THE QUESTION

Inter and intra-generational distribution of non-renewable resources, as cultural heritage, is a core issue of Social Justice. Cultural heritage includes tangible artworks of sculptural, epigraphic, architectural and pictorial nature and intangible traditions or rituals transmitted from generation to generation across multiple timescales. Financial exploitation of appropriated or illegally exported art by cultural tourism arguably conflicts with fair distribution of resources intra-generationally, extending the risks of social injustice to inequity of economic and sustainability assets sharing for future generations.

THE LEGAL FRAMEWORK

There is not yet a defined international legal regime to adequately address perennial conflicts concerning retentionist arguments refusing to institute cultural property that is not organic element of the cultural heritage of a certain State. Arguments are credited or discarded on a fragmentary basis. For instance, the European Court of Human Rights has accepted that protecting cultural heritage is a legitimate aim that the State may pursue when interfering with individual rights.

In March 2021, the International Criminal Court at the Hague publishes a Draft Policy on cultural heritage as the bedrock of cultural identity and endorses the understanding that crimes committed against cultural heritage constitute an attack on a particular group’s identity, history, ingenuity, and artistic creation.

“Crimes against or affecting cultural heritage often touch upon the very notion of what it means to be human.”

NEUROSCIENCE OF ART & CULTURAL GENOME

What it means to be human is our brain that has been formed and modified through our active engagement in various sociocultural contexts, as immense progress in cognitive neuroscience has shown in last decades. fMRI research, based on comparative studies of population samples, reveals neural mechanisms of cultural and societal diversity. Ancient DNA approaches have now studied genomic variation of populations. Both approaches offer a genuine context to define artistic phenomena as cognitive social representations conceived and realized within distinct geo-historical, genomic and linguistic contexts.

CONCLUSIONS

Accommodating ethical considerations that the ultimate aim of heritage conservation is not to preserve material for its own sake but to maintain and shape the values embodied by the heritage as represented by the human brain would foster respect for social justice through safeguarding of cultural identity and ensuring equity of rights for future generations.

Foremost, the task is to instruct the global conservation art community towards a change from internalized colonial or hegemonic cultural beliefs into an international neuroethical code which itself alone can reaffirm the universality of art.

From historical research at archival and documentary sites in Paris, France concerning the legality of acquisition of The Venus of Milo:

What is the legal value of the artifact, supposed to exist in Turkish and Greek languages, published by the Réunion des Musées Nationaux in 1985 to justify the acquisition of The Venus forcefully removed from the greek island of Milos to enter Louvre on the 2nd of March 1821?

From a NeuroEthics and Social Cognitive Neuroscience perspective:

By falsified documents, national museums have converted Cultural Vandalism under war invasion conditions into Cultural Identification through appropriation, diversion and exclusion, embedded in national legislations on cultural patrimony. These legislations are perpetuating false beliefs of dominant projective identification, concepts of anistional cultural artistic creation and social survivals of discrimination.


International NeuroEthics Society, Virtual Annual Meeting, USA, 4-5 November, 2021