

Legal System for Cultural Security

النظام القانوني للأمن الثقافي

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Abstract (English):

The cultural identity in general and especially the Arabic one, are considered as the most important topics targeted by the globalized communication system bearing cultural concepts for the motherland in a form of one of the new phases of penetration of countries security systems to the contrary of what has been known before where any penetration was made by use of the material force. However, we consider that use of the soft force in penetrating countries security systems is more dangerous and devastating because, firstly it unbalances the social tenacity and homogeneity which is considered as the basis of unity of any nation and secondly it spreads out non communalism and alienation of national personality constants such as language, religion and history.

Keywords : cultural security, media globalization, cultural invasion, communication technology Arab Identity...

ملخص باللغة العربية

إن الهوية الثقافية عامة والعربية خاصة تعد إحدى أهم الجوانب المستهدفة من قبل الإعلام المعولم الذي يحمل مضامين ثقافية للوطن الأم، وذلك كمرحلة جديدة من مراحل الاختراق للأمن القومي للدول، على عكس ما كان في السابق، حيث الاختراق كان مباشرا وباستخدام القوة الصلبة. لكن استخدام القوة اللينة في الاختراق يعد الأخطر والأقدر على التدمير بنظرنا، لما يحدثه من فقدان للتماسك والتجانس الاجتماعي الذي هو أساس وحدة أية أمة، وانعدام للولاء وانسلاخ عن الشخصية الوطنية لغة ودينا وتاريخا.

كلمات مفتاحية: الأمن الثقافي، العولمة الإعلامية، الغزو الثقافي، تكنولوجيا الاتصال، الهوية العربية.....

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1- Introduction

Globalization is considered one of the most prominent features of today's world, where relationships, situations, and international developments have become interconnected and influential on each other, leaving no room for countries to live in isolation.

And if some countries have been able to actively engage in globalization, it (globalization) has posed a significant challenge to many countries, including the Maghreb countries, particularly in terms of

their ability to keep pace with the challenges imposed by globalization, and how these challenges affect the national security of these countries.

State security remains one of the issues that has long received attention from scholars and leaders, and they did not differ in that. This is because the way to achieve security has varied between conflict (wars, disputes) and peaceful means under the names of partnership, cooperation, integration, and others. This concept has in turn been affected by globalization, where threats and risks have shifted from their local internal nature to global ones, meaning threats have become cross-border due to the mechanisms of globalization.

The tremendous development in communication means and technologies has contributed to the penetration of state sovereignty, as it is no longer possible to preserve the elements of identity and cultural output. From here emerged the term "cultural security," which has become one of the most important concerns of thinkers and Arab scholars in particular. Cultural security represents an urgent strategic necessity for Maghreb countries to maintain a strong and united culture because it suffers from a cultural security crisis as it faces numerous threats from various forces (Nezari, 2010-2011, p. 09).

The question posed is: What does cultural security consist of and what is the importance of achieving it?

To answer the question, we will address the conceptual framework of cultural security (first section).

2. First Subtitle: The Conceptual Framework of Cultural Security

The issue of cultural security is considered one of the most vital topics raised by contemporary Arab reality. This is because the relationship between the Arab world and the West is a new relationship - the West's influence on Arabs politically, socially, economically, and culturally throughout centuries of mutual civilizational interactions.

Definition of Cultural Security

The use of the concept of cultural security coincided with the birth of globalization at the dawn of the 1990s, and it has a dual significance: firstly, in that culture has long suffered from self-security problems when its national scope was the orbit of its occupation and effectiveness; and secondly, in that globalization itself did not become as such - any globalization - except when it carried a cultural vehicle and produced its cross-border effects (Mustafa, , 2000, Issue 5pp. 125-132.).

Both aspects come together to express a state of correlation between globalization and culture in a way that does not accept doubt and completely contradicts the economic - technical - simplistic view of globalization. Talking about cultural security suggests that there is a degree of contradiction and incompatibility in the phrase that does not align with a precise meaning. While

the word culture tends to mean synonymous with creativity, openness, and interaction, the word security approaches the meaning of defense and carries connotations of contraction and isolation. When culture seeks security in this sense, it searches for...

what distinguishes it from other cultures, and thus seeks to impoverish itself toward overturning its essence as a culture or toward a suicide that takes it to its death (Belqaziz, 6/3/2009).

