

Preventive Archaeology in Romania Between Negotiation and Myth: some thoughts

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Abstract

Known as rescue archaeology before 1989 and then as preventive archaeology after the collapse of communism, this kind of archaeology has flourished in response to the many investment projects developed in Romania in the last 25 years. While its legislative basis does comply with European legislation, it is not being properly applied and there is a lack of proper management of cultural resources. In this paper we try to briefly outline some of the problems faced by preventive archaeology in Romania.

Keywords: *preventive archaeology, Romania, legislation, education*

Rezumat

Cunoscută înainte de 1989 drept arheologie de salvare și ulterior căderii comunismului ca arheologie preventivă, această formă de cercetare nesistematică a înflorit datorită proiectelor investiționale dezvoltate în ultimii 25 de ani în România. Bazele sale legislative, preluate din legislația europeană, au eșuat în aplicare, lipsind un corect management al patrimoniului. În lucrarea de față încercăm să discutăm succint câteva dintre problemele arheologiei preventive din România.

More than 10 years ago a meeting European Preventive Archaeology was held in Vilnius (Bozóki-Ernyey 2007) in an attempt to address the basis of today's issues in preventive archaeology: the relationship between private or public investments and archaeology, where the latter was viewed as the guardian and not the destroyer of heritage. Now it is time to look at the facts anew. We should point out from the outset that our discussion of the less-than-inspiring situation faced by Romanian archaeology is merely an attempt to provide an example that could help others to avoid our problems – and help us to resolve them. We, therefore, do not intend to present examples of successful excavations or modern methods used, the databases we have worked on or the books published on preventive archaeological excavations, as all those things are part of the program of archaeology, which is not our direct concern here. We cannot save the patients if we do not know their problems.

Before 1989: legislation and practice

In the Communist period, there was no proper legislation relating to rescue archaeology, let alone preventive archaeology, and there were no sanctions against the destruction of sites through unauthorized excavation (Borş 2014: 79). But it is also true that many monuments were destroyed before any archaeological investigation could be conducted (Cătănciu 2007: 347).

It was said that pre-1989 was an era of rescue excavations and that no preventive research was conducted, but that picture is not quite right. During the first years of Communism in Romania, there was an interest in identifying new archaeological sites to produce a complete archaeological map of Romania. For example, in 1946, the National Museum of Antiquities conducted a series of surveys in the regions of the Căinelui, Burdei, Tecuciului and Cotmeanei și Vedei rivers (Petrescu-Dâmbovița 1953, p. 523, Fig. 1).

The 1950s were, indeed, a positive decade for preventive archaeology, mainly due to the Bicz hydrowater plant project which planned to flood more than 30 villages. The Ministries of Electricity and Industry came to an agreement with the Romanian Academy that allowed the area to be studied before it disappeared. Archaeologists, historians, ethnographers, anthropologists, folklorists, art historians, demographers, and geographers were all involved. Between 1955 and 1958 there was a 'large-scale campaign to study the area from the archaeological and other points of view (Nicolăescu-Plopşor & Petrescu-Dâmbovița 1959: 45–60). Another large state investment, the Dunăre-Black Sea Canal, triggered an enormous effort on the part of archaeologists to save information from the construction sites. Starting with land surveys in early 1950, archaeological investigations continued with small-scale excavations, such as

those made by Berciu and Morintz in the region of Cernavodă (Comşa, et al. 1951; Comşa 1957: 325–334).

Rescue excavations were carried out not only in the case of large construction projects but also in cases of smaller-scale projects such as sand or stone quarries (Zoltán 1957: 149–161), or in cases where water destroyed archaeological sites (Dumitrescu 1957: 189; Barnea, Mitrea & Anghelescu 1957: 156–157). Another very important situation that called for archaeological intervention was the quarrying of Roman or medieval fortifications for modern buildings (Florescu, Bujor & Matrosenko 1957: 103–104). In places like Valea Lupului, strict archaeological surveillance of construction activities all over the area affected was organized alongside rescue excavations (Dinu 1957: 161). At that time it seemed that the rule was to make small-scale excavations covering the entire individual archaeological site in order to obtain as much information as possible before the builders destroyed it, rather than to fully excavate the whole area affected.

