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1





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## TWO SCULPTURAL PIECES RECENTLY RETURNED TO THE NATIONAL CULTURAL HERITAGE

#### Marius Mihai CIUTĂ\*

During the last 20 years, the phenomenon of poaching the archaeological sites has been developed in Romania, in order to obtain artefacts, which can be later capitalized through the illegal trade on the black market of antiques. Many decontextualized archaeological pieces - some of them of inestimable value - now belong to unauthorized collections some of which have been the subject of judicial investigations for the purpose of recovery of the artefacts but also the information regarding their discovery. The present study discusses two sculptural pieces, 'discovered' in a so called: 'private collection' of a citizen from Alba Iulia. The data obtained through the judicial investigations, corroborated with the typological-stylistic and functional analyses, concludes for the origin of artefacts in the area of Bucerdea Grânoasă village (Búzásbocsárd, Alba County) and in the roman antique city of Apulum.

Keywords: private collection, penal files, artefacts, Roman, Romanesque Cuvinte cheie: colecție privată, dosare penale, sculptură, epoca romană, romanic

The last 15 years represented for the field bibliography in Romania an obvious increase of studies and articles wherein there are published lots of decontextualized artefacts recovered during judicial investigations, from various owners, pieces that made the scope of investigation of certain criminal files. The phenomenon of collecting valuable cultural items is a natural one, however during the last decades it became increasingly popular in the Romanian society, while unfortunately the society does not have positive traditions and proper administrative background

concerning the collection of cultural artefacts as well as their trade market.

The two sculptural artefacts making the object of this study belong to the category of archaeological items susceptible to belong to the national cultural heritage, turned under various circumstances, illicit, to be 'displayed' in improper conditions, within so called 'private collections', most of the times unauthorized. The driving force behind the habit to collect such cultural pieces is the desire to obtain financial benefits as a result of the treasuring up/capitalization of

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<sup>&</sup>lt;sup>1</sup> Sîrbu et al. 2005; Ferencz-Rădeanu 2002; Ciută 2013; Ciută 2014; Borangic-Ciută 2014; Ciută-Ciută 2015; Plantos-Ciută 2016; Ciută-Borangic 2016; Borangic-Bădescu 2017. The artefacts where the subject of a criminal case under the supervision of the Prosecutor's Office attached to the Alba Iulia Courthouse, no. 370/P/2018, initiated on the occasion of exploitation of data from open sources, followed by the unavailability of a lot of artefacts susceptible of belonging to the national cultural heritage, whose protection regime is stipulated by the specialized legislation (OG 43/2000 republished; Law 182/2000; Law 422/2001). The purpose of such criminal cases is to clarify the circumstances wherein such items in most cases have been illegally owned within so-called private collections, namely their unavailability and integration into museum collections. The legal regime of archaeological artefacts stolen from protected archaeological sites on the territory of Romania is regulated by the normative acts in force, and there is already considerable jurisprudence in this field (see Lazăr 2008, 125–176). The criminal file was solved and the unavailable goods entered the museum's collection.



Fig. 1. The room where the artefacts were found: the limestone lion (1) in the lower right corner, the sandstone lion head on the shelf (2).



Fig. 2. Photo of the limestone lion, at the time of the judicial search.

the items belonging to the cultural heritage. It can be connected also to certain behaviours that strive towards being exotic, with aristocratic and intellectual hue, meant to induce the affiliation to certain social status, allegedly elitist in nature. The origins of this behavioural pattern are lost into the haze of times, usually being associated more with the mercantile spirit, not very rarely being assimilated, in extreme cases, to some pathologic type of manifestations.

The sculptural pieces were found at the residence of a citizen from Alba Iulia in February 2018 along with further archaeological and art objects (Fig. 1–2). The suspicions related to their illegal origin, determined the start-up of a judicial investigation, followed by the unavailability of such items, <sup>2</sup> their submission, as *corpus delicti* items, at the National Unification Museum in Alba Iulia. First judicial activity was the solicitation, by means of the *Ordinance* from 16

February 2018, of an expert report concerning each of these items.<sup>3</sup>

The judicial objectives of recovery of the artefacts lot, respectively the clarification of the circumstances whereby they ended up in the possession of the individual, are completed by those related to the recovery of the information with relevance for the historical interpretation and their significance. By exclusively claiming the archaeological interest, the recovery of direct or indirect data and information was attempted, related to the way the collector ended up owning the items.4 Whereas there is always the risk for the investigated individual to have certain fears and suspicions, respectively hide their true origin, to skew the conditions of the discovery or the path followed by the artefact, the data provided must be filtered, thereafter verified and investigated by all means and methods.

