PROTECTION OF CULTURAL PROPERTY: PARTICULAR ASPECTS AND THE CASE OF ROMANIA

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Abstract

Western Law cannot be transferred to Eastern Europe, although Western Europe still stays as the desired model, especially since new member states have joined the European Union. There is plenty of new legislation about the cultural goods in Romania, but the chances of making it viable in its application are very low. Romania has faced a situation of change: the existing social structures lost their norm value in favor of an imagined future, seen as "modern" and "Western", but which lies far from the present.

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1. General considerations about the importance of cultural property

Cultural creation of any nature involves a multitude of scientific, as well as artistic approaches. It has to be protected according to its complexity.

Today, an increasing number of particular fields of knowlegde try to create provisions and to establish rules for the desired protection of cultural property. The interdisciplinary nature of these desired norms presents difficulties in achieving the necessary protection. Also, handling the many issues of protection of cultural goods demands high qualification of the „legal guardian", including the capacity of aesthetic emotion and respect for the artistic work. Such qualities are rare in any field, as scientific competence should be doubled by artistic sensitivity.

We will establish a realistic hierarchy: law is an instrument, one of the means in order to achieve protection of cultural goods. Human rights are there to guarantee the human spiritual freedom in the form of creation. Laws protect the creations of the human spirit in any form, be it artistic or scientific, institutionalised or historically relevant. These issues are criteria based on which we distinguish between the international instruments for the protection of cultural goods: we have conventions on the protection of historical, artistic, scientific, archeological patrimony of mankind. All these forms of creation involve the special sense of emotional property.

Arts, of example, derive from human dignity, a concept also central to human rights. If we are to define the relationshio between human rights and the arts or sciencies, then the metapher of Armin von Bogdandy would be most relevant: the human body is the surface on which the declarations on the protection of human rights were written.

The fundamental condition is a democratic order. Any form of totalitarianism deforms human creation, humiliates the creation, does not recognize any form of property. For example, communism demonized material property, as well as any spiritual property. Therefore, speaking of intellectual property or of copyright would be a nonsense. A most crucial condition is respect for the integrity of the human body and spirit, the guarantees against torture. An artist would always suffer more than a non gifted person while tortured, given his /her much more intense sensitivity. Respect for human integrity is a premise for spiritual creation!

The new democracies of the EU adopted laws in the form of self –executing legal orders only after efforts of harmonization with the national legislations.

First, the issue of **conservation** of these goods should be at stake, as it represents a valuable aspect of cultural memory of mankind. Also, establishing a hierarchy of values for the goods „deserving" protection is not an easy endeavour.

The question arising out of this necessity is:

W*hich field* of human knowlegde might be able to grasp the infinity and the complexity of this topic ? Is there a *particular* area of knowlegde, successfully aspiring to the *universality* of this task? A possible answer has to take into consideration what the whole and subtle significance of cultural goods for the human spirit means.

For sure, both art and science, as well as areas like archeology, anthropology or philosophy intersect their efforts with the legal orders of nations. In

the meantime, the issues concerned interfere with the constant *insufficiency* of these legal orders. There is an everlasting effort to establish a general normative order, capable to include all aspects relevant for the protection of cultural goods.

Today, this effort faces a multitude of national and international challenges:

First, there is no generally accepted definition about what a cultural good is. There is a variety of opinions on whether this term implies a creation made by man, or if immaterial goods should also be considered as such. For example, the German Constitutional Court agreed about the very fact that art in general cannot be defined.[2] Therefore, to find a qualified definition about a work of art becomes even more difficult.

Still, a possible answer to start with is that the *law* should offer this very necessary protection. Let us start with knowledge on WHY the law is there.

The law is there to offer guarantees for every social and/or political group or sector exposed to different forms of social or individual vulnerability. Starting from here, many international conventions deal with the protection of cultural goods, their provisions being doubled by national legislation.

As such, we deal with a double level of protection: the national and the international one.

1. Modern threats to cultural protection and their forms

Being an expression of creation, cultural goods have been, too often, subject to international dispute, especially during or after military conflicts, as well as to unexpected dangers. External factors deteriorate the quality of works of art, and unfortunate human decisions destroy their magnificient stature.

Art trade, illegal transactions with works of art, disintegration of many sorts threaten precious works of human creation. And cultural prey is a neverending drama of international relations.