The 1970s brought new (but again not unique) cases of preventive archaeology: one example was the Iron Gates Projects (Roman 2010), where, once again, a team of archaeologists, historians, ethnographers, anthropologists, folklorists, art historians, demographers and geographers tried to gather as much information as possible about a large area that was to be submerged underwater.

Preventive archaeology was less common in the 1980s, replaced by rescue archaeology conducted through personal efforts and through connections between archaeologists and those constructing large-scale infrastructure projects.¹ Once again, however, there was no legislation that mandated the presence of an archaeologist on site.

After 1989

No specific legislation on preventive archaeology was brought forward between 1989 and 2000 (Anghelescu 2005: 53; Cătănciu 2007: 342). This meant that archaeological heritage remained unprotected in this period, as the legislation passed under communism had been abolished in the meantime (Borş & Damian 2014: 14). The first legal protection was provided by Government Ordinance No 43/2000 on the protection of archaeological heritage, with amendments and additions introduced by Law

1 The chronicle of archaeological activities around Bucharest has numerous entries such as ‘builders reported’, ‘builders caught’, with archaeologists being in place after the builders had started to excavate. (Consemnări arheologice pe şantierele de construcţii. *Cercetări arheologice în Bucureşti* III, 1981, pp. 265–284). However, there were some projects where archaeologists were first to the site (see Schuster 2015, p. 254 for details of the archaeological activities conducted along the lower section of the River Argeş 1986–1989).

No 378/2001, which promulgated Ordinance No. 43/2000, and Law No 462/2003.² From that point on, the preventive archaeology rose³ to become the major archaeological field activity, with programmatic/systematic archaeology being outgunned in terms of money, finds made and the quantity of excavated sites. As Irina Oberländer-Târnoveanu (2007: 168) noted, in four years (2002–2005) the number of preventive excavations almost doubled (from 212 in 2002 to 395 in 2005),⁴ while the number of systematic (academic) excavations declined (from 285 in 2002 to 216 in 2005). In 2015 there were only 113 systematic research projects, over 326 preventive excavations and 440 watching briefs.⁵

The art of negotiation

Archaeologist vs. investor

‘Developer-pays’, which is derived from the ‘polluter-pays’ principle, is based on the idea that the investors must expect to pay for preventive research if they are to destroy heritage. But, is the developer obliged to pay for everything the archaeologist asks for? How? The developer is a businessman who, naturally, wants to make a profit. In Romania, this means constant negotiation between archaeologists and investors. Sometimes the state is the investor, and it acts like a *proper* investor: refusing to pay for things that it considers unnecessary or time-consuming, such as preliminary non-invasive investigations or an archaeological ‘crypt’ in which the results of the archaeological investigation can be exhibited *in situ*.

We have legislation, of course. The law stipulates that ‘preventive and rescue archaeological research is part of sustainable development strategies, and of economic and social, tourist, urban and town planning development, at the national and local level’.⁶ In reality, this is ignored, even by the state organizations because of the incomplete nature of the legislation (Micle 2014, p. 445), and because of the many ambiguities regarding the protection of archaeological sites and the possibility of avoiding the archaeological discharge procedure. Similarly, negotiations between

2 For a corpus of legislation, see Borș (2014) or the online resource at <http://cimec.ro/Legislatie/Legislatie-culturala.html>.

3 As we have pointed out, there was some preventive archaeological research before 1989. Claims that ‘a new type of archaeological research, defined as preventive archaeological research and different to rescue excavation, was necessary [after 1989]’ (‘este nevoie de un nou tip de cercetare arheologică, definită ca *cercetare arheologică preventivă*, diferită de *arheologia de salvare*’, Marinescu-Bilcu, Andreescu, Bem, Popa 1996–1998, p. 93) are therefore not entirely correct.