<sup>&</sup>lt;sup>2</sup> From the home of the citizen S.N. 14 cultural items were taken, including 8 of archaeological provenience and 6 religious items (old books, wood icons and glass icons). The pieces have been filed as corpus delicti offenses at the National Museum of the Union of Alba Iulia.

<sup>&</sup>lt;sup>3</sup> On 2 March 2018, the Expert Report submitted to the file concerning the two pieces, made by dr. Radu Ciobanu, expert at the National Unification Museum in Alba Iulia, confirm the suspicion: "The piece is a Roman funerary piece of art, namely a funeral lion, belongs undoubtedly to the national cultural heritage and can be classified as Fund / Roman. The legal protection regime is regulated by the Government Ordinance 43/2000, Law 180/2000 and Law 2013/2017. An inventory value of approximately 1000 RON can be determined. The market value of the piece in question could not yet be determined. Trade in artistic goods does not include Roman sculptural art pieces. The sculptures are identical or very similar to those found in the collection of the Museum in Alba Iulia, which came both from systematic archaeological research and other types of discoveries" (Radu Ciobanu: Expert Report within the criminal file 370/P/2018, Alba Iulia, 1 March 2018). <sup>4</sup> The holder presents a somewhat credible version at a first glance, respectively of buying the first piece, from a citizen residing in Bucerdea Grânoasă, Alba County.

The lot presented by the present study is made up of two pieces:

1. The lion (?) made of limestone is fragmented and partially covered on the right side by a white coloured crust. The artefact was found in the dining room of the collector, being found deposited directly on the wood flooring, in good preservation conditions. The stony material whereof it is made is a rough limestone, whitegrey, displaying characteristics specific to limestone within the area of Trascăului Mountains, easy to process by carving and polishing, as a result of its properties. The piece shows a specific patina but also deposits of limestone, that can be explained by the fact that a good part of its existence, was either stored underground, or in open space. It is fragmented, evidently showing fractures, however made in antiquity, as they were covered by a white coloured film, that we interpret to be whitewash, therefore pleading for the idea that it was part of a fence wall, circumstance wherein it was covered, presumably periodically, by a lime solution, applied with a brush.

The sizes of the sculptural piece are: 44 cm maximum length; 34 cm maximum height; 18 cm maximum thickness. The most prominent rupture is the one on the back of the lion, who is missing the extremity of the left thigh and part of the tale. The artefact was made by the technique of carving and polishing, being visible

the traces of chisel on the unfinished sides. The method of rendering of the animal is found to be clumsy, disproportioned. The head is way too big in relation to the body, and the volumetric values of body parts, as well as the features of the nose, are unnatural. From the different way of approaching the head, are clearly highlighted the neuro-cranium (brain box), volumetric spherical volumetric, respectively the viscera-cranium (nose), elliptical volumetric (Fig. 3).

The mane is done by means of linear curve incisions, relatively parallel, disposed under the shape of inlaid arcades (intersected), leading to the volume effect, and on the head is done symmetrical, starting from the middle of the forehead or the root of the nose. On the forehead, the start of the mane is shaped in slightly arched 'V'-s, which are parallel to the arches and frame, in the middle, a triangle (Fig. 2–3). It is an area whereupon the craftsman insisted for a long time, taking care of the details.

The eyes are exophthalmic, well contoured and singularized, under the form of deep incisions; the arches are prominent, being shaped inclusively the eyeball, under the shape of notches. The nose is enormous, being broken from antiquity, strongly moulded, resulting in a mouth of high size and deeply scooped. The tongue is not visible nor are the teeth identifiable, but it is not excluded for them to have been

