensure the return of moveable cultural heritage.

#### Restitution of Immovable Cultural Heritage

Although not explained in great detail, museum professionals at the Brukenthal National Museum described how their restitution cases involve returning property to the Evangelical Church, both movable and immovable. In fact, they hold annual proceedings to assess objects that are claimed, all of which were forcefully nationalised during the Communist period. However, that was the extent of information that was shared about their restitution claims of movable cultural heritage. Instead, the focus was placed on the restitutions they have experienced with their buildings being returned to the Church. For this reason, the concept of immovable cultural heritage restitution will be examined briefly in this thesis. It demonstrates the other type of restitution that is often carried out in Romania, and which in many ways holds a greater prominence for both the museums and the public. Newspaper articles have covered the return of physical property to the Church and to the local Saxon communities in Sibiu in a more extensive manner than the return of movable cultural heritage, in particular, the return of the Brukenthal Palace to the Church, based on judicial decision 614/21 in 2005 (Timonea 2006). This was called an unlawful return of property by the NARP, and the result of corrupt politicians (Oprea 2017).

Many appear to be critical of this type of return, particularly when buildings belonging to museums are returned to a private owner (Faracsiu 2018). Indeed, both Brukenthal National Museum and Medias Municipal Museum, and several journalists referenced the existence of a property ‘mafia’, which buys the disputed land for cheap from elderly victims and is given monetary compensation by the government after filing a restitution claim (Deacu 2018; TVR.ro). Viorel Stefu stated that restitution of immovable cultural heritage is often “*less clear (...) where ethical aspects of restitution*

*become more blurred*” (Appendix 2). Indeed, TVR.ro reported that rightful property owners are encouraged to sell their disputed land to the mafia, believing they will not receive their rightful compensation in another manner. This indicates the level of corruption that still exists in Romania, and how complex immovable restitution, which is more established and advanced than that of movable cultural heritage.

One participant that was supportive of this type of return of immovable cultural property was Bran Castle: the castle was returned to the rightful owners, the children of Princess Ileana, on the basis on law no. 165/2013. This was a success for the institution, as it had been forcefully nationalised by the state after the abdication of King Michael in 1949. Indeed, the participant was the most critical of the Communist regime, and the impact it had on current restitution problems, out of all participating institutions. This once again recalls the weariness expressed by many museum professionals when the subject of Communism came up. Many of the state museums appear to retain this suspicion, and are quite careful with what they discuss regarding restitution cases.

### **Ethical Debates of Restitution**

The final factor of this thesis involves the ethics of restitution, and the opinions of museum professionals in Romania regarding this. This is useful to discuss, as the procedure itself is based entirely on legislation, and restitutions based on ethical considerations are not possible. When asked about their personal opinion of restitution claims, the participants provided a mixed outlook. Two main themes are evident. The first is a certain fear regarding the future state of conservation of the returned object (Bienkowski 2015: 433). All participants from the Brukenthal National Museum and Medias Municipal Museum voiced this in their responses. In addition to this, Cristinel Fantaneanu, from the National Museum of the Union, expressed a similar restraint. Furthermore, Viorel Stefu and Diana Macarie mentioned the benefit of exhibiting the object, and enabling the public to view the local patrimony. Diana additionally contemplated how objects that have little aesthetic or value, such as the objects in the Gheorghe Cernea collection, are better left in museum collections, where the public can appreciate them (Appendix 3). Appiah (2009:83) agrees on the need to ensure the claimants are in a position to act as a responsible trustee for the cultural object. Zbucea (2015: 7) argues that regardless of whether the object is returned or not, manipulating and moving the object around throughout the restitution process can lead to further deterioration of the item. Thus, much care must be taken not only after the object is returned, but also during the process of restitution. Ultimately, the most important aspect of this argument is whether the object was taken by force and involuntarily nationalised as part of museum collections and national heritage. If so, the argument that solely a museum can provide the right quality of conservation, and that the public must be able to view the

objects can be considered somewhat out-dated. This is further emphasized by the comment of Alexandru Teodoreanu, who stated that his uncle's collection was kept in a deposit, and not placed on display. Whilst there are some benefits to exhibiting the local patrimony to the public, where the objects are not on display this cannot be utilised as an argument against restitution.

Thornton (2004: 29) argues that restitution of cultural objects taken by force must be returned for ethical reasons, not simply for legal requirements: the trauma must be resolved to ensure the healing of the group psyche. In the case of Romania, the government forcefully took many of these items both from individuals and from institutions, such as the church, and nationalised them as part of the shared Romanian cultural heritage. This can be defined as removal under duress. Many scholars support restitution based on moral obligations. Glass (2004: 128) states that it is viewed as an immediate and tangible symbol of reconciliation, putting great political pressure on national museums otherwise reluctant to de-accession their valuable collections. Glass discusses this in terms of the restitution related to the Jewish diaspora post World War II; however, it can be applied to a smaller extent to Romania, and the cultural objects taken by the Communist regime. Thus, the museums should be encouraged to return questioned items even when the restitution claim is not filed based on a judicial decision. The institutions should consider these claims on an ethical basis, and it should result in an increase in the number of restitutions carried out on ethical grounds.

## **Concluding Remarks**

This chapter has examined the data collected in this study, regarding the impact the Communist government had on current restitution cases. The focus was placed on the interviews of employees in the Brukenthal National Museum and the Medias Municipal Museum. At the Brukenthal National Museum, an interview was held with the general director, Dr. Sabin Adrian Luca, and the head of the archaeological department, Raluca Teodorescu, completed a written survey. At the Medias Municipal Museum interviews were held with two employees: Viorel Stefu, the head curator and curator of the archaeological department, Diana Macarie, the curator of the ethnography department. In addition to this, an interview was held with Doina Comsa, the former curator of the ethnography department, who was employed by the museum during the Communist period. An interview was also held with Alexandru Teodorescu, the nephew of Gheorghe Cernea, who filed a restitution claim against the museum and re-gained ownership over his uncle's cultural objects. Written surveys from several other museums were also utilised where relevant, although their responses were less detailed. These cases, and this chapter overall, demonstrates how complex and varied these restitution procedures are, and how the regime of the past influences the claims made today. Three main themes can help answer the



original research question: the acquisition procedures of the museum, the level of state involvement in museum exhibitions, and the restitution of cultural objects.

The Communist regime impacts current restitution claims in two manners: indirectly and directly. The direct impact is the most evident: according to legislation 182/2000, only objects confiscated during the Communist period, between 1940-1989, are eligible for restitution. Thus, without the actions of the Communist regime, there would be no restitution cases of this type in the present. Indirectly, the regime impacted the claims in numerous ways. The involvement of the government in museum activities created an environment in which these confiscated objects could be entered into the collection, and claimed as part of the national patrimony. This included the creation of the *muzeografi*, a class of curators specialising in materialism, and the promotion of individuals with no cultural specialisation to the role of directors. Furthermore, the collaboration of *Decorativa* with the larger museums ensured a level of cultural censorship could be implemented over the museums. However, interviews with the Medias Municipal Museum showed that these controls were often reserved for museums of national denomination. Indeed, they experienced no direct collaboration with *Decorativa*, and instead reported to their superiors at the Brukenthal National Museum.

Additionally, the Communist government censored the historical narrative, and placed a greater emphasis on ethnography and the role of the Romanian peasant. Scholars describe this as a means to unify the national identity of Romania, and to promote to the working class the industrialisation and collectivisation of the nation. However, whilst this was an important element to the creation of museum collections in museums such as the Museum of Folk Art and the National Museum of Romanian History, it is not reflected in the responses of the two museums interviewed for this thesis. Thus, it is unlikely this impacted the types of objects confiscated in the Medias Municipal Museum. It is difficult to conclude the reasoning behind the restitution claims at the Brukenthal National Museum due to their refusal to answer certain questions. However, from their statements, it appears most claims originate from the Evangelical Church, and none from individuals.

The restitution process itself was noted as very judicial in nature, both by the two main museums studied and the survey participants. Viorel Stefu emphasized this, by stating that restitutions cannot be carried out at all without a legal decision by the court. Thus, diplomatic or ethically based restitutions do not occur in Romania. Although not explained in great detail, museum professionals at the Brukenthal National Museum described how their restitution cases involve returning property to the Evangelical Church, both movable and immovable. In fact, they hold annual proceedings to assess objects that are claimed, all of which were forcefully nationalised during the Communist period. In contrast, the Medias Municipal Museum has only had two large claims, one from the ethnographer

Gheorghe Cernea, and one from the noble Bethlen family, both of whom had their properties seized during the Communist period. The two cases took a long time to go through the courts, and required much documentation and evidence of the families' claims. Both cases were successful, and the objects were taken out of the museum collection. These cases, and this chapter overall, demonstrates how complex and varied these restitution procedures are, and how the regime of the past influences the claims made today.

The ethical opinions of the museum professionals further demonstrate a hesitation at the ability of a non-specialist to conserve the objects, alongside the disadvantage of not displaying the objects to the public. An interview with Alexandru Teodoreanu concluded that the objects of his uncle's collection were not exhibited, and rather stored in a deposit, proving that this is a impractical argument against restitution.

## Chapter Five: Conclusion

The purpose of this thesis was to explore and document the restitution of cultural objects in Romania, examining both the procedures followed by museums, and how the current restitution claims are impacted by the actions of the Communist regime (1940-1989). The prevalent nature of restitution as a social issue, of both immovable and movable cultural heritage, combined with the limited academic coverage, was the driving force of this thesis. Additionally, the unique form of restitutions carried out in Romania in contrast to Western Europe made it a fascinating study; whereas Western European countries often return cultural objects to former colonies or other nations, the restitutions in Romania are carried out internally. Here, it is the people requesting their property back from the Romanian state.

By documenting the opinions of the participants, along with examining the current methodologies of these restitution claims, my aim was to understand how these museums have carried out restitution requests in the past, and how the museums themselves were influenced by communist ideology. To enable a more in-depth examination of the issue, the focus was placed on two museums within the county of Sibiu: the Brukenthal National Museum, and the Medias Municipal Museum. This enabled a further comparison of how local and national museums handle these claims. Through the analysis of qualitative data gathered through interviews and written surveys, and the application of relevant literature on the topic, several key findings were attained. To illustrate the results of this thesis better, these key findings will be briefly summarised below.

The biggest impact of the Communist regime is that all current restitution claims, which are legally viable for return to their original owners, are objects confiscated by the state between 1940-1989. From the interviews carried out, all reported case studies returned cultural objects that had been entered into their collection in this manner. The interview with Alexandru Teodoreanu further emphasizes this: his uncle was falsely imprisoned by the *Securitate* and branded a fascist, after which his entire property was seized by the state. According to Mr. Teodoreanu, the officers at the scene chose objects of value that they wanted to keep for themselves, whilst the remaining objects were relocated to the Medias Municipal Museum. Similarly, the Bethlen family had their property seized due to their noble status, and forced to leave the country. Both cases demonstrate the way in which the *intelligentsia* and aristocratic families were targeted by the government, and caused to suffer in order to promote the working-class ideology. Thus, the evident impact of the regime on current restitution is evident.

The subsidiary impact is noticeable in several instances, both in the academic literature and in the collected data. The use of national identity by the government, particularly to consolidate their regime and create a unified image of Romania, was reflected in their investment in heritage. The creation of *muzeografi* and involvement of the *Decorativa* in museum exhibitions allowed the government to control the collection and types of exhibitions created. This system enabled a form of cultural censorship, which ensured the cultural identity presented aligned with the desired historical narrative. This censorship influenced the types of objects that entered the museum collections, in addition to creating an environment in which the entry of these confiscated objects were not questioned, indirectly affecting current restitution claims.

The restitution procedures referenced by the participants, in both interviews and written surveys, is judicial in nature, following the stipulation stated in law no. 182/2000. This is an advantageous finding, as it highlights the standardised approach taken by the participating institutions. Furthermore, it demonstrates that legislation at a national level does have an impact on the practices of museums. The answers received from the participants indicate that the process is successful, as all the restitution claims filed were successful and resulted in the items being returned to their rightful owners. Brukenthal National Museum furthermore focused on the restitutions they have experienced regarding immovable cultural heritage; in particular, the return of the Brukenthal Palace to the Evangelical Church of Sibiu. These returns are significant enough that the museum is in a yearly negotiation with the Church regarding the restitution of further confiscated property. This once again emphasizes the extent of the impact the Communist regime had on current restitution claims.

## **Limitations**

A main limitation to the current study exists: the data sample can be argued as being restricted due to the number of participants. Whilst these participants were chosen deliberately, in order to create a comparison between a local and a national museum within the same county, the inclusion of more museums would have diversified and broadened the conclusion that can be drawn on the subject. The negative response received from many institutions when approached, including the Brukenthal National Museum demonstrates how this subject remains relatively taboo in these state-funded institutions. Even within the interviews received, there is a discrepancy between the information given by the Medias Municipal Museum and the Brukenthal National Museum. The participants from Medias were more open to providing detailed information, archival access, and photographs from the cases. Furthermore, the interview with an individual who filed and won a restitution claim enabled a more three-dimensional understanding of the procedure at the Medias Municipal Museum. In contrast, the Brukenthal National Museum was more cautious in what they revealed, and would not respond to

certain interview questions. Rather, they focused on the return of immovable cultural heritage, and would not share details of their movable cultural object returns due to their confidential nature. The addition of more participants, and more museums could yield a more detailed conclusion, and could confirm some of the hypotheses presented in this thesis.

Furthermore, to further expand and better explore the themes uncovered in this thesis, the inclusion of government officials, and policy-makers could be useful. Their position in the issue of restitution could create a better understanding of what the Romanian government is undertaking to ensure objects are returned to their rightful owners.

### **Significance of research and future recommendations**

The current research is important for two main reasons. First, it creates a platform from which the issue of restitution can be evaluated and discussed. Second, it draws attention to the issue and the methods employed by the Romanian museums and government to resolve this.

The slow growth of Romania into democracy, and its development from a communist to a post-socialist state affects all aspects of modern society. Although the effects on cultural objects and heritage appear small in relation to socio-economic or political developments, it is important to remember the ways in which cultural heritage impacts the communal identity of a population. Bringing attention to the issue of restitution of cultural objects could place a greater pressure on the government to ensure these claims are correctly addressed, and the objects returned where needed. This includes the creation of a government institution to aid claimants in their cases, such as the NAPR for immovable cultural property.

This thesis aims to create a platform from which these issues are discussed, and could eventually be applied at a larger, national level. In particular, it fills a gap in current scholarly literature, which does not focus in particular on the issue of restitution of cultural objects. Rather, the focus is placed on the restitution of immovable cultural property confiscated under the Communist regime. Thus, this thesis allows participating museums to be examined and discussed, and hypotheses created, which will potentially influence future studies to be carried out on larger scales. By discussing the subject of restitution and Communism more openly, it would make the subject appear less taboo, and could encourage museums across the nation to participate. This would enable the creation of databases, and would elevate the importance of cultural object restitution.

This elevation could furthermore expedite the healing of the victims of the Communist regime. This is particularly true for the elderly citizens, who suffered directly under the government and have yet to regain possession of their property. These are changes that could only be implemented from a higher level, as there is little museums can do to progress the current restitution process. This also relates to the developments in legislation regarding the return of cultural objects. The judicial nature of the current procedure is encouraging as it could influence future legislation, which would place greater prominence on the protection of movable cultural heritage. This includes the creation of additional laws, supporting law no. 182/2000.

The restitution of cultural objects remains an issue in present-day Romania, and one that is regarded with suspicion by most museum professionals. Both the Brukenthal National Museum and the Medias Municipal Museum experienced restitution claims, the result of direct and indirect influences of the Communist regime, and have successfully returned the objects in question after a judicial procedure. The reliance on the law demonstrates a standardised approach, which could potentially be applied on a national level. The issues faced by the current government regarding the admittance and condemnation of past actions, influenced by international bodies such as the E.U., indicates that in the future objects confiscated abusively will be returned more easily to rightful owners. These will work to eventually right the wrongs experienced by citizens under the former Communist regime, and reunite the citizens with their heritage and identity.

## **Abstract**

The issue of restitution is one that is witnessed throughout the world, at various levels. This thesis explores the type of restitution seen within Romania, and examines the procedures utilised by two museums in the return of cultural objects. The focus is placed in the procedures of the Brukenthal National Museum and the Medias Municipal Museum, in Sibiu County. The interesting aspect of these restitutions is that, unlike in many Western museums, restitution cases in Romania are often internal, and carried out between state museums and private individuals. The impact of the Communist regime, and their forceful nationalisation of privately owned cultural objects create a deeper understanding of why current restitution cases occur within the nation. This included their direct and indirect effect on current restitution claims at the two museums.

The research was carried out using semi-structured interviews with curators at the museums, along with one former curator at the Medias Municipal Museum, and an interview with the claimant of the Gheorghe Cernea case. These were further supported by written surveys completed by four additional museums: Bran Castle, the National Museum of Transylvanian History, the National Museum of Romanian History, and the Moldovan National Museum Complex. Questions asked included their procedures related to unprovenanced objects, their procedures related to restitution cases, and their personal opinions on the ethics of the return of objects.

The findings demonstrate three main points: acquisition procedures from the communist period, and unknown provenance of objects complicate current restitution claims; the Romanian government involved itself in museum exhibitions in an attempt to control the cultural identity made public, and thus by extension influenced the types of objects entered in the collection; and the restitution procedures of the participating museums are judicial in nature. Thus the Communist regime influenced current restitution claims in two ways: indirectly, and directly. The creation of law no. 182/2000 in response to these crimes committed by the government, to aid in the restitution of cultural objects further demonstrates the indirect influence of the former regime. An imbalance remains, favouring the return of immovable cultural heritage, in both laws and organisations helping individuals file claims. Whilst the research is limited in this thesis, it is hoped that it stimulates future studies on the subject, to bring the issue to a greater audience and reduce the taboo around cultural object restitution that remains in Romanian heritage institutions.

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# Appendices

## Appendix 1: Blank Questionnaire used

### Section 1 – Background

- a. Name and Museum
- b. How would you describe your museum collection in short?
- c. What is it that makes an object culturally important in Romania?
- d. Is your museum part of the ICOM Code of Ethics?

### Section 2

- e. What procedures are in place in your museum for the acquisition of items?
- f. To your knowledge, has this changed since the Communist period?
- g. Are there any procedures to ensure the provenance of the cultural object is known?
- h. Have you personally ever experienced an unprovenanced object?
- i. What effect, if any, did the Romanian government have on the exhibition style of your museum?
  - i. Did you have any collaboration with *Decorativa*?
- j. Are there any procedures in place in your museum if a restitution request is placed?
- k. Have you ever had the experience? How did you handle it?

### Section 3

- l. What are your personal opinions on restitution of cultural objects?

## **Appendix 2: Interview Medias Municipal Museum, Viorel Stefu (curator of archaeology), 12 August 2018.**

### **Romanian Interview**

A: So, tell me your name and the museum you work at.

V: So my name is Viorel Stefu, I work at the Municipal Museum Medias, Sibiu County in Romania.

A: Can you tell me your background and how you began working in this museum?

V: It's a long history. About 15 years ago after I graduated from university I attended the faculty of history and archaeology in Alba Iulia. When I graduated I came here to the local museum in Medias where I've been working for 15 years.

A: How did you become a muzeograf?

V: There was a free position at the Museum within the ethnographic section and that was my first job here. Ethnography is an auxiliary section of History, which made the transition easy. After the retirement of an older colleague I took her job and since then I work as a curator within the history and archaeology section of the museum.

A: How would you describe your collection within the museum with ethnographic and archaeological?

V: We have within our Museum a mixed collection: it has three different sections, being the history and archaeology section, the ethnographic and arts section, and the natural science department. Regarding the objects of these three sections, they number at more than 30,000 in total, and compose the patrimony of our Museum.

A: What makes an object culturally important, whether exhibited or not, in Romania?

V: That is a good question. Every object is different. The first important thing is the type of object. If we spoke of archaeological objects there are different values, including the period from which time the object comes from: the Neolithic period, the Bronze Age, the Iron Age. The main characteristic that provides importance to the object is the way in which it was discovered. If the object was discovered on its own, it is very difficult to know its story. If the object was discovered in archaeological research then you have the entire story. It is also very important for the object to be complete, to be able to reconstruct the object and its story. With history objects it is a different story. This is because you have to take into account its uniqueness, and the story it tells. This includes object belonging to important families, or belonging to different guilds in the town. If we speak of ethnographic objects, we have also different categories. If we speak about clothes, for example here in Transylvania the traditional costumes are very beautiful. Here in our Museum we have very rich collection, which has Romanian traditional costumes, Saxon, and Hungarian costumes. These aren't very old, most of them are from the second half of the 19th century to early 20th century. These are only some of the details that give cultural importance to objects within our Museum.

A: And which would you say is more important culturally the ethnographic or the archaeological collection?

V: It depends. The Archaeological and also the natural science sections they speak about the land, where human societies developed over time. Each object, even if we speak about natural science objects or archaeological objects, as well as the ethnographic ones, speak about a different. I think that

each of them has their own importance because it is like a puzzle. You can combine the pieces to have a realistic image about the natural environment and the development of human society within the specific region.

A: And does your museum follow the code of ethics by ICOM?

V: Officially no. But we respect the principles and the judicial norms of the ethical codes established by ICOM. Of course, we respect the laws of the Romanian government, particularly the laws regarding museum functions and the protection of cultural patrimony.

A: So now we move on to the second section. What are the procedures, or some of the procedures, your museum follows when objects are acquired?

V: Haha this is a difficult question. Before the Revolution, before 1989, our Museum and many of the museums in Romania had an governmental fund to help buy these objects. Nowadays this type of fund remains only at the main museums, the big ones. And that is why from 1989, our Museum doesn't have any more access to an annual fund to buy different objects, making a very difficult to acquire new objects. We have different means through which we enlarge our collection. One of them is through archaeological research on the field, and also for the natural science department fieldwork is very useful.

One of the most important methods is through donation. There are many people in our town, and not just within our town but also from the surrounding region of Medias, who have at home different objects (historical, ethnographic, natural science objects) which they bring to our museum and donate. So this is the main method of enlargement nowadays.

A: So what are the differences between how you acquire objects now, and how they were acquired before 1989, in the Communist period?

V: So I've already spoken about this briefly about the issues with the money and funding. I don't know why before 1989 there was more money for the museum, but it can be partially explained by the intention of the Communist Party to enlarge this part of the cultural patrimony of the museums within the area. They had a political initiative, and affected their view of Romania and its history. They tried to establish a type development that differs from what is historically known. They liked to emphasize the stories that helped them consolidate their political ideology.

A: Could you elaborate a bit more on how they attempted to alter the written history in Romania? What parts of history did they invent or alter?

V: Yes this was seen in particular in the ancient times, because they emphasised the history of the Dacians in the nation. They tried to make it out that the Dacians were one of the most important people from the ancient times in this part of Europe, and they created like a cult of the Dacians. They almost tried to make them seem more important than the Roman Empire, saying that they were more pure than the Romans, and that they were a very rich people.

After that regarding the medieval period, the communists liked to disregard the historical literature. They provided a history that was untrue. For example, Mihai Viteazul: he was one of the Wallachian rulers in the 16th century, and he was the first who unified the three parts of Romania into one nation. His actions were interpreted by the Communist government as nationalistic, but in reality it was not like that. They tried to... sorry could we switch to Romanian?

A: Of course, no worries.

V: Așa deci, ei au încercat să atribuie la Mihai Viteazul un fel de cult de erou, care nu era chiar atât de adevărat. De exemplu cu Mircea cel Bătrân, cu Ștefan cel Mare și cu Vlad Țepeș și așa mai departe.

Ei iau făcut adevărați eroi naționali, dar mulți dintre ei nu meritau titlul acesta. Era o istorie conveneau lor, că noi am fost cei mai buni, noi i-am bătut pe turci și așa mai departe. Asta nu era așa adevărat. De exemplu, bătaia lui Micrea cel Bătrân de la Rovine: În istoriografia românească sa văzut ca victoria a lui Mircea cel Bătrân. În realitate a fost totul altfel pentru că a fost ca un fel de un scor egal, adică unu-unu. Ba mai mult, Dacă socotești acțiunile politice și militare de după bătălia, Mircea cel Bătrân este cel care pierde mai mult. În istoria comunistă nu apare asta. Era un cult are eroilor, și toată chestia asta a fost făcută în ideea de a dezvolta partea asta legată de naționalism. Pentru că fiecare popor trebuie să aibă strămoșii lui, Cultul Eroilor foarte bine dezvoltat și așa mai departe. Și Partidul Comunist a încercat prin mai multe metode chestia asta. Inclusiv la noi la Mediaș. de exemplu Muzeul din oraș a fost fondat trec între comunitatea săsească în 1901. În 1949, când toate bunurile sunt preluate de statul român, în momentul în care se înființează Muzeul de stat, majoritatea obiectelor istorice și etnografice erau în strânsă legătură cu comunitatea săsească din Mediaș și din satele în jur. în momentul în care se formează acest muzeu de stat se schimbă tot conceptul expozițional. Nu se mai vorbea aproape deloc comunitatea săsească practic a dispărut. nu se vorbea despre dezvoltarea economică, despre bresle, era un stereotip al expoziției care pleca din București, sau mai bine zis din Moscova. Dacă intrai în majoritatea muzeelor din România erau aproape toate la fel, în informațiile care le primeai. Toate chestiile astea țineau de cultul ăsta national, cultul de eroi în care românismul era cel mai tare. și din punctul ăsta de vedere, în Mediaș comunitatea săsească a suferit foarte mult. Muzeul sa transformă, față de perioada în care el funcționa alături cu Biserica Evanghelică din localitate, dar și față de comunitatea și istoria săsească din oraș a fost ștearsă. asta era tot un mod de nerespectare adevărului istoric.

A: Și care sunt procedurile pentru a găsi proveniența obiectelor din colecție?

V: Acum în ceea ce privește obiectele mai vechi, care sunt intrate în colecție mai demult, Singurele surse de informații exacte sunt cele care sunt trecute în registrul de inventar. Este un inventar în care sunt trecute informații despre obiectele respective cu numărul de inregistrare, datarea momentul în care intră în muzeu, modul prin care el intră, și diferite aspectele legate: achiziției și așa mai departe. Din nefericire dacă aceasta nu a fost completată în momentul când a intrat obiectele în colecție este dificil să știi care este proveniența. Acuma am redescoperit inventarele cele mai vechi de la muzeul din Mediaș făcute încă din 1901. Registrul care îl avem acum este cel făcut din 1949. Dacă în registrul respectiv nu ai toate datele făcute E extraordinar de greu să obții informații suplimentare despre obiect. Dacă atunci nu a fost menționată Acum nu mai este posibil să afli altie detalii, cine la donat, de unde a venit. se mai întâmplă cazuri în care toate detaliile Astea sunt trecute în registru și atunci ai toate datele referitoare la obiectul respectiv. Sau de exemplu mai ai Șansa la obiecte să întâlnești sau se reîntâlnește după foarte mulți ani persoana care le-a donat. De exemplu a fost un cap de o statuie romană îl avem în colecțiile noastre cumpărat în anul 1920 despre care nu știa mare lucru. Doar era din marmură. Si atunci am avut șansa, un vizitator în momentul în care la văzut, să recunoască și să zică că “eu sunt cel care îl am donat”. Si atunci ne spus povestea: anul În care a adus obiectul la muzeu, el era inginer constructor și lucra la șantier în Brașov și de acolo a fost adus obiectul respectiv. Asta a fost un exemplu numai. Astfel de cazuri se mai întâlnesc dar sunt destul de rare și de multe ori persoana respectivă Nu își mai aduce aminte date importante despre obiectul respectiv și așa mai departe. De aceea, acum în momentul de față dacă găsești un obiect pentru o cercetare arheologică de teren, sau care face referire la științele naturii, este foarte important să colectezi de la fața locului cât mai multe date. Sunt și tot felul de tehnice moderne la piesele de pe teren cu coordonatele de GPS. La fel la piesele etnografice pot să încerci să afli povestea din spatele lor de la proprietarului actual. De asemenea pot să afli cine a produs obiectul.