4 This is the result of the adoption of the Valletta Convention in Romanian legislation and a boom in construction activities (Angelescu 2005: 61).

5 Data from the Ministry of Culture, online resource at <http://arh.cimec.ro/ListCercetare.aspx?key=public>.

6 Government Order No 43/2000, art. 2.2.

archaeologists and investors on the incorporation of newly discovered archaeological evidence into the budget of development project have to be replaced by clearer and stricter legislation.⁷

Archaeologist vs. the state (political pressure)

In 2009 an argument started between the Ministry of Transport and the Ministry of Culture. The issue was the presence of too many archaeological sites along motorway routes. At that time, minister Radu Berceanu exclaimed: 'I do not know how, but there are dozens and dozens of archaeological sites precisely along motorway routes like Dacians knew where we will do highways,'⁸ thereby making the accusation that those sites had possibly been invented by archaeologists. In fact, as a recent study proves, situations requiring preventive archaeological research have accounted for fewer than 8% of the surface area of the motorways constructed (Colțeanu 2015: 94). Given that, on the basis of field diagnoses, builders are free to build in areas where there are no archaeological sites, but under archaeological surveillance; the argument that archaeologists are blocking investments has no ground.

As this example shows, political factors exert huge pressure on archaeologists' field activities, a fact also noted in the Report of the Presidential Committee⁹ and provides builders with the perfect excuse for justifying delays. One idea for avoiding such situations is to integrate archaeologists into the teams responsible for conducting project feasibility studies.¹⁰

The myths of preventive archaeology

Rescue archaeology, which starts from the idea that the minimum is better than nothing, appeared as a concept in the early 1950s, with rescue archaeologists arriving after the builders had already begun their work. By contrast, preventive archaeology is meant to take place before the arrival of the builders and to protect rather than 'save'

7 From the investor's point of view, he provides the finances for archaeological excavation, which he believes entitles him to impose his wishes and exert greater pressure on the archaeologist.

8 <http://www.ultimelestiri.com/berceanu-reproseaza-ministerului-culturii-ca-dacii-ii-saboteaza-autostrazile-paleologu-spune-ca-el-159417.html>.

9 *Raportul Comisiei Prezidențiale pentru Patrimoniul Construit, Siturile Istorice și Naturale*, 2009, p. 54 (<http://old.presidency.ro/static/rapoarte/Raport%20CPPCSINR.pdf>)

10 There is a new attempt by the Romanian National Company of Motorways and National Roads to implement this, but there is either no required funds (the archaeological institution has to have its own funds, and is later refunded by the state) or no access to the field, with most of the land being private.

archaeological sites. Prevention requires a set of measures which involve preliminary identification by non-destructive methods, complemented by invasive (diagnostic) investigations, followed by exhaustive research if the construction could not avoid the site.

The La Valletta Convention means something in practice

How can the La Valletta Convention, which came into force in 1998 in Romania,¹¹ be put into practice and by what means can it make developers fall into line? Archaeology has entered into a market economy that it does not understand well and the actors on this stage are competing for the lowest price (Colțeanu 2015: 95). This situation is generated by gaps in the legislation, by the current financial status of archaeologists and their institutions and, on occasion, by personal scientific interests of individual archaeologists or of others who desire to carry out research no matter what.

A report by the Presidential Committee for Heritage noted: 'In Romania, rescue archaeological excavation is pressed into the service of economic investment only and not that of preserving the national archaeological heritage'.¹²

The tree-like structure of the state system of archaeology in Romania includes the Ministry of Culture, a consultative National Archaeological Commission and 41 Regional Directorates for Culture, Religious Affairs and Cultural Heritage. It appears to be a logical and complete scheme that starts from the legislative level and builds up towards practice. In fact, the ministry does not provide the proper legislation, the Commission does not have any control and the directorates do not have adequate staff. No action is taken against preventive archaeological projects that do not comply with preventive legislation or with international or national stipulations regarding the budget and the minimum steps to be taken in order to possibly avoid the archaeological sites or to document the diverse archaeological situations as accurately as possible.