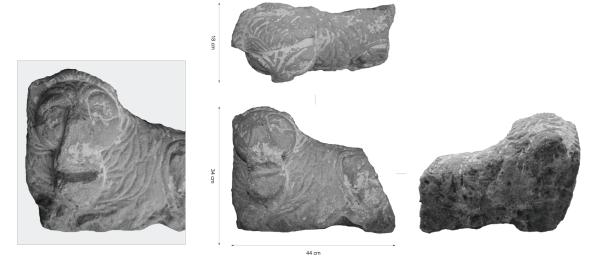


Fig. 3. The limestone lion

shaped. Also, the front legs are merely suggested, possibly in order to induce the idea that the piece is overlapped on a base. The ample mane of the lion is extended towards the back, under the head and on the side of the body, and the back thigh, partially maintained, keeps a part of the shape of the tale, which evolved parallel to the line of the thigh (Fig. 3). The attitude of the lion was meant to be fierce, imposing. The iconographic design of the lion respectively the position of the iconographic elements seems to be one regular within the Roman antiquity.

The monument was meant to be looked from the front, respectively was applied on wall or bench, as proved by the negligent approach of the back side of the statuary representation, whereof one can see only negligent traces of the chisel (pick) of the craftsman, who only wanted to level that surface and under any form did he want to cover it by decorative elements (Fig. 3). This is not a *stylophore* lion, as it doesn't have any trace of column. It is not an independent lion, but more of a pair (in the Roman era, the pairs appear adhered, very rarely affronted), occurrence that can be confirmed by the break on the back of the lion, that could have had, therefore, a pair on the left side.

According to the size, this figurative monument should be readily located on a building rather as cornice, as the stele or the base (in case of a monument made up of several segments) should be tall and thick.

The dating suggested by the expert for the sculptural piece – starting from the technique elements of the iconographic representations, of provincial nature – is somewhere at the middle of the 2<sup>nd</sup> century (Hadrian era) or, rather, the first half of the 3<sup>rd</sup> century (era of the Severi).<sup>5</sup> Considering that this piece might even come from 'a workshop outside Dacia, probably Asia Minor', as location of the crafting, relating

the conclusion to 'the larger context of the pieces discovered in Apulum or Ulpia Traiana Sarmizegetusa, showing similar execution techniques, but of a better nature, attest, probably, the entering within the province of Dacia of certain elements from the population from Asia Minor.'6 According to the stylistic analysis we consider the lion a Roman funeral monument, dating from the end of the 3<sup>rd</sup> century.<sup>7</sup>

For the cultural-chronologic interpretation but also to understand its correct origin, we have to appeal also to the data provided by the collector. He stated that he bought the funeral lion from a local in Bucerdea Grânoasă (Hu: Búzásbocsárd, Alba county), who owned the piece embedded into the wall of his household. It is already well known the situation wherein the sculptural or epigraphic Roman monuments (or medieval), are framed, with a functional, but also decorative purpose, into the walls of old houses or built-in walls from various urban and rural areas of Transylvania.8 The origin of such sculptural-decorative elements is not mandatory to come from the border of the respective place as there are cases when the peasants being outside their area of abode, to discover such pieces under various circumstances and would take them and transport them for the aforementioned purposes. As the numerous examples show, such monuments or fragments of monuments could had been found in situ at large distances from their place of storage.

In the archaeological repertoire of the Alba Countyno Roman finds are mentioned in the vicinity of Bucerdea Grânoasă. Moreover, Roman finds were not found on the territory of the neighbouring villages of Bucerdea Grânoasă (Crăciunelul de Jos, Cistei, Mihalţ, Ocnișoara etc). The only exception is the settlement (and the necropolis) from Obreja (Mihalţ), Conisoated at a distance of about 10–12 km towards west, downstream on the

<sup>&</sup>lt;sup>5</sup> Radu Ciobanu, Expert report within the criminal file 370/P/2018, Alba Iulia, 1 March 2018 (criminal file).

<sup>&</sup>lt;sup>6</sup> Radu Ciobanu, Expert report within the criminal file 370/P/2018, Alba Iulia, 1 March 2018 (criminal file).

<sup>&</sup>lt;sup>7</sup> We would like to thank for the kind information provided by dr. Alexandru Sonoc, National Museum Brukenthal, Sibiu.

<sup>&</sup>lt;sup>8</sup> POPA-TOTOIANU 2003, 215–230; POPA-TOTOIANU 2009, 73–90, notes 43–45, with further bibliography regarding the origins and significance of the Roman funeral lions.

<sup>&</sup>lt;sup>9</sup> RepAlba 1995, 63-64.