Collisions between legal norms, mainly those transcending strictly defined legal fields complicate the search for a pragmatic solution. Norms of environmental law, in contradiction with the imperative of international cooperation and the common interest of nations in preserving cultural goods are only one of the examples of main concern.

The philosophical, anthropological and sociological nature of intellectual creation is perhaps the most complex issue to deal with in humanistic science. Aiming at the formulation of rules in an area which is, practically, infinite is almost an impossible task, as is „composing" an adecvate social design of ***normativity*** in this regard.

A fundamental question derives further from our answer: is law capable of offering a proper protection of cultural goods?? How can the law address all or most of the relevant questions regarding the complex protection of cultural goods? In most of the cases, these goods cannot be estimated in financial terms, yet they represent the common heritage of mankind in terms of value.

If legal order, be it national and international, has to give practical solutions to the protection of such a unique, both spiritual and material patrimony, *how*

[2] BVerfGE67, p. 213.

should the law be? And how can it address the complicated problems of national and international cooperation and/or those of a (often arising) conflict of interests in this field?

We may start looking for answers by quoting a genius of political science:

Alain defines the laws as being the expression of necessary relations arising out of the *nature* of things.[3] In my interpretation, this means establishing a „rule of rules", an objective state of things, which cannot be disputed. There is an axiomatic starting point included here, beyond which any discussion about the utility or inutility of the legal order becomes futile. We accept it as unavoidable, as an immense formula of social coexistence.

This view also addresses a fatality, one which can be analysed in terms of involving the *age* of mankind, when it comes to the multidisciplinary protection of cultural property.

What do I mean?

At least the following consequences should be developed from this very first analytical statement:

1. In a pragmatic view, it is a common place to assume that mankind cannot survive without food and the basics of existence, while destroying temples and cultural goods in general does not threaten human survival in this very sense. But let us get into a more refined analysis: how is it possible to distinguish between real necessity and what we are allowed to choose ? How can we find a difference between values which cannot be estimated financially and those which have only a money-value, even in the realm of creation of cultural goods ?

In prehistorical times, man used to paint wild animals on the walls of their first settlements. This was not an expression of aesthetic emotion, as the first people were not capable of this, but rather a proof of the magic origins of art. Meanwhile, the „primitives" saw a causality by analogy in these works: if they wished to attract animals for hunting, they painted animals who had just been killed.[4] The images were invested with magic powers: the deer would get into the man´s way simply by a magic influence of the killed visionary semblance.

Antic times knew forms of cruelty paradoxically reversible into works of art. What I have in mind is the case of an old prisoner from Olint, wo was sold to the painter Parrhasios from Athens. Parrhasios wished to use this old man as a model for Prometeus, so he ordered the man be tortured until his face would show real and intense suffering. The more the old man would scream, the more the painter would add. „This is not yet the face of the dying Prometeus, go on chaining and torturing him, I wish to give him an expression of suffering!"

While the man was more and more unable to endure and already dying under torture, Parrhasius looked at him and said: „Sic tene! Stay like that!"

The whole force of the painting stays in that moment.

However terrible this scene might be, it seems that such unbearable cruelty is sublimated, as the comment suggests, into the calm light of art…

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[3] E.C. Alain, *Propos de politique*, 1934, p. 7.

[4] Lucian Blaga, *Arta si magie*, in *Zări şi etape*, 1968.

2. In a hypothetical future, mankind might decide that culture is absolutely necessary for its survival, in the most valuable sense of the term. The cultural memory of nations, involving respect for all thesaurus forming the common heritage of mankind will demand this from us all.

Thus, the ecuation of the *basics* which are indispensable for human existence will become totally different, as we get into a more refined analysis of what necessity means for a sophisticated human reality. We love to imagine that, only *then*, spectators will cry when they are told, in museums of art, that Vincent van Gogh never sold a painting in his life time, ending in suicide because of the misery and the constant feeling of total social inutility, or that Frida Kahlo was not accepted for a scholarship from the Guggenheim Foundation, living in a state of extreme financial humiliation.[5]

On the other hand, the protection of cultural creation is threatened by the conduct of imoral people, who accumulated works of art in all times. If they happen to be in positions of political power, the fate of these cultural goods often become tragical.

The limits of human understanding govern the disputes involving protection of intellectual property.