Lucrurile astea se întâmplă și în formă donațiilor. Când Vine persoana să doneze un obiect și arheologie Sau etnografic tu trebuie să încerci să afli cât mai multe informații despre obiectul respectiv. Asta ține de obiect: la un obiect arheologică este important de unde provine. După aceea pe baza cercetărilor poți afla mai multe despre obiectul acesta, despre perioada în care a fost construit și



așa mai departe. La obiectele de etnografie sunt foarte importante datele la fel: proveniența și meșterul care a făcut obiectul, când a fost făcut obiectul.

A: și ce efect a avut, dacă a avut un efect, guvernul comunist asupra exhibitile muzeului dumneavoastră?

V: Deci deja am vorbit scurt despre asta, dar intrăm mai multe detalii acum. Deci după 1949, când a început să ia avânt muzeele de stat, toate respectau tipar ăsta de istorie acceptat de ierarhică de sus. Ei lău uniformizat și să taie părțile legate de sat, cele puține chestii legate de istoria locală. au introdus o formă de expoziție uniformă care să se alieze pe principiile Partidului, și ele făceau referire la istoria națională. Mediaș în 1949 fusese denumit Muzeul Național Nicolae Bălcescu. Nicolae Bălcescu a avut parte în revoluția de 1848, și nu avea nici o relație cu Mediașul. Cred ca nici nu călcase prin Mediaș, dar muzeul purtase numele lui. Asta arăta controlul statului asupra expozițiilor muzeale. Bineînțeles nu lipseau excepții care nu făceau referire la Partidului comunist. colegii noștri care lucrau la muzeu Pe timpul ăla, periodic trebuiau să facă vizite în uzine și în fabrici în care să le vorbească la muncitori despre partea cea națională a istoriei care le convenea statului. Expoziți agricole un lucru care nu prea merge foarte bine cu cu ceea ce ar trebui să facă un muzeu.

și bineînțeles că era și promovarea oamenilor: Primul director, ca să vezi cum era promovarea cadriul, a fost Constantin Coroș care era mecanic auto. nu se respecta absolut deloc partea profesională, să fii cel puțin un profesor în istorie sau un specialist în domeniu. nu exista. Un alt caz similar era cel de la Muzeul Alba Iulia, fondat din secolul 19, în comunistă primul director a fost un frizer. Deci asta era în primii ani de la instalarea regimului comunist personalul din muzeu. A fost un dezastru total.

Că tot discutăm de activitatea disponibilă: în primii ani au fost strânse de deciziile Comitetului de Așezăminte Culturale, se numea în aceea perioadă, Care atribuia muzeelor un rol important în contriurea socialismului și în special în revoluția culturală. Primele expoziții temporale în Mediaș au fost organizate în vederea sprijinirii de țărâmul construirii, gospodării, agricole, și întovărășirilor agricole. Prin astea oamenii erau învățați anumite criterii de activități agricole chestii care țineau de un inginer agronom nu de muzeu. Ei inclusiv de asta organiza evenimente în satele din prejurul. în urma acestei lor expoziții se cerea efectului înregistrat Țăranului.

A: și efectul ăsta cum a fost înregistrat?

V: Ei își scriau în mod exact dacă respecta o ceea ce a încercat să facă prin expoziții în munca lor de zi cu zi și dacă le aplica în agricultură pe teren. De exemplu, iarăși o chestiune legata de implementare a toate spațiilor modele muzeografice stereotipice, ce ziceam că intrai în 10 muzee și toate arăta cam la fel. Diferă doar obiectele și culoarea pereților. concepția materialismului istoric, foarte multe dintre ele de exemplu țineau la modelele implementate care făceau referire la teoriile filozofico istorice, care erau împinsă la extrem din partea Partidului comunist. și aici intra o chestie legata de cultul personalităților agreeate. Adică la un moment dat in istorie erau anumite personaje care practica a fost șterse ca și cum nu ar fi existat. Că cumva acțiunilor lor de atunci nu prea convenea, sau nu trasa linia istoriei dorită de Partidului comunist, îi ștergem. Astea erau personalitățile astea agreeate de câte comunist.

A: Muzeul din Mediaș a avut o colaborare cu institutul Decorativă după 1964?

V: din câte știu eu, nu a existat o colaborare directa. Lucrul respectiv nu îl putem exclude pentru că Decorativa se specializa în Decorația vitrinelor magazin din oraș. Deci asta era activitatea lor principală. la noi de exemplu în Mediaș chiar unul dintre artiștii cu care muzeul nostru a lucrat foarte mult de a lungul timpului este Mureșan, care a lucrat chiar foarte mult timp la această interpretarea, și știm sigur că el a colaborat și cu muzeul. Deci există posibilitatea la Anumite expoziții sau anumite evenimente să fii făcut împreună sau să fii colaborat cu această instituție. Deci la noi la Mediaș nu știm exact pentru că majoritatea expozițiilor temporare și cel puțin cele de bază erau făcute de

muzeograf, de personalul care lucra aici. nu se beneficiat de interdisciplinare la care să participe designer de la decorativa sau arhitect a la nu știu unde. Muzeul nostru era mai mic și nu cred că dacă au colaborat au colaborat la nivel de persoane, cum domnul Mureșan lucra la decorativa și participa și el cu lucrări la exhibitile muzeale din Mediaș. Adică să fie un acord între decorativa și muzeu în care aceea instituție să vină și să dezvolte expozițiile muzeului nu a fost.

A: Care sunt procedurile în cazul de cereri de retrocedare la muzeul din Mediaș?

V: Da Asta este mai complexă, care în primul rând ține departe juridică. în principal retrocedările se fac, sau din câte cunosc eu în momentul de față, se fac pe partea legată de instaurarea regimului comunist în România, Momentul în care ei au confiscate obiecte. Atât de la instituții religioase cât și persoane fizice, De bunuri culturale cât și de imobile. cam asta este ținta legislației referitoare la retrocedare bunurilor, doar la cele care sunt considerate Confiscate de către regimul comunist. Deci nu cred că sunt obiecte care nu a fost confiscată de către statul român, pentru sunt considerate că au fost confiscate în mod abuziv. pe acest considerent se merge doar pe calea juridică. Bineînțeles că aici Sunt chestiunile legate de lege: Deci persoana care prin acte poate să dovedească că a fost proprietarul de drept al obiectului respectiv, sau este moștenitorul legal cu acte în regulă care pot dovedi asta, atunci se continuă pe instanța juridică. Începe un proces mai lung sau mai scurt, prin care se face investigarea lor dacă obiectele respective mai există în adevăr în colecția muzeului, se face o clasare și o evidență exactă a bunurilor, la fel cum a fost și cu cazurile noastre cu colecția Gheorghe Cernea și obiectele care au fost confiscate din castelul Criș, aparțin de familia Bethlen. Cam astea sunt procedurile. După care, este făcută o hotărâscă definitivă și Doar după această hotărâre judiciară muzeul poate să retrocedeze bunurile respective. deci nu putem să dăm obiectele înapoi fără hotărâre aceasta.

De exemplu, Cazurile cele mai importante de retrocedări care Mediasul la avut sunt cele care am și pomenit mai dinainte: cu colecția lui Gheorghe Cernea și obiectele aparținând la familia Bethlen. Gheorghe Cernea a fost un învățător în perioada interbelică, care atunci a adunat foarte multe obiecte etnografice dar și istorie, din bazinul mijlociu al Târnavei mare. el fiind original din comuna Paros, care astăzi se află în județul Mureș sau Brașov, a Avut intenția de a deschide un muzeu la Sighișoara, și el a adunat o colecție destul de importantă de obiecte culturale dar în anul 1949 el a fost condamnat decât regimul comunist pentru că era considerat neloial. A petrecut timp în închisoare și i sa confiscat averea. Toată averea, casa, bunurile care le avea, și obiectele care erau în colecția lui de etnografie au în O foarte mare măsură la muzeul din Mediaș. Pentru că așa se întâmpla în principiu cu majoritatea confiscărilor: Casele de exemplu dacă se confiscă intră în proprietatea statului, la bunurile culturale ele erau împărțite la muzeele din zonă. De exemplu, in collectia Gheorghe Cernea, Au ajuns obiecte la muzeul din Mediaș și din Sighișoara. nepotul lui a deschis procesul, sa putut dovedi că întradevăr obiectele îi aparțineau. în registrul muzeului erau notate că proveneau din colecția Cernea, Deci lucrurile erau destul de clare. Dar nu neam aștept la un moștenitor să ceară re retrocedare. să constatat că obiectele au fost confiscate abuziv de către statului comunist și printre o hotărâre judecătoreasca sa hotărât ca bunurile respective să fie retrocedate în natură. mai sunt cazuri de exemplu în cazurile imobile când hotărârea judecătorească de restituire în integrum, și se o recompensă monetara.

O altă situație pe care noi am avut este cu bunurile care au aparținut familiei nobile Bethlen. care la fel, în 1949 castelul de la Criș a intrat în proprietatea Statului Român și toate bunurile Care se aflau în interior, că vorbim despre tablouri piese de mobilier de evaluare destul de importantă pentru că vorbim despre o familie nobilă, care bineînțeles că avea resurse financiare, erau adevărate lucrări de artă. Ele au fost tot așa confiscate,și bunurile respective, dintre care au mai și dispărut. De la castelul Criș au ajuns la noi doar două tablouri. Foarte multe alte obiecte au ajuns și la Muzeul din Sighișoara, dar foarte multe obiecte au ajuna la Muzeul de Arta din Brașov, și la Muzeul Brukenthal. Si în momentul în care urmași familii Bethlen au deschis acest proces referitor la restituirea bunurilor, toate muzeele care erau consemnate în documente respective ca au primit obiecte aparținând familiei de la

Cris, și au fost date injudecate și au fost obligate să restituieze familiei bunurile, macar cele care le se mai pastrau. Acuma unele fiind mai vechi nu sau pastrat toate. Unde este mai dificil, este faptul ca, sa zicem ca o persoana care intenteaza un proces de restituire, e vorba la o colectia de bunuri culturale. El, în familie, sa zicem ca are un proces cu consemnarea tuturor bunurilor care au fost confiscate familiei respective. Dar, în documentele care ajung la muzeu, nu pot sa identifice și 100% fara urma de dubiu obiecte respective. Aici intervin anumite probleme.

Pentru ca, de exemplu cum a fost si cu situatia cu Gheorghe Cernea. Aveam lista cu obiectele care au fost confiscate in, dar colectia muzeului nu le puteam identifica pe toate. Atuncia, noi prin avocati am intentat, si dovedit ca doar o anuminta parte din obiectele din colectia noastra provin cert de la Gheorghe Cernea. Pentru ca daca nu stiam exact ca ele provin din colectia Cernea nu aveam nici o posibilitate sa le includem in lista respective. Erau anumite obiecte care puteam sa presupunem ca proveneau din colectia, dar nu aveam certitudinea sa spunem ca apartinea din colectia Gheorghe Cernea. Obiectul respective atunci nu putea sa fie restituit. Era foarte greu atunci, bineinteles ca era atunci si o procedura mai complicata, de spus ca a fost colectionat de Cernea, ca a apartinut de muzeul nostrum si asa mai departe. Lucrul care nu le convenea la nici una dintre parti.

Atunci sa mers pe idea ca, doar obiectele care sunt ca provenienta de lista sa fie. Si asa, acuma dau niste cifre ca nu mai tin minte exact, sa zicem ca daca pe lista obiectelor a fost trecute undeva la 100, noi am putut sa dovedim ca cam 70 din ele, da, au fost in colectia muzelui. Atunci alea 70 au fost retrocedate. Cele 30 au ramas in colectia muzeului, ca nu am putut sa dovedim daca alea sunt, sau altele, pentru ca sunt mai multe obiecte asemanatoare.

A: Si ce fel de obiecte au fost retrocedate in cazul colectiei Gheorghe Cernea? Tot obiecte artistice ca la familia Bethlen?

V: Nu, in principal au fost obiecte de etnografie. Mare parte piese de port popular, piese de lemn, diverse unelte. Inclusive cateva piese de ceramica. Este o lista completa in documentele care sunt in arhiva. In cea ce priveste bunurile care au fost retrocedate la familia Bethlen, sunt doua taboluri. Doar doua tablouri au ajuns in colectia noastra.

A: Si care este parerea dumneavoastra despre conceptual de retrocedare in general, din punct de vedere moral?

V: Destul de proasta. Pentru ca, sut foarte multe cazuri care se datoreaza unei functionari nu tocmai corecte – si pentru procedurile cu care sau facut cateva retrocedari. Si acum nu ma refer strict la retrocedarile care au avut ca si obiect bunuri culturale. Aici chiar au avut cazuri destul de clare, in care obiectele au fost confiscate abusive de catre regimul communist de la cateva famili. Si sunt cazuri, de exemplu, la retrocedari imobiliare sau de teren, care sa fac in un mod abusiv. Pentru ca persoanele care cer restituiri nu au toate documentele in buna ordine si nu pot dovedi. Mai sunt, inclusive situati in care se fac niste “fake papers”. Atunci lucrurile astea se fac pe un stil mafiot.

Acuma revenind la bunurile culturale care fac parte partimonului muzeal, aici cam de regula familile cer bunurile respective. Eu zic ca, nu intodeauna este un act benefic pentru acele bunuri. Pentru ca, aici se respecta normele de conservare/restaurare, si procedurile muzeale care au in vedere pastrarea obiectului in conditi cel mai bune. Sa nu mai vorbim despre valorifica expositiionale, ca ele fac parte din un patrimonu local, universal si asa mai departe, deci pot fi vazute de foarte multa lume. Problema ar fi cu reintrarea lor in proprietate particulara. Ei nu au tot timpul cunostinta despre modul de pastrare, de conservarea lor. Exista riscul in principal de deteriorarea lor, in final la distrugerea pana la disparitia totala. El da, ar avea dreptul legal sa il aiba in proprietate, dar din necunostinta poate sa il distruga. Eu zic ca nu este un lucru chiar atat de bun. Se pot gasi anumite soluti, ceva de acomodat intre muzeu si persoana respective ca obiectul sa fie lasat in custodia muzeului, inclusiv pentru valorificarea expositiionala. C ear fi acuma daca la Lourve ar veni urmasi lui Da Vinci, si arc ere pe Mona Lisa sa fie retrocedata, si l-ar inchide la el in baie. Dau un exemplu. Depinde de colectie si de

persoana, care au fost luate abusiv de state si plasate in colectia muzeului. De asta spun ca restituirea in natura este "nu la locul ei".

## **English Interview**

A: So, tell me your name and the museum you work at.

Viorel: So, my name is Viorel Stefu, and I work at the Municipal Museum Medias, Sibiu County in Romania.

A: Can you tell me your background and how you began working in this museum?

Viorel: It's a long history. About 15 years ago after I graduated from university I attended the faculty of history and archaeology in Alba Iulia. When I graduated I came here to the local museum in Medias where I've been working for 15 years.

A: How did you become a muzeograf?

Viorel: There was a free position at the Museum within the ethnographic section and that was my first job here. Ethnography is an auxiliary section of History, which made the transition easy. After the retirement of an older colleague I took her job and since then I work as a curator within the history and archaeology section of the museum

A: How would you describe your collection within the museum with ethnographic and archaeological?

Viorel: We have within our Museum a mixed collection: it has three different sections, being the history and archaeology section, the ethnographic and arts section, and the natural science department. Regarding the objects of these three sections, they number at more than 30,000 in total, and compose the patrimony of our Museum.

A: What makes an object culturally important, whether exhibited or not, in Romania?

Viorel: That is a good question. Every object is different. The first important thing is the type of object. If we spoke of archaeological objects there are different values, including the period from which time the object comes from: the Neolithic period, the Bronze Age, the Iron Age. The main characteristic that provides importance to the object is the way in which it was discovered. If the object was discovered on its own, it is very difficult to know its story. If the object was discovered in archaeological research then you have the entire story. It is also very important for the object to be complete, to be able to reconstruct the object and its story. With history objects it is a different story. This is because you have to take into account its uniqueness, and the story it tells. This includes object belonging to important families, or belonging to different guilds in the town. If we speak of ethnographic objects, we have also different categories. If we speak about clothes, for example here in Transylvania the traditional costumes are very beautiful. Here in our Museum we have very rich collection, which has Romanian traditional costumes, Saxon, and Hungarian costumes. These aren't very old, most of them are from the second half of the 19th century too early 20th century. These are only some of the details that give cultural importance to objects within our Museum.

A: And which would you say is more important culturally the ethnographic or the archaeological collection?

Viorel: It depends. The archaeological and also the natural science sections they speak about the land, where human societies developed over time. Each object, even if we speak about natural science objects or archaeological objects, as well as the ethnographic ones, speak about a different. I think that each of them has their own importance because it is like a puzzle. You can combine the pieces to have a realistic image about the natural environment and the development of human society within the specific region.

A: And does your museum follow the code of ethics by ICOM?

Viorel: Officially no. But we respect the principles and the judicial norms of the ethical codes established by ICOM. Of course, we also respect the laws of the Romanian government, particularly the laws regarding museum functions and the protection of cultural patrimony.

A: So now we move on to the second section. What are the procedures, or some of the procedures, your museum follows when objects are acquired?

Viorel: This is a difficult question. Before the Revolution, before 1989, our Museum and many of the museums in Romania had a governmental fund to help buy these objects. Nowadays this type of fund remains only at the main museums, the big ones. And that is why from 1989, our Museum doesn't have any more access to an annual fund to buy different objects, making a very difficult to acquire new objects. We have different means through which we enlarge our collection. One of them is through archaeological research on the field, and also for the natural science department fieldwork is very useful.

One of the most important methods is through donation. There are many people in our town, and not just within our town but also from the surrounding region of Medias, who have at home different objects (historical, ethnographic, natural science objects) which they bring to our museum and donate. So this is the main method of enlargement nowadays.

A: So what are the differences between how you acquire objects now, and how they were acquired before 1989, in the Communist period?

Viorel: So I've already spoken about this briefly about the issues with the money and funding. I don't know why before 1989 there was more money for the museum, but it can be partially explained by the intention of the Communist Party to enlarge this part of the cultural patrimony of the museums within the area. They had a political initiative. And this affected their view of Romania and its history. They tried to establish a type development that differs from what is historically known. They liked to emphasize the stories that helped them consolidate their political ideology.

A: Could you elaborate a bit more on how they attempted to alter the written history in Romania? What parts of history did they invent or alter?

V: Yes this was seen in particular in the ancient times, because they emphasised the history of the Dacians in the nation. They tried to make it out that the Dacians were one of the most important people from the ancient times in this part of Europe, and they created like a cult of the Dacians. They almost tried to make them seem more important than the Roman Empire, saying that they were more pure than the Romans, and that they were a very rich people.

After that regarding the medieval period, the communists liked to disregard the historical literature. They provided a history was untrue. For example, Mihai Viteazul: he was one of the Wallachian rulers in the 16th century, and he was the first who unified the three parts of Romania into one nation. His actions were interpreted by the Communist government as nationalistic, but in reality it was not like that. They tried to... sorry could we switch to Romanian?

A: Of course, no worries.

Viorel: So, they tried to attribute a cult of heroes to Mihai Viteazu, which was not historically truthful. The same thing happened with Mircea cel Batran, with Stefan cel Mare, and with Vald Tepes. They made them out to be national heroes, when many of them didn't deserve these titles. It was a history that suited their interests that we were the best, that we beat the Turks, and so on. This wasn't true. For example, the battle of Rovine with Mircea cel Batran: in the Communist historic record it was described as a victory. In reality, it was more of a tie between the two sides. Moreover, if you tallied up all the political and military actions, Mircea cel Batran lost. This didn't show up in the Communist version of history. The cult of heroes was utilised to develop a sense of nationalism: each nation needs its ancestors and great histories. For this reason, the cult was created and developed over time by the Communist Party. This also happened at our museum in Medias. For example, the Saxon communities opened our museum in 1901. In 1949, when all objects and collections were nationalised by the government, when the state museum was formed, the objects in question were all closely related to the Saxon community and culture. The transformation to the public, state-owned museum changed everything: the Saxon community became virtually erased from the museum record. A type of exhibition came from Bucharest, or better said Moscow, which influenced how these were set up. If you entered into one museum in Romania, they all looked the same. These all focused on the national cult, the hero cult in which Romania was seen as the best. From this point of view, the Saxon community in Medias suffered greatly. The museum was transformed, and stopped its collaboration with the Evangelical Church, along with erasing the Saxon history of the town. This was a way in which they altered the historic record, and tried to implement a certain national identity to our town.

A: And what are the procedures in place for uncovering the provenance of objects in your collection?

Viorel: Regarding the older objects, the only source of information is the inventory. Here some information is recorded, alongside an inventory number: when the object entered the collection, the date, a description and so on. Unfortunately, if this isn't completed in the moment objects enter the collection it is difficult to know the provenance. The register we use now is the one from 1949. It is incredibly difficult to uncover details of the object when this isn't properly filled out. This includes details of who donated them, where it came from etc. Sometimes, by chance, you meet the person or family who donated the object years later and they can provide more information. An example of this is the head of a Roman statuette bought by our museum in 1929, and the only detail noted down is that it's made of marble. One visitor who came to see it recognised it and told us its story, and how he brought it over from Brasov. These are quite rare though, and often people cannot remember specific details of the donation. Today, if the object is found in archaeological research various methods are utilised to ensure information is collected, such as GPS coordinates. For ethnographic objects, it is useful to know the story behind them from the owners, such as who made the object. When a person comes to donate something, you need to try to get as much information from them as possible.

The information needed depends on the type of object. Archaeological objects often need the place of origin, from which further research can be carried out. For ethnographic objects the place of origin as well as the workshop in which it was created.

A: And what effect, if any, has the Communist government had on the style of exhibitions of your museum?

Viorel: I've already spoken briefly about this, but we can discuss additional details here. So after 1949, when the museum became state owned, all employees respected the type of history promoted by the political hierarchy. They introduced a uniform style of exhibition, which aligned with their political objectives, and emphasised the national history. Our museum was also renamed the National Museum Nicolae Balcescu, an individual who took part in the 1848 revolution, and had zero relation to Medias. I don't think he ever even set foot in the museum. This shows the control the government had over the museum exhibitions. Obviously, our colleagues also visited the factories around the area

to speak to the workers about the national history, the version that the government appreciated. This also included exhibitions of agriculture, which was something that didn't quite fit a museum.

Aside from this, there was also the employment side. The first director, to demonstrate how this happened, was Constantin Coros, who was an auto mechanic. There was zero respect for professionalism, to ask at least a history teacher to take on the role. It didn't exist. Similarly, at the museum in Alba Iulia, founded in the 19<sup>th</sup> century, the first director in the Communist period was a hairstylist. It was a total disaster.

To keep talking about their effect on the exhibitions, in the early years these were dictated by the Comitetului de Așezăminte Culturale. The Committee attributed to museum an important role in the construction of socialism, and in the promotion of a cultural revolution. The first exhibitions at Medias were organized to support the idea of construction, housework, agriculture, and the “*tovărăș*” (the proletariat). This was to promote the learning of criteria needed for agriculture and industrialization. Travelling exhibitions like these were also created for neighboring villages. After these exhibitions, its effect on the farmer was registered.

A: And how was this effect registered?

Viorel: The government agents wrote down whether the farmers employed the criteria and information from the exhibition to their work in the field and their daily life. To go back to the previous question, I already mentioned earlier about the identical use of space in museums across the country: you went into ten museums and they all looked the same, and different just in the objects themselves and the colour of the walls. The concept of historic materialism was used by many museums, and many implemented models related to theories of historical philosophy. This historical philosophy was one that was pushed to the extreme by the Communist party, and included the practice of erasing people from the historical record. This was done for people whose actions did not align with the desires of the government, and they were simply erased.

A: Did the Municipal Museum Medias collaborate with the *Decorativa* institute after 1964?

Viorel: As far as I know there as no direct collaboration. However, we cannot exclude the idea. The principle activity of the institute was to decorate the windows of the shops in the city. For us in Medias, one of the designers, named Muresan, who worked with our museums frequently, and I know he also worked for a long time with the *Decorativa*. So there is a possibility that for certain exhibitions or events carried out by our museum that we collaborated with this institution. I do not know for sure though, because most exhibitions, both temporary and permanent, were created by the *muzeograf* here – there was little interdisciplinary action in which we worked with a designer or architect from outside.

Our museum was smaller and I do not think that if they collaborated they collaborated at a high level. Mr. Muresan worked at *Decorativa* and he also participated in exhibitions at the museum exhibitions in Medias, but he was not delegated to Medias by that institution. That is, there was no agreement between the *Decorativa* and the museum in which they came and developed our exhibitions.

A: What are the procedures for restitution claims at your museum?

Viorel: Yes, that is a more complex question, which primarily takes a legal consideration. Overall, the majority of restitutions are made, as far as I know, for cases related to the establishment of the communist regime in Romania, and the moment in which they confiscated private property. They took movable and immovable property from both religious institutions and individuals. The target of the legislation on the restitution of property is therefore only to return that which was considered confiscated by the communist regime. I do not think there are objects that were not confiscated by the

Romanian state up for restitution, because these are considered to have been confiscated abusively. The only way to resolve this wrong is through the legal path. The person must prove through the documentation that he was the legal owner of the object in question, or he is the legal heir, and only then can he proceed to the legal court. The process can be short or long, and investigates whether the contested objects are still in the property of the museum, and a list of the exact objects claimed is made: just as we did with the Gheorghe Cernea collection and the objects that were confiscated from the Criş Castle, belonging to the Bethlen family. This is the procedure for restitution claims followed by our museum. After that, the judge makes a final decision. It is only after this judicial decision the museum can return the cultural objects - it cannot be done before it is legally permitted.

As an example, the most important cases of restitution that the Medias have had are those that I have mentioned earlier: the collection of Gheorghe Cernea and the objects belonging to the Bethlen family. Gheorghe Cernea was a teacher in the interwar period, who collected many ethnographic and historic objects, from the Middle Basin of the Great Târnavei. Being originally from the village of Paros, which today is located in Mures or Brasov County, he had the intention to open a museum in Sighisoara, and gathered a rather important collection of cultural objects. However, in 1949 he was unfairly condemned by the communist regime, he spent time in prison and confiscated his fortune. All of his wealth, his house, the goods he had, and the objects that were in his ethnographic collection were relocated to the Mediaş Museum. Because this was what happened with most illicit seizures: homes, for example, became the property of the state, and the cultural goods were divided to the museums in the area. For example, in the Gheorghe Cernea collection, objects arrived at the Mediaş and Sighişoara Museums. It was his nephew who began the process, as he could prove that the objects belonged legally to his family. In the museum register they were noted as originating from the Cernea collection, his legal procedure was quite clear. However, we did not expect one of his heirs to file a restitution claim. As it was discovered that the objects were abusively confiscated by the Communist state, the court decision decided that the goods were to be returned in kind. This differs from the style of restitution carried out with immovable property, in which monetary compensation is often decided.