The directorates have a director, a financial department, a driver and other staff, but no archaeologist¹³ and no control of what takes place in their territory.¹⁴ The National Archaeological Commission meets once a month and has one day in which has to

11 For details on how the Convention has been incorporated into Romanian legislation see Angelescu (2005: 56–58 (table)).

12 *Raportul Comisiei Prezidențiale pentru Patrimoniul Construit, Siturile Istorice și Naturale*, 2009, p. 52 (cercetarea 'de salvare' în România este pusă exclusiv în slujba investiției economice și nu în slujba apărării patrimoniului arheologic național).

13 In 2014 only 17 directorates had an archaeologist among their employees (Borș & Damian 2014: 15).

14 *Raportul Comisiei Prezidențiale pentru Patrimoniul Construit, Siturile Istorice și Naturale*, 2009, p. 137.

discuss over 150 items (reports, projects, etc.);¹⁵ it has no budget to make inspections in the field or, indeed, to meet more than once a month.

It was noted 10 years ago that there was ‘a lack of specialists in urban archaeology, medieval archaeology, underwater archaeology and modern survey’ (Oberländer-Târnoveanu 2007: 177) but nothing has changed since then because the university system provides no room for such specializations.¹⁶ It was said at the same time that we did not have enough archaeologists for the territory and their means of monitoring were limited by modest financial resources and poor equipment (Oberländer-Târnoveanu 2007: 177), but the ministry has done nothing to change this: an archaeologist from a regional directorate for culture, religious affairs, and cultural heritage is paid less than 250 euros a month and has no financial resources to travel through and supervise his area.

Archaeology has a preventive role¹⁷

From the idea of prevention, several archaeological resource management programs have been developed for rescue or preventive archaeology under different names and with different emphases. They involve making an inventory of all archaeological situations in order to protect them against possible future urban planning or infrastructural projects, working from the premise that, once the sites are known, we can prevent future projects from affecting them in order to integrate and preserve archaeological heritage.

Unfortunately, there are no active projects under way at the Ministry of Culture or any other public institution to identify, classify or make inventories of archaeological and historical heritage. There is, however, a project called National Archaeological Record of Romania (RAN),¹⁸ created under the stipulation of the La Valletta Convention (Articles 2 and 7), that aims to gather all information about archaeological sites on present-day Romanian territory.¹⁹ The project has been successful, with almost 16,000 archaeological sites being collected in the project’s database; but there is

15 During the meeting on 30.9.2016, the Commission debated more than 170 cases. (<http://cultura.ro/page/239>).

16 Fortunately, there are in fact some preventive archaeology syllabuses: e.g. in Timișoara (Dorel Micle) and Cluj-Napoca (Mihai Bărbulescu).

17 For warnings about the ambiguity of the legislation see Cătănicu (2007: 344). The report of the Presidential Committee for Heritage (*Raportul Comisiei Prezidențiale pentru Patrimoniul Construit, Siturile Istorice și Naturale*, 2009, p. 118) states that ‘preventive research is conducted in order to produce an archaeological discharge certificate, which pushes back the main purpose of preventive research – saving archaeological sites’ (‘cercetarea preventivă se face cu scopul de a da avizul de descărcare de sarcină arheologică, ceea ce trece în plan secund scopul principal al cercetării preventive – salvarea siturilor arheologice’).

18 <http://ran.cimec.ro/sel.asp?Lang=EN>.

19 In fact, there is no field activity, which means that large areas of Romanian territory have still not been surveyed (Cătănicu 2007, p. 344).

nothing relating to the geographical location of the area or the protection perimeter of any archaeological site,²⁰ which means that it cannot be used to relocate investment projects at the outset of the feasibility study. Local authorities, investors, and architects are unable to use this database or its Cartographic Server,²¹ since most of the sites were simply located in the centers of the closest villages, far from their actual position, and are represented as dots, with no clues as to their real limits.