The concept of desired cultural security is established in two ways: First, the concept acquires meaning cumulatively; security is synonymous in meaning with achieving self-satisfaction from cultural needs. Cultural security, in this sense, is the ability to provide for its needs for production, accumulation, addressing scarcity, shortage, and need, and lifting the danger of fear of deficit and loss of cultural values and symbolism that respond to the demands of society, thought, consciousness, and taste.

Its motivation, in this case, is positive, and represents a deep call that seeks development, progress, and creativity, not calling for reliance solely on cultural security, just as is true for economic security, food security, and general security (Belqaziz, 6/3/2009).

The term cultural security is linked to several forms of general security; it is an extension of economic security, political security, military security, water security... and other securities. The relationship is interconnected between all the mentioned types of security, and they cannot be separated in research and study, because the availability of one is linked to the availability of the other. In every aspect that the word security is added to, what is intended is to achieve a degree of benefit and power to achieve a kind of reassurance.

The relationship between all the aforementioned forms of security is interconnected, because achieving economic security requires achieving economic development and economic integration, and this needs a stable society that lives with political security. The achievement of political security is associated with a society where freedom of opinion, freedom of thought, and freedom of expression are realized, provided that this freedom is exercised according to national and patriotic foundations, and that this practice serves the public interest. This society must be free from violent and extremist tendencies that destabilize security.

Military security requires achieving strategic balance and searching for ways to confront the hostile military machine. We say that military security is achieved when the citizen sleeps peacefully, and his country's borders are secure. This is achieved by creating a military balance to face all types of threats. Water security is related to the continued free flow of incoming water

from neighboring areas, and this security is achieved when there is no monopoly of this wealth (Belqaziz, 6/3/2009).

All these types of security impose productive and rational strategies in managing material resources to protect the collective right to development, food, and satisfying needs. No one accuses a state of self-sufficiency when it draws its policies according to the requirements of its economic and food security strategy, because its call for security at this level is legitimate, and because economic and food security alone protects it from dependency and loss of decision, limits that, and strengthens its national independence and its will's independence.

It is not an exaggeration to say in comparison that the security of a culture is what protects it from dependency. Dependency is not openness to others and learning from who is different; it is not in economy and food cooperation with others, joint investment, and exchange of benefits. Rather, it is submission to others and living off their products, ceasing to produce what satisfies needs, and falling into a consumption pattern that does not produce anything worthwhile for those who consume its products and wait for what it brings (Shmeis, Aqlam Thaqafiya Magazine, Syria (without mentioning the issue and year), p. 1.).

Therefore, between a common thread linking economy, food, and culture is the humiliation experienced between master and slave, between those who own and those who do not, between those who provide for their own needs and those who beg for security, between those who impose their conditions and those who submit to the conditions of the stronger. This is the first aspect of the concept of cultural security, and we mean by saying that the concept acquires meaning sequentially and cumulatively. Security here is synonymous with production, and does not contain any negative connotation such as defensive isolation, as one might think or as the phrase "security" (Belqaziz, 6/3/2009) might suggest.

Carrying the term security to mean defense is the well-known meaning established by the force of language, usage, and convention. It is not permissible to challenge and deny this obviousness in the case of culture, because saying that a culture is secure in this defensive sense reflects what is happening in our contemporary world with its transformations and challenges to its new realities. This is what the second concept of cultural security entails, where the second aspect connects in a purely defensive sense, almost like any other strategic security.

It falls within the scope of "national security" (Shmeis, Aqlam Thaqafiya Magazine, Syria (without mentioning the issue and year), p. 1., p. 2)." Just as a country's security may be exposed to the danger of aggression or the threat of aggression, so it hastens to mobilize its military, political, and economic forces to repel that aggression if it occurs or to deter the danger of its occurrence if

it is about to happen, a culture's security may be exposed to the danger of invasion and symbolic violence from a source of external threat. This leads the cultural community to mobilize its forces and self-defenses to protect its security and its sovereign symbolic domain from the danger of aggression. Just as defending the sovereignty of the state and the security of society is a legitimate right when harm is intended.

The relationship between cultures is governed by the same dynamics that regulate the relationship between societies, between states, and among each other. Dynamics of coexistence, neighborhood, positive interaction, and mutual dependence, then dynamics of conflict, hostile friction, and collision. When the first category prevails, societies, states, and cultures open up to each other without apprehensions or pressing pressures. But when the balance tips to the side of contradiction and conflict, each of them withdraws into itself and positions in a defensive trench, summoning the need for survival and security (Belqaziz, 6/3/2009).