Another case we had was with the belongings of the noble Bethlen family. Their family castle, in 1949, became the property of the Romanian State, and all the goods that were in the interior, here we are talking about paintings, pieces of furniture, valued quite important because we are talking about a noble family, who had financial resources. Thus, they were true works of art. Only two paintings came from Cris castle to our museums. Many other objects arrived at the Museum of Sighisoara, along with the Art Museum in Brasov, and to the Brukenthal Museum. And when the descendants of the Bethlen families opened this process of returning the property, all the museums that received objects belonging to the Cris family were given injunctions and were forced to return the property to the family, at least objects that were still there.

We run into difficulties when the claimants do not have correct documentation for the individual objects they want returned, and they can not identify 100% without any doubt the objects. For example, the Gheorghe Cernea case. We had the list of objects that were confiscated, but the museum's collection could not identify all of them. Then, we filed through our legal representation proof that only part of the objects in our collection came from Gheorghe Cernea. If there was no certainty that they came from the Cernea collection, we could not include them in the list of objects intended for restitution. This made the whole procedure more complicated and extended the legal battle. We tried to ameliorate the situation, creating the statement that the objects had been collected by Cernea, but that they are the property of the museum. However, neither party was satisfied with that statement. Thus, the decision was made to go by only the objects on the list could be certified as originating from the collection of Gheorghe Cernea. And so, although I'm estimating the numbers, let's say that if the list of objects requested for restitution was around 100, we could prove that 70 of these objects were in the collection of the museum. So only those 70 were returned. The 30 that remained in the museum collection couldn't be proven as originating from the Cernea collection, or just looked similar to the requested objects remained in the museum's property.



A: And what kinds of objects were returned to the Gheorghe Cernea collection? Any artistic objects like the Bethlen family?

Viorel: No, mainly ethnographic items. This included traditional clothing, wooden objects, and various tools, as well as some pieces of ceramics. There is a complete list of the returned objects in the court document I will provide. With regard to the goods that were returned to the Bethlen family, there are two paintings. Only two paintings have arrived in our collection.

A: And finally, what is your opinion about the concept of restitution in general - from an ethical point of view?

Viorel: Pretty bad. Because there are a lot of cases that are decided on wrongly by the judicial courts, and results in the wrongful return of certain property. And for this I'm not just referring to the restitutions that had as object cultural objects. These are often more clear, in which the objects were abusively confiscated by the communist regime from several families. No, there are cases, for example, where real estate or land was forcefully nationalized by the state, where the ethical aspect of restitution becomes more blurred. People who ask for the return of land don't always have documentation in good order, and cannot sufficiently prove the legitimacy of their claim. This develops into something of a 'mafia'-style of procedure.

Returning to the return of cultural goods that are currently part of the museum patrimony. Here, as a rule, families are the ones who file claims of restitution. In my opinion, the return of these objects isn't always a good thing. This is because here, a certain level of conservation and restoration is expected, and museum procedures aim at keeping the object in its best condition. Not to mention the benefit of exhibiting the object, and enabling the public to view it: these are often part of the local, universal patrimony, which enables them to be viewed by many people. The main problem with restitution lies in its re-entry into private ownership. Citizens are not always aware of how to preserve them, and there is a risk of damage, and its ultimate destruction until total disappearance. Once it enters private ownership, the owner also has the legal right to sell the cultural object. This isn't a good thing in my opinion.

There can be some solutions to this, including a compromise between the two parties that allows the museum to retain custody over the object, and to continue to conserve it, and exhibit it to the public. A closing example would be if the ancestors of Da Vinci came today to request the return of the Mona Lisa from the Louvre, and they aimed to close the painting in their bathroom. Whether the object should be returned depends on the collection and the person, whether they were taken abusively and placed in the museum. That's why the restitution in nature is "not in its place"

### **Appendix 3: Interview Medias Municipal Museum, Diana Macarie (curator of Ethnography), 12 August 2018.**

#### **Romanian Interview**

A: Deci începeți vă rog cu numele și poziția dumneavoastră.

D: Mă numesc Diana și sunt specialistă de etnografie în muzeul municipal Mediaș. La universitate am făcut muzeologie, în primul an în care să înființați ca un studiu.

A: Cum ați descrie colecția dumneavoastră de etnografie?

D: Colecția este destul de mare, partea de etnografie este o colecție consistentă. cuprinde o varietate de obiecte. avem ceea ce ține de port popular, dar avem și textile folosite în casă, fețe de masă covoare țesute așa mai departe. apoi avem, ce ține tot de etnografie, vase de ceramică etnografică, foarte multe obiecte folosite de meșteri în ateliere, obiecte de tâmplar care ar merge și spre partea de bresle, dar foarte multe sunt inventariate la etnografie. Deci avem textile, metale, ceramică, lemn, o varietate de obiecte și de materiale. sunt cuprinse în trei depozite. cifrele nu le știu pe toate, doar de vestimentație 1279 inventariate. pe lângă acestea sunt foarte multe vase din ceramică și unelte folosite de meșteri.

A: și cum sa dezvoltat colecția etnografică?

D: O parte face parte din fondul vechi. dar foarte multe, am văzut acumă când am făcut fișe, am constatat că foarte multe obiecte vestimentare au fost achiziționate în anul 1971-2. sașii când au plecat de aici, ziceau că au trebuit să lase obiectele pe gratis. chiar dacă au ales ei să plece spre Germania. Asta nu este adevărat, foarte multe obiecte de vestimentație le avem pe procese verbale achiziționate cu prețuri destul de mari. Deci ăia au fost ani cei mai bogați în pentru partea de etnografie. Sau mai adus și din Mediaș și împrejurimi. Dar foarte puține donații, majoritatea au fost achiziționate. în ultimii ani au fost numai donații, Dar numărul este mic comparativ cu perioada comunistă.

A: ziceți că este mai mare secția de decât cea de arheologie în Muzeul Municipal Mediaș?

D: Nu. în etnografie sunt în total 2.700- 2.800 de obiecte, mult mai puține decât cele arheologice și istorice.

A: Ce dă importanță culturală la un obiect, mai ales etnografic, expus sau nu în România?

D: Eu cred că toate, toate caracteristicile formează un întreg. Ele crează o poveste și transmit informații. Toate sunt legate: vechimea, tehnica în care a fost realizat. La etnografie tehnica este foarte importantă, pentru că nu se mai lucrează de multe ori cu tehnicile acestea. Materialul este important. în plus starea de conservare, să nu uităm. dacă obiectul este foarte vechi și foarte bine conservat are valoarea mai mare.

A: Și care sunt procedurile pentru achiziții de obiecte culturale?

D: este multă muncă, dar sincer nu au prea fost achiziții la etnografie. Au fost două tablouri recente cumpărate după ce am făcut un raport eu către director. în raportul ăsta am zis cum ar fi foarte bine să ajungă tablouri la în colecția muzeului, și în patrimoniul local. asta este pentru că

ele reprezintă istoria orașului. raportul sa acceptat și fondurile au fost primite de muzeu pentru a complete achiziția. procedurile contabile sunt făcute la primărie nu la muzeu. Un contract de vânzare-cumpărare a fost făcut și semnat, și tablouri au intrat în colecția muzeului.

A: Și care sunt procedurile pentru a testa proveniența obiectelor etnografice din muzeul Mediaș?

D: Asta este o problemă foarte mare la noi, pentru că de multe ori nu avem informațiile necesare. de exemplu, făcând fișele am dat peste niște ii cu decoruri gradate, mi se părea mie în stil sășesc. Dar croiul și restul detaliilor erau în stil românesc. M-am interesat la primarie, și au spus că sunt românești cu influențe săsești, din zona Mureș. Acestea au fost înregistrate în anul 1971. Registrul este foarte foarte sărac, și a trebuit să merg în arhiva primărie pentru a afla mai multe detalii, și cine a trimis iile. Dar colega de la arhiva nu a găsit nici un document despre donația aceasta. Cu obiectele săsești este mai ușor: ei au inscripționat de obicei anul și numele textilelor. Ei au fost mai riguroși și au lăsat mai multe detalii de proveniență. Obiectele provenind din Biertan au un registru tot așa mai bun. Atunci aveam mai multe secții de muzeu. Într un fel era mai bine atuncea, eram în clădirea noastră și acum suntem în chirie. Sigur că era și mai greu. În dosarele din arhiva scria cum aveau instrucțiuni clare de la stat pentru evenimentul x-y politice comuniste. trebuiau să facă expoziții, ceva expuneri, cuvântări. Deci se implica guvernul. dar ceea ce a rămas din anii 70, au rămas: obiecte expoziții pe care au dat bani. Atunci tot în anii 70 dar deschis Casa Rot. După anii 90 sau închis expozițiile externe.

A: și ce efect a avut guvernul comunist pe stilul expozițiilor din muzeu?

D: Deci a avut un efect, își băgau nasul în tot. Credeau că se pricepeau la tot. Muzeografi trebuiau să facă tot ce li se cerea de la stat. Dar asta se întâmplă și astăzi, că depindem de stat pentru fonduri. Eu zic că suntem între o perioadă de prelungire a comunismului, dar doar la negativ nu la pozitiv. Nu se mai dau bani și nu se mai cumpărăm la fel ca pe vremuri. Statul nu mai investește la fel în muzeele mai mici. Comuniștii dădeau mai mulți bani pentru achiziții, pentru că puneau accent pe istorie română, și pe țărani. Clasa muncitoare și țărani era foarte importanți, și dacă au fost achiziții pe obiecte etnografice li sau părut importante. țăranul era considerat talpa țării, trebuiau să fie puși în evidență. Aici erau la începutul perioadei comuniste directori care erau veniți din clasa muncitoare,ăștia erau origine sănătoasă,și erau promovați. Nu erau promovați cei care aveau rude de bogătaș sau educație specialistă.

A: Vorbind despre retrocedări, cazul cu Gheorghe Cernea a fost cu obiecte etnografice. Cum a fost procesul pentru a returna obiectele?

D: Ele au fost retrocedate după ce a fost scris un articol despre obiectele din colecția muzeală de doamna Comșa Doina, care a fost etnograf la muzeu de pe timpul comunist. Au aflat urmașii lui domnul Cernea, și ne au adus un proces juridic. eventual au câștigat și au primit obiectele înapoi. Ziceau că vor să deschidă un muzeu Gheorghe Cernea cu obiectele acestea. Dacă te gândești nu erau chestii de valoare. Erau câteva icoane Care erau ceva mai valoroase, dar era foarte multe bucățele de textile. Nu chestii foarte uau.

A: Ultima întrebare este una mai generală - Care este opinia dumneavoastră despre retrocedări din punct de vedere moral?

D: Sunt bune, ce să zic, cu condiția că urmașii au grijă de ele când le primesc în proprietatea lor. dacă sunt întru muzeu se ocupă profesioniștii de ele, știu cum să le abordeze, cum să le păstreze în timp, să creeze un mediu în care să se păstreze așa cum trebuie. Poate că cei care le primesc în instanță nu au cunoștințele necesare să le păstreze așa cum ar trebui. Asta ar fi singura problemă.

Poate că până la urmă dacă sunt chestii, tot în un muzeu ar trebui să ajungă. Dacă sunt multe, și chestii din astea unelte, sau ce avea și Gheorghe Cernea, bucăți de textile, nu prea ai ce să faci cu ele acasă. Mi se pare mai bine să fie în un muzeu să le vadă mai multă lume. La tablouri cu urmași, cum a fost cu familia Bethlen, înțeleg că erau strămoși lor pictați acolo. și astea la moment dat pot să ajungă la o galerie de artă, de ce nu.

## **English Interview**

A: So please start with stating your name and position at the museum.

D: My name is Diana Macarie, and I am an ethnography specialist in the Mediaș Municipal Museum. At the university I did museology, in the first year that the programme was set up by the government.

Q: How would you describe your ethnography collection at the museum?

D: The collection itself is quite large, with ethnography being a permanent collection. It includes a variety of objects. Traditional costumes, along with textiles used in the household, tablecloths, woven carpet etc. Then we also have ethnographic pottery, numerous objects used by craftsmen in workshops, carpenter's objects that go to the guild, but many are enumerated in ethnography. So we have textiles, metals, ceramics, wood; a variety of objects and materials. These are held in three deposits. I do not know the figures off the top of my head, just the textiles and traditional costumes, which number at 1,279. Besides these, there are a great number of ceramic vessels and tools used by craftsmen.

A: And how did the collection develop?

D: Part originated from the old fund. But many, I noticed this when working through the inventory; many traditional outfits were purchased in the years 1971-2. The Saxon community, when they left here they said were forced to leave their objects behind for free. This is even though it was their choice to leave Romania and go back to Germany. So it's simply not true: many of these objects were officially acquired through verbal purchases at fairly high prices. So, in a way, those were the richest years for the ethnographic department at the museum. Very few donations were made: most were purchased. In contrast, in recent years there were only donations to the collection, and almost nothing was purchased. However, even this number of donations is extremely small compared to the number under the communist period.

A: Do you think the ethnographic section is larger than the archaeological one at the Mediaș Municipal Museum?

D: No, I don't think so. In the ethnography there are around 2,700-2,800 objects total, much fewer than the archaeological and historical ones.

A: What gives cultural importance to an object, especially ethnographic, exposed or not in Romania?

D: I believe that all characteristics - all the features form a whole picture. They create a story and transmit information. They are all related, such as the age, and the technique in which it was made. The technique with which the object is made is usually very important because these are techniques and technologies that aren't used in modern times anymore. The material is also

important. In addition to this, is the conservation status of the object, let's not forget. Evidently, if the object is very old and very well preserved, it has a higher value.

A: And what are the procedures for purchasing cultural objects?

D: It's a lot of work, but as I said before, there have not been many recent acquisitions in ethnography. The only recent one was the purchase of two paintings, bought only after I made a report of to the director of the museum. In it, I mentioned how good it would be to get the paintings into the museum's collection, as it would enrich the local patrimony. They represented the history of Medias. Once the report was accepted, the funds were received by the museum to complete the purchase. However, the accounting procedures are done at the city hall, not at the museum. A contract of sale was created and signed, and paintings entered the collection of the museum.

A: And what are the procedures to test the origin of ethnographic objects in the Mediaș Museum?

D: This is a very big problem for us, because we often do not have the necessary information. For example, when organising the registers, I came across some embroidered peasant blouses with graduated decorations. These, it seemed to me, were made in the Saxon style. But the cut and the rest of the details were in the Romanian style. I enquired about them at the town hall, and they said the blouses were Romanian in origin with Saxon influences, from the Mureș area. They were inventoried in 1971. Our register is very poor quality, and I had to go to the town hall archive to find out more details. But the employee from the archive could not find any documents about this particular donation. Objects of Saxon origin are usually easier: they are entered into the museum register with the year of creation and the names of materials used. The local Saxons were more rigorous in their documentation.

Similarly, objects that were moved with the collection at Biertan have a better register. In the past, we had several museum sections in neighboring villages too. In a way it was better back then, when we had our own building. Today the museum resides in a rented space. Of course, it was still hard in certain ways during the communist time. In documents from the archives, I found how *muzeografi* were given written instructions for how to create x and y political event at the museum. They had to create exhibitions, expositions, and speeches that followed the guidance of the political party. So evidently the government was involved. At the same time, many of the exhibitions and objects created/acquired during the 1970s remain today. That was the same period of time when they opened the Rot House as an extension of the museum. By the 1990s, the funding dried up and they began to close external exhibitions and branches of the museum.

A: And what effect did the Communist government have on the style of museum exhibitions?

D: The government had an effect; they got their nose all over in the work of museums. They thought they were good at everything. The *muzeografi* were supposed to do everything the state wanted. But this is also still happening today, since we depend on the state for funds. I say that right now we are still in a period of prolonged communism, but we only get the negative results and none of the positives of communism. We are given little to no funding, and we cannot make new purchases to enlarge our collection: the government no longer invests in smaller museums. The Communists gave more money for acquisitions, because they were focused on the portrayal of Romanian history and its peasants. The working class was considered very important, and if therefore purchases were made in ethnographic objects. The peasant was considered the sole of the country, and they were highly regarded by the Party. In the early years, the museum directors

were working class, what was considered a 'healthy' origin – no one was promoted to the position if they were of the artistic and cultural intelligentsia.

A: Speaking of restitutions, the case with Gheorghe Cernea concerned ethnographic objects. How was the process for returning objects?

D: They were returned after Mrs. Doina Comșa, who was an ethnographer at a communist-era museum, wrote an article about the objects in the museum collection. The family members who filed the claim found out, and hit us with a legal process. They eventually won and received the items back. They said they wanted to open a museum named Gheorghe Cernea, with these objects. If you think about it, the objects returned were not valuable. There were some ecclesiastical objects with slightly more value, but most were pieces of textiles. They weren't things that were very 'wow'.

A: The last question is a more general one - What is your opinion about restitution from an ethical perspective?

D: It's good, what should I say, provided the heirs take care of them when they enter their property. If the objects in question are in museums, the professionals can deal with them, as they know the methods to keep them well conserved, and to create an environment that would maintain the object. Perhaps those who obtain the objects through the legal process of restitution do not have the necessary knowledge to maintain the objects. That is the only problem I can think of that regarding restitution. Maybe, in the end, the objects should still end up in a museum, especially if, like in the Cernea case study, the objects are numerous and with little value. You cannot do much with the pieces of cloth and textiles at home. I think it's better if they are left in the museum and available for the public to view. Regarding the case study of the Bethlen family, the return of the paintings is different. I understand why they would want, and should rightfully have, the paintings of their ancestors in their house. Although, even these could eventually end up in an art gallery, to conserve them better - why not?

## Appendix 4: Survey, Brukenthal National Museum, Raluca Teodorescu, (head of archaeology department)

### Romanian Survey

#### *Sect 1*

##### *a. Nume si Muzeu*

Raluca Teodorescu

Muzeul Național Brukenthal-Muzeul de Istorie Casa Altemberger

##### *b. Cum ati descrie pe scurt colectia dumneavoastra de muzeu?*

Aproape 200.000 de piese din perioade diferite și cu tipologii variate. Cel mai vechi obiect este toporasul de la Racovița datat de acum aprox 600.000 ani. Cele mai noi obiecte sunt piese din perioada comunistă și post-comunistă, înscrise recent în colecțiile Modern-Contemporană și Numismatică. Sunt piese valoroase din punct de vedere istoric, documentar dar și artistic. Cele mai mari colecții sunt cea de arheologie și cea de numismatică, împreună însumând aproximativ 120.000 de piese. Colecția de îmbogățeste anual cu piese provenite din cercetări arheologice și donații.

##### *c. Care sunt detaliile care confera importanta culturala unui obiect, expus sau nu, in Romania?*

La nivel national este aplicat programul DOCPAT care are criteriile de expertiza standardizate astfel: pe de o parte vechimea, frecvența, starea de conservare, pe de altă parte valoarea istorică, valoarea memorială, autenticitatea, autor/atelier/scoala. Funcție de punctajul obținut de obiecte acestea sunt incluse în categoriile tezaur, fond (clasabile la nivel național) sau bunuri de muzeu (neclasate).

##### *d. Muzeul dumneavoastra a aderat la Codul de Etica de la Consiliul International a Muzeelor, sau ICOM?*

Da.

#### *Sect 2*

##### *e. Care sunt procedurile pentru achizitia de obiecte culturale?*

Achizițiile se fac în funcție de evaluarea obiectelor - data de raportul de expertiză făcut de experții în domeniu, atestați de Ministerul Culturii și de bugetul instituției. Referatul de achiziție este făcut de un specialist în domeniul în care se încadrează piesa și aprobat de conducerea muzeului.

##### *i. Care sunt diferentele, daca ele exista, fata de procedurile din perioada dinainte de 1989?*

##### *f. Care sunt procedurile pentru a atesta provenienta obiectelor din colectie?*

Proveniența obiectelor este un camp specific în registrul de inventar. Majoritatea pieselor din colecții au menționată proveniența. În cazul în care ea nu este specificată, este dificil să fie reconstituită, în condițiile în care vorbim de piese care au intrat în colecții de peste 200 de ani. Dacă ne referim la verificarea acesteia în cadrul expertizei (autor/atelier/scoală), atunci analogiile se fac cu piese din colecții muzeale din țară sau străinătate, în baza bibliografiei sau a studiului direct pe piese.

##### *i. Dumneavoastra ati avut o experienta cu un obiect cu provenienta neclara, sau necunoscuta?*

Nu.

##### *g. Care sunt procedurile in cazul in cererilor de restituire, si in cazul in care o cerere este adresta dumneavoastra sau in cazul in care muzeul adreseaza o cerere de restituire?*

Cf. legii, bunurile culturale mobile depuse in custodia unor institutii publice dupa data de 31 decembrie 1947 vor fi restituite de catre institutiile detinatoare persoanelor fizice sau juridice care le-au depus, potrivit dreptului comun, la cererea scrisa a acestora, cu avizul Comisiei Nationale a Muzeelor si Colectiilor. Bunurile culturale mobile preluate inainte de 6

septembrie 1940 de autoritati ale statului nu pot fi revendicate; bunurile culturale mobile preluate ilegal de autoritati ale statului dupa data de 6 septembrie 1940 pot fi revendicate de proprietarii de drept si vor fi restituite acestora de catre institutiile care le detin, pe baza unei hotarari judecatoresti definitive. In cazul in care obiectul restituirii il reprezinta colectii formate din mai multe bunuri culturale mobile aflate in procedura de clasare, acestea pot fi retrocedate proprietarilor, anual, pe parti din colectii, pe masura ce acestea au fost clasate.

*i. Ati avut vreodata o experienta cu asta? Cum ati procedat?*

Anual sunt întocmite procese verbale de predare a pieselor retrocedabile între Muzeu și Parohia Evaghelică C.A, în funcție de ordinele de clasare a acestora care sunt emise de Ministerul Culturii și Identității Naționale pentru anul respective.

*Sec 3*

*h. Care este parerea dumneavoastra despre conceptual de restituire in general? Din punct de vedere moral?*

Este legal și moral ca proprietarul de drept să fie și cel faptic. E normal să se facă retrocedarea, însă proprietarul trebuie să își asume respectarea normelor de conservare și securitate a pieselor, dar și normele legale referitoare la exportul de bunuri culturale.

## **English Survey**

*Section 1 – Background*

*a. Name and Museum*

1. Raluca Teodorescu; Brukenthal National Museum – Altemberger House Historical Museum.

*b. How would you describe your museum collection in short?*

1. We have almost 200,000 pieces from various time periods and typologies. The oldest object is a small axe from Racovita, c. 600,000 year old. The most recent additions are objects from the communist/post-communist period, recently inscribed in the Modern-Contemporary and Numismatics departments. From a historical, documentary and artistic perspective, these are our most valuable objects. The biggest collection is the archaeological/numismatics one, which comes to 120,000 objects. The collection is enriched yearly through cultural objects uncovered in archaeological excavations and through donations.

*c. What is it that makes an object culturally important in Romania?*

1. At a national level the DOCPAT program is applied, which has the following standardised criteria: on one side the age, frequency, and state of conservation of the item, and on the other side its historical and memorial value, its authenticity, and the maker/atelier. Depending on the number of points the cultural object reaches is included in the Treasury, the Fund (classifiable at a national level), or museum goods (unclassifiable).

*d. Is your museum part of the ICOM Code of Ethics?*

1. Yes

*Section 2*

*e. What procedures are in place in your museum for the acquisition of items?*

1. Acquisitions are made in terms of the evaluation of the object – provided through expert reports, and certified by the Ministry of



Culture, and the institution's budget. A purchase report is made by a specialist of the field of the object (ie archaeologist, historian) and approved by the museum's management.

- f. *To your knowledge, has this changed since the Communist period?*  
1. NA
- g. *Are there any procedures to ensure the provenance of the cultural object is known?*  
1. The provenance of items has a specific column in the inventory register. The majority of museum objects have the provenance written down. In cases where this is not specified, it is difficult to reconstruct its origin, especially for objects that have entered the collection over 200 years ago. If we are talking about verifying the artist/atelier from which the object comes from, then we carry out research on similar objects in museums within the country and abroad.
- h. *Have you personally ever experienced an unprovenanced object?*  
No
- m. *Are there any procedures in place in your museum if a restitution request is placed?*  
According to legislation, mobile cultural goods placed in the custody of a public institution after 31 December 1947 are to be restituted to the rightful natural or legal persons who surrendered them upon their written request, with the approval of the National Commission of Museums and Collections. Cultural goods taken by the State authorities before 6 September 1940 cannot be returned; cultural goods taken illegally by State authorities after 6 September 1940 can be returned to the rightful owner by the institution based on a judicial decision. If the referred object consists of several movable cultural goods under the classification procedure, these can be returned annually in parts.
- n. *Have you ever had the experience? How did you handle it?*  
Annually, verbal proceedings are handed over for the restitution of cultural items between the Museum and the Evangelical Church, according to the orders issued by the Ministry of Culture and National Identity for the particular year.

### *Section 3*

- o. *What are your personal opinions on restitution of cultural objects?*  
It is legally and ethically right that a rightful owner possesses these items. It is normal to carry out restitutions. However, the owner must assume the responsibility to maintain the conservation state and security of the object, as well as the legal limitations regarding the export of cultural goods.

## **Appendix 5: Interview, National Museum of the Union, Cristinel Fantaneanu (head of archaeology department), 14 August 2018.**

### **Romanian Interview**

A: Deci dacă puteți să începeți cu numele vostru și muzeul la care lucrați?

Cristinel: Mă numesc Cristinel Laurențiu Fântâneau, și sunt șeful secției de arheologie din cadrul Muzeului Național al Unirii.

A: și cum ați ajuns șef de secție, care este backgroundul vostru?

Cristinel: În 1997 am terminat facultatea în arheologie aici la Alba Iulia. Am lucrat după aceea până în 2007 la muzeul din Râmnicu Vâlcea, la secția etnografică. 2007 am primit post de arheolog la muzeul de aici, și din 2010 sunt șef de secție.

A: și cum ați descrie colecția arheologică din muzeul din Alba Iulia?

Cristinel: Muzeul Național al Unirii deține o foarte importantă colecție de arheologie. în primul și primul rând este o colecție de arheologie antică romana. Este cel mai mare oraș roman din provincia Dacia. A fost capitala celor trei provincii din Dacia, și e firesc să aibă cele mai importante obiecte de pe epoca romană. Dar nu este numai de pe epoca romană. Avem o foarte bună colecție din preistorie, mai ales din epoca bronzului și din prima și a doua epocă a fierului, și după aceea bineînțeles și din epoca post romana. Este o colecție buna, chiar foarte bună așa putea spune, care liniștit în opinia mea personală ar putea să constituie chiar ca un muzeu de arheologie de sine.

A: Și care ziceți că sunt detaliile care conferă importanță culturală la un obiect în România?

Cristinel: sunt sigur că sunt mai multe criterii, pe de o parte sigur criteriu estetic, criteriul valorii intrinsece, Criteriul vechime (cu cât este mai în vârstă obiectul cu cât este mai valoros). În opinia mea cam astea ar fi cele trei criterii cele mai importante. Mai este și Criteriul relevanței pentru secția de care face parte: istorică, arheologică, sau etnografică.

A: și muzeul din Alba aderă la codul de etică de la ICOM?

Cristinel: Da.

A: și care sunt procedurile pentru achiziția obiectelor culturale?

Cristinel: Sunt mai multe proceduri. Pe o parte, pentru bunurile arheologice provin des din cercetările arheologice, atât cele sistematice cât cele preventive. Cele preventive se fac foarte des în județul Alba, pentru că se construiește și patrimoniul din Alba este foarte mare. România a aderat în 1992 la Convenția de la Valletta, în care acum înainte să se construiască se fac astfel de descărcări arheologice. în acestea se scot obiectele, și apoi se poate construi.