Mayors do not include archaeological sites in their landscape plans because those plans are provided by architects and urban planning specialists, who do not supply money for an archaeological survey of the territory of a city or commune. It is disheartening to note that even several years after the ministry provided handheld GPS systems and GIS programs, many regional directorates for culture, religious affairs and cultural heritage are still not using them, instead relying on old paper maps on which sites are marked with a large pencil line. No one, in fact, knows the real limits of a particular site.²²

The idea for an Institute for Preventive Archaeological Research came about in 2009²³ in response to the fact that numerous archaeological sites were being discovered during field diagnosis along motorway routes,²⁴ and to the arguments between the Ministry of Transport and the Ministry of Culture. The main aim of this institute would be to study all archaeological sites before investments of public interest affected them. The purpose appears to be closer to what we mean by 'prevention', i.e. that it will be to the benefit of the heritage rather than that of the development projects. In fact, the reality is somewhat different: the intention was not to protect a site and to relocate an investment project if necessary, but to gain more time for research, as the secretary-general of the Ministry of Culture at that time, Mircea Staicu, explained.

The purpose of preventive archaeology, from the authorities' point of view, is clear from the text of Common Order No 653/2010 of the Ministry of Transport and the Ministry of Culture and National Heritage, which contains the following definition: 'Preventive archaeology means archaeological research and excavations carried out in areas affected by investment projects and landscaping, as well as for commercial or industrial projects in various areas with archaeological potential'. All the details from the annex to the Order support the notion that investments

20 *Raportul Comisiei Prezidențiale pentru Patrimoniul Construit, Siturile Istorice și Naturale*, 2009, p. 54.

21 <http://map.cimec.ro/Mapserver/?strat=localitati&cod=11861#>.

22 [http://urbanism.pmb.ro/Informa%C5%A3ii%20publice/Planul%20Urbanistic%20General/\(partea%20scris%C4%83\)/Regulament%20local/delimitarea%20siturilor%20arheologice.jpg](http://urbanism.pmb.ro/Informa%C5%A3ii%20publice/Planul%20Urbanistic%20General/(partea%20scris%C4%83)/Regulament%20local/delimitarea%20siturilor%20arheologice.jpg).

23 This was suggested, following the French INRAP model, by the Presidential Committee for Heritage report (*Raportul Comisiei Prezidențiale pentru Patrimoniul Construit, Siturile Istorice și Naturale*, 2009, p. 119 and quotation 245).

24 <http://www.autostrada-transilvania.ro/articole/gandul/art84.htm>.

(e.g. road construction projects) are more important than the protection of archaeological sites, or that planners should seek to avoid sites or limit the impact of the development on sites.

Perhaps this situation derives from the fact that the terminology is not quite clear, preventive archaeology often being understood as a synonym for rescue archaeology (Anghelinu 2006:134) or contract archaeology (Burlacu 2013: 41, quotation 9). However, the confusion has more likely been generated by the fact that what we do is rescuing archaeological information before the builders destroy them entirely. It appears that the difference lies in the moment at which archaeologists intervene in the field, i.e. before or after the builders have begun work, with the end being the same - no more archaeological structures/issues in the excavated area. In other words, destruction of the archaeological site cannot be prevented. The 'preventive' nature of archaeology, therefore, appears to be understood as the prevention of unscientific destruction by an investor or builder (Marcu 2014: 27 to quote one of many examples).

It has recently been stated that 'Preventive archaeology, in its true sense, assumes that the currently feverish archaeological efforts on motorways already under construction are actually being generated at sites situated in areas that will be affected by future major projects' (Dragoman & Oanță-Marghitu 2013: 282). This is the same idea again: the meaning and purpose of preventive archaeology is not to protect the archaeological site and to make efforts to relocate the investment projects but to study the site from a more reasonable time perspective. The idea is to have time and not to be hurried by the investor to finish more quickly, and not to compel the archaeologist to make a selection of what to study in the field, leaving some archaeological features unexcavated, or to research the area insufficiently and thereby fail to collect all the information. But does more time mean more accuracy, more quality? Can time be seen as a positive and as the only criterion that can make a difference between good and bad archaeology, whatever that means?