The importance of cultural security comes from it being linked to all forms of security, and this connection makes this term characterized by progress as it is only new in its terminology. It is also of such importance that failure to achieve it creates instability and disruption of all forms of security. This term does not stop at the level of arming minds in the face of cultural invasion, which has become an obsession after the occurrence of the information revolution and...

...the flow of information without the ability to control access to it, as it knows no value boundaries. Similarly, the term cultural security does not stop at preserving local culture from distortion and interference with the cultures of other peoples. The transfer of cultures, their spread, and their influence on each other is a matter confirmed by history and cannot be denied. It is impossible under any circumstances to close a culture in on itself.

Therefore, cultural security is considered one aspect of national security, as it takes precedence over social, military, political, and economic security. If cultural security is achieved, then security and protection can be achieved in many areas.

It can be said that cultural security is a type of security that achieves preservation of cultural identity and the foundations of culture, and its development to keep pace with the developments of the age.

2. Second Subtitle: Standards of Cultural Security

Cultural security means providing suitable culture for people so they can live their contemporary lives in a positive and healthy way. It means building the strength of cultural self-existence,

which not only relies on resistance and steadfastness, but also on creativity, pursuit, and effective action. For this to be achieved, cultural security must depend on two basic elements:

Pride in Cultural and Civilizational Identity

Because cultural identity is like the framework or vessel that contains the intellectual product, the intellectual product should start from broad lines and the spirit of self-culture, with all that this self-culture possesses in terms of symbols, ideas, and values. Pride in self-culture does not mean closing doors to what is not in hand and controlled by other external forces. Rather, it means that at the beginning, we should achieve cultural and civilizational identity, making it present in the social and cultural movement, and then launch from this presence to interact with other cultures (Nezari, 2010-2011, p. 09, p. 52).

Our contemporary problem is not in other cultures but in the practices that suppress cultural identity and restrict it. Therefore, to overcome the negative and dangerous effects of invading cultures on our societies and peoples, we must give freedom to our self-culture to express itself in any way it wishes. Giving space to self-culture, its symbols and ideas, is the strategic option through which the notion of cultural security can be achieved (Mahfouz, September 2006.).

Openness and Dialogue with Contemporary Cultures

Because culture is a continuous process that does not stop at a minimum level that it is satisfied with providing to people. Rather, it prepares the ground for a cultural launch that takes from cultural heritage and opens up to contemporary culture as points of departure and foundation in its cultural effort.

Contemporary. Cultural security does not mean in any way sheltering under the past from contemporary culture, but rather means pride in cultural identity along with digesting the achievements of civilization, because isolation and seclusion from the age and its culture and achievements is an impoverishment of self-existence to the point that we become as if living in the Middle Ages, far removed from the achievements of contemporary humanity and the effects of science and its benefits. Therefore, any society that cannot maintain its cultural security and the continuity of its collective action except through pride in identity connected with openness to the achievements of the age. All these matters motivate the search for cultural identity and highlighting its contents and aspirations, and educating citizens on its preservation and guidance. Through this way, we can obtain the minimum level of cultural security required in the age of communication technology and industrial satellites (Mahfouz, September 2006.).

Here it is worth noting the distinction between cultural security and security culture, which is a set of activities aimed at creating security awareness. As for cultural security, what is meant by it

is to clarify the foundations and rules available in a culture, to prevent cultural penetration and intellectual invasion.

Cultural security does not mean increased monitoring of culture in all its forms and means, and does not mean submission to the requirements of what is prevalent and the absence of creativity. Rather, it means the necessity of dealing and communicating with the issues of other human cultures, which start from a reference and civilizational framework.