<sup>&</sup>lt;sup>10</sup> From this place shaped Roman blocks are mentioned (RepAlba 1995, 76).

<sup>11</sup> Here a 'Dacian-Roman' settlement was reported and researched in the place called Cânepi and Tăul lui Filip, and its

left bank of Târnava River, but where such funeral monuments have not been discovered.

Judging by the accentuated mobility of such decorative artefacts, if we accept the dating of the funeral lion as being Roman, the closest potential place of discovery could be on the Mureş valley at Aiud (Brucla) or Ocna Mureş (Salinae); or maybe in the Târnava valley at Blaj, <sup>12</sup> Micăsasa<sup>13</sup> etc.

However, if the piece really comes from Bucerdea Grânoasă, than it is not excluded that it was a Romanesque (medieval) monument. <sup>14</sup> Such rudimentary Romanesque sculptures of small sized lions are numerous in Transylvania. Within other areas there are also known funeral lions of such sizes, yet in Transylvania the preserved Romanic lions are few. The Middle Age representation of replicas of Roman funeral lions is widespread. According to its functionality, the lion was certainly attached to a wall. If we accept its medieval origin it can be presumed that the lion had a pair, attached or affronted, since in that period both variants are met.

There are frequent the situations when the lions inspired by the antic heraldic model were reproduced by medieval craftsmen for the decoration of funeral or even religious or laic monuments.

The church from Bucerdea Grânoasă was built in the 14<sup>th</sup> century. A local legend tells about a church built here at the order of the King Holy Stephen I. Such construction is neither attested nor archeologically documented, but it is possible that the reformed church in Bucerdea Grânoasă to originate in earlier times (12–13<sup>th</sup> century),<sup>15</sup> situation wherein the presence of a sculptural

piece representing a Romanic lion copying the Roman funeral monuments could be explained. If the piece in question is Romanesque, than undoubtedly it was not a funeral lion, rather it was an ornament of a religious building, lion being a common known evangelic symbol (associated to the Mark the Evangelist or Prophet Daniel). Therefore, one should take into consideration that the fragment was not a funeral monument.

For the aforementioned reasons and under the reserve that the piece truly originates from the village indicated by the collector, we consider that in this case the lion is a Romanesque sculpture – of potential religious significance – and not the fragment of a Roman funeral monument.

2. The fragmented lion head made of calciferous grey coloured slate (Fig. 4) was 16 cm wide, 16 cm long and 15 cm thick. The heavily fragmented piece represents the head a funeral lion, wherefrom only the face was preserved. It is missing the inferior part of the mouth and chin, as well as top of the head elements. Also, the front side of the nose was broken in antiquity. The essential iconographic elements are visible for this type of pieces, namely the eyes, treated in a levelled and symmetrical manner, as well as the mane on the head. The whiskers of the animal are represented by means of three deep incision pairs under the shape of arches. There are sufficient stylistic elements characteristic to the Roman provincial art, to tie the piece to a workshop from the Roman Dacia.<sup>16</sup>

According to its owner, the piece was found in a pile of land in the area of the CFR railway station in Alba Iulia, on the present location of the store *Penny*, more than 15 years ago, during

necropolis with more than 240 cremation graves and 6 inhumation graves was found 400 meters westward (Repalba 1995, 132–134. with further bibliography).

<sup>&</sup>lt;sup>12</sup> RepAlba 1995, 58–60. The existence here of a Roman settlement, presumed by A. Cserny and Király, is not verified but nor is it excluded. In the place known as Căstău a Roman settlement has been identified by prof. I. Man.

<sup>&</sup>lt;sup>13</sup> Luca et al. 2003, 138–139.

<sup>&</sup>lt;sup>14</sup> For information regarding the medieval monuments we would like to thank Zeno Karl Pinter and Marian Ţiplic.

<sup>&</sup>lt;sup>15</sup> LMI 2015 AB-II-m-B-00194. The first documented certification of the church is from 1303, under the name of Bocsard (<a href="http://www.nre.ro/regiok-gyulekezetek/kukullomente/buzasbocsard-alsokaracsonyfalva">http://www.nre.ro/regiok-gyulekezetek/kukullomente/buzasbocsard-alsokaracsonyfalva</a>). One should notice the similarities in the planimetry and the Romanic architectural elements of the Reformed Church in Bucerdea Grânoasă with the Calvinist Reformed Church in Cetatea de Baltă (especially in the case of the bell tower and the choir), the latter being documented as early as 1177.