In its artistic beauty, human creation belongs to its creator, i.e. to the author of the work. Despite this obvious logic, nations and governments still argue over the right to possess cultural goods, often in terms of banal property. International conflicts over these issues will probably not find an end. The state of „military necessity" always wounded the feelings of beauty loving natures, and the absurdity of conflicts of any nature will unfortunately still demand many other victims for the times to come. The efforts should start with cultivating sensitivity for the "enemy's" civilization and culture, an aim difficult to achieve in times of war.

Let us remember that human suffering has another sense, a more intense meaning for artists and for authors of spiritual creation generally. Li Min Chiang killed himself during the Cultural Revolution in China, after his fingers were smashed, so that he could never play the piano again.

It is a fundamental aspect of human dignity, and also an essential legal guarantee to express concern over the right of all artists to be protected against any form of torture. What has to be considered here is the special definition of *torture*, behind the fatal generality implied by the law as an equal rule for unequal people: artists, intellectuals in general need further protection, because their sensitivity exposes them to special dangers, even to atrocious suffering unknown to "normal", artistically ungifted people.

2. Core issues of protection in the field of cultural goods and, again, the dangers threatening them

For now, we know that the maturation of mankind concerning the absolute respect for spiritual creation deserves is a question of historical age. There is hope

[5] Even more absurd, her biographer Hayden Herrera managed to win the same scholarship, after Kahlo´s death, in order to write her biography.

that the future will provide us with more respect for human creation, as this is the highest form of spiritual existence transcending our mortal condition.

There is a multidisciplinary situation here, often so infinite that it touches the abyss. Given the most complex nature of cultural achievement, again, how can we adapt the immensity of creation to the limits of normativity and of rule-building?

In other words, which are particularly relevant to our inquiry: in this infinite field, we have to find a possible peace with legal science, if we wish to give a course on the legal protection of cultural goods and cultural property.

...But how is this peace possible ? Law does protect and it should protect, but it can also show an absurd face. Let me present the case of Brancusi, a Romanian sculptor who lived in Paris.

This „case" became famous due to the narrow-minded customers of New York, who demanded importation taxes for the masterpiece sculpted by Brancusi, called „Bird in Space". The absurd argument, invoked in court by the customs, was that this sculpture was not a work of art, but a common merchandise.

In such situations, the most desired legal protection shows a Kafka-esque incapacity to recognize the sacred value of artistic work. Legal, but also artistic education should protect the vulnerable works of art from everywhere against such mentalities.

Therefore, the main question still stays: is legal order, be it national or international, i.e. is the law the appropriate answer and a sufficient guarantee for the protection of cultural goods ? The answer is a paradox too, as it implies "yes" and "no" in the meantime. Without legal instruments, people and nations cannot aspire to achieve a proper conservation, nor an appropriate status and protection of cultural goods.

But legal instruments need perfection as well, as the dangers affecting these vulnerable values multiply themselves. At the international level, UNESCO tries to combine the special status of protected cultural goods with required financial support for certain cultural monuments. As ever, including these monuments into the list of the UNESCO patrimony depends on the cooperation between nations and international organizations.

Climate change, regional conflicts, bad faith and personal interest in the preservation of cultural property ask their tribute from cultural goods in unexpected forms, often without demanding for alternatives. Legislation has a coordinating nature at the international level, but it is due to the same coordination that sometimes efforts to achieve efficient solutions do not manage to be accepted by all nations concerned.

This tragedy is global in its effects, if we reflect upon the universal nature of human creation, capable of transcending nations, times and conceptions.

One reason more to search for new legal instruments in the field.

3. How to do justice to the particular case of South Eastern Europe?

The legal status of cultural property, its fate in general is even more unpredictable in countries with emerging national legal orders.

Certain nations are still in the stage of formation of normative rules. Such is the case of the South-Eastern European countries. As a general background

information, it is necessary to remember that they emerged as nation states at the beginning of the 20th century, with the decline of the Ottoman Empire, to which they had fallen during the 14th century. In this process of nation and state building, the people in this region have often looked at Western Europe as a model worthy of imitation.

In this context, the protection of cultural goods cannot be seen as a priority, and such a goal appears as an unrealistic ambition. There will always be "more important social relations" in demand of new rules, and the yearning for clear provisions will not yet be granted to cultural protection. So far, modernity, national unification, autonomy were the cornerstones of varying speeds of progress and of many discrepancies.