Cultural Security Distinction and the Importance of Achieving It

The Difference Between Cultural Security and Cultural Invasion

Before defining cultural invasion, it is worth noting the definition of the term invasion, which means military invasion that may result in occupation. The Maghreb countries, like most Arab countries, have been subjected throughout their long history to many campaigns and invasions aimed at extracting resources and subjugating the people. All forms of invasions and campaigns have been accompanied by attempts at cultural invasion. The Arab culture in general, specifically that of the Maghreb countries or other Arab countries, was and still is the target at which poisoned arrows are aimed with the intention of dissolving the Arab identity and confiscating Arab affiliation. If military invasion aims to take control of resources, cultural invasion aims to undermine identity and consequently the spirit and thought. We must not forget the attempts at alienation that the colonizers sought. There is a close relationship between military invasion and cultural invasion; military invasion may precede cultural invasion or vice versa. The goal of invasion may not be cultural invasion but rather a means to it. In case of failure of military invasion, resort is made to cultural invasion. Here we recall the saying of King Louis IX of France, who led the Seventh Crusade in 1249 AD and fell captive, that his position as a great ...liberation from captivity on the condition that he would not return to war and bear arms. Among what he said upon his release from prison in Mansoura: "The spears and swords have been broken... so let us wage a war of words. If a bullet can kill one man, a word can kill an entire generation (Shmeis, Aqlam Thaqafiya Magazine, Syria (without mentioning the issue and year), p. 1., p. 2)."

The West's efforts to influence the Arab mind continue to this day, using whatever opportunities available and employing various means of media, cooperation at educational and cultural levels, etc. All these means play a major role in directing cultural invasion, and this naturally has led to the emergence of what is called cultural security.

From the above, we see that the term cultural security is more comprehensive than the expression cultural invasion, because the latter appears on the surface to be a call to stand against every foreign culture and fight it as a type of invasion that must be countered. It is thus a call for isolation and separation between cultures, and does not pay attention to intellectual fertilization resulting from exchange, giving, and dialogue between cultures (Al-Nujair, 14. Mahmoud Mahmoud Al-Nujairi, "Arab Cultural Security: Challenges and 1991, p. 15.).

Cultural security, on the other hand, is concerned with the authentic culture, its types, means, institutions, and the extent to which these institutions achieve the desired goals within the framework of preserving cultural identity and advancing culture. From here, cultural security is a call to deal with foreign cultures from a position of strength where we do not feel inferiority or weakness, and does not stand in the defensive trench against cultural invasion, confined to the narrow isolation and hostility to human cultures. Cultural security does not mean closing windows to other cultures, just as it does not mean keeping all prevailing values. Rather, cultural security lies in preserving identity and protecting it from factors of weak feeling of belonging (Shmeis, Aqlam Thaqafiya Magazine, Syria (without mentioning the issue and year), p. 1., p. 3), meaning protecting the mind from harmful foreign influences, and securing its original cultural experience from confusion and misinformation. All this is for the sake of preserving the Arab identity of the Maghreb countries, their original features, and their deep culture that formed over many centuries, during which they were based on the achievements of Arab-Islamic civilization (Shmeis, Aqlam Thaqafiya Magazine, Syria (without mentioning the issue and year), p. 1., p. 16).

3. Methods and Materials:

Cultural Security Distinction and the Importance of Achieving It

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The Importance of Achieving Cultural Security

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Cultural security is necessary to preserve culture at its various levels, dimensions, fields, and multiple manifestations, and to stand against destructive currents that lead to the falsification of ideas and hinder the development process.

The individual must be equipped with certain characteristics and skills that help them coexist positively with the challenges of the twenty-first century. These include the individual being aware of their civilization, capable of an objective view toward other cultures, able to combine authenticity and modernity while holding onto their identity, proud of their culture, working on its development and advancement, and able to direct their interests toward the problems they face.

This necessitates the proper preparation of individuals to be able to absorb the knowledge explosion, master information, and integrate with it, by aligning with knowledge creation processes and generating it quickly and accurately, so they can live in the age of the information civilization.

Cultural security makes the individual participatory, positive, and effective, and enables them to face changes occurring in society, keep up with all scientific and technological developments, and adapt to their society, its needs, and aspirations. It empowers them to utilize their ideas effectively, leading them towards achieving the best levels of security, well-being, and progress for their nation and people. This is confirmed by the results of some studies and research that have proven the necessity and importance of achieving cultural security. Among these studies and research, for example ("Dimensions of Cultural Security among Youth, [03/2012] at 17:54.):

- ✓ Jamal Alian's 2005 study indicated the necessity of preserving cultural heritage and national identity in the face of globalization challenges, in order to achieve security in all areas of life, especially cultural security, to stand against cultural invasion and hegemony.
- ✓ Juma Saeed Tohamy's 2004 study recommended cultural preparation for students of faculties of education, and the necessity of linking cultural preparation topics to contemporary cultural challenges from the internet, media openness, and the absence of religious awareness, so that cultural security can be achieved and national identity can be preserved.
- ✓ Erik Nemeth's 2006 study indicated the necessity of achieving cultural security among young people to eliminate extremism, terrorism, and violence prevalent in all countries of the world.