<sup>&</sup>lt;sup>16</sup> Radu Ciobanu, Expert report within the criminal file 370/P/2018, Alba Iulia, 1 March 2018. According to the report: The item represents a Roman funeral art piece, more precisely a fragmented lion head, certainly belonging to the national cultural heritage, Fund category and to whom we can set a value, with inventory title of around 100 RON.



Fig. 4. Funeral lion head

the time the store was built. According to him, in the freshly excavated earth and on the left side of the future construction there were many more other archaeological materials: bricks, tegulae, ceramic fragments, lucernae, fragments of square stones etc. This information is confirmed, at least partially, by another collector in Alba Iulia -from whom several archaeological artefacts were taken in 2006 - who mentioned that in this place, on the occasion of the same construction works, he gathered fragments of columns, votive altars fragments and even a limestone slate statue representing Jupiter. During the inquiry, this later collector provided even a set of photos taken during the excavations, photos wherefrom it was easily recognizable that there were

archaeological finds and the market was build on a site with incontestable stratigraphy as shown by these photos. <sup>17</sup> Therefore, these investigations revealed a Roman site on the place of the Penny store, located in the northern part of the administrative area of antic Apulum and at a distance of approx. 400 m north from *Colonia Aurelia Apulensis*, site destroyed during the construction of the store. Therefore, the lion head fragment without a doubt comes from to the antic city of Apulum, an A category archaeological site of national interest. <sup>18</sup>

In conclusion, the information regarding the conditions of recovery of the two sculptural pieces, as well as their typo-stylistic characteristics and cultural and chronologic dating indicate that they were probably gathered in time from two different locations, as it was also confirmed by the collector.<sup>19</sup> Taking into consideration the circumstances of their identification in a 'particular collection', their exact place of provenance cannot be undoubtedly defined.

Our paper tried to synthesise the available information about the two pieces, also highlighting the danger of the amateur collecting phenomenon. Most of the amateur collectors lack ability or does not show interest in registering basic information about the collected archaeological artefacts or works of art. As such these usually outstanding and sometimes even unique pieces most of the time are archaeologically decontextualized. Regarding the two sculptural lion presented above further petrographic analysis or physical-chemical analysis of soil deposits could bring further relevant information regarding their place of provenance.

<sup>&</sup>lt;sup>17</sup> These photographs will be the subject of a forthcoming study regarding the real state of archaeological heritage protection in Alba Iulia in the last 15 years. These captures evidence the destruction by the mechanical excavation of an archaeological site on an area of approx. 1000 m2, without preventive archaeological research, although the pace is located in the protected area of an archaeological site (according to OG 43/2000 republished), respectively in the immediate vicinity of the administrative centre of Apulum (the current store is at 250 meters south of the Governor's Palace on Munteniei Street and 150 meters southeast from a monumental building recently discovered on Traian Street, on the site of the former Vinalcool Factory, near Altip printing house).

<sup>&</sup>lt;sup>18</sup> According to the Order of the Ministry of Culture and Cults no. 2426 from 27.12.2005, the site of Apulum was included on the list of the top 10 archaeological sites from Romania. Yet, this normative act, along with other 15 similar normative acts, which were meant to regulate the archaeological activity at national level, has not been published in the Monitorul Oficial, so that it does not produce legal effects.

<sup>&</sup>lt;sup>19</sup> Together with the two sculptural pieces further prehistoric (a Neolithic hammer-axe), medieval (spears) and modern (book from the 19<sup>th</sup> century, wood and glass religious works of art from the 20<sup>th</sup> century) objects were confiscated.

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#### **ABBREVIATIONS**

AA Archäologischer Anzeiger. Beiblatt zum Jahrbuch des Archäologischen Institut,

Berlin

Acta (Siculica), Muzeul Național Secuiesc, Sfântu Gheorghe

Acta Archaeologica Carpathica, Academia Scientiarum Polona Collegium

Cracoviense, Kraków

ActaMNActa Musei Napocensis, Cluj-NapocaActaMPActa Musei Porolissensis, ZalăuActaTSActa Terrae Septemcastrensis, Sibiu

Annales Universitatis Apulensis, Series Historica, Alba Iulia Angustia Angustia, Muzeul Carpaților Răsăriteni, Sfântu Gheorghe