A: Deci nu sunt des cumpărate?

Cristinel: Nu. Vorbind de obiectele de arheologie, nu. De obicei, există o prevedere legală în care să spună ca am găsit obiectul în grădina mea, se stabilește o anumită valoare, și putem să dăm 30% valoarea aceluși obiect proprietarului care la găsit. Legislația în România, după știința mea este așa: poate să aparțină unui individ suprafața terenului, subsolul său aparține statului. Nu este același lucru ca în America, în care aparține proprietarului.

A: Procedurile acestea și cercetările arheologice sau dezvoltat de pe timpul comunistului?

Cristinel: Cercetările arheologice, cel puțin Alba, au început din secolul 19. După aceea sigur că au continuat cercetările interbelice. și în perioada comunistă au existat săpături arheologice, dar legislație nu o cunosc așa de bine pe perioada aceea. Dar nu era o legislație așa clară Cum este astăzi. și după 1990, poate că pe de o parte nu au mai fost aceleași fonduri pentru cercetările sistematice. În schimb, pot să spun că se compensa testul de mult cu aceste cercetări preventive, mai ales în ultimii ani pe viitoarele autostrăzi.

A: și pentru proveniența obiectelor, este o procedură anume? Aveți în general probleme cu asta la muzeu?

Cristinel: În general la noi se știe proveniență. Chiar dacă poate unele, mai precis să mai puțin, în funcție și de data în care au fost înregistrate. Sigur că pe perioada interbelică poate datele nu sunt chiar atât de precizie. Dar în general, se știe originea pentru că după ce intră obiectul în muzeu este înregistrat în inventar și intră în dosare de clasare.

A: Deci este bine organizat?

Cristinel: Se poate și mai bine, și ne străduim să facem mai bine, dar e bine.

A: și sunt curioasă ce efect a avut guvernul comunist pe stilul de expoziții din muzeu?

Cristinel: Din ce știu eu, chiar dacă nu am prins perioada la muzeu, dar fiind vizitator când eram copil cu școala, știu că se lucrat foarte mult cu Decorativă. Asta o știu și de la fostul loc de muncă în Râmnicu Vâlcea. și cred că și aici. Dar cel puțin în muzeul din Râmnicu Vâlcea, știu că era făcut cu Decorativă. Bănuiesc că se lucra și aici. Știu că erau în cel de interpretarea, ca o firmă care aparținea de stat. Totul aparține statului, nu existau inițiative private.

A: Pentru cereri de retrocedări, care sunt făcute cu muzeul din Alba, care este procedura aplicată?

Cristinel: La noi nu prea există cereri de retrocedari. Eu personal cunosc o cerere de retrocedare pentru un obiect din colecție. Chit că sunt și membru Comisiei de Achiziții, dar nu îmi aduc aminte să ne fii confruntat cu posibilitatea. Dacă sunt, sau dacă au existat, procentajul este foarte foarte mic. Nu e o acțiune de masă.

A: Ultima întrebare este una mai generală. Care este opinia voastră despre retrocedări din punct de vedere moral în România?

Cristinel: Moral aș putea spune da, eu sunt de acord cu aceste retrocedări. dar în același timp, să nu uităm totuși că astea, că obiectele din patrimoniu, necesită un anumit climat, anumite condiții de păstrare. Deci nu știu cine, sau câți, își permit să aibă condițiile astea. Un om oarecare care nu are cum să facă acestei conservări, ar trebui să plătească în specialist. La modul de retrocedare a patrimoniului imobiliar, e normal să fie retrocedate. La bunurile culturale, este mai complicat. și asta este numai în condițiile în care a justificat în plin proprietatea acelui bun.

## **English Interview**

A: So if you can start with your name and the museum you are working on?

Cristinel: My name is Cristinel Laurentiu Fântâneau, and I am the head of the Archeology Department of the National Museum of the Union.

A: And how did you become head of section, what is your background?

Cristinel: In 1997 I graduated the archeology faculty here in Alba Iulia. I then worked until 2007 at the museum in Râmnicu Vâlcea, at the ethnographic section. In 2007 I received the post of archaeologist at the museum here, and since 2010 I am Head of Department.

A: How would you describe the archaeological collection in the Alba Iulia Museum?

Cristinel: The National Museum of the Union holds a very important collection of archeology. It is first and foremost a collection of ancient Romanian archeology. Alba Iulia was the largest Roman city in the province of Dacia. It was the capital of the three provinces of Dacia, so it is natural to have the most important objects from the Roman period in its collection. But we also have a very good collection of prehistoric objects, especially from the Bronze Age and the first and second epochs of the Iron Age, as well as of course collections from after the Roman period. It is a good, even very good collection, I could say, which, in my personal opinion, could fill an entire museum on their own.

A: And what would you say are the details that give cultural importance to an object in Romania?

Cristinel: I am sure there are several criteria, on the one hand certainly the aesthetic value, intrinsic value, and age (the older the subject is, the more valuable it is). In my opinion, that would be the three most important criteria. There is also how relevant it is for the department of which it belongs: historical, archaeological, or ethnographic.

A: And the Alba Museum adheres to ICOM code of ethics?

Cristinel: Yes.

Q: What are the procedures for purchasing cultural objects?

Cristinel: There are several procedures. On the one hand, archaeological research often comes from both systematic and preventive. The preventive ones are very often carried out in Alba County, because the Alba heritage is very large. Romania signed the Valletta Convention in 1992, and so now these archaeological rescue missions are carried out frequently. Once the objects are removed from the ground, construction can begin.

A: So the objects are not often purchased?

Cristinel: No. Within the archaeology department, no. Usually there is a legal provision stating that when one finds an object in their garden, a certain value is established, and the museum can give 30% the value of that object to the owner who found it. The law in Romania, according to my knowledge, is like this: above the land it is the property of the individual, everything beneath the soil belongs to the state. It's not the same as in America, where it belongs to the owner.

A: And have these procedures and style of archaeological research developed since the communist period?

Cristinel: The archaeological research in the field, at least Alba, began in the 19th century. In the communist era there were archaeological excavations, although I am not very familiar with the legislation of that period. But it was definitely not as clear it is today. After 1990, on the one hand,

there were no the same funds available for systematic archaeological research. On the other hand, I can say that it's been offset with this preventive research, especially in recent years on future highways.

A: And for the origin of objects, is it a particular procedure? Do you generally have problems with this at the museum?

Cristinel: Generally we know the provenance of our collection. Even though some information is more or less detailed, depending on the date they were inventoried. Of course, in the interwar period the data is not as accurate. But in general, the origin is known because after the object enters the museum it is registered in the inventory and enters archives.

A: So is it well organized?

Cristinel: It is pretty good, we always strive to do better, but it's good.

A: And I am curious as to what effect did the Communist government have on the museum's exhibition style?

Cristinel: As far as I know, even if I was not employed by a museum at the time I had visited many museums with my school, I know that a lot of work was done with *Decorativa*. I also heard about this collaboration when I worked at my old job in Râmnicu Vâlcea. And I think here, at Alba, they also collaborated. But at least in the museum in Râmnicu Vâlcea, I know for sure it was created with the help of the *Decorativa*. I know they were in business, as a state-owned firm. Everything belonged to the state back then, there were no private initiatives.

A: For requests for restitutions that are made to the Alba Museum, what is the procedure followed by the institution?

Cristinel: There are no requests for restitution with us. I personally know no requests for an object in the collection. Even though I'm a member of the Procurement Commission, I do not remember being faced with a claim. If there are, or if they existed, the percentage is very small. It's not a mass problem.

A: The last question is a more general one. What is your opinion about restitutions in Romanian from an ethical point of view?

Cristinel: Ethically I could say yes, I agree with these restitutions. But at the same time, let us not forget that these objects of the patrimony require a certain climate, certain conditions of preservation. So I do not know who, or how many people, can afford to ensure these conditions. Anyone who cannot ensure this should pay for a specialist conservator, which is already present at a museum anyways. For the restitution of real estate and land, it is normal to be returned. Regarding cultural goods, it is more complicated. And even this is only when the claimant can fully justify their rightful ownership of that cultural object.

## Appendix 6: Survey, National Museum of Transylvanian History

This survey was responded to directly in English; therefore no Romanian version is presented.

### *Section 1 – Background*

#### *a. Name and Museum*

National Museum of Transylvanian History, Cluj-Napoca

#### *b. How would you describe your museum collection in short?*

NMTH holds a patrimony of over 400,000 cultural objects, illustrating Transylvanian history and civilization: from prehistory to current times. In particular, archaeological discoveries (prehistoric tools and ceramics, vases, tools, weapons and jewellery from Dacian/Roman times, objects pertaining to migrating populations), but also medieval collections and decorative art (furniture, ceramics, glass), weaponry, documents and photographs, valuable old books, and magazines/newspapers from the 19<sup>th</sup>-20<sup>th</sup> c.

The most valuable objects are found in the Roman Lapidarium, the Medieval Lapidarium, the Egyptian Collection, and the Numismatics Collection. The Roman Lapidarium contains over 700 representative pieces of the Transylvanian history, most originating from the inter-Carpathian Dacian territory. The Medieval and pre-modern Lapidarium constitutes the most valuable collection of this type in the region. It is considered the richest Lapidarium in the inter-Carpathian region: containing sculptural pieces from 13<sup>th</sup>-19<sup>th</sup> c., originating from acquisitions, donations, demolitions, and archaeological excavations (both systematic and salvage).

The Egyptian collection is one of the most important in Transylvania, containing c. 660 pieces: mummies (human mummy with sarcophagus, human mummified organs [hands, lungs], mummified animals [cat, ibis, crocodile baby], statuettes (ushebtu from faience and bronze, deities), amulets, and various artefacts (makeup ceramic, statue fragments, and bits of sarcophagus).

The numismatics collection is tied to the Transylvanian Museum Society founded in Cluj in 1859. The nucleus of this collection was outlined before the creation of the museum. Thus, in 1842 a member of the Esterhazy family donated to the future museum a part of their medal collection (149 Napoleonic medals), together with 5000 forinti as payment to the custodian. After the opening of the museum, throughout the second half of the 19<sup>th</sup> c., the collection grew through wealthy donations and acquisitions from European antiquities trade.

#### *c. What is it that makes an object culturally important in Romania?*

The answer is found in the legislation concerning mobile cultural property such as:

1. Nr. 182 2000 – on protection of movable cultural property
2. Nr. 311 2003 – on museums and their collections
3. Ruling from 20/08/2008, published in the Official Monitor, Part 1 nr. 647 from 11/09/2008 – on classification of movable cultural goods.

#### *d. Is your museum part of the ICOM Code of Ethics?*

Yes, MNIT adhere to the ICOM Code of Ethics

### *Section 2*

#### *e. What procedures are in place in your museum for the acquisition of items?*

After the Communist Revolution of 1989, in the 1990s, the Ministry of Cultures allocated funds for acquisitions more frequently. These were allocated several times to complete the museum collections with selected

cultural goods, bought from antiquities galleries. Usually however, most acquisitions began on the initiative of various museum staff. The Museum Procurement Committee decides on any purchasing opportunities and seeks the approval of the Ministry of Culture. Necessary funds for these purchases can also originate from the Ministry of Culture. Any acquisitions of new cultural goods are finalized only with the approval of the Ministry of Culture.

f. *To your knowledge, has this changed since the Communist period?*

This was the procedure before 1989 as well.

g. *Are there any procedures to ensure the provenance of the cultural object is known?*

Information on the provenance of objects in our collection is obtained, for the most part, from inventory and registers. But information is also obtained from other, older documents such as the Analytical Records or Conservation Records. We also carry out various researches on the objects, published in various monographs, studies, and excavation reports.

h. *Have you personally ever experienced an unprovenanced object?*

N/A

i. *Are there any procedures in place in your museum if a restitution request is placed?*

All our procedures are regulated by nr. 182 25 Oct 2000 (republished) regarding the protection of movable cultural patrimony.

j. *Have you ever had the experience? How did you handle it?*

Yes. We had a restitution case at the beginning of the 2000s. We returned some icons, which were confiscated in an abusive manner by the Communist state in the 1980s, to their rightful owner. The restitution was carried out as dictated by the law, following a judicial decision.

### *Section 3 – ethical*

k. *What are your personal opinions on restitution of cultural objects?*

I am on the opinion that it must be carried out according to the legal provisions established by the Romanian state, at the beginning of the 2000s.

## Appendix 7: Survey, National Museum of Romanian History

### Romanian Survey

#### Sect. 1

##### a. *Nume și Muzeul*

Muzeul Național de Istorie a României

##### b. *Cum ați descrie pe scurt colecția dumneavoastră de muzeu ?*

Muzeul Național de Istorie a României, inaugurat în anul 1972, este una dintre instituțiile reprezentative ale culturii românești. Muzeul este adăpostit într-o clădire monument istoric, denumită în trecut *Palatul Poștelor*, aflată în cuprinsul vechiului centru istoric al Bucureștiului. Clădirea a fost construită între 1894–1899, pe baza planurilor arhitectului Al. Săvulescu (1847–1902), având drept sursă de inspirație Palatul poștelor federale din Geneva.

În prezent Muzeul Național de Istorie a României deține un bogat patrimoniu (incluzând peste 750.000 piese, un număr care sporește anual și între care se numără obiecte remarcabile), organizat în următoarele colecții: ceramică, lapidarium-tegularium, numismatică, filatelie, medalistică-sigilografie, tezaur, manuscrise, tipărituri, artă plastică, artă decorativă, fototecă istorică, stampe, hărți, metal, armament și echipament, textile și mobilier.

În sala *Tezaurului Istoric* sunt expuse peste 3.000 de piese deosebite (unele unicat), realizate din metale și pietre prețioase aparținând unor civilizații care au existat – de-a lungul timpului – pe teritoriul actual al țării noastre sau ilustrând evenimente și activitatea unor personalități istorice din vremurile trecute.

Expoziția permanentă din *Lapidarium* este amenajată într-o clădire special construită la sfârșitul anilor '60 ai secolului trecut, astfel încât să poată fi expuse aici copia la scară naturală a bazei Columnei lui Traian și copii după scenele reprezentate pe acest monument excepțional al antichității, cât și monumente epigrafice și arhitectonice datând din epoca antică și din evul mediu, toate plasate într-o expunere cronologică. Astfel, sunt prezentate monumente civile (acte, decrete, monumente onorifice), religioase (monumente funerare și votive), sculptură și elemente decorative și de arhitectură.

Prin colecțiile sale, Muzeul Național de Istorie a României deține un fond foarte valoros de bunuri de patrimoniu mobil care ilustrează toate perioadele semnificative din trecutul poporului român, cât și din vremea unor civilizații care au existat în vechime pe actualul teritoriu al țării noastre.

În septembrie 2002 expoziția permanentă a Muzeului Național de Istorie a fost împachetată, obiectele luând drumul depozitelor. Reabilitarea structurii de rezistență a început în iarna aceluiași an, lucrările fiind executate, până în septembrie 2005, în proporție de aproximativ 50%. Finalizarea lucrării de reconstrucție era așteptată pentru mijlocul anului 2007, termen care nu a putut fi respectat.

Datorită faptului că muzeul se află în reparații capitale, cea mai mare parte a expozițiilor sunt temporar închise sau în reorganizare. Pe măsură ce lucrările de consolidare a clădirii vor avansa, expoziția istorică permanentă va fi redeschis.

În prezent, Muzeul Național de Istorie a României prezintă publicului două mari expoziții permanente – *Tezaur Istoric*, *Lapidarium – Copia Columnei lui Traian* - și expoziții temporare în Holul Central.

##### c. *Care sunt detaliile care conferă importanță culturală unui obiect expus sau nu, în România?*

Răspunsul poate fi în egală măsură concis sau foarte amplu. Importanța unui obiect este oferită de maniera în care poate fi integrat cu succes în discursul expozițional. Poate fi clasat în categoria fond sau tezaur, ori să fie o replică foarte recentă ca datare, dar cu un aspect autentic, care imită o veritabilă piesă din trecut. Curatorul expoziției are libertatea de a alege piesele pe care el le consideră adecvate acesta având calitatea unui pseudo-designer, care poate să alcătuiască țesutul expunerii. Important este ca obiectele folosite atât la nivel individual, cât și la nivel colectiv să mulțumească nevoile de curiozitate și de cunoaștere ale publicului.



- d. *Muzeul dumneavoastră a aderat la Codul de Etică de la Consiliul Internațional a Muzeelor sau ICOM?*  
Afirmativ.

*Sect. 2*

- a. *Care sunt procedurile pentru achiziția de obiecte culturale?*  
i. *Care sunt diferențele, dacă ele există, față de procedurile din perioada dinaintea de 1989?*

Pentru realizarea achizițiilor necesare îmbogățirii patrimoniului instituției noastre se formează comisii, alcătuite din angajați specializați pe diferite epoci istorice, care cunosc temeinic patrimoniul diversificat aferent fiecărei perioade. Membrii comisiei discută despre oportunitatea unor achiziții, dacă piesele sunt relevante pentru completarea unui segment al patrimoniului și în perspectiva pentru amenajarea unor expoziții. Ulterior se stabilesc și se comunică sumele de bani care pot fi oferite pentru achiziționarea pieselor, urmând ca detinatorii să își exprime acceptul sau dezacordul. În eventualitatea unui răspuns pozitiv sunt întocmite actele care să ateste achiziționarea pieselor și plata către detinator. Nu există diferențe notabile între procedurile folosite în prezent și cele anterioare anului 1989.

- b. *Care sunt procedurile pentru a atesta proveniența obiectelor de colecție?*  
i. *Dumneavoastră ați avut o experiență cu un obiect cu proveniență neclară sau necunoscută?*

Proveniența anumitor bunuri culturale poate fi demonstrată prin existența unor facturi sau chitanțe care să demonstreze achiziționarea lor anterioară, menționarea în testamente, fotografii, consemnarea în jurnale. Pentru bunurile cu o vechime notabilă poate fi folosită datarea cu C14. Au existat mai multe situații în care anumite bunuri să aibă o situație neclară însă această incertitudine nu a anulat importanța piesei respective.

- c. *Care sunt procedurile în cazul cererilor de restituire, și în cazul în care o cerere este adresată dumneavoastră sau în cazul în care muzeul adresează o cerere de restituire?*  
i. *Ați avut vreodată o experiență cu asta? Cum ați procedat?*

În situația în care se primește o cerere pentru restituirea unei piese de patrimoniu se inițiază un proces ce are ca scop clarificarea contextului în care bunul respectiv a ajuns în colecția muzeului și dacă demersul este unul just, corect din punct de vedere legal.

Muzeul nu a adresat cereri de restituire către alte instituții.

*Sect. 3*

*a. Care este părerea dumneavoastră despre conceptul de restituire în general? Din punct de vedere moral?*

Articolul 80 din legea 182/2000 este foarte clar: bunurile culturale mobile vor fi restituite, la cerere, proprietarilor de drept.

## **English Survey**

*1. Section 1 – Background*

*a. Name and Museum*

National Museum of Romanian History

*b. How would you describe your museum collection in short?*

The NMRH was opened in 1972, as one of the institutions to represent Romanian culture. The museum is located in a historic building, named the Post Palace, within the historic old town of Bucharest. Presently, the

museum holds a rich patrimony collection (over 750,00 pieces, a number which grows yearly and among which we have several remarkable pieces). These are organised in the following collections: ceramics, lapidarium-tegularium, numismatics, stamps, medals and seals, treasury, manuscripts, plastic art, decorative art, historical photographs, maps, metals, weaponry and equipment, textiles, and furniture. Within the Historic Treasury room, there are over 3,000 unique and special objects exposed, belonging to civilisations that previously occupied the territory of modern Romania.

The permanent collection from the Lapidarium is housed in a specially constructed house from the 1960s, in order to exhibit the base of the Trajanic column, as well as scale copies of the decorative elements of the column. Similarly, it houses other epigraphic works of art and architectural monuments from antiquity and the medieval period.

In its collection, the museum holds a very valuable collection of mobile cultural goods that illustrate all the important periods of the Romanian peoples.

Since 2002, the permanent collections have been packed away for a reconstruction of the buildings' foundation, and the objects placed in deposits. Construction was intended to complete in 2007, but currently is still underway, resulting in all collections aside from the Treasury and the Lapidarium being closed to the public.

- c. *What is it that makes an object culturally important in Romania?*

The answer can be both very precise and very vague. The importance of an object is based on the ways in which it can be successfully integrated in the exhibition. It can be classified as part of the treasury, or a recent replica – but one that is unique and imitates a real historic cultural object. The curator has the liberty to chose the pieces which he considers right, which can tie the exhibition together. The important thing is that the objects are used at both an individual and collective level, to satisfy the curiosity of the public.

- d. *Is your museum part of the ICOM Code of Ethics?*

Yes

## Section 2

- e. *What procedures are in place in your museum for the acquisition of items?*

To make the acquisitions necessary for the enrichment of the patrimony our institution creates commissions, with specialists from various historic periods, who understand the diverse nature of our history at various periods. The members discuss the opportunity to make an acquisition – whether the pieces are relevant to complete an aspect of the cultural patrimony, and more practically, in terms of how it fits into current expositions. If it is decided to carry out the acquisition, the owners are notified and funds are materialised – if the owners agree with the transaction documents of the sale are drawn up.

- f. *To your knowledge, has this changed since the Communist period?*

There are no notable differences between how items were acquired today as opposed to before 1989.

- g. *Are there any procedures to ensure the provenance of the cultural object is known?*

Documents, bills, or receipts that show their previous purchases demonstrate the provenance of a cultural good. Also, the mention of them in testimonies, photographs, and newspapers are used. For objects that are older in date, we use C14 dating.

- h. *Have you personally ever experienced an unprovenanced object?*

There have been numerous situations where certain goods have an unclear provenance, but this uncertainty did not erase the cultural importance of the piece.

i. *Are there any procedures in place in your museum if a restitution request is placed?*

In the situation where a claim is made for the restitution of an object of patrimony, we begin a process to determine the context in which the object ended up in the museum collection, and whether the claim is justified from a legal perspective.

j. *Have you ever had the experience? How did you handle it?*

N/A.

*Section 3 – ethical*

k. *What are your personal opinions on restitution of cultural objects?*

Article 80 of law 182/2000 is very clear: movable cultural goods are to be restituted at the request of the owner, to the rightful legal owner.

## **Appendix 8: Interview, Brukenthal National Museum, Dr. Sabin Adrian Luca (General Director), 13 August 2018**

### **Romanian Interview**

Pentru un oraș ca Sibiu, care ar putea să fie toată zona centrală, case, cazare eu știu. Aici cam 90% din zona centrală este a bisericilor. E o aiureală întreagă. Bisericile nu mai sunt ca acum 100 de ani, nu mai au oamenii nu mai au puterea care au avut. Acuma blochează vânzarea, sau dezvoltarea în hosteluri sau hoteluri. Ca să încurajeze tot arată această lege cu retrocedările, neținând la faptul că lucrurile sunt mai complicate. Ca să aibă cât mai multe retrocedări sau decalat pe o fostă organizație săsești: că ei au fost dați proprietățile de la comunitatea germană pentru auto întreținere prin anii 30. Muzeul Brukenthal a donat 39 de picturi, care sunt printre cele mai valoroase atunci. Între timp au mai evoluat lucrurile.

Aici în Sibiu cel puțin, doar o clădire din nouă la muzeul Brukenthal aparține comunității germane. Restul aparține Statului Român. Ei plătesc tot. Sa retrocedat - bun. Cine plătește? Comunitatea maghiară au rezolvat chestiile mult mai simplu când ei au luat o biblioteca Înapoi. La Sibiu a fost o chestie mai politică, ca a fost discuții și cu domnul Iohannis. Eu am preluat muzeul deodată cu scandalul de retrocedare. Vechea direcțiune erau obișnuit cu alte lucruri. Atunci sa negociat, Și sa decis ce să facem. Lucrurile sunt foarte complicate, pentru de bani pentru restaurare, dar proprietatea e tot a bisericii. Noi aici suntem în Orient, nu suntem în vest. și Ungaria mișcă mai repede decât noi. Cazurile care le avem aici sunt sigur unice în Europa, pentru că proprietatea este privată și este proprietatea statului în același timp. cumva funcționează.

Legislația este prost făcută. în țările mai centrale europene este mai frumos aranjat. în Austria, în Slovenia, chiar și în Cehia este mai bine organizat. La noi, ei vor să fie retrocedari. Cum? Pe gratis. Ei de fapt distrug un monument istoric. Retrocedarea în sine nu se poate face dacă obiectul nu este clasat. E la fel ca în Occident, dar acolo au început mai demult. La noi de abia acum de 10 ani a început operațiunea. Procedură tehnică de clasare durează pentru un obiect în jur de 2 ani, doi ani jumate. Este un dosar care merge la Comisia Națională de Muzeu, acolo primește un aviz, merge la un institut care pregătește totul să fie introdus pe internet. este extrem de important chestia asta - de ce? Pentru că un obiect clasat, chiar dacă ajunge în comercializare el reține amprenta țării. Oriunde ajunge în lume, dacă e vândut sau cumpărat. la noi legislație nu previne asta, ceilalți au legislații contra asta. dacă este clasat avem dreptul pe legislația Europeană să cerem obiectul înapoi, cu toate cheltuielile plătite de cealaltă persoană.

La Brukenthal tot avem zeci de mii de piese, iar patrimoniul muzeului este de 1.600.000 de piese în inventare. Este și un proces, vin achiziții, și se dezvoltă constant. Este foarte greu, și procedura este destul de complicată, dar e bine să fie așa. Cu cât e mai simplu cu atât îți mai mari șansele să greșești. Așa dacă e mai complicat, se controlează. Muzeul Brukenthal e al treilea muzeu aproape din lume. A fost pe timpul Napoleon, și este al treilea muzeu public în Europa, după British Museum și Louvre.

### **English Interview**

The Brukenthal Museum is the third museum in the world. It was during Napoleon, and is the third public museum in Europe, after the British Museum and the Louvre.

For a city like Sibiu, which could be the whole central area, houses, I don't know. Here, about 90% of the central area is the Churches. It's a whole lot. Churches are no longer what they used to be 100 years ago, they no longer have the power they used to have. Now they often block sales, or the development of buildings into hostels or hotels.

In order to have as many restitutions as possible the institution of the Church was given the property of the Germanic, Saxon communities, under the guise of self-maintenance during the 1930s. Even the Brukenthal Museum donated 39 paintings to the Church, which are among the most valuable at that time.

Here in Sibiu at least, only one of the nine buildings at the Brukenthal Museum belongs to the German community. The rest belongs to the Romanian State. The State pays for the upkeep of these. The communities want the restitutions - good. Who pays? The Hungarian community resolved things much more easily when they reclaimed ownership of a library. In Sibiu it is still a more political issue, and there were even discussion about it with Mr. Iohannis. I took over the museum at the same time as many of these the restitution scandal was happening. The older museum employees were accustomed to a different way of running the place. We are here in the Orient, we are not in the West. Even Hungary moves faster than we do. The cases we have here are unique in Europe because the property is both privately owned and owned by the state, at the same time. Somehow it needs to work.

Legislation is also badly defined here. In the more central European countries is more nicely arranged. In Austria, Slovenia, and even in the Czech Republic is better organized. From us [the museum], they want restitutions. How? For free. When they're the ones actually destroying a historic monument.