- ✓ Peter Katzenstein's 1996 study indicated the importance of achieving cultural security by preserving culture and national identity in the political, economic, and social fields, as it is the basis for achieving comprehensive national security in the age of globalization.

By reviewing these previous studies, it becomes clear that the importance of achieving cultural security is represented in the following aspects ("Dimensions of Cultural Security among Youth, [03/2012] at 17:54.):

1. Preserving cultural identity through the values and standards that surround a society, its stability, and distinguish it from other societies.
2. Achieving cultural security contributes to building good citizens, protecting them from all external currents and destructive ideas, and from extremism, terrorism, and political violence, and enabling them to participate effectively in the development of society (al-Mestawi).
3. Achieving cultural security is at the forefront of the factors that protect individuals from undesirable social behavior, such as crime films, sexual violence, and other things, as well as strange, corrupt, and destructive behaviors.
4. Achieving cultural security leads to the protection of inherited customs and traditions, which in turn extend to human values of a religious and social nature (Sana, " Master's Thesis, Setif 2 University, 2013-2014,).
5. Through cultural security, the individual can understand many concepts from other cultures and work to improve them in a way that suits their society and its circumstances in light of the new world order.
6. Achieving cultural security contributes to the economic development of society. A conscious individual encourages the use of local production instead of promoting Western
7. industries that harm the local economy.

4- Results and Discussion

Intellectual and cultural invasion ("Dimensions of Cultural Security among Youth, [03/2012] at 17:54.) has targeted constants to destabilize and disrupt them, employing direct and indirect methods and means.

To confront intellectual and cultural invasion, a plan must be put in place where roles are integrated and interact, starting from the first environment, the family. The father and mother

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bear the responsibility of shaping their children's personalities from an early age. A child is born with an innate disposition, which is a blank slate, and these sons and daughters see their parents as role models and exemplars, representing human perfection in their eyes.

Scientific theories suggest that a young child's personality is formed before the age of five, and any behavioral inconsistency seen by children in their parents has a significant negative impact on them.

Sons and daughters are the representatives of their families, and their protection against waves of intellectual and cultural invasion begins within the family.

Finally, it can be said that following an integrated program approach towards establishing a comprehensive democracy for all, which should be multidisciplinary, multi-sectoral, inclusive, and non-discriminatory or enslaving, is necessary to build and achieve cultural security for individuals and groups from a community security perspective. However, establishing such an integrated approach can only be done by following these steps:

- ✓ Building Links ("Dimensions of Cultural Security among Youth, [03/2012] at 17:54.): and promoting understanding and peaceful coexistence, meaning deepening positive interactions to allow them to resolve or manage their conflicts using legal methods.
- ✓ Confidence-Building Measures: using constitution-making processes, electoral reform, legal reform, and judicial reform, to develop normative consensus and democratic agreement.
- ✓ Engaging in Building: by encouraging and developing sustainable mechanisms, policies, and strategies that ensure equal opportunities for full, meaningful, and supportive participation for cultural groups in all activities that constitute the fields of culture, politics, and the economy within the state, in a manner that serves the principle of equality in providing conditions for the right to cultural diversity, and achieves rational integration of the cultural other and enables them to live according to their convictions.

This concept (comprehensive or multicultural democracy) includes both institutional arrangements for power-sharing and practical options aimed at creating and strengthening democratic values and behavior, enhancing positive outcomes related to the recognition and empowerment of the right to cultural diversity, and also shaping social values that take into account the relationships between needs, rights, and duties in culturally diverse societies."

5- Conclusion:

Therefore, democracy in the twenty-first century must be inclusive of all and capable of linking the values of human rights and participation to address the challenges of oppression, cultural

exclusion, economic and social weakness, inequality, deprivation, and structural and institutional discrimination against cultural minorities within states.

The fundamental principle of democratic practice is the long-term duty to protect the human rights of cultural minorities, which is more modern than the state's responsibility to protect by providing human security for all through preventive and curative means at the same time.

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