Antaeus Antaeus. Communicationes ex Instituto Archaeologico Academiae Scien-

tiarum Hungaricae, Budapest

Apulum, Acta Musei Apulensis, Alba Iulia

Archért Archaeologiai Értesítő, Budapest

Archkorr Archäologisches Korrespondenzblatt, Römisch-Germanischen Zentralmu-

seum, Mainz

ArhMold Arheologia Moldovei, Iași
ASZ Agrártörténeti Szemle

AttiSocFriuli Atti della Sociéta per la preistoria e protostoria della Regione Friuli – Venezia

Giulia

AVSL (NF) Archiv des Vereins für Siebenbürgische Landeskunde, (Neue Folge),

Hermannstadt

BAI Bibliotheca Archaeologica Iassiensis, IașiBAM Bibliotheca Archaeologica Moldaviae, Iași

Banatica, Muzeul de istorie al județului Caraș-Severin, Reșița

BAR British Archaeological Reports, International Series / British Series, Oxford

BCMIBuletinul Comisiei Monumentelor IstoriceBMABiblioteca Mvsei Apvlensis, Alba Iulia

BMM Bibliotheca Mysei Marisiensis, Archaeologia, Târgu Mureș / Cluj Napoca

BMN Bibliotheca Mvsei Napocensis, Cluj-NapocaBMP Bibliotheca Mvsei Porolissensis, Zalău

Budapest Régiségei, Budapesti Történeti Múzeum, Budapest

CA Cercetări Arheologice, București

CCA Cronica Cercetărilor Arheologice din România, București
CMM Catalogi Musei Marisiensis, archaeologia, Târgu Mureș
ComArchHung Communicationes Archaeologicae Hungariae, Budapest

Cumidava, Anuarul Muzeelor Brașovene
CsSZMÉ Csíki Székely Múzeum Évkönyve, Csíkszereda

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Drobeta, Muzeul Regiunii Porților de Fier

EJA European Journal of Archaeology
EMúz Erdélyi Múzeum, Kolozsvár

EphemNap Ephemeris Napocensis, Cluj-Napoca

ESzNMJ Emlékkönyv a Székely Nemzeti Múzeum 50 éves jubileumára

FK Földtani Közlöny, Budapest

HesperiaHesperia, the American School of Classical Studies at AthensHydrobiologiaHydrobiologia. The International Journal of Aquatic SciencesJAMÉA Nyíregyházi Jósa András Múzeum Évkönyve, Nyíregyháza

JQSJournal of Quaternary ScienceJRAJournal of Roman Archaeology

Lymbus Lymbus. Magyarságtudományi Forrásközlemények, Budapest

Marisia (V–), Studii și Materiale, Târgu Mureș MCA Materiale și Cercetări Arheologice, București

MIMK Molnár István Múzeum Kiadványai, Cristuru Secuiesc/Székelykeresztúr

MNy Magyar Nyelv, Budapest

Művészet, Országos Magyar Képzőművészeti Társulat, Budapest

NK Numizmatikai Közlöny, Budapest

NyIK Nyelv- és irodalomtudományi közlemények

NumZ Numismatische Zeitschrift, Wien

RevBis Revista Bistriței, Complexul Județean Muzeal Bistrița-Năsăud

RevIst Revista Istorică, București

Sargeția, Buletinul Muzeului județului Hunedoara, Acta Musei Devensis, Deva

SCIV(A) Studii și Cercetări de Istorie Veche (și Arheologie 1974–), București

StComSM Studii și Comunicări Satu Mare

Studia Antiqua et Archaeologica, Iași

Studia UBB Studia Universitatis Babeș-Bolyai, series Historia, Cluj-Napoca

Studia UBB, TCV Studia Universitatis Babeş-Bolyai, series Theologia Catholica Varadinensis

Studii Studii. Revistă de Istorie, București

Suceava, Anuarul Complexului Muzeal Bucovina Századok Századok, A Magyar Történelmi Társulat folyóírata

Terra SebusTerra Sebvs, Acta Mvsei Sabesiensis, SebeşVAHVaria Archaeologica Hungarica, BudapestWMMÉWosinsky Mór Múzeum Évkönyve, SzekszárdZiridava (StudArch)Ziridava (Studia Archaeologica 2010–), Arad