Restitution itself cannot be carried out if the object is not entered into the official patrimony list. It's just like in the West, but there they have a head start on these issues. In Romania it's only been 10 years since the operation began. The technical inscription procedure for an object lasts around two to two and a half years. A file is sent to the National Commission of the Museum, where it gets considered, and then goes to an institute that prepares everything to be introduced on the Internet. This is an extremely important procedure to follow - why? Because a classified object, even if it gets into trading, retains the country's footprint. Wherever the object gets sent to in the world, whether he is sold or bought. If the object is classed on the official patrimony list we are entitled by European law to claim the item back, with all expenses paid by the other party.

At the Brukenthal National, the heritage of the museum is estimated at around 1,600,000 pieces in inventory. Placing it on the official patrimony is a process, as we are constantly making new purchases, and the collection is growing steadily. It's very hard, and the procedure is pretty complicated, but it's good to be so. The easier it is, the more likely you are to make mistakes. So if it's complicated, it means it's somewhat controlled.

## **Appendix 9: Interview, Medias Municipal Museum, Comsa Doina (former curator of ethnography department), 12 August 2018.**

### **Romanian Interview**

A: Deci doamna Comşa ce Îmi puteți spune despre ce efect a avut Partidul Comunist asupra stilul de expoziții la Muzeul Municipal Mediaș?

Doina: La un moment dat, nu aş putea să precizez când, dar oricum era sub Ceauşescu, începuse un proces de renovare, de rearanjare a expozițiilor de istorie, cel puțin. și muzeele mari, începând de la muzeele județene ca și cele naționale. Cum ar fi Brukenthal, care este Național chiar dacă nu este în capitală. Erau muzee care așa erau la categoria a doua, noi eram la categoria treia la muzeul municipal.

A: Deci la Mediaș nu au ajuns așa de multe controale de la Guvern?

Doina: Nu, nu au ajuns la noi. Adică, nu a ajuns să se lucreze direct cu Ministerul Culturii, atunci nu se cheamă Minister ci Consiliul Culturii și Educației Socialiste. Noi când am renovat, când ne doream și noi să schimbăm expoziția permanentă veche, când și-a dorit primarul să reînnoim expoziția, noi nu am lucrat cu Decorativă. Noi am încercat să facem totul pe plan local, începând de la tematică, și mergând până la elementele de renovare a interiorului și exteriorului clădirii. Acestea au fost făcute cu resurse interne. De la Consiliul Culturii nu aveam repartizații pentru așa ceva. Dar am avut nebunul ăla de primar care a vrut, a convocat toți directorii de aici și fiecare a contribuit, fie cu muncă efectivă fie cu bani. Iar tematica, am făcut-o pe plan local, respectiv am făcut-o eu, și am fost ajutată de un model de tematică de la un coleg de la Brukenthal. El ma ajutat și cu fotografiile și chestii din astea.

Tematica expozițiilor a fost făcută de mine și am trimis-o la colegul ăsta pentru aprobare. El era superiorul meu. Acolo a fost studiată, și sau făcut câteva observații, de care evident am ținut cont. Cam asta a fost situația de la Mediaș. La muzeele județene, investițiile au fost făcute pe plan național de la Consiliul Culturii. Amenajarea interioară, mobilierul și mijloacele de expuneri, au fost făcute cu această cooperativă, și întreprinderea, nici nu știu ce era, dar știam de ea. Lucrăm în domeniu, știam de decorativă. Era destul de scump, și la nivelul nostru nu era accesibil.

A: și ei ce făceau exact?

Doina: Ei furnizau vitrine, mijloace de expuneri, consiliere tematice. Dar pe mine nu mă interesau pentru că noi știam că nu putem să ajungem la Decorativa. Dar probabil și consilierul a fost pentru mijloacele de instalare, unele să fie așezate în mai în față, altele mai sus, și ce catifea să pună, dacă se pună aur sau argint. Adică erau niște noțiuni de estetică, și de figuri de arhitectură interioară. În mod sigur erau și designer pe vremea aia, dar nu erau numiți așa. Nu chiar designer. Li se mai spunea decoratori. Pentru că, de exemplu, și cooperativa avea niște ateliere specializate care se ocupau de amenajarea vitrinelor. Nu oricine putea să facă asta. Domnul Mureșan a lucrat la un atelier asemănător. Mulți dintre oamenii aceștia care se specializau în arte plastice colaborau cu Decorativa. Pe mine nu ma interesat de unde veneau artiștii, mă interesa ce aduc. Având de a face cu ei ani de zile, am aflat că unii lucrau pe la Creații la Email, sau la Creații la Vitro. Atunci Vitro era o chestie puternică.

La Decorativa nu am avut de a face direct cu ei. Nici nu le am cerut nimănui amănunte, cu cine erau, și ce făceau la Decorativa, că am mai stat de vorbă cu colegi de la muzee județene. Dar știind că noi nu o să fim da-ți fondurile să lucrăm cu ei direct, nu era de nasul Mediașului Decorativa.

A: Și la excepțiile temporare se implica au politica?

Doina: Nu, nu avea nimeni treabă. Încă la vernisaje îi invităm pe primar, și nu venea. Doar când, eu știu, se inaugura ceva, ca și secția de istorie, atunci sa făcut o ceremonie cu primarul în frunte. Atunci la vernisaj au fost invitați și directorii din zona de la fabrici și instituții.

### **English Interview**

A: So Mrs. Comșa, can you tell me what the effect Communist Party had on the exhibition style at the Mediaș Municipal Museum?

Doina: At one point, I could not tell when, but anyway it was under Ceausescu, there was a process of refurbishment, and reorganization of the history exhibitions. The impact they had depended on the level of the museum. There were large museums, starting with county and national museums. An example is Brukenthal, which was a national museum even though it was not located in the capital. These were museums that were in the second category, we were in the third category, as a municipal museum.

A: So in Mediaș there were not as many controls placed from the government?

Doina: No, they did not come to us as often. I mean we did not get to work directly with the Ministry of Culture (then it was not called the Ministry, but the Council of Culture and Socialist Education). When we renovated and when we wanted to change the old permanent exhibition, we did not work with the *Decorativa*. We tried to do everything locally, starting from the thematic decisions, and up to the decisions regarding elements of renovation of the interior and exterior of the building. These were carried out with internal resources. We did not get materials sent directly from the Council of Culture. But we had that crazy mayor who wanted the museum to develop, and he summoned all the directors in the region. Everyone contributed, either with physical work or with money. And regarding the thematic decision, I carried them out by myself, although a colleague helped me from Brukenthal who lent me a thematic model. He helped me with photos and information like that.

Therefore, I created the theme of the exhibition, and after I sent it to my colleague for approval. He was my superior. At Brukenthal, the model was studied and some observations were made, which I obviously took into account. That was the situation in Mediaș.

At municipal museums, investments were made nationally from the Council of Culture. The interior furnishings, furniture and means of exhibition were made with this cooperative, the enterprise, and I do not know what it was, but I knew about it. We worked in the field: we knew the *Decorativa*. But it was quite expensive, and it was not accessible to us.

A: And what did they do exactly?

Doina: They provided exhibition cases, means of exposure, and thematic counseling. But I did not really care because we knew we could not get to work with the *Decorativa*. But most likely, they counseled the style of the installations, how some objects should be placed in front, others above, and what type of velvet to put up, or gold or silver decorations. That is, they encouraged certain aesthetics, and style of interior architecture. The *Decorativa* employees were certainly 'designers' at the time, but they were not called that. They were called decorators.

The co-operative also had some specialized workshops dealing with the arrangement of glass cases. Not everyone could do that particular job. Mr. Muresan worked at a similar workshop. Many of people who specialised in fine arts and design collaborated with the *Decorativa* frequently. I did not care about where the artists came from, I was interested in what they brought with them. Having dealt with them for years, I found out that some individuals were working on Creations at Email, or at Creations in Vitro. Then Vitro was a powerful thing.

So, with *Decorativa*, we did not have to deal directly with them. I did not ask anyone whom I spoke to as a colleague at museums who they were, what they were. We knew that we would not get funding to work with *Decorativa* directly; Medias was too low on their radar.

A: And finally, did the temporary exceptions involve politics or political ideologies?

Doina: No, no one was really bothered. We still invited the mayor at the opening of exhibitions, but he often did not come. Only when, I don't know, something was inaugurated, like the history section of the museum, then a ceremony was held with the mayor at the head of the show. At these openings, the managers from the factories and institutions area were also invited.



## **Appendix 10: Survey, National Moldovan Museum Complex**

This statement was submitted in English; therefore, no Romanian version is presented.

Conforming to Art. 99 (2) of Law Nr. 182/2000, “mobile cultural objects obtained illegally by the State after the date of 6 September 1940 can be returned to the rightful owners and will be restituted to them by the institution which holds the items, on the basis of a judicial decision....”.

The restitution of cultural goods can be made only after fulfilling the legal proceedings from the Ministry of Culture.

Our institution has returned three paintings, on the basis on a judicial decision on the rightful owner.

The restitutions took place on 16.06.2016 (1 painting), and 28.02.2017 (2 paintings), on the basis on a verbal process of giving-receiving-restitution.

The aforementioned process contains the following information: name of the two parties, legal title, description of the cultural item(s) for restitution, the state of conservation of said item(s).

During the process, an art expert that was approved by both parties provided an authentication certificate for the cultural objects.

Finally, the return of said items was acknowledged and recorded by the Ministry of Culture and CIMEC Bucharest.

Jrs. Luminita Bulancea

## Appendix 11: Survey, Bran Castle Museum

### Romanian Survey

#### Sect 1

##### *a. Nume si Muzeu*

Castelul Bran nu figurează în anexa la Legea muzeelor și colecțiilor publice, care cuprinde toată rețeaua muzeelor din România și care se află în subordinea Ministerului Culturii, deci a statului român. Castelul Bran este monument istoric clasa A și este administrat, ca obiectiv de interes turistic. Vorbim de o proprietate privată, care include Castelul Bran, Parcul Regal, Casa Administratorului, Casa Principesa Ileana, Ansamblul Vama Medievală, toate acestea cu terenurile aferente, Platoul Inima Reginei cu Tabernacolul Reginei. Această proprietate este administrată de S.C. Compania de Administrare a Domeniului Bran S.R.L. din anul 2006, de când a fost restituiră proprietarilor de drept.

##### *b. Cum ati descrie pe scurt colectia dumneavoastra de muzeu?*

Colecția este compusă din obiecte de mobilier, pictură, grafică, sculptură și artă decorativă, cu valoare artistică, istorică și documentară, piese ce provin din colecțiile personale ale familiei moștenitoare. Cele mai multe piese sunt de secol XVIII – XIX, realizate de maeștri francezi și italieni. Dincolo de colecția muzeală permanentă, Domeniul Bran este atractiv din punct de vedere turistic prin multe activități cultural-artistice, publice și private, pe care le desfășoară în Castelul Bran, Parcul Regal, Casa de ceai sau Platoul Inima Reginei.

##### *c. Care sunt detaliile care confera importanta culturala unui obiect, expus sau nu, in Romania?*

Un obiect poate fi relevant din punct de vedere cultural prin scopul și mesajul pe care le poartă. Valoarea sa poate fi de mai multe feluri: artistică, tehnică, materială, estetică, literară, documentară, istorică, etc.

##### *d. Muzeul dumneavoastra a aderat la Codul de Etica de la Consiliul International a Muzeelor, sau ICOM?*

Până în acest moment, nu s-a considerat necesară înscrierea în ICOM.

#### Sect 2

##### *e. Care sunt procedurile pentru achizitia de obiecte culturale?*

În general, obiectele sunt acumulate prin cumpărare, donație sau realizate la comandă, în funcție de nevoi.

##### *f. Care sunt diferentele, daca ele exista, fata de procedurile din perioada dinainte de 1989?*

Pentru a înțelege mai bine diferențele, ar trebui să vorbim puțin despre cele două perioade istorice. În anul 1947, odată cu instaurarea forțată a regimului comunist, totalitar, a început procesul sângeros de expropriere a terenurilor și clădirilor și trecerea lor în proprietatea statului. Familia Regală a României a fost nevoită să părăsească țara, să ia calea exilului. Principesa Ileana, care a locuit la Castelul Bran cu copiii până în acest fatidic an, a luat și ea calea pribegiei. Astfel, până în decembrie 1989, când regimul totalitar a fost înlăturat, statul, prin conducerea Partidului Comunist Român era cel care deținea proprietatea asupra mijloacelor de producție, economia era centralizată, și proprietatea asupra terenurilor și clădirilor publice (cetățeanul roman putea să devină proprietar cel mult al unui apartament sau al unei case/camere în cadrul unor case după ce primea repartiție de la stat). În concluzie, achizițiile de obiecte culturale, pentru muzee, se făceau centralizat, în funcție de necesități. Ele erau repartizate de o direcție specializată din cadrul ministerului de resort. De altfel, baza expozițională din muzee o constituia bunurile personale, provenite din exproprieri prin legea de naționalizare. În ceea ce privește situația actuală, achizițiile se fac de pe piața liberă, regulă valabilă atât pentru un muzeu administrat de stat, cât și pentru entități private, ca cel în cauză, respectiv

Castelul Bran. Diferențele ar fi că în timp ce la stat se obțin aprobări și finanțări din bugetul repartizat Ministerului Culturii, Castelul Bran își stabilește singur plafonul financiar și lista de necesități.

*g. Care sunt procedurile pentru a atesta proveniența obiectelor din colecție?*

CertIFICATE de autenticitate, contracte de vânzare-cumpărare, publicații, albume, cataloage, surse istorice.

*i. Dumneavoastră ați avut o experiență cu un obiect cu proveniența neclară sau necunoscută?*

Nu.

*h. Care sunt procedurile în cazul în cererilor de restituire, și în cazul în care o cerere este adresată dumneavoastră sau în cazul în care muzeul adresează o cerere de restituire?*

Procedurile au loc în baza Legii 165/2013 de restituire a imobilelor preluate în mod abuziv în perioada regimului comunist, cu modificările și completările ulterioare. Domeniul Bran a fost retrocedat moștenitorilor de drept, copiii Principesei Ileana, nepoții Reginei Maria, în baza certificatului de moștenitori. Procedurile de restituire au fost întărite printr-o decizie judecătorească definitivă și irevocabilă, dată pe baza aceluiași legi. Legile de retrocedare privesc doar proprietățile imobile (clădiri, terenuri), nu există o lege similară pentru bunurile mobile (cu câteva excepții, cum ar fi monedele rare).

*ii. Ați avut vreodată o experiență cu asta? Cum ați procedat?*

Răspunsul se regăsește în pasajul de mai sus.

Sec 3

*i. Care este părerea dumneavoastră despre conceptul de restituire în general? Din punct de vedere moral?*

Cadrul legislativ din România este unul corect: se restituie în natură proprietarilor sau urmașilor lor bunurile imobile, pe baza documentelor justificative precizate de legiuitor, iar acolo unde acest lucru nu mai este posibil, se stabilește o despăgubire financiară, prin Fondul Proprietatea. Restituirea proprietăților este un act de dreptate care se face de către statul român, după ce, același stat, în mod abuziv, a confiscat bunurile dobândite în zeci sau chiar sute de ani, prin truda câtorva generații.

## English Survey

### *Section 1 – Background*

*a. Name and Museum*

Bran Castle is a historic monument (Class A), and is administrated for the purpose of tourism. It is a private property, which includes the Bran Castle, the Royal Park, the Administrative House, the House of Princess Ileana, and the Medieval Customs Collections. This is all administered by S.C. Compania de Administrare a Domeniului Bran S.R.L. since 2006 when the property was restored to its rightful owner.

*b. How would you describe your museum collection in short?*

The collection is composed of furniture, paintings, drawings, and sculptures with historical and artistic value. These items all originate from the private collection of the family heirs. The majority of items are dated to the 18<sup>th</sup>-19<sup>th</sup> century, composed by French and Italian masters.

Aside from the permanent collection, Bran is a popular touristic attraction, drawing various cultural-artistic events, both public and private.

*c. What is it that makes an object culturally important in Romania?*

An object is culturally important through the intent and meaning it carries. Its value can be multivocal: artistic, technical, material, aesthetic, literary, historical etc.

*d. Is your museum part of the ICOM Code of Ethics?*

Until present, it has not been deemed necessary to register with ICOM.

*Section 2*

*e. What procedures are in place in your museum for the acquisition of items?*

In general, objects are accumulated through purchases, donations, or are custom-made, depending on the case.

*f. To your knowledge, has this changed since the Communist period?*

To better understand the differences, we must consider the two historical periods. In 1947, at the same time as the forceful establishment of the Communist Regime (totalitarian), began the bloody process of surrendering the claims to private land and buildings to the State. The Romanian Royal Family was forced into exile. Princess Ileana, who previously lived at Bran Castle until 1947, followed her family. Thus, until 1989, when the totalitarian regime was removed from power, the State, through the leadership of the Romanian Communist Party was the legal owner of all means of production; the economy was centralized, and they owned all public land and buildings. A Romanian citizen could be a legal owner of an apartment or a house/room at most, after they were repatriated/assigned by the State. In conclusion, the purchases of cultural objects for museums were made as needed at a centralised level in the government, carried out by a specialised department within the Ministry. Thus, the origin from many museum expositions constituted of personal goods surrendered to the State during an act of nationalisation. In current times, purchases are made on the free market, both by public museums and private entities (ie Bran Castle). The differences are, that while public, state-funded museums must obtain approvals and budgetary finances from the Ministry of Culture, Bran Castle establishes its own financial platform and list of needs.

*g. Are there any procedures to ensure the provenance of the cultural object is known?*

Authenticity certificates, selling contracts, publications, catalogues, and historical sources.

*h. Have you personally ever experienced an unprovenanced object?*

No

*i. Are there any procedures in place in your museum if a restitution request is placed?*

The procedures are based on the Law 165/2013 of restitution of immobile cultural property forcefully taken during the Communist regime, with current modifications. The Bran property was restituted to the rightful inheritors, the children of Princess Ileana, grandchildren of Queen Maria, based on a certified will. The procedure of restitution was strengthened by a definitive judicial decision given on the basis of the same law. Restitution laws are made regarding properties (buildings, land), and no single similar law exists protecting mobile cultural goods (with a few exceptions, such as rare numismatics).

*j. Have you ever had the experience? How did you handle it*

See 2.h.

*Section 3 – ethical*

*k. What are your personal opinions on restitution of cultural objects?*

The legal framework of Romania is a fair one: land is returned to the rightful owners/heirs based on authentication documents, and where documents cannot be provided they are compensated financially through the Property Fund. The restitution of property is a just act that is carried out by the Romanian state, after the same state, in an abusive fashion, confiscated the cultural goods acquired over decades/centuries.

## Appendix 12: Bethlen Family Case – Court Decision 17 Oct 2013

R O M Ȃ N I A  
CURTEA DE APEL TÂRGU MUREȘ  
SECȚIA I CIVILĂ  
Dosar nr. 2504/308/2010

**DECIZIA NR. 53/A**  
**Ședința publică din 17 Octombrie 2013**  
**Completul compus din:**  
**PREȘEDINTE Camelia Rusu**  
**Judecător Georgeta Oltean**  
**Grefier Maria Cheteleș**

Pe rol judecarea apelului declarat de pârâtul Muzeul de Artă Brașov, cu sediul în Brașov, B-dul Eroilor nr. 21, județul Brașov, împotriva sentinței civile nr. 3560 din 27 noiembrie 2012, pronunțată de Tribunalul Mureș în dosarul nr. 2504/308/2010.

La apelul nominal făcut în ședință publică, a răspuns reprezentantul intervenientelor-intimate Bethlen Ana, Bethlen Susana Agneta și Szenkuti Eva, lipsă fiind părțile.

Procedura de citare este legal îndeplinită.

S-a făcut referatul cauzei de către grefier care învederează că apelul a fost declarat în termenul prevăzut de lege, fiind scutit de plata taxei judiciare de timbru, iar pârâtul-intimat Ministerul Culturii, intervenientele-intimate Bethlen Ana, Bethlen Susana Agneta și Szentkuti Eva și Municipiul Sighișoara au depus la dosar, prin serviciul registratură, întâmpinări.

Se comunică un exemplar al întâmpinărilor depuse la dosar de către Ministerul Culturii și Municipiul Sighișoara, cu reprezentantul intervenientelor-intimate.

Având în vedere că întâmpinările au fost depuse în termenul procedural, instanța apreciază că nu se mai impune comunicarea acestora cu părțile lipsă.

Neformulându-se alte cereri de probațiune, instanța acordă cuvântul asupra apelului declarat în cauză.

Reprezentantul intervenientelor-intimate solicită respingerea apelului ca nefondat și menținerea hotărârii tribunalului ca

temeinică și legală, pentru considerentele expuse pe larg în întâmpinare, fără cheltuieli de judecată. Precizează că, din procesele-verbale încheiate în anii 1949-1950, rezultă că bunurile mobile revendicate au fost ridicate de la castelul din localitatea Criș, județul Mureș și trecute în proprietatea Statului Român, castel care forma proprietatea familiei intervenientelor și care a fost restituit acestora în baza Legii nr. 10/2001. Susține că, intervenientele nu doresc să scoată tablourile din incinta muzeului, deoarece nu au condiții de păstrare a acestora, urmând să le lase în custodia muzeului.

a  
M

### CURTEA DE APEL

Deliberând asupra cauzei civile de față, constată următoarele:

Prin sentința civilă nr. 3560 din 27.11.2012 a Tribunalului Mureș, pronunțată în dosarul nr. 2504/308/2010 s-a admis în parte cererea formulată de intervenientele Bethlen Susana Agneta, Bethlen Ana și Szentkuti Eva împotriva pârâților Furst von Wrede Katalin, Bethlen Nikolaus Balint Bela și Bethlen Gladys Clarisse și în consecință, pârâții au fost obligați să predea reclamanților cele 12 tablouri menționate în procesul-verbal de predare-primire din data de 2006. De asemenea, s-a respins cererea formulată de interveniente față de pârâțul Ministerul Culturii și Cultelor, iar față de pârâțul Municipiul Sighișoara s-a admis cererea formulată de interveniente, acesta fiind obligat la predarea către interveniente a Pendulului monumental ( ceasornic de perete ) stil Rococo prevăzut cu calendar și două gonguri, origine Franța, sec. XVIII, deținut la Muzeul de Istorie Sighișoara, nr. inventar 1487 precum și a următoarelor tablouri, picturi, litografii, cromolitografii, fotograurii, identificate de specialistul în istoria artelor, la filele 111 – 114, anexa nr. 1, având următoarele numere de inventar : 318, 658, 694, 713, 2033, 2038, 2040, 2049, 2050, 2052, 2053, 2054, 2056, 2057, 2259, 2062, 2073, 2296, 2297, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2314, 2315, 2320, 2329, 2348, 2351, 2352, 2353, 2354, 2355, 2356, 2370, 2371, 2372, 2373, 2384, 5593, 10313, 10328. Totodată, pârâțul Municipiul Mediaș a fost obligat să predea intervenientelor ceasul de perete din lemn și sticlă, dimensiuni 92x25, deținut la Muzeul de Istorie Sighișoara, cu număr de inventar 1487, identificat de specialistul în

istoria artelor la poz. 6 din raportul de specialitate, (fila 114 dosar fond). Prin aceeași sentință, s-a admis cererea formulată de interveniente împotriva pârâtului Muzeul municipiului Mediaș, acesta fiind obligat să predea intervenientelor 3 tablouri, cu numerele de inventar 1031, 1067, 776, identificate de specialistul în istoria artelor la filele 140, 141 dosar fond ( anexa nr. 2 la raportul de specialitate) și s-a admis cererea formulată de interveniente împotriva pârâtului Muzeul de Istorie „Augustin Bunea” al municipiului Blaj, acesta fiind obligat să predea intervenientelor 4 tablouri, cu numerele de inventar 1168, 1169, 1170, 1171, filele 142 – 144 dosar fond, ( anexa nr. 3 la raportul de specialitate ). S-a mai admis și cererea formulată de intervenienți împotriva pârâtului Muzeul Țării Făgărașului „Vasile Literat” din Făgăraș, acesta fiind obligat să predea intervenientelor 5 tablouri, cu numerele de inventar 3443/103, 3444/104, 3471/132, 3472/133, 3473/134, filele 145-147 ( anexa nr. 4 la raportul de specialitate ), precum și cererea formulată de interveniente împotriva pârâtului Muzeul Național Secuiesc din Sfântu Gheorghe , acest pârât fiind obligat să predea intervenientelor 1 tablou, cu număr de inventar 259, fila 148 ( anexa nr. 5 la raportul de specialitate ). De asemenea, s-a admis cererea formulată de intervenienți împotriva pârâtului Muzeul Național Brukenthal din Sibiu, acesta fiind obligat să predea intervenientelor stema sculptată în piatră, cu număr de inventar M 5986, dimensiuni 145x68, fila 149 ( anexa nr. 6 la raportul de specialitate), precum și cererea formulată de interveniente împotriva pârâtului Muzeul de Artă Brașov, acesta fiind obligat să predea intervenientelor, 8 tablouri, cu numere de inventar 1213, 1228, 1232, 1233, 1234, 1265, 1237, 2766 ( anexa nr. 7 ). Celelalte pretenții ale intervenientelor au fost respinse.

Pentru a pronunța această hotărâre instanța a reținut că intervenienții reclamânți sunt moștenitorii defuncților Bethlen Valentin (Balint), decedat la data de 20.05.1946 în Sighișoara și Bethlen Gabor (Gabriel), decedat la data de 21.07.1981 în Târgu Mureș, după cum rezultă din certificatul de moștenitor nr. 50/2001 emis de notarul public Otilia Ștefănescu. Defuncții sunt foștii proprietari ai castelului Criș, preluat de Statul Român în anul 1949.

Prin decizia civilă nr. 463/A/02.06.2004 a Curții de Apel Târgu Mureș, devenită irevocabilă prin decizia civilă nr. 9633 din 22 noiembrie 2005 a Înaltei Curți de Casație și Justiție, precum și prin decizia de restituire nr. 4301/2006 emisă de Ministerul Culturii și

Cultelor, imobilul castel și teren aferent, situat în localitatea Criș, înscris în CF nr. 2 Criș, a fost restituit în natură intervenientelor.

Prin sentința civilă nr. 566/29.04.2008 a Judecătorei Sighișoara, rămasă definitivă prin decizia civilă nr. 213/22.10.2009 a Tribunalului Mureș și irevocabilă prin decizia civilă nr. 95/R/11.02.2011 a Curții de Apel Târgu Mureș s-a stabilit că pârâții Furst von Wrede Katalin, Bethlen Nikolaus Balint Bela și Bethlen Gladys Clarisse nu au calitatea de moștenitori după defunctul Bethlen Valentin (Balint), singurii moștenitori fiind intervenientele.

Anterior stabilirii calității de moștenitoare a intervenientelor, prin procesul verbal nr. 16983/XI/20.10.2006, Muzeul de Istorie Sighișoara a predat pârâților Furst von Wrede Katalin, Bethlen Nikolaus Balint Bela și Bethlen Gladys Clarisse un număr de 12 tablouri, provenind din castelul Criș ( nr. inventar 427, 428, 656, 659, 667, 681, 702, 2028, 2055, 10332, 10333 ). În condițiile în care pârâții nu au calitatea de moștenitori ai fostului proprietar al castelului și a bunurilor mobile aflate în acesta la data preluării de către stat, în mod nelegal au ajuns în posesia acestora cele 12 tablouri, instanța dispunând, în baza art. 480 Cod civil, obligarea pârâților la predarea către interveniente a celor 12 tablouri menționate prin procesul verbal nr. 16983/XI/20.10.2006 încheiat de Muzeul de Istorie Sighișoara și asupra cărora s-a instituit sechestru judiciar prin încheierea civilă din data de 7 noiembrie 2011.