The exploration of the complexity offered by the post-communist context means to analyze the heritage of communism in the area of cultural goods and to realistically judge the chance of legal transfers from other, completely different cultural contexts and countries.

a) The heritage of communism

Among other catastrophic effects, the communist dictatorship meant the demonization of property. There was no respect for material property, so there could be no respect for intellectual property either. Under communism, no legal field has ever established any rules for the protection of cultural property, except for those goods belonging to the "whole people". This political and ideological expression was a fiction, hard to understand in terms of concrete consequences: it was impossible to clarify the bearer of such rights.

In addition to this most unclear frame regulation, the borders of the law parallel those set by religion and social affiliation. Cultural goods always belonged to "somebody", usually another ethic group, "not to us". As such, understanding and protecting cultural property as a value belonging to the common heritage of mankind was out of the question. Investing funds in the construction of a cathedral, for example, would always be disputable by endless discussion about "to whom this belongs" and who will mainly benefit from it.

Another complication is given by the very fact that Western Law cannot be transferred to Eastern Europe, although Western Europe still stays as the desired model, especially since new member states have joined the European Union. There is plenty of new legislation about the cultural goods in Romania, but the chances of making it viable in its application are very low. Romania has faced a situation of change: the existing social structures lost their norm value in favor of an imagined future, seen as "modern" and "Western", but which lies far from the present. The fact that the new legislation is not understood, nor can it realistically be applied is due to several factors:

1. Most of the many new laws are often taken literally from European conventions, but in the absence of a clear distinction between politics and law.
2. There is no differentiation between the positivity of the law and the chances to efficiently apply it.
3. Talking about legitimacy and limitation of political power has a different sense and use than in the Western democracies, as there is a lack of understanding what a real democratic experience means. People confuse authoritarian policies and transition difficulties with the democratic process in general, and democracy is blamed for everything which "does not work".[6]

All three aspects enumerated here show their unusual effects for the protection of cultural goods. If the mentalities about culture are undeveloped, the fact that spiritual creation is exceptional is not doubled by an appropriate social environment. Even if legal instruments sound optimistic, the social and political reality can easily compromise them.

First, the constitution itself, amended by Law 429/2003, mentions the right and the access to culture, but no special legal norm does detail this general

[6] This conclusion is painfully proclamed in the scandal involving several sculptures by Brancusi, which dissapeared from the country in enigmatic circumstances, but with the complicity of at least two ministers of culture. The absence of centralized political control has been invoked as the reason why this was possible at all, in other words "such horrors can happen only in a democracy". See Pavel Tugui, *Dosarul Brancusi*, 2001.

provision. On one hand, the social nature of the Romanian state is proclaimed in the text of the fundamental law, but no concrete provision details the legal assistance of people in need, be them artists or not, nor for the effective implementation of fund raising for the prosperity of spiritual and intellectual property. Also, there is a different interpretation of the fundamental law, despite obvious similarities in form, language and semantics.

One has to examine the significance of the constitution, the expectancies arising from it under the specific historical conditions of the region and, in particular, of Romania in concrete. In other words: cultural property is not an ideal avenue for the production and the validity of the law, in this age of building up normative rules for new fields of law.

Let us examine further relevant legislation:

a) As early as 1991, Law 18, regulating the new public domain after the fall of communism provided in article 5 that grounds for natural reservations, national parks, archeological sites and monuments of nature belong to public property.

b) Also in 1991, the Law on authorizations for constructions stipulated that an approval from the Ministry of Culture is necessary for new constructions in "protected or historical areas".

c) The Romanian government's regulations about protecting the national cultural patrimony provide that there will be departments for historical monuments and for museums, as well as for collections of art, functioning at the regional and at the local level. These departments have to provide special and also exceptional measures of protection for any cultural sites or goods. If archeological searches lead to the discovery of new cultural goods, these will become public property with no regard to the former owner.

As one can see form the exposure of these legal provisions, there is no special law about the protection of the national cultural patrimony in Romania, but rather several governmental regulations, which do not have the legal force of a law passed by Parliament.

A second observation which shows that national culture is no national priority is the ever practiced censorship of any cultural creation. This unfortunate practice mutilated the idea of culture itself and the real chances to be successful in the field of intellectual creation in general for ages to come! If an author wished to make a movie or to set a theater for stage, it would never be sure that the communist party will approve it.