It is from this perspective that we must approach the issue of the preventive archaeology management, which is the major problem in Romania. The concept of the 'management of cultural resources'²⁵ – sounds good but it is definitely missing in Romania – seems to be understood as nothing more than the production of high-quality research only (Burlacu 2013: 42). On the contrary, in our opinion, this 'management' must work not from the premise of 'scientific destruction' but as

25 Another aspect of the *management of cultural resources* is the definition of what has to be managed. Here we are specifically referring to how Romanian society regards monuments that commemorate the recent past: industrial landscapes from the 19th and 20th centuries, or communist symbols (statues or other structures). The idea that 'we do not need them anymore' or that they are a 'painful reminder' are not good arguments. (see Dragoman, Oanță-Marghitu 2013: 33, 37).

part of efforts to protect the site/monument by *in situ* evaluation, and to make the general public conscious of its cultural value. It is, after all, better to have a history than nothing at all.

From this perspective of cultural management, there are three main factors relating to the current legislation:

The first concerns the European Union funds for interventions on a historical monument and its surrounding area. Projects with no (or almost no) previous archaeological research are accepted for funding, but of course, European funds cannot be used for archaeological works. Therefore, these funds go to the beneficiary, which is either the state or a private entity with no financial resources (or is not willing to use them). The archaeologists become aware of the construction intervention after the building permit has been granted by the authorities and tries to do his best with minimal financial support. If they are good diplomats,²⁶ they will secure sufficient time and money to carry out excavations and maybe change the project in response to new data found in the field. But again, this involves a great deal of personal effort under very real threat of losing European funds, which attracts negative public reactions regarding archaeological activities.²⁷

The second factor is related to major (and not only infrastructural) projects, where the presence of the archaeologist is ignored in the initial phases (the feasibility study). The archaeologist is faced with a situation which cannot be changed: the engineers show him a project and the constructor waits to start. The archaeologist is powerless to prevent the destruction of the site and has no room to do so. One of the most important principles of the concept of preventive archaeology is therefore completely circumvented.

The third factor relates to that part of preventive archaeology called 'the management of archaeological resources'. From this point of view, we see that the law, alongside with the obligation to carry out archaeological excavation, allows local authorities to permit any investor to build on archaeological sites. Why? Because local authorities need money from taxes and a new investor means more money for the local budget. As previously pointed out, local authorities have neither a correct nor a complete map of archaeological sites, and therefore no interest in protecting the sites – even if they perhaps understand the importance of doing so. Thus, they allow more and more buildings or other kinds of project to affect archaeological sites, all in the name of developing their community.

26 The archaeologist as a diplomat with the ability to negotiate with different landowners where to excavate next year in order not to affect the crops is an image with a long history (Dumitrescu 1957: 115).

27 This situation is often encountered when archaeological activities interfere with the interests of the citizens: 'blocking' their habitual walks, 'blocking' their access to a certain place of worship etc. This reveals another great problem: public education regarding historical and archaeological heritage.

Preventive archaeology produces no academic knowledge

Preventive and systematic archaeology differ in terms of time constraints (which prevent the use of refined data-recovery techniques), terrain-related constraints (the strict delineation of an area) and financial constraints. Temporal, spatial and financial limits do, indeed, exist, but all of them, with the exception of time, can be abolished. No one can refuse to allow an archaeologist to conduct systematic research on the remaining part of a site untouched by the initial project, which means that the spatial criterion is not a valid one. Financial criteria do appear, at first glance, to be a major difference, but in fact, the opposite is true: today, more money is invested in preventive than in systematic research. One recent example is the 10,000 € invested in a systematic excavation at the extremely important site of the Greek-Hellenistic and ancient Roman town of Histria, the amount of money was similar to the budgets for preventive research of individual sites on the motorway routes.²⁸

The criterion of time is by far the one most often used to show that preventive archaeology cannot provide academic results. Indeed, preventive archaeology has to be carried out in a limited period of time and cannot be undertaken over centuries (there is some systematic research, for example, that began in the early 20th century and is still going on). But this disadvantage can be abolished through the proper management of resources and, especially, by engaging a research team of sufficient size and quality.