În privința acțiunii exercitate de intervenientele reclamante împotriva pârâtului Ministerul Culturii și Cultelor instanța a apreciat că excepția invocată de acesta, a lipsei calității procesuale pasive, este întemeiată, întrucât bunurile mobile revendicate nu se află în posesia Ministerului Culturii și Cultelor, ci în posesia unor muzee, iar între minister și aceste muzee nu există raporturi de subordonare sau de reprezentare.

Referitor la pendulul monumental (ceasornic de perete) stil Rococo prevăzut cu mecanism din fier încastrat în lemn, cu calendar și două gonguri, origine Franța, sec. XVIII, lungime 90 cm, s-a prevăzut chiar în fișa analitică de evidență, depusă la dosar de Muzeul de Istorie din Sighișoara, că a aparținut familiei Bethlen de Criș (fila 17 din dosarul nr. 2265/903/308 al Judecătorei Sighișoara), acesta fiind menționat și în procesul-verbal din data de 20 noiembrie 1949, fiind unul din cele două ceasuri descrise (ceas antic sau ceas rotund de perete cu ornamente).



Instanța, constatând că bunul mobil revendicat a făcut parte din inventarul castelului Criș, care a aparținut familiei Bethlen și fost preluat nelegal de către stat în anul 1949, fiind predat ulterior Muzeului de Istorie din Sighișoara, în depozitul căruia se află și în prezent, a dispus, în temeiul art. 480 Cod civil și art. 99 alin. 2 din Legea nr. 182/2000 privind protejarea patrimoniului cultural național mobil, obligarea pârâtului Municipiul Sighișoara, în subordinea căruia se află muzeul, să predea ceasornicul intervenientelor reclamante, în calitate de moștenitoare ale fostului proprietar.

Tribunalul a reținut că din bunurile mobile revendicate de interveniente, specialistul în istoria artelor a identificat tablouri, picturi litografii, cromo, fotografuri, un ceas de perete și o stemă din piatră, constatând că acestea au făcut parte din inventarul castelului Criș, care a aparținut familiei Bethlen și au fost preluate nelegal de către stat în anul 1949, fiind predate ulterior unităților muzeale arătate de specialist.

În consecință, în temeiul art. 480 Cod civil și art. 99 alin. 2 din Legea nr. 182/2000 privind protejarea patrimoniului cultural național mobil, tribunalul a obligat unitățile deținătoare să predea aceste bunuri mobile intervenientelor reclamante, în calitate de moștenitoare ale fostului proprietar.

În privința celorlalte bunuri menționate în completarea la cererea de intervenție în interes propriu (stampe de dimensiuni mari și medii, cărți în limba latină și diferite alte limbi, legate în piele, manuscrise, obiecte din porțelan, trofee de vânătoare, piese vechi de mobilier, oglinzi din cristal ), care nu au fost identificate și nu se cunosc persoanele deținătoare, instanța a respins cererea de restituire.

Împotriva acestei hotărâri pârâtul Muzeul de Artă Brașov a declarat recurs, criticând-o sub aspectul nesoluționării excepției lipsei calității procesuale pasive invocate și încălcării dreptului la apărare, solicitând casarea sentinței și trimiterea cauzei pentru rejudecare primei instanțe. În acest sens, s-a arătat că nu i s-a comunicat nici un înscris din care să rezulte motivul chemării sale în judecată.

În subsidiar, recurentul a arătat că hotărârea atacată este netemeinică, întrucât procesul-verbal încheiat la data de 10.03.1949 și procesul-verbal nr. 1 încheiat la data de 3.06.1949, depuse ca probe în susținerea acțiunii, conțin o înșiruire de tablouri

vag identificate, a căror existență a fost constatată atât în clădirea cu caracter medieval, cât și în dependențele castelului Criș, restituit intervenientelor.

S-a mai arătat că, raportul de specialitate avut în vedere de instanță la pronunțarea sentinței, se bazează pe niște coincidențe de nume, fără să aibă în vedere faptul că din evidențele aflate la Muzeul de Artă Brașov, rezultă faptul că bunurile mobile revendicate nu provin de la familia Bethlen de Criș/Castelul Criș ci de la Muzeul săsesc, având alte dimensiuni decât cele menționate în cele două procese verbale de inventariere care conțin date sumare și incomplete.

Recurentul a susținut că, în absența unor probe certe, nu se poate aprecia că bunurile, așa zis identificate la instituția sa sunt cele revendicate de intervenienți și că, simpla afirmație din considerentele sentinței recurate că, la Muzeul de Artă au fost identificate 8 tablouri, fără a exista nici o probă care să dovedească că aceste tablouri au aparținut antecesorilor intervenientelor, nu îndrituia instanța de fond să constate că acestea au făcut parte din inventarul castelului Criș, că au fost preluate nelegal de către stat în anul 1949 și că astfel intră sub incidența art. 99 din Legea nr. 182/2000.

Recurentul a apreciat că, intervenienții nu au administrat probe, care să demonstreze în mod indubitabil că tablourile aflate în inventarul instituției, au aparținut antecesorilor intervenientelor, elementele din procesele verbale fiind insuficiente pentru identificarea acestora.

În drept, recurentul a invocat dispozițiile art. 304 pct. 5, 9, art. 312, art. 315 din Codul de procedură civilă.

Intimatul Ministerul Culturii a formulat întâmpinare, prin care a solicitat respingerea recursului ca nefondat, arătând că argumentele recurentului nu sunt susținute de nicio probă.

De asemenea, intervenientele intime au formulat întâmpinare, prin care au solicitat recalificarea căii de atac din recurs în apel și respingerea acestuia ca nefondat. În acest sens, au arătat că față de valoarea obiectului cererii hotărârea primei instanțe este susceptibilă de apel, iar pe fond, intimele au arătat că au dovedit cu raportul de expertiză efectuat în cauză faptul că bunurile mobile revendicate au aparținut familiei acestora.

La termenul de judecată din 17.10.2013 instanța dispus recalificarea căii de atac din recurs în apel, în temeiul dispozițiilor

art. 282 ind. 1 din Codul de procedură civilă, constatând că valoarea obiectului cererii indicată de interveniente este de 4.370.850 lei.

Analizând hotărârea atacată în raport de efectul devolutiv al căii de atac, conform dispozițiilor art. 292, art. 295 Cod procedură civilă, instanța reține următoarele:

În ceea ce privește critica referitoare la nesoluționarea excepției lipsei calității procesuale pasive a apelantului Muzeul de Artă Brașov, Curtea constată că la termenul din data de 17.04.2012 instanța a dispus introducerea în cauză și citarea în calitate de pârât a Muzeului de Artă Brașov cu comunicarea unei copii a cererii de extindere a acțiunii formulată de interveniente, motivat de faptul că din raportul de expertiză a rezultat că o parte din bunurile revendicate se regăsesc în posesia acestuia.

Prin întâmpinarea depusă la dosarul cauzei, Muzeul de Artă Brașov a invocat lipsa calității procesuale pasive, susținând că nu deține nici un document care să-i fie opozabil din care să rezulte motivul pentru care a fost introdus în cauză. De asemenea, a mai invocat inopozabilitatea raportului de specialitate, subliniind că nu se poate face identificarea cu certitudine a bunurilor mobile revendicate de reclamant, în absența unor probe certe și atâta timp cât în arhiva Muzeului de Artă Brașov nu există acte de proveniență a bunurilor identificate.

Într-adevăr, excepția lipsei calității procesuale pasive invocată de pârât nu a fost soluționată în mod expres de către instanța de fond, neregăsindu-se în încheierile de ședință și nici în dispozitivul hotărârii o atare mențiune.

Cu toate acestea, instanța constată că argumentele expuse în susținerea excepției invocate au fost analizate de instanță, aceasta pronunțându-se implicit și asupra acestei excepții, de vreme ce le-a înlăturat, constatând că pârâtul are legitimare procesuală pasivă, în depozitul acestuia regăsindu-se o parte din bunurile revendicate de interveniente și obligându-l să le predea acestora. Din această perspectivă, instanța constată că nu a fost încălcat dreptul la apărare al apelantului, instanța analizând toate cererile și argumentele acestuia.

De asemenea, nu pot fi primite susținerile apelantului în sensul că nu i s-a comunicat nici un înscris din care să rezulte motivul chemării sale în judecată, aceste susțineri fiind contrazise de actele dosarului, din care rezultă, astfel cum am arătat anterior

că i s-a comunicat o copie a cererii de extindere a acțiunii, o copie a raportului de specialitate și a cererii de intervenție formulată în cauză (filele 302-305), acesta având posibilitatea să combată probele administrate și chiar exprimându-și punctul de vedere în acest sens pe parcursul procesului.

Argumentele referitoare la inopozabilitatea raportului de specialitate invocate de pârât au fost în mod legal înlăturate, în contextul în care specialistul în istoria artelor, care a efectuat raportul în cauză, a verificat evidențele din registrele de inventar ale Muzeului de Artă Brașov.

Instanța va înlătura și argumentele apelantului invocate pe fondul cauzei, în sensul că nu ar exista probe certe din care să rezulte că cele 8 tablouri identificate în depozitul acestui muzeu sunt identice cu cele revendicate de interveniente, constatând că acestea au fost identificate în urma analizei proceselor - verbale din anii 1949-1950 (filele 35-45 în dosarul Judecătoria Sighișoara) și a registrelor de inventar ale apelantului.

De altfel, acesta nu a administrat nicio probă pentru a combate dovezile administrate în cauză de interveniente și nici nu a solicitat efectuarea unei expertize, în vederea susținerii argumentelor referitoare la faptul că raportul de specialitate ar conține date eronate.

În consecință, Curtea constată că hotărârea atacată este legală și temeinică, urmând ca în temeiul dispozițiilor art. 296 din Codul de procedură civilă, să respingă apelul pârâtului ca nefondat.

**PENTRU ACESTE MOTIVE,  
ÎN NUMELE LEGII  
DECIDE**

Respinge ca nefondat apelul declarat de pârâtul Muzeul de Artă Brașov, cu sediul în Brașov, B-dul Eroilor nr. 21, județul Brașov, împotriva sentinței civile nr. 3560 din 27 noiembrie 2012, pronunțată de Tribunalul Mureș în dosarul nr. 2504/308/2010.

Cu drept de recurs în termen de 15 zile de la comunicare.

Pronunțată în ședința publică din 17 octombrie 2013.

**Președinte,  
Camelia Rusu**

**Judecător,  
Georgeta Oltean**

**Grefier,  
Maria Cheteleș**

Red. C.R.  
Tehnored. M.C/17 ex.  
Data conceptei: 31.10.2013  
Data redactării: 31.10.2013  
Jud. fond: A. Bereczki



## Appendix 13: Bethlen Family Case – Contract of giving-receiving



ROMÂNIA  
JUDEȚUL SIBIU  
MUNICIPIUL MEDIAȘ

DIRECȚIA MUNICIPALĂ PENTRU CULTURĂ, SPORT,  
TURISM ȘI TINERET



Județul Sibiu, 551017, Mediaș, Piața Corneliu Coposu nr. 3, Tel: +40 269 830 321, Fax: +40 269 844 497  
<http://cultura.primariamedias.ro>; e-mail: [directiamunicipalamedias@yahoo.com](mailto:directiamunicipalamedias@yahoo.com)

Muzeul municipal Mediaș  
Nr.inreg.823/06.08.2014

### PROCES-VERBAL

privind restituirea unui număr de trei tablouri deținute de Muzeul Municipal Mediaș către doamnele Bethlen Ana, Bethlen Zsuzsanna Agnes și Szentkuti Eva reprezentate de domnul Szentkuti Miklos în baza Procurei Speciale autentificate sub nr. 59/2014.

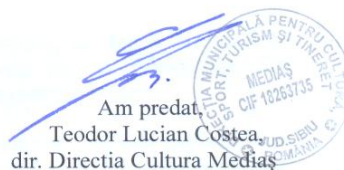
Prezentul proces-verbal încheiat azi, 06.08.2014, cu ocazia predării-primirii la Muzeul Municipal Mediaș, cu sediul în Mediaș, str. M. Viteazu, nr. 46, în prezența membrilor comisiei pentru restituirea unui număr de trei tablouri deținute de Muzeul Municipal Mediaș către doamnele Bethlen Ana, Bethlen Zsuzsanna Agnes și Szentkuti Eva, reprezentate de domnul Szentkuti Miklos în baza Procurei Speciale autentificate sub nr. 59/2014, astfel cum s-a dispus prin Sentința civilă nr. 3560/27.11.2012 pronunțată de Tribunalul Mureș în dos. nr. 2504/308/2010, rămasă definitivă și irevocabilă prin Decizia civilă nr. 53/A/17.10.2013 pronunțată de Curtea de Apel Tg. Mureș.

Se predau, respectiv se preiau următoarele tablouri:

1. Portretul lui Bethlen Pal – nr. de inventar 1031;
2. Portretul lui Bethlen Pal – nr. de inventar 1067;
3. Portret de bărbat – nr. de inventar 776.

Am primit,  
Szentkuti Miklos

Am predat,  
Teodor Lucian Costea,  
dir. Directia Cultura Mediaș



Macarie Diana, Conservator  
Muzeul Municipal Mediaș

Stefi Viorel, Muzeograf  
Muzeul Municipal Mediaș

Vizat juridic



## Appendix 14: Bethlen Family Case – Court Hearing 27 Nov 2012

Operator de date cu caracter personal înregistrat sub nr. 2991  
Dosar nr. 2504/308/2010 (Număr în format vechi 7820/2010)

ROMÂNIA

TRIBUNALUL MUREȘ  
SECȚIA CIVILĂ

SENTINȚA CIVILĂ Nr. 3560

Ședința publică din 27 noiembrie 2012

Completul compus din:

**PREȘEDINTE : Adrian Bereczki**

Grefier : Monica Varga

Pe rol fiind judecarea acțiunii civile formulată de reclamantul **Furst Von Wrede Katalin**, cu domiciliul în Viena, Blumelgasse, nr. 1, Austria, **Bethlen Nikolaus Balint Bela**, cu domiciliul în Viena, Blumelgasse, nr. 1, Austria și **Bethlen Gladys Clarisse**, cu domiciliul în Viena, Blumelgasse, nr. 1, Austria, în contradictoriu cu pârâții **Ministerul Culturii și Cultelor**, cu sediul în București, Șoseaua Kiseleff, nr. 30, sector 1, **Municipiul Sighișoara, prin Primar**, cu sediul în Sighișoara, str. Muzeului, nr. 7, județul Mureș, **Muzeul Național de Istorie Sighișoara**, cu sediul în Sighișoara, str. P-ța Muzeului nr. 1, jud. Mureș, **Muzeul Municipal de Istorie Mediaș**, cu sediul în Mediaș, str. Mihai Viteazul nr. 46, jud. Sibiu, **Muzeul de Istorie „Augustin Bunca” Blaj**, cu sediul în Blaj, str. Vasile Luciu nr. 25, jud. Alba, **Muzeul Țării Făgărașului „Valeriu Literat”**, cu sediul în Făgăraș, P-ța Mihai Viteazu nr. 1, jud. Brașov, **Muzeul Național Secuiesc Sfântu-Gheorghe**, cu sediul în Sf. Gheorghe, str. Kos Karoly nr. 10, jud. Covasna, **Muzeul Național Brukenthal**, cu sediul în Sibiu, P-ța Mare nr. 4-5, jud. Sibiu și **Muzeul de Artă Brașov**, cu sediul în Brașov, Bd. Eroilor nr. 21, jud. Brașov, intervenienți fiind **Bethlen Susana Agneta**, cu domiciliul în Tg. Mureș, str. Argeșului, nr. 12, ap. 4, județul Mureș, **Bethlen Ana**, cu domiciliul în Tg. Mureș, str. Mihai Viteazu, nr. 54, ap. 1, județul Mureș și **Szentkuti Eva**, cu domiciliul în Tg. Mureș, str. Mihai Viteazu, nr. 54, ap. 2, județul Mureș, având ca obiect revendicare mobilă.

La apelul nominal făcut în ședința publică se constată lipsa părților.

Procedura de citare este legal îndeplinită.

S-a făcut referatul cauzei, după care:

Mersul dezbaterilor și susținerile pe fond ale părților sunt consemnate în încheierea de ședință din data de 6 noiembrie 2012 când, din lipsă de timp pentru deliberare și pentru a da posibilitate părților de a depune concluzii scrise la dosarul cauzei, în temeiul art. 260 coroborat cu prevederile art. 156 alin. 2 din Codul de procedură civilă, a fost amânată pronunțarea la data de 13 noiembrie 2012, apoi la data de 20 noiembrie 2012 și apoi la data de azi, 27 noiembrie 2012, încheieri ce fac parte integrantă din prezenta sentință civilă.

Instanța reține cauza în pronunțare.



## INSTANȚA

Prin cererea de chemare în judecată înregistrată la data de 17 noiembrie 2006 la Judecătoria Sighișoara, formulată de reclamantul Pürst von Wrede Katalin, Bethlen Nikolaus Balint Bela și Bethlen Gladys Clarisse împotriva pârâtului Municipiul Sighișoara s-a cerut instanței pronunțarea unei hotărâri prin care să se constate că pârâtul deține fără titlu un pendul, expus la Muzeul de Istorie Sighișoara, cu descrierea „Pendul monumental stil Rococo prevăzut cu calendar și două gonguri, Franța, sec. XVIII”, să fie obligat pârâtul la restituirea acestuia precum și la plata de cheltuieli de judecată.

În motivarea cererii reclamantii au arătat că familia Bethlen a avut în proprietate, începând cu secolul XIV, castelul fortificat din satul Criș, comuna Daneș, cunoscut sub numele „Castelul din Criș”. În sec. XVIII, unul dintre antecesorii familiei, având funcția de guvernator al Transilvaniei, a drept cadou de la regele Ludovic al XIV-lea un pendul, obiect al procesului de față. Acesta a fost păstrat cu atenție timp de mai multe generații, până în anul 1949, când a fost preluat fără titlu întreg patrimoniul familiei, inclusiv Castelul de la Criș, dată de la care membrii familiei nu au mai avut acces în castel. Pendulul a fost menționat în procesul-verbal de preluare din data de 6 martie 1949 și în prezent este expus la Muzeul de Istorie Sighișoara. S-a arătat că potrivit art. 80 alin. 2 din Legea nr. 182/2000 „Bunurile culturale mobile, preluate ilegal de autoritățile statului după data de 06.09.1940 pot fi revendicate de proprietarii de drept și vor fi restituite acestora de către instituțiile ce le dețin, pe baza unei hotărâri judecătorești”. Titlul de proprietate al statului trebuie examinat în condițiile prevăzute de art. 6 alin. 1 din Legea nr. 213/1998, potrivit căruia face parte din domeniul public sau privat al statului bunurile dobândite în perioada 6 martie 1945-22.12.1989, dacă au intrat în proprietatea statului în temeiul unui titlu valabil. Decretul nr. 83/1949 a fost un act normativ abuziv, promulgat de autoritățile statului totalitar, cu încălcarea Constituției în vigoare la acea dată și a tratatelor internaționale de garantare și apărare a proprietății la care România era parte semnatară.

Reclamantii au mai precizat că la instaurarea regimului comunist în România, proprietar al castelului din Criș și a tuturor bunurilor aflate în acesta a fost Bethlen Balint (Valentin), care a avut ca fiu pe Bethlen Nikolaus, tatăl reclamantilor Bethlen Katalin și Bethlen Nikolaus Balint Bela și soțul reclamantei Bethlen Gladys Clarisse.

S-a depus la dosarul cauzei copia procesului-verbal din 06.03.1949.

Consiliul Local Sighișoara a depus întâmpinare prin care a arătat că lasă la aprecierea instanței soluționarea acțiunii.

Muzeul de Istorie Sighișoara a depus la dosar fișa analitică de evidență a bunului revendicat.

La data de 15 februarie 2007 s-a formulat cerere de intervenție în interes propriu de către intervenienții Bethlen Susana Agneta, Bethlen Ana și Szentkalmi Eva prin care au solicitat restituirea în natură a bunurilor mobile preluate de stat de la Castelul din Criș.

În motivarea cererii formulate s-a arătat că potrivit deciziei civile nr. 463/A/02.06.2004 a Curții de Apel Târgu Mureș, devenită irevocabilă prin decizia civilă nr. 9633 din 22 noiembrie 2005 a Înaltei Curți de Casație și Justiție, precum și a



deciziei de restituire nr. 4301/2006 emisă de Ministerul Culturii și Cultelor, imobilul castel și teren aferent, situat în localitatea Criș, înscris în CF nr. 2 Criș, a fost restituit în natură interveniențelor care, potrivit certificatului de calitate de moștenitor nr. 57/2005 emis de notari publici Baculea & Dobârta, sunt moștenitorii legali ai fostului proprietar Bethlen Gabor, decedat la data de 29 iulie 1981, cu ultimul domiciliu în Târgu Mureș. S-a mai precizat că în această situație reclamanții nu au nicio cărbate de a revendica bunurile mobile preluate din castel.

S-a depus la dosar copia certificatului de calitate de moștenitor nr. 50/2001 eliberat de notarul public Otilia Ștefănescu, copia deciziei civile nr. 463/A din 2 iunie 2004 a Curții de Apel București, copia deciziei civile nr. 9633/2005 a Înaltei Curți de Casație și Justiție, copia deciziei de restituire nr. 430/2006.

Pârâțul Municipiului Sighișoara a depus întâmpinare prin care a arătat că lasă la aprecierea instanței soluționarea acțiunii. S-a arătat că intervenienții contestă calitatea de moștenitori a reclamanților iar pe rolul Judecătoriei Sighișoara se mai află dosarul nr. 904/308/2006 având ca obiect cererea reclamanților de restituire a unor tablouri.

La data de 18 iunie 2007 intervenienții și-au precizat cererea de intervenție cerând citarea în cauză, în calitate de pârât și a Ministerului Culturii și Cultelor. S-a cerut obligarea pârâților la restituirea în natură sau prin echivalent a următoarelor bunuri: pendul monumental stil Rococo, sec. XVIII, Franța -49.400 lei, 64 tablouri în ulei, descrise în tabelul anexă nr. 1 -1.412.400 lei, 7 stampe de dimensiuni mari, 10 stampe de dimensiuni mici și 2 stampe de dimensiuni mijlocii -115.000 lei, 53 tablouri familiale cu rame, fără sticlă, picturi cu sticlă și fără -262.350 lei, 8 stampe -79.200 lei, 45 bucăți tablouri familiale 415.500 lei, 3000 cărți în limba latină și diferite limbi moderne, cu caracter de raritate, legate în piele și manuscrise -990.000 lei, diferite servicii de masă din porțelan descrise în tabelul anexă nr. 2 -825.000 lei, 70 trofee de vânatoare, capete de cerbi, țapi și păsări - 92.400 lei, 6 scrinuri (piese antice), 6 oglinzi mari din cristal cu ramă sculptată - 39.600 lei. S-a mai cerut obligarea pârâților la predarea unui număr de 12 picturi nominalizate în procesul-verbal din 20.10.2006 precum și obligarea pârâților la plata cheltuielilor de judecată.

În motivarea cererii intervenienții au arătat că sunt singurii moștenitori ai defuncțiilor Bethlen Valentin (Balint), decedat la data de 20.05.1946 în Sighișoara și Bethlen Gabor (Gabriel), decedat la data de 21.07.1981 în Târgu Mureș., după cum rezultă din certificatul de moștenitor nr. 50/2001 emis de notarul public Otilia Ștefănescu. Bunurile menționate anterior au format proprietatea bunicului și ulterior a tatălui intervenienților, aflându-se în castelul de la Criș și au fost trecute în proprietatea statului în perioada 1949-1950, conform inventarelor încheiate la acea dată, fiind apoi predate Muzeului de Istorie din Sighișoara și Muzeului de Istorie din Medias. S-a mai precizat că bunurile revendicate se înscriu în categoria bunurilor culturale mobile definite în art. 3 alin. 2, pct. 1-5 din Legea nr. 182/2000 și astfel sunt aplicabile dispozițiile art. 80 alin. 1 și 2 din lege.

S-a mai subliniat că 12 tablouri au fost predate reclamanților la data de 20.10.2006, predate care s-a făcut fără temei întrucât reclamanții nu au calitatea de moștenitori.

Pârâțul Ministerului Culturii și Cultelor a depus întâmpinare față de cererea de intervenție cerând respingerea acesteia ca fiind îndreptată împotriva unei persoane lipsite de calitate procesuală pasivă.

S-a susținut că bunurile revendicate de intervenienți sunt în proprietatea Municipiului Sighișoara, Muzeului de Istorie Sighișoara, Muzeului de Istorie Medias și reclamanților astfel că Ministerul Culturii și Cultelor nu este în posesia bunurilor și astfel nu are calitate procesuală pasivă.

Prin notele de ședință depuse de pârâtul Municipiul Sighișoara la data de 14.02.2008 s-a arătat că reclamanții trebuie să facă arăt dovada calității de moștenitori ai foștilor proprietari cât și dovada faptului că pendulul se află în posesia pârâtului. S-a mai invocat faptul că cererea intervenienților de restituire a bunurilor mobile este inadmisibilă, aceasta trebuind să fie formulată în același timp cu cererea de restituire a castrelului din Criș, în temeiul Legii nr. 10/2001.

La data de 2 septembrie 2010 Judecătoria Sighișoara a dispus cererea de intervenție în interes propriu formulată de intervenienții Bethlen Susana Agneta, Berhlen Ana și Szentkői Eya de acțiunea principală, exercitată de reclamanții Furst von Wrede Katalin, Bethlen Nikolaus Balint Bela și Bethlen Gladys Clarisse.

Prin sentința civilă nr. 1084 din 6 septembrie 2010 a Judecătoriei Sighișoara s-a admis excepția necompetenței materiale a judecătoriei în soluționarea cauzei și s-a declinat competența în favoarea Tribunalului Mureș.

Prin încheierea civilă din data de 31 martie 2011 a Judecătoriei Sighișoara s-a suspendat soluționarea acțiunii exercitate de reclamanții Furst von Wrede Katalin, Bethlen Nikolaus Balint Bela și Bethlen Gladys Clarisse împotriva pârâtului Municipiul Sighișoara, până la soluționarea irevocabilă a cererii de intervenție în interes propriu formulată de intervenienții Bethlen Susana Agneta, Berhlen Ana și Szentkői Eya, aflată pe rolul Tribunalului Mureș.

Pârâtul Municipiul Sighișoara a depus o nouă întâmpinare prin care a arătat că unele bunuri revendicate de intervenienți nu sunt identificate pe deplin fiind sumar descrise, fără particularități și astfel nu pot preciza dacă acestea sunt deținute de Muzeul de Istorie al municipiului Sighișoara. În privința pendulului s-a arătat că acesta a intrat în proprietatea Muzeului de Istorie Sighișoara în luna iulie 1959 prin transfer de la Sfatul Popular Raional Sighișoara, conform fișei de inventar nr. 1487. În această situație pendulul nu este deținut fără titlu, după cum susțin intervenienții ci este deținut cu bună-credință, posesia valorând titlu de proprietate, potrivit art.1909 Cod civil. De asemenea s-a susținut că cererea intervenienților este prescrisă, întrucât potrivit art. 1890 Cod civil toate acțiunile reale și personale pe care legea le-a declarat imprescriptibile se prescriu prin trecerea termenului de 30 de ani, termen care s-a împlinit de mult timp.