Often, works started in this direction, but it could very well be interrupted at any stage. Any book, any movie, any research was poisoned through ideological glasses and rejected if the censor would not agree with it. The representatives of the communist tyranny were so oppressive, that authors became obsessed with censorships themselves. So they practiced a double censorship, a painful expression of the creator's drama.

It would be superficial to assume that this reality of censorship is not further applied today. Even after twenty years since the fall of the communist tyrannies in Eastern Europe, and even if there is no official censorship destroying the works of art and culture, the same people basically "control" spiritual creation. Since the

mindsets are the same, people in charge will always try to torture the authors, one way or another. The managers of publishing houses, directors of theaters, opera directors are often products of communism, loyal to the selection of a counter – elite, much to the misfortune of true artists.

b) Specific values of Romanian spirituality and their preservation

Still, there is a layer of profound Romanian spirituality, which stayed untouched during the many dictatorships this country had to bear for the last two centuries. Even the atrocity of communist oppression did not succeed in destroying it. This is shown by the valuable legends, traditional stories and fairy tales reflecting life at the countryside. Romania is a rural structure, and its identity is given, in essence, by the realities of peasant life. It is accepted that folklore, rituals, traditions and beliefs belong to the cultural heritage of nations in the wider sense; ways of life expressing ethnic and national mindsets undoubtedly have an immaterial cultural value.

It is appropriate to quote, here, from the Preliminary Report of the UNESCO Convention from 1970:

"However humble an object may be, it may be worthy of protection. Its commercial value is only one aspect, not he determining one, and even of minor importance, except in the case of possible compensation for the victim of spoliation. An object of no commercial value may, in fact, be immensely important for a people".[7]

In the case of Romania, the spiritual ancestry of the disappearing rural world cannot be evaluated commercially. Its spiritual value for the preservation of Romanian identity is, nevertheless, immense. The examples which follow will argue in favor of this idea.

Exploring Romanian tales, for example, shows that they often follow well known Balkan myths. But since myths are ideas in *statu nascendi*, that their real spiritual stature develops in complete autonomy, once they grow in a particular culture. This is the point where the specificity of national culture arises.

In the meantime, traditional stories are universal, even if they express a specific culture, in the sense that they are written in a universal language, which can be easily understood by (and in) very different civilizations. Across nations and different dialects, across times and/or folklore, the miracle of fairy tales is easily translatable and beloved everywhere. It constitutes, therefore, a thesaurus of cultural goods in need of protection.

Finding the links between a Balkan theory of human rights and the virtues described in fairy tales is a starting point for an original research in the field of protecting cultural values. As underlined before, the language of fairy tales is universal, and so is the language of human rights. Human dignity has many concrete

[7] Preliminary Report tot he UNESCO Convention from 1970, as quoted by Gornig, Gilbert, Horn, Hans-Detlef, Murswiek, Dietrich, *Der international Kulturgüterschutz: internationale und nationale Aspekte. Staats-und völkerrechtliche Abhandlungen der Studiengruppe für Politik und Völkerrecht, Band 24*. Duncker und Humblodt Verlag, Berlin, 2007, pages 17-63.

expressions, which take the form of particular rights. A particular case illustrating this process is given by the jurisprudence of the European Court of Human Rights. Such particular right is the freedom of expression, for example, leading to intellectual creation in many artistic and scientific forms.

The importance of freedom of expression in a free, democratic society has been underlined many times in the practice of the European courts. It is crucial to understand the overwhelming significance of the right to free expression for the spiritual creation of mankind. Even in cases when this fundamental constitutional right may conflict with other rights, it is this right which will take precedence.

Specific for the Balkans is a mixture between reality and superstition, mystification of history and interpretation of dreams and symbols. All these can hardly be separated from customary law, from unwritten ancestral rules and from collective, archaic beliefs. Fairy tales, but also human rights are, in this sense, different aspects of the same human condition. It would be a fascinating task of research to collect these ancestral customs and unwritten laws, which are specific to all Balkan nations. The results would deepen the study of legal sources in general, but also the means necessary for the protection of these important, yet slowly disappearing cultural goods.