Preventive archaeology has the same obligations as systematic archaeology: that all stages of archaeological research, consisting of inventory, diagnosis, excavation, supervision and processing of the archaeological material, should be undertaken using all the methods, techniques and specific practices considered necessary to obtain maximum information on the archaeological heritage of the area being researched.²⁹

We should also not forget that the results of the preventive archaeological research have been published in numerous books, articles and Ph.D. theses, which does suggest that preventive archaeology can be a viable source of information (Marcu 2014: 28). With this in mind, we believe that preventive archaeology, when done properly, can provide knowledge and information useful to the academic world.

28 Given that funds are provided from a single source (the Ministry of Culture), almost no archaeologist attempts to obtain funds from other sources. For more on this see the list of academic research projects financed by the Ministry of Culture at <http://cultura.ro/articol/1087> (the figures for each site are in the Romanian national currency, current exchange rate 4.5 lei = 1 euro).

29 Ministry of Culture Order No 2518/2007, art. 15.

Preventive archaeology is a fruitful discipline and the proper place for experiments

Preventive research, which is subject to an unprecedented mobilization of financial and human resources in Romania,³⁰ should be the locus of dialogue between different traditions or of experiments using different methods of archaeological excavation. In general, preventive archaeology should be an opportunity to formulate new questions concerning the theoretical perspective of archaeology in Romania (Dragoman & Oanță-Marghitu 2013, p. 281).

Preventive archaeology is, therefore, a kind of laboratory in which you can conduct experiments, apparently without the pressure of applying the wrong method – unlike research-oriented excavation, where is no room for error. It is a playground for experiments that can be used in academic archaeology after they have been attested by preventive archaeology.

The idea that preventive archaeology has access to large financial resources (Dragoman & Oanță-Marghitu 2013; Borș & Damian 2014: 21) and that it is ‘richer’ than academic archaeology is a common one and one that appears to be borne out by current situation, where 10,000 euros was made available for a single campaign of systematic research at an extremely important site. In fact, preventive archaeology has access only to a more ‘instant’ source of money negotiated on a case-by-case basis. For academic archaeology, a researcher (or his institution) can apply for different types of financial resources, such as grants, sponsorship, state programs or money from central or local authorities. These are resources for which preventive archaeology is ineligible, at least from one point of view: that one simply does not have the time to apply for these financial resources. From this perspective (financial resources, the time factor and the fact that the weather conditions are friendlier to research-oriented archaeology), it is perhaps more appropriate to think that preventive archaeology can hardly be the place for experiments. However, preventive archaeology must be the place where an archaeologist does everything he can to protect the site and, if the investment cannot be relocated, to collect all possible data in any way available.

Conclusion

This paper has attempted to briefly summarize what we consider to be the main problems relating to how preventive archaeology is viewed in Romanian legislation

30 It must be said that this human and financial mobilisation it is not programed and supported in legislation. It has nothing to do with the state, the archaeologist are forced to constant negotiation with either the builder or the investor.

and practice. There are a great many gaps, both in legislation and practice, that need to be removed quickly. While it is true that the archaeologist must enjoy better support from the authorities that control and impose the law, he must, at the same time, talk to and educate the public; only in this way will the public accept his efforts and understand the necessity of preserving traces of the past. Problems indeed exist, as do myths and terminological confusions, but they can all be resolved. Currently, works on Code of Heritage are under way. Perhaps this is the first step in the right direction.

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