Instanța a încuviințat efectuarea unei expertize de identificare a bunurilor revendicate de către un specialist în istoria artelor ( filele 106 – 206 ).

Pârâtul Ministerul Culturii și Patrimoniului Național a depus note scrise la data de 20 februarie 2012 prin care a arătat că se impune citarea în cauză, în calitate de pârâți, a muzeelor identificate de specialistul în istoria artelor ca fiind deținătoare a bunurilor revendicate.

La data de 17 aprilie 2012 intervenții și-au exprins acțiunea și față de pârâți Muzeul de Istorie „Augustin Bunca” din Blaj, Muzeul Țării Făgărașului „Vasile Literat” din Făgăraș, Muzeul Național Secuiesc din Sfântu-Gheorghe, Muzeul Național Brukenthal din Sibiu și Muzeul de Artă din Brașov.

S-a arătat că potrivit raportului de specialitate depus la dosar o parte a operelor de artă revendicate de intervenienți au fost identificate în muzeele

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menționate anterior astfel că se impune citarea acestora în cauză, în calitate de părți, pentru a putea fi obligate la restituire.

Municipiul Blaj a depus întâmpinare, în numele Muzeului de Istorie „Augustin Bunca” din Blaj arătând că acesta nu are personalitate juridică și nu poate sta în judecată, fiind în subordinea Direcției Administrative din aparatul de specialitate al primarului. S-a mai precizat că Muzeul de Istorie „Augustin Bunca” din Blaj nu deține un proces verbal de inventariere încheiat și predat așa cum se arată de către reclamanți în cererea de chemare în judecată astfel că nu se cunoaște care sunt bunurile revendicate.

Părătul Muzeul de Artă Brașov a depus întâmpinare prin care a invocat excepția lipsei calității procesuale pasive susținând că nu deține niciun document care să îi fie opozabil și din care să rezulte că motivul pentru care a fost chemat în judecată.

Părătul Muzeul Municipal Mediaș a depus întâmpinare prin care a invocat excepția lipsei calității procesuale pasive susținând că nu are personalitate juridică, funcționând în subordinea Direcției Municipale pentru Cultură, Sport, Turism și Tineret din cadrul Consiliului Local Mediaș. Referitor la cele 3 tablouri revendicate s-a arătat că acestea nu corespund din punctul de vedere al dimensiunilor cu mențiunile din procesul-verbal nr. 1/03.06.1949, întocmit cu ocazia preluării bunurilor din castelul din Criș. De asemenea din registrul inventar deținut de muzeu nu rezultă că aceste tablouri ar fi constituit proprietatea familiei Bethlen și au fost preluate de la castelul Criș.

Părătul Muzeul Național Secuiesc din Sfântu-Gheorghe a depus întâmpinare arătând că nu se poate pronunța cu privire la bunurile revendicate întrucât descrierea bunurilor preluate de stat, cuprinse în cele două procese verbale din 1949, este insuficientă pentru identificare acestora.

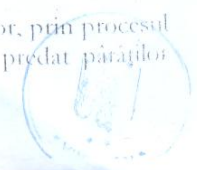
Analizând acțiunea exercitată de intervenienții reclamanți Bethlen Susana Agneta, Bethlen Ana și Szentkuthi Iva instanța apreciază că aceasta este întemeiată în parte.

Intervenienții reclamanți sunt moștenitorii defuncților Bethlen Valentin ( Balint ), decedat la data de 20.05.1946 în Sighișoara și Bethlen Gabor ( Gabriel ), decedat la data de 21.07.1981 în Târgu Mureș, după cum rezultă din certificatul de moștenitor nr. 50/2001 emis de notarul public Orilia Ștefănescu. Defuncții sunt foștii proprietari ai castelului Criș, preluat de Statul Român în anul 1949.

Prin decizia civilă nr. 463/A/02.06.2004 a Curții de Apel Târgu Mureș, devenită irevocabilă prin decizia civilă nr. 9633 din 22 noiembrie 2005 a Înaltei Curți de Casație și Justiție, precum și prin decizia de restituire nr. 4301/2006 emisă de Ministerul Culturii și Cultelor, imobilul castel și teren aferent, situat în localitatea Criș, înscris în C.F. nr. 2 Criș, a fost restituit în natură intervenientelor.

Prin sentința civilă nr. 566/29.04.2008 a Judecătoria Sighișoara, rămasă definitivă prin decizia civilă nr. 213/22.10.2009 a Tribunalului Mureș și irevocabilă prin decizia civilă nr. 95/R/11.02.2011 a Curții de Apel Târgu Mureș s-a stabilit că părții Furst von Wrede Katalin, Bethlen Nikolaus Balint Bela și Bethlen Gladys Charisse nu au calitatea de moștenitori după defunctul Bethlen Valentin ( Balint ), singurii moștenitori fiind intervenientele.

Anterior stabilirii calității de moștenitoare a intervenientelor, prin procesul verbal nr. 16983/XI/20.10.2006, Muzeul de Istorie Sighișoara a predat părților



Furst von Wrede Katalin, Bethlen Nikolaus Balint Bela și Bethlen Gladys Clarisse un număr de 12 tablouri, provenind din castelul Criș ( nr. inventar 427, 428, 656, 659, 667, 681, 702, 2028, 2055, 10332, 10333 ).

În condițiile în care părțile nu au calitatea de moștenitori ai fostului proprietar al castelului și a bunurilor mobile aflate în acesta la data preluării de către stat, în mod nelegal au ajuns în posesia acestora cele 12 tablouri.

Urmează ca instanța, în baza art. 480 Cod civil să oblige părțile la predarea către interveniente a celor 12 tablouri menționate prin procesul verbal nr. 16983/X1/20.10.2006 încheiat de Muzeul de Istorie Sighișoara și asupra căruia s-a instituit sechestrul judiciar prin încheierea civilă din data de 7 noiembrie 2011.

În privința acțiunii exercitate de intervenientele reclamante împotriva părâtului Ministerul Culturii și Cultelor instanța apreciază că excepția invocată de acesta, a lipsei calității procesuale pasive, este întemeiată.

Bunurile mobile revendicate de interveniente nu se află în posesia Ministerului Culturii și Cultelor ci în posesia unor muzee. Între minister și aceste muzee nu există raporturi de subordonare sau de reprezentare.

Conform art. 99 alin. 2 din Legea nr. 82/2000 privind protejarea patrimoniului cultural național mobil, „Bunurile culturale mobile preluate înainte de 6 septembrie 1940 de autorități ale statului nu pot fi revendicate; bunurile culturale mobile preluate ilegal de autorități ale statului după data de 6 septembrie 1940 pot fi revendicate de proprietarii de drept și vor fi restituite acestora de către instituțiile care le dețin, pe baza unei hotărâri judecătorești definitive”. Reiese și din acest text legal că Ministerul Culturii și Cultelor nu are calitate procesuală pasivă în cauză soluționarea acțiunii în revendicare urmând să se facă în contradictoriu cu unitățile deținătoare ale bunurilor culturale mobile revendicate.

Cu privire la bunurile mobile revendicate de interveniente reclamante, instanța se va pronunța doar asupra celor menționate în cererea de intervenție în interes propriu și în completarea la aceasta, depusă la data de 18 iunie 2007 la Judecătoria Sighișoara.

Astfel, referitor la pendulul monumental ( ceasornic de perete ) stil Rococo prevăzut cu mecanism din fier încastrat în lemn, cu calendar și două gonguri, origine Franța, sec. XVIII, lungime 90 cm, s-a prevăzut chiar în fișa analitică de evidență, depusă la dosar de Muzeul de Istorie din Sighișoara, că aparținut familiei Bethlen de Criș ( fila 17 din dosarul nr. 2265/903/308 al Judecătoria Sighișoara ). De asemenea acesta este menționat în procesul verbal din data de 20 noiembrie 1949 ( fila 105 ), fiind unul din cele două ceasuri descrise ( ceas antic sau ceas rotund de perete cu ornamente ).

Instanța va constata astfel că bunul mobil revendicat a făcut parte din inventarul castelului Criș, care a aparținut familiei Bethlen și fost preluat nelegal de către stat în anul 1949, fiind predat ulterior Muzeului de Istorie din Sighișoara, în depozitul căruia se află și în prezent.

Urmează ca în temeiul art. 480 Cod civil și art. 99 alin. 2 din Legea nr. 182/2000 privind protejarea patrimoniului cultural național mobil, să fie obligat părâtul Municipiul Sighișoara, în subordinea căruia se află muzeul, să predea ceasornicul intervenientelor reclamante, în calitate de moștenitoare ale fostului proprietar.

Din bunurile mobile revendicate de interveniente specialistul în istoria artelor a identificat tablouri, picturi litografii, cromo, fotogravuri, un ceas de perete și o stemă din piatră, astfel : La Muzeul de Istorie Sighișoara a identificat 51 de tablouri, picturi, litografii, cromolitografii, fotogravuri, menționate la fișele 111 – 114, anexa nr. 1, având următoarele numere de inventar : 318, 658, 694, 713, 2033, 2038, 2040, 2049, 2050, 2052, 2053, 2054, 2056, 2057, 2259, 2062, 2073, 2296, 2297, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2314, 2315, 2320, 2329, 2348, 2351, 2352, 2353, 2354, 2355, 2356, 2370, 2371, 2372, 2373, 2384, 5593, 10313, 10328 și un ceas de perete din lemn și sticlă, dimensiuni 92x25, cu număr de inventar 1487, menționat de specialistul în istoria artelor la poz. 6 din raportul de specialitate, fila 114.

La Muzeul municipiului Mediaș au fost identificate 3 tablouri, cu numerele de inventar 1031, 1067, 776, menționate de specialistul în istoria artelor la fișele 140, 141 ( anexa nr. 2 la raportul de specialitate).

La Muzeul de Istorie „Augustin Bunca” al municipiului Blaj au fost identificate 4 tablouri, cu numerele de inventar 1168, 1169, 1170, 1171, menționate la fișele 142 - 144 ( anexa nr. 3 la raportul de specialitate).

La Muzeul Țării Păgărașului „Vasile Literat” din Păgăraș au fost identificate 5 tablouri, cu numerele de inventar 3443/103, 3444/104, 3471/132, 3472/133, 3473/134, menționate la fișele 145-147 ( anexa nr. 4 la raportul de specialitate).

La Muzeul Național Secuiesc din Sfântu Gheorghe a fost identificat 1 tablou, cu număr de inventar 259, menționat la fila 148 ( anexa nr. 5 la raportul de specialitate).

La Muzeul Național Brukenthal din Sibiu a fost identificată o stemă sculptată în piatră, cu număr de inventar M 5986, dimensiuni 145x68, menționată la fila 149 ( anexa nr. 6 la raportul de specialitate).

La Muzeul de Artă Brașov au fost identificate 8 tablouri, cu numere de inventar 1213, 1228, 1232, 1233, 1234, 1265, 1237, 2766 ( anexa nr. 7).

Instanța va constata astfel că bunurile mobile revendicate și identificate de specialistul în istoria artelor au făcut parte din inventarul castelului Criș, care aparținut familiei Bethlen și fost preluat nelegal de către stat în anul 1949, fiind predate ulterior unităților muzeale la menționate anterior.

Urmază ca în temeiul art. 480 Cod civil și art. 99 alin. 2 din Legea nr. 182/2000 privind protejarea patrimoniului cultural național mobil, să fie obligate unitățile deținătoare să predea aceste bunuri mobile intervenientelor reclamante, în calitate de moștenitoare ale fostului proprietar.

În privința celorlalte bunuri menționate în completarea la cererea de intervenție în interes propriu ( stampe de dimensiuni mari și medii, cărți în limba latină și diferite alte limbi, legate în piele, manuscrise, obiecte din porțelan, trofee de vânatoare, piese vechi de mobilier, oglinzi din cristal ), care nu au fost identificate și nu se cunosc persoanele deținătoare, instanța urmează să respingă cererea de restituire.

**PENTRU ACESTE MOTIVE,  
ÎN NUMELE LEGII  
HOTĂRĂȘTE**



Admite în parte cererea formulată de intervenientele Bethlen Susana Agneta, Bethlen Ana și Szentkurti Eva împotriva părăților Furst von Wrede Karalin, Bethlen Nikolaus Balint Bela și Bethlen Gladys Clarisse și în consecință :

Obligă părății să predea reclamanților cele 12 tablouri menționate în procesul-verbal de predare-primire din data de 2006.

Respinge cererea formulată de interveniente față de părătul Ministerul Culturii și Cultelor, cu sediul în municipiul București, Bulevardul Unirii, nr. 22, sector 3.

Admite cererea formulată de interveniente împotriva părătului Municipiul Sighișoara și obligă pe acesta la predarea către interveniente a Pendulului monumental ( ceasornic de perete ) stil Rococo prevăzut cu calendar și două gonguri, origine Franța, sec. XVIII, deținut la Muzeul de Istorie Sighișoara, nr. inventar 1487 precum și a următoarelor tablouri, picturi, litografii, cromoliografii, fotograurii, identificate de specialistul în istoria artelor, la filele 111 – 114, anexa nr. 1, având următoarele numere de inventar : 318, 658, 694, 713, 2033, 2038, 2040, 2049, 2050, 2052, 2053, 2054, 2056, 2057, 2259, 2062, 2073, 2296, 2297, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2314, 2315, 2320, 2329, 2348, 2351, 2352, 2353, 2354, 2355, 2356, 2370, 2371, 2372, 2373, 2384, 5593, 10313, 10328.

Obligă părătul Municipiul Medias să predea intervenientelor ceasul de perete din lemn și sticlă, dimensiuni 92x25, deținut la Muzeul de Istorie Sighișoara, cu număr de inventar 1487, identificat de specialistul în istoria artelor la poz. 6 din raportul de specialitate, fila 114.

Admite cererea formulată de interveniente împotriva părătului Muzeul municipiului Medias și obligă pe acesta să predea intervenientelor 3 tablouri, cu numerele de inventar 1031, 1067, 776, identificate de specialistul în istoria artelor la filele 140, 141 ( anexa nr. 2 la raportul de specialitate).

Admite cererea formulată de interveniente împotriva părătului Muzeul de Istorie „Augustin Bunea” al municipiului Blaj și obligă pe acesta să predea intervenientelor 4 tablouri, cu numerele de inventar 1168, 1169, 1170, 1171, filele 142 - 144 ( anexa nr. 3 la raportul de specialitate ).

Admite cererea formulată de intervenienți împotriva părătului Muzeul Țării Făgărașului „Vasile Literar” din Făgăraș și obligă pe acesta să predea intervenientelor 5 tablouri, cu numerele de inventar 3443/103, 3444/104, 3471/132, 3472/133, 3473/134, filele 145-147 ( anexa nr. 4 la raportul de specialitate ).

Admite cererea formulată de interveniente împotriva părătului Muzeul Național Secuiesc din Sfântu Gheorghe și obligă pe acesta să predea intervenientelor 1 tablou, cu număr de inventar 259, fila 148 ( anexa nr. 5 la raportul de specialitate ).

Admite cererea formulară de intervenienți împotriva părătului Muzeul Național Brukenthal din Sibiu și obligă pe acesta să predea intervenientelor stema sculptată în piatră, cu număr de inventar M 5986, dimensiuni 145x68, fila 149 ( anexa nr. 6 la raportul de specialitate ).

Admite cererea formulată de interveniente împotriva părătului Muzeul de Artă Brașov și obligă pe acesta să predea intervenientelor, 8 tablouri, cu numere de inventar 1213, 1228, 1232, 1233, 1234, 1265, 1237, 2766 ( anexa nr. 7 ).

Respinge celelalte pretenții ale intervenientelor.

## Appendix 15: Interview Notes, Alexandru Teodoreanu, nephew of Gheorghe Cernea, 12 August 2018

This interview was carried out in English, at the request of Mr. Teodoreanu; therefore, no Romanian version is presented.

- Wished to not be recorded but agreed to an open conversation
- On 4<sup>th</sup> October 2013 was the final judicial decision
- Chose to not utilise a lawyer, and represented himself and his family in the case
- Was lucky because he had a judge that was morally correct
- History of uncle's collection
  - Was a “detinut politic” (political prisoner) because he was tenacious and strong, but he kept his fight going even after getting released from prison
    - Imprisoned between 1948-1953
  - Half of it was stolen by the guards, what was more valuable, rest went to local museums
    - When he visited the Municipal Museum Medias, he could only formally identify half of the collection that had been brought there as his own
    - The numismatic collection, containing 2,5000 Trajanic coins, and weaponry collection among things that disappeared
      - Along with furniture from his house, and his 3,000 manuscript collection, which was also missing
    - Mr. Teodoreanu hypothesizes that they went to the houses of the Communist leaders from the region
  - What entered the museum collection was things that did not interest the ‘Bolsheviks’
    - This includes traditional dress and costumes, and religious/ecclesiastical objects
  - Gheorghe Cernea had wanted to open a museum in Sighisoara with the objects in his collection, but instead his objects went to the museums in Medias, Sibiu, and Sighisoara
    - Supported by Antonescu, who donated 100 lei for the opening of the museum
    - Had over 8,000 objects and 3,000 books for this
    - Intended to open the museum in 1948, on the 100 year anniversary of the 1848 Revolution
    - There are still 170 religious icons in the deposit at the Sighisoara museum, which are currently part of an on-going restitution case
- The register of objects at the Municipal Museum Medias consisted of 500 objects total, but only 80ish objects still exist today
  - All were recovered in the restitution process
- Process explained by him
  - Based his claim on law no. 182/2000, article 99.2 regarding the *patrimoniul national mobil*
  - Two steps to fulfil the restitution claim
    - Demonstrate that he, and the other claimants, were the heirs of Gheorghe Cernea
    - Demonstrate that the objects were taken illegally between 1947-1949
  - First step wasn't easy because they were more distantly related, not the direct sons of the man – his mother was Gheorghe Cernea's sister
  - The second step was more simple to prove because he had documentation that the court decision for imprisonment was illegally done
    - Prosecuted for holding illegal and propagandistic objects, and was presented as a fascist supporter to the court (a supporter of the Iron Guard)

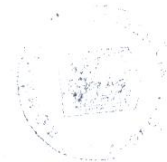
- The material was planted in his home by the *Securitate* guards
    - Was arrested in 1947, alongside many other members of the *intelligentsia* who were also accused of fascism
    - Furthermore, his mother (Cernea's sister) was also harassed by the *Securitate* after
      - She had taken and buried the chest of coins along with other things she saved from her brother's house
      - Her house was raided a year later and she gave everything up in fear for her life
  - There was documented proof that the museum had acknowledged the objects entered their collection at the time
    - Each object had a label with information on it: who donated it, its age, which were all meticulously made by Cernea before they got taken
  - Mr. Teodoreanu also managed to show proof of his uncle's intent to open the museum in Sighisoara, which the judge looked up favourably
  - The objects in the collection at Medias were kept in deposit boxes only, and not exhibited
- The mayor and town hall were prosecuted, not the museum directly as the museum is a state institution
    - Curators were not the ones that could be held responsible
  - The judge suggested that he brings a lawyer to represent his case, but Mr. Teodoreanu refused
  - Went to CINAS (*Consiliul National pentru Arhivele Securitatii*) for additional documentary proof about the museum that Cernea intended to open, and the illicit
  - Municipal Museum Medias admitted their fault at holding the objects
    - Mr. Teodoreanu found out about the objects when he visited the online site of the museum and read an article written on an exhibition they were having on the objects from the Cernea collection, and then he went to visit the museum to see the objects himself
  - Judicial decision – objects can only be restituted if they were taken after 6 September 1940
    - Was granted permission to access the archives of the museum to make copies for himself of everything he needed regarding his uncle's collection – Mr. Teodoreanu had to submit a lot of proof
    - Did not have to pay the legal fees, because he won
  - He comments on how hard the process was, but that the fact that he had the necessary documentation helped
    - He found two or three other cases in a hidden archive which helped him understand precedents and how to carry out the legal claim
    - Found a lawyer that gave him two consultations pro bono, because the individual wanted to help bring the Sighisoara museum in honour of Cernea to reality
      - Gave him advice such as how to make the claim against the Medias town hall, and not the museum directly
    - He began the fight 15 or 20 years ago, when he opened the Gheorghe Cernea Museum in Rupea
      - This helped him build the case he brought to the court against Medias
    - The museum still fought on certain smaller details, emphasizing at one point that they did not know how the collection entered the museum, that they have no documentation for this
      - This was "stupid"
      - They focused on the five objects which Mr. Teodoreanu could not prove 100% were originating from the Cernea collection
        - This was thought of as 'stupid' by the judge too
        - He had much support from the judge in his proceedings



- Is currently trying to establish the museum in Sighisoara but is being blocked and delayed by the government, which is very frustrating and means that all the objects returned are still being held in boxes in a deposit
  - There is currently no ethnographic museum in Sighisoara
  - Wants to try to resolve it this year on the 100 year anniversary of Romania as a unified nation, and to create at least a temporary exhibition using the objects for the 1<sup>st</sup> December (Romanian independence day)
  - Is on a mission to continue the work and dream of his uncle, and to get his name more well known in Romania
  - Currently wrote a book on him and his life titled “Gheorghe Cernea: in memorium”
- States the problem is quite vast in Romania regarding the need for restitution of cultural objects and property
  - Archives were destroyed in 1989, in an ‘anti-Romanian’ move
  - Current politicians are ‘crypto-communists’, who are betraying their country, and are under the influence of Moscow

## Appendix 16: Cernea Case – Court Hearing 21 June 2013

ROMÂNIA  
JUDECĂTORIA MEDIAȘ  
SECTIA GENERALA



Dosar nr. 1698/257/2013

ÎNCHEIERE  
Ședința publică de la 21 Iunie 2013  
Completul compus din:  
JUDECĂTOR : DANIELA I. SUCIU  
GREFIER : IULIANA STAN

Pe rol judecarea cauzei civile privind pe reclamantii RADU OLIMPIA ELENA, TEODOREANU ALEXANDRU NICOLAE, TEODOREANU DAN ILIE în contradictoriu cu pârâtul MUNICIPIUL MEDIAȘ PRIN PRIMAR, având ca obiect pretenții - restituire bunuri.

La apelul nominal făcut în ședința publică se prezintă reclamantul Teodoreanu Alexandru Nicolae care se prezintă în calitate de mandatar și pentru reclamanta lipsă Radu Olimpia Elena, pentru pârâtul Municipiul Mediaș se prezintă consilier juridic Maimuț Diana cu delegație la dosar, lipsă fiind reclamantul Teodoreanu Dan Ilie.

Procedura legal îndeplinită.

În temeiul art.131 Cod procedură civilă, instanța, verificând din oficiu dacă este competentă general, material și teritorial, stabilește, în conformitate cu prevederile art. 94 pct.4, și art. 107 alin. 1 Cod de procedură civilă, că este competentă să soluționeze prezenta cauză.

S-a făcut referatul cauzei de către grefierul de ședință, după care,

Instanța învederează reclamantului prezent faptul că a solicitat chemarea în judecată a Municipiului Mediaș prin Primăria Mediaș. Instanța învederează reclamantului că Primăria Mediaș nu are calitate de reprezentant al Municipiul Mediaș, ci Municipiul Mediaș stă în judecată prin Primar.

Reclamantul arată că este de acord să se judece în contradictoriu cu Municipiul Mediaș prin Primar.

Consilierul juridic al pârâtului având în vedere că cererea de chemare în judecată a fost revenită municipiului Mediaș, pentru această problemă răspunde Direcția Municipală de Cultură, Sport, Turism și Tineret care are personalitate juridică.

Consilierul juridic consideră că calitatea procesuală o are Municipiul Mediaș prin Primar doar că există o direcție care se ocupă cu gestionarea muzeului municipal.

Instanța învederează reclamantului că în acțiune bunurile pe care le pretinde nu sunt identificate bun cu bun; sunt anexate niște liste, și solicită reclamantului să precizeze dacă toate bunurile se regăsesc la muzeul Mediaș, sau doar o parte.

Reclamantul Teodoreanu Alexandru Nicolae precizează doar o parte din bunuri se află la muzeu, nu le poate enumera în concret. S-a făcut o cercetare de-a lungul anilor, iar în anul 2010 s-a făcut o cercetare și s-a constatat că o parte din colecția Gheorghe Cernea se regăsește în patrimoniul muzeului Mediaș. Toate acele obiecte din listele publicate în revista de specialitate se găsesc depozitate în muzeu. Bunurile au fost luate abuziv în anul 1948, obiecte care se regăsesc la muzeu, pe baza unor liste.

Reclamantul în probațiune solicită ca pârâta să documentele de proveniență și de preluare a bunurilor aflate în arhiva muzeului din Mediaș, să depună originale listelor cu bunuri bunurilor care au fost preluate de muzeu.

Consilierul juridic Maimuț Diana cu referire la listele de la muzeu, și cele de atașate acțiunii este o neconcordanță.

Reclamantul Teodoreanu Alexandru Nicolae procesul verbal la care face referire consilierul juridic , în acel proces verbal, sunt bunurile confiscate din satul natal Paloş .

Instanţa întreabă pe reprezentantul părătei dacă există posibilitatea unei rezolvări pe cale amiabilă.

Consilierul juridic nu se opune, dar să se facă dovada în concret a bunurilor care există, deoarece, este posibil să fie vorba de bunuri disparate ataşate colecţiei domnului Cernea. În acei ani nu au existat muzeografi, nu se ştia la acea vreme să se facă o gestiune a bunurilor . Este de acord să se ajungă la o înţelegere pe cale amiabilă , cu condiţia să fie identificate bunurile care au aparţinut antecesorilor , să nu fie puşi în situaţia să se restituie bunuri care nu le aparţin.

Reclamantul solicită ca părăta să aducă originalele listelor de inventar pentru a se vedea bunurile care au aparţinut lui Gheorghe Cernea. Prezintă spre vedere instanţei o adeverinţă din care rezultă că antecesorul său a fost la Mediaş , şi-a recunoscut obiectele şi i s-a eliberat o adeverinţă de la Mediaş şi Sighişoara de care să se folosească la minister pentru recuperarea bunurilor. Acele liste care se regăsesc în lucrarea de specialitate au fost făcute împreună cu Gheorghe Cernea când a fost la Mediaş.

Instanţa solicită reclamantului să prezinte originalul procesului verbal datat din 1949 şi deus la dosar la fila 15 dosar .

Reclamantul nu deţine asupra sa originalul acestui proces verbal dar se obligă să-l prezinte. Susţine cererea de probaţiune aşa cum a fost formulată. Solicită ca părătul să depună listele cu inventar pentru a dovedi că bunurile au aparţinut lui Gheorghe Cernea.

Instanţa solicită părătului prin reprezentant să depună la dosar copii conforme cu originalul după documentelor de provenienţă şi preluare a bunurilor aflate la muzeu din colecţia Cernea, în ce modalitate au intrat în custodia muzeului, listele de inventar privind obiectele care sunt din colecţia respectivă şi care există în custodia muzeului. În răspunsul dat , să se facă o asociere a obiectelor de pe documente cu cele care există pe listă , să existe o identificare între obiecte şi modul în care sunt denumite şi identificate în lista de inventar.

Reclamantul solicită ca părătul, odată cu acele liste, să prezinte în original şi lucrarea „Piese din colecţia Gheorghe Cernea” aflate în patrimoniul muzeului Mediaş . Prezintă spre vedere lucrarea Etno Braşov.ro - în care apare lucrarea „Piese din colecţia Gheorghe Cernea” aflate în patrimoniul muzeului municipal Mediaş, lucrarea fiind făcută în 2010 .