The Balkans are known as an explosive region, where ethnic prejudice and hatred might lead to wars of ethnic cleansing. These are faces of evil, as the symbols of evil are described in the traditional stories. But evil and its universal significance, as reflected in theology and in the national beliefs are interpreted differently in each particular science of field of knowledge. It massively depends on how evil is reflected in theology –as a reality which is co-substantial to the good and whose rhetoric goes much beyond the black and white logic we are used to- but also in the collective psychology of every nation.

Europe is a paradigm of humanism. Its jurisdictions are based on respect for human dignity, just as it happens in the traditional stories of every European nation.

As for the Balkans, fairy tales are *real* in the sense that they describe the East as it is: a permanent space of tyranny. In such a climate, traditional stories get additional existential dimensions: from the very beginning, a fairy tale might sound like the mixture of official lies typical for the communist regime. Such turning point explains why taking refuge in the generous world of the fantastic is so usual in the Balkans and why surreal figures are so often stereotypes of salvation in their fairy tales typical for this region.

A possible way out of the backwardness of the Balkans is to see and cultivate models of virtue, taken from the classic fairy tales of each Balkan nation. This would mean to cultivate respect for human rights in this region by teaching the significance of human dignity with examples taken from fairy tales. Coming back to the jurisprudence set by the European courts, it is the specific European spirit which protects the concept of human dignity in the particular rights explained in these treaties and conventions. The story of success shown by the European Court of Human Rights, for example, certifies that traditional stories are different faces of human dignity. Those who prosecute the defenders of human rights look like the cannibals torturing important positive figures from traditional stories. Negative figures from fairy tales are people who despise the law. It might even be that each

figure from the fairy tales has a correspondent in the science of law or in a particular legal field. This might explain why unwritten law, customs deriving from collective beliefs have inspired positive law, enriching it with its national specifics.

For example, there are many metaphors originating from the fairy tales. The illegitimacy of political power in communist countries is illustrated by the "New Cloths of the Emperor". In these states, it is relevant WHO rules, and not HOW the ruler exercises his power. The law keeps its rational character, however: the child who cries that the emperor is naked has to become the democratically ripe nation living in post-communist states. Still, communism stays the dragon with thousand heads: each democratic transformation achieved reveals additional difficulties. Every prejudice determines a new social move: this is what defines the dynamics of adopting new legislation.

Another image which might explain the importance of limiting public power even to children is that of the hero who hides his heart in a tree. He wishes that somebody will find his heart and put it into a dish with eternal water. This is the symbol of dissimulation of public power, the initial principle from which separation of powers has been developed in modern times.

Such examples demonstrate the potential of pedagogical value revealed while researching traditional stories.[8]

Or, ancient transactions between patriarchs of the family, involving selling the bride to the groom are prohibited by article 4 of the European Convention of Human Rights. In the landscape of the fantastic world, the groom has to prove his virtues, otherwise the princess will not wish to marry him.

As a result, legislation has an ideal dimension, unfortunately based on a collective illusion. This is another common feature with the traditional stories, which can be recognized here. Collective fictions are localized in the fundamental law of states, as the Constitutions idealize the figure of the ruler. Otherwise, people would not trust their leaders and not grant them qualities which are characteristic for a father figure, rather than for a common politician. It is the task of political science to distinguish this type of confusion from the importance of obeying the law.

For the Balkans, the Emperor's new cloths are represented by the European Union. One can successfully fight ethnic prejudice and hatred in these countries by gathering together children from different ethnic groups and by organizing fairy tale evenings. This way, the Balkans might turn into an integration factor for the troubled region of South Eastern Europe. In this direction, the Balkan way would suppose a transformation from intolerance and fragmentation, even disintegration of state identity to a real European integration.

Concluding remarks

However imperfect national or international law might be, it is the task of every legal system to seek appropriate protection for human values, for cultural creation and for cultural goods. The international protection of cultural goods belongs to the realm of public international law, more specifically to humanitarian

[8] Aufsätze über Märchen und Volkslieder, Berlin, 1894.

law. Many tales about the rule of law, about the role of law in our lives are, therefore, *dear to humanity.*

REFERENCES:

Alain, E.C., *Propos de politique*, Paris, 1934.
Blaga, Lucian *Arta si magie*, in *Zări şi etape*, Bucureşti, 1968.
Köhler, Reinhold, *Aufsätze über Märchen und Volkslieder*, Berlin, 1894.
Ţugui, Pavel, *Dosarul Brâncuşi*, Bucureşti, 2001.