Consilierul juridic al părătului arată că există deschidere din partea părătului pentru a se purta discuţii cu reclamantii . Solicită acordarea unui termen de judecată pentru a face dovada celor solicitate de instanţă.

#### JUDECĂTORIA

Apreciază necesară amânarea cauzei pentru a se depune la dosar din partea părătului copii conforme cu originalul după documentelor de provenienţă şi preluare a bunurilor aflate la muzeu din colecţia Cernea, în ce modalitate au intrat în custodia muzeului, listele de inventar privind obiectele care sunt din colecţia respectivă şi care există în custodia muzeului , fapt pentru care,

#### DISPUNE

Amână judecarea cauzei la data de 26 iulie 2013, sala 10 , ora 8,30 , termen dat în cunoştinţa părţilor potrivit prevederilor art. 229 alin. 1 Cod procedură civilă.

Acordă termen părătului pentru a face dovada celor solicitate.

Pronunţată în şedinţa publică de la 21 Iunie 2013.

JUDECĂTOR,



GREFIER,

*Handwritten signature of the court clerk.*

TERMEN DE JUDECATĂ LA DATA DE 26 IULIE 2013, sala 10 , ora 8,30

T.C. Reclamanți RADU OLIMPIA ELENA

TEODOREANU ALEXANDRU NICOLAE

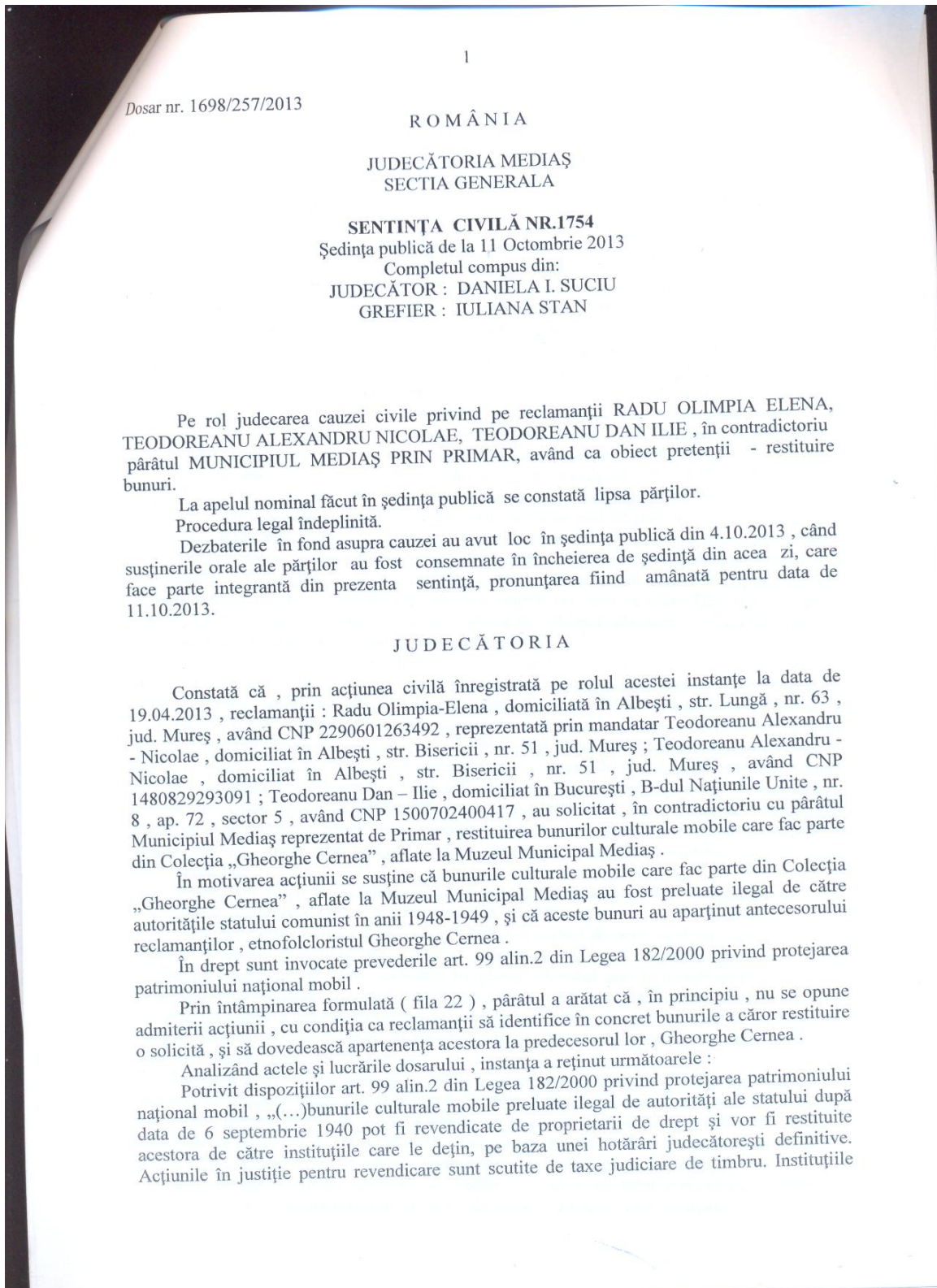
TEODOREANU DAN ILIE

T.C. Pârât MUNICIPIUL MEDIAȘ PRIN PRIMAR

-c.j. Maimuț Diana

I.S. 26 Iunie 2013

## Appendix 17: Cernea Case – Judicial Decision 11 Oct 2013



deținătoare de arhive privind bunurile culturale mobile sunt obligate să permită accesul la documentele privind proveniența și preluarea acestora.”

Reclamanții susțin că proprietarul de drept al bunurilor culturale mobile care fac parte din Colecția „Gheorghe Cernea”, aflate la Muzeul Municipal Mediaș, a fost antecesorul lor, Gheorghe Cernea, care a decedat la 29.03.1965 (potrivit certificatului de deces – fila 7 dosar).

Legitimarea procesuală a reclamanților este dată de calitatea acestora de moștenitori legali acceptanți ai defunctului Gheorghe Cernea, calitate care se justifică astfel: reclamanta Radu Olimpia Elena este fiica surorii defunctului (potrivit actelor de stare civilă ale acesteia, depuse la dosar), pe nume Cernea Rozalia, decedată la 31.03.1988, iar ceilalți reclamanți sunt nepoți de fiică ai numitei Cernea Rozalia (mama lor, Teodoreanu Valeria, fiica defunctei Cernea Rozalia, fiind decedată la data de 25.05.2005); certificatele de moștenitor depuse la dosar (filele 11, 12) atestă calitatea reclamanților de moștenitori acceptanți ai succesiunii defunctei Cernea Rozalia. Reclamanții nu au făcut dovada faptului că Cernea Rozalia este unica moștenitoare a succesiunii defunctului său frate Gheorghe Cernea, prin prezentarea unui certificat de moștenitor sau a unei hotărâri judecătorești de dezbatere a succesiunii, însă, acest fapt nu a fost contestat în cauză de către pârâtă.

Prin urmare, instanța reține că, în acord cu prevederile art. 651, 659, 669 și 672 din vechiul Cod civil, reclamanții moștenesc activul succesoral al defunctului Gheorghe Cernea, și, deci, sunt îndreptățiți să revendice bunurile culturale mobile preluate ilegal de autorități ale statului de la antecesorul lor, în condițiile prescise de art. 99 alin.2 din Legea 182/2000.

Pârâta a depus la dosar o lucrare întocmită de Muzeul Municipal Mediaș privind piesele din colecția „Gheorghe Cernea” (filele 52 – 61), în cuprinsul căreia se expune pe larg situația acestor piese, modalitatea și istoria culegerii acestora de către Gheorghe Cernea, colecționar și cunoscător al folclorului și etnografiei românești din zona Târnavelor, precum și maniera în care acestea au intrat în posesia muzeului.

Adresa întocmită de Consiliul Popular al Raionului Mediaș în 1957 (fila 85 dosar) coroborată cu lista la care această adresă face referire, și care evidențiază obiectele provenite din colecția lui Gheorghe Cernea, aflate la momentul respectiv în Muzeul Raional Mediaș (filele 64, 65 dosar), împrejurarea că Gheorghe Cernea a fost deținut politic în perioada 1948 – 1953 (potrivit procesului verbal din 3.12.1947 – fila 16 dosar, și fișei matricole penale – fila 121 dosar), precum și procesul verbal întocmit în iulie 1949 de preluare a unor bunuri culturale aparținând lui Gheorghe Cernea (fila 15 dosar), dovedesc faptul că, în contextul în care acesta a fost acuzat de autoritățile comuniste ale vremii, de deținere de material de propagandă subversivă, armament și muniție „fără aprobare specială ca piese de muzeu” – înscris fila 16, i-au fost preluate abuziv obiectele etnografice deținute, în perioada încarcerării sale.

Pârâtul nu contestă preluarea abuzivă de către stat a bunurilor etnografice care au aparținut lui Gheorghe Cernea, în perioada 1948 – 1953.

Lista întocmită de Muzeul Municipal Mediaș și depusă de pârât la dosar (filele 59 – 61) enumeră bunurile provenind din colecția „Gheorghe Cernea” cuprinse în Registrul de Evidență al muzeului, și, deci, existente în muzeu. Acestea sunt în număr de 87. Cu toate că în expunerea realizată de muzeu (la fila 55) se face referire la un număr de 96 de obiecte existente care provin din colecția amintită, în lista respectivă se regăsesc doar 87 de astfel de obiecte, fără ca această diferență să fie explicată de către muzeograf sau de către pârât, în ciuda insistențelor instanței în acest sens.

La ultimul termen de judecată, pârâtul a depus precizări scrise, în cuprinsul cărora se reiterează afirmația privitoare la existența în inventarul muzeului a unui număr de 87 de astfel de obiecte, dar se afirmă că 5 dintre acestea apar cu mențiunea că ar proveni din donații pretins făcute muzeului de către Gheorghe Cernea, și deci nu au fost preluate abuziv, astfel că doar 82 de obiecte dintre cele 87 existente s-ar cuveni restituite reclamanților.

În cuprinsul aceluiași precizări se susține, în mod cu totul contradictoriu față de afirmația privind existența unui număr de 87 de piese (afirmație care coincide cu lista inițial

depusă de pârât la dosar ( la filele 59 – 61 ) , că , de fapt , există doar 82 de piese , din care , dacă se scad cele 5 pretins obținute din donații , ar rămâne doar 77 , care pot face obiectul restituirii . Dată fiind , însă , contradicția evidentă între susținerile succesive ale pârâtului , fără o explicație nici măcar logică , coerentă , instanța reține că susținerea acestuia în sensul că ar exista doar 82 de piese , și nu 87 , este nefondată .

De altfel , faptul că există 87 de obiecte la muzeul municipal o dovedește chiar copia registrului de inventar depusă de pârât la dosar la filele 66 – 106 , unde apar 87 de astfel de piese , care sunt identice cu cele înscrise pe lista inițial depusă de pârât la filele 59-61 .

Așadar , este dovedit faptul că în prezent există la Muzeul Municipal Mediaș un număr de 87 de piese care au aparținut lui Gheorghe Cernea , și care sunt identificate în lista depusă de pârât la dosar la filele 59-61 .

Dintre aceste bunuri este dovedit și necontestat de către pârât faptul că un număr de 82 de piese au fost preluate abuziv de la proprietarul lor în perioada 1948 – 1953 . Pârâtul contestă , însă , faptul că un număr de 5 piese , anume cele cu numerele de ordine 5 , 6 , 7 , 10 , și 47 ( astfel cum apar înscrise pe lista depusă de pârât la dosar la filele 59-61 ) , ar fi fost preluate abuziv , întrucât , susține acesta , ele ar fi fost donate de către proprietar muzeului .

Singurul argument adus de pârât în sprijinul afirmației sale , îl constituie mențiunea „donație” operată în registrul de inventar la rubrica „ proveniență” ( astfel cum apare , spre exemplu , în copia registrului de la fila 104 sau 103 dosar ) .

Pârâtul nu dovedește susținerea sa în acest sens cu elemente probatorii care să ateste cu certitudine actul de donație pretins .

Instanța reține , prin urmare , că , nu numai că nu este dovedită donarea de către proprietar a acestor obiecte , dar este neverosimil ca Gheorghe Cernea să fi făcut un asemenea gest de generozitate în timp ce executa o pedeapsă privată de libertate , în contextul condamnării sale abuzive prin concursul autorităților statului comunist totalitar ( pentru că unele pretinse donații apar făcute în perioada în care acesta era deținut , spre exemplu cea din 1952 – fila 103 dosar ) .

Ca atare , instanța reține că în prezent există la Muzeul Municipal Mediaș un număr de 87 de piese care au aparținut lui Gheorghe Cernea , și care sunt identificate în lista depusă de pârât la dosar la filele 59-61 , toate aceste bunuri fiind preluate abuziv de către stat în perioada 1948 – 1953 .

La ultimul termen de judecată , pe fondul incoerenței susținerilor pârâtului ( evidențiate mai sus ) , reclamantul prezent în instanță a înțeles că doar cele 77 de obiecte , cuprinse în lista depusă de reprezentantul pârâtului în acea ședință de judecată n( filele 118-120 ) , există faptic la muzeu , și , deci , fiind de bună-credință , a fost de acord să-i fie restituite doar aceste bunuri ; ulterior a realizat că , de fapt , lista respectivă nu cuprinde și cele 5 obiecte despre care s-a afirmat că ar proveni din donații , și a pretins să fie restituite și aceste obiecte .

Când a afirmat , însă , că dorește restituirea celor 77 de obiecte plus cele 5 , reclamantul nu a fost conștient de eroarea indusă de către pârât prin afirmațiile contradictorii făcute pe parcursul judecății , și că de fapt există un număr de 87 de obiecte , astfel cum s-a argumentat în cele ce preced .

Prin urmare , nu se poate reține că reclamantul și-a restrâns pretențiile la ultimul termen de judecată ; de altfel , reclamații nu au avansat pe parcursul procesului un număr al pieselor revendicate , ci au pretins restituirea bunurilor care au aparținut antecesorului lor și care se regăsesc în concret la muzeu .

Pentru considerentele de fapt și de drept expuse , instanța reține că acțiunea reclamanților este întemeiată , astfel că aceasta va fi admisă , cu consecința obligării pârâtei să restituie acestora următoarele bunuri culturale mobile care fac parte din Colecția „Gheorghe Cernea” , aflate la Muzeul Municipal Mediaș :

1. Suveică pentru război , cu nr. de inventar 375 ,
2. Pieptăn pentru călți , cu nr. de inventar 376 ,
3. Foarfecă mare din fier , cu nr. de inventar 380
4. Foarfecă pentru lumânări , cu nr. de inventar 486

58. Fus din lemn , cu nr. de inventar 3652
  59. Căiță , cu nr. de inventar 3678
  60. Căiță , cu nr. de inventar 3679
  61. Căiță , cu nr. de inventar 3680
  62. Căiță , cu nr. de inventar 3681
  63. Batistă de mire , cu nr. de inventar 3683
  64. Capăt de pernă , cu nr. de inventar 3684
  65. Chindeuț de culme , cu nr. de inventar 3685
  66. Chindeu de culme , cu nr. de inventar 3686
  67. Chindeu de culme , cu nr. de inventar 3687
  68. Chindeu de culme , cu nr. de inventar 3688
  69. Chindeu de culme , cu nr. de inventar.3689
  70. Chindeu de culme , cu nr. de inventar 3690
  71. Chindeu de culme , cu nr. de inventar 3691
  72. Chindeu de culme , cu nr. de inventar 3692
  73. Chindeu de culme , cu nr. de inventar 3693
  74. Chindeu de culme , cu nr. de inventar 3695
  75. Chindeu de culme , cu nr. de inventar 3696
  76. Chindeu de culme , cu nr. de inventar 3697
  77. Chindeu de culme , cu nr. de inventar 3698
  78. Chindeu de culme , cu nr. de inventar 3699
  79. Chindeu de culme , cu nr. de inventar 3700
  80. Capăt de pernă , cu nr. de inventar 3701
  81. Chindeu de culme , cu nr. de inventar 3702
  82. Chindeu de culme , cu nr. de inventar 3703
  83. Catrință , cu nr. de inventar 3704
  84. Chindeu de culme , cu nr. de inventar 3705
  85. Chindeu de culme , cu nr. de inventar 3706
  86. Chindeu de culme , cu nr. de inventar 3707
  87. Chindeu de culme , cu nr. de inventar 3708
- Nu s-au solicitat cheltuieli de judecată .

PENTRU ACESTE MOTIVE,  
ÎN NUMELE LEGII

HOTĂRĂȘTE

Admite acțiunea civilă formulată de reclamanții : Radu Olimpia-Elena , domiciliată în Albești , str. Lungă , nr. 63 , jud. Mureș , având CNP 2290601263492 , reprezentată prin mandatar Teodoreanu Alexandru - Nicolae , domiciliat în Albești , str. Bisericii , nr. 51 , jud. Mureș ; Teodoreanu Alexandru - Nicolae , domiciliat în Albești , str. Bisericii , nr. 51 , jud. Mureș , având CNP 1480829293091 ; Teodoreanu Dan – Ilie , domiciliat în București , B-dul Națiunile Unite , nr. 8 , ap. 72 , sector 5 , având CNP 1500702400417 , în contradictoriu cu pârâtul Municipiul Mediaș reprezentat de Primar .

Obligă pârâta să restituie reclamanților următoarele bunuri culturale mobile care fac parte din Colecția „Gheorghe Cernea” , aflate la Muzeul Municipal Mediaș :

88. Suveică pentru război , cu nr. de inventar 375 ,
89. Pieptăn pentru călți , cu nr. de inventar 376 ,
90. Foarfecă mare din fier , cu nr. de inventar 380
91. Foarfecă pentru lumânări , cu nr. de inventar 486
92. Icoană pe lemn , cu nr. de inventar 500
93. Icoană pe sticlă , cu nr. de inventar 691



147. Căiță , cu nr. de inventar 3679
148. Căiță , cu nr. de inventar 3680
149. Căiță , cu nr. de inventar 3681
150. Batistă de mire , cu nr. de inventar 3683
151. Capăt de pernă , cu nr. de inventar 3684
152. Chindeuț de culme , cu nr. de inventar 3685
153. Chindeu de culme , cu nr. de inventar 3686
154. Chindeu de culme , cu nr. de inventar 3687
155. Chindeu de culme , cu nr. de inventar 3688
156. Chindeu de culme , cu nr. de inventar.3689
157. Chindeu de culme , cu nr. de inventar 3690
158. Chindeu de culme , cu nr. de inventar 3691
159. Chindeu de culme , cu nr. de inventar 3692
160. Chindeu de culme , cu nr. de inventar 3693
161. Chindeu de culme , cu nr. de inventar 3695
162. Chindeu de culme , cu nr. de inventar 3696
163. Chindeu de culme , cu nr. de inventar 3697
164. Chindeu de culme , cu nr. de inventar 3698
165. Chindeu de culme , cu nr. de inventar 3699
166. Chindeu de culme , cu nr. de inventar 3700
167. Capăt de pernă , cu nr. de inventar 3701
168. Chindeu de culme , cu nr. de inventar 3702
169. Chindeu de culme , cu nr. de inventar 3703
170. Catrință , cu nr. de inventar 3704
171. Chindeu de culme , cu nr. de inventar 3705
172. Chindeu de culme , cu nr. de inventar 3706
173. Chindeu de culme , cu nr. de inventar 3707
174. Chindeu de culme , cu nr. de inventar 3708

Cu drept de apel în termen de 30 de zile de la data comunicării .  
Cererea de declarare a apelului se depune la Judecătoria Mediaș .  
Pronunțată în ședința publică din 11.10.2013 .

JUDECĂTOR,  
DANIELA I. SUCIU

GREFIER,  
IULIANA STAN



Înreg.11.11.2013  
Red. D.I.S.  
Tehn.SI  
Ex. 6  
I.S. 11 Octombrie 2013

## Appendix 18: Cernea Case - Clarification



ROMÂNIA  
JUDEȚUL SIBIU  
MUNICIPIUL MEDIAȘ  
DIRECȚIA MUNICIPALĂ PENTRU CULTURĂ, SPORT,  
TURISM ȘI TINERET



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**Muzeul Municipal Mediaș**  
Str. Mihai Viteazu, nr. 46  
Tel. 0369.445.024  
[muzeulmedias@yahoo.com](mailto:muzeulmedias@yahoo.com)

### PRECIZARE

Ca urmare a solicitărilor din partea instanței, formulate în documentul de încheiere al ședinței publice din data de 13 septembrie 2013, precizăm următoarele:

1. Nu se cunoaște cu exactitate modalitatea prin care obiectele din colecția Gheorghe Cernea au intrat în patrimoniul Muzeului Municipal Mediaș.
2. În conformitate cu Registrul de Inventar al Bunurilor de Patrimoniu al Muzeului Municipal Mediaș (unicul document de referință în această problemă) se regăsește un număr de **82 de obiecte** care provin din Fondul sau Vechiul Fond Gheorghe Cernea și nu au menționată acțiunea de DONAȚIE.
3. În conformitate cu Registrul de Inventar al Bunurilor de Patrimoniu al Muzeului Municipal Mediaș (unicul document de referință în această problemă) se regăsește un număr de **5 de obiecte** care sunt însoțite la rubrica Proveniență de mențiunea DONAȚIE ( Nr. de inventar: 500; 691; 746; 1315 și 3579). Menționăm că în Arhiva Muzeului Municipal Mediaș nu se păstrează niciun document cu privire la acțiunea de Donație din partea lui Gheorghe Cernea a acestor obiecte.
4. Dintre obiectele trecute pe lista din anul 1957, în listele de inventar ale Muzeului Municipal Mediaș se regăsește **87 de piese** cu specificația clară a provenienței lor din colecția Gheorghe Cernea. Pe lângă acestea există probabilitatea ca un număr de aproximativ 10 – 15 obiecte să provină din același fond, fără a avea o înregistrare exactă cu respectiva specificație.
5. Situația exactă a bunurilor provenite din colecția Gheorghe Cernea cuprinsă în Registrul de Inventar al Muzeului Municipal Mediaș, se regăsește la **Anexa 1**.

#### Întocmit:

**Viorel ȘTEFU**  
Muzeograf,  
Secția Istorie-Arheologie

**Angela PĂUCEAN**  
Muzeograf,  
Secția Etnografie-Artă

**Diana MACARIE**  
Conservator,


## Appendix 19: Cernea Case – Court Hearing 13 Sept 2013

ROMÂNIA

JUDECĂTORIA MEDIAȘ  
SECTIA GENERALA

Dosar nr. 1698/257/2013

ÎNCHEIERE  
Ședința publică de la 13 Septembrie 2013  
Completul compus din:  
JUDECĂTOR : DANIELA I.SUCIU  
GREFIER : IULIANA STAN

  
*avout Adela Nifte*  
0723 - 488775

Pe rol judecarea cauzei civile privind pe reclamanții RADU OLIMPIA ELENA, TEODOREANU ALEXANDRU NICOLAE, TEODOREANU DAN ILIE în contradictoriu cu pârâțul MUNICIPIUL MEDIAȘ PRIN PRIMAR, având ca obiect pretenții - restituire bunuri .

La apelul nominal făcut în ședința publică se prezintă pentru pârâțul lipsă - consilier juridic Maimuț Diana cu împuternicire la dosar , lipsă fiind reclamanții.

Procedura legal îndeplinită.

S-a făcut referatul cauzei de către grefierul de ședință care învederează instanței că s-au depus la dosar din partea reclamanților note de ședință .

Instanța solicită reprezentantei precizări cu privire la documentele depuse la dosar la termenul anterior de judecată. Nu s-a înțeles care e situația obiectelor de la fila 59 dosar cuprinzând lista obiectelor provenind de la colecția Gheorghe Cernea cuprinse în Registrul de Evidență a Muzeului Municipiului Mediaș – care cuprinde un număr de 87 de obiecte , ca în final să rezulte 96 de obiecte așa cum se afirmă la fila 54 dosar că doar 96 de obiecte se găsesc atât din lista din 1957 cât și în listele de inventar. De câte obiecte este vorba care se află în muzeu în mod real și care fac parte din colecție și cu privire la care există dovezi că au fost preluate de la Gheorghe Cernea .

Consilierul juridic al pârâtei arată că muzeul Municipiul Mediaș deține lista cu evidența obiectelor de la muzeu , și din acest motiv a solicitat muzeului documentele deținute cu privire la colecția Gheorghe Cernea. Cu privire la donații reclamantul nu a făcut dovada că acele donații au fost date prin constrângere , însă ceea ce a depus reclamantul nu sunt dovezi concludente. Logic, din moment ce autoritățile puteau prelua în mod abuziv bunurile , de ce trebuiau să-l constrângă la donații. Dacă se presupune că acele donații au fost preluate sub constrângere, reclamanții nu au capăt de cerere privind anularea contractelor de donații.

Instanța întreabă pe reprezentanta pârâțului dacă toate obiectele care se află la muzeu au fost donate ?

Consilierul juridic Maimuț Diana precizează că nu toate obiectele au fost donate; potrivit documentației de la muzeu doar o parte din colecția Cernea ar fi preluată ca donație.

Consilierul juridic afirmă că sunt identificate obiectele care au fost preluate ca donație.

Instanța solicită să se indice care sunt obiectele care nu au fost donate și se află în muzeu ca provenind de la Gheorghe Cernea.

Consilierul juridic precizează că sunt indicate iar în urma discuțiilor cu reprezentanții muzeului a înțeles că dețin o listă cu obiecte de la Gheorghe Cernea și o listă cu obiecte din donații . În ceea ce privesc obiectele din donații , acestea nu se pot revendica până nu se face dovada că au fost preluate prin constrângere.

Instanța solicită reprezentantei pârâțului să precizeze clar obiectele donate , să se prezinte referiri cu privire la obiectele donate.

Instanța întreabă dacă este posibil să existe obiecte trecute pe lista din 1957 care se află fizic în muzeu și care nu sunt trecute pe listele de inventar ?

Reprezentanta pârâtului - consilierul juridic solicită acordarea unui termen pentru a lua legătura cu reprezentanții muzeului și pentru a-și exprima poziția față de cele solicitate de instanță.

#### JUDECĂTORIA

Apreciază necesară amânarea cauzei pentru ca reprezentanta pârâtului să facă precizările necesare , potrivit aspectelor puse în discuție ,fapt pentru care,

#### DISPUNE

Amână judecarea cauzei la data de 04 octombrie 2013 , sala 10 , ora 8,30 , termen dat în cunoștința părților potrivit art. 229 alin. 1 Cod procedură.

Admite cererea de amânare formulată de reprezentantul pârâtului și acordă termen în sensul solicitat.

Pronunțată în ședința publică de la 13 Septembrie 2013.

JUDECĂTOR,



GREȘIER,

*[Handwritten signature]*

**TERMEN DE JUDECATĂ LA DATA DE 04 OCTOMBRIE 2013 , sala 10 , ora 8,30**

Reclamant TEODOREANU DAN ILIE

T.C. Reclamantă RADU OLIMPIA ELENA - prin mandatar Teodoreanu Alexandru Nicolae

T.C. Reclamant TEODOREANU ALEXANDRU NICOLAE

T.C. Pârât MUNICIPIUL MEDIAȘ PRIN PRIMAR -c.j. Maimuț Diana

I.S. 17 Septembrie 2013

Notă : După acordarea termenului de judecată se prezintă reclamantul Teodoreanu Alexandru Nicolae care ia cunoștință despre termenul de judecată din 4.10.